Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
PLANNING APPEAL AT LAND TO THE EAST OF HARDINGSTONE, NORTHAMPTON

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Richard Clegg BA (Hons) DMS MRTPI, who held a public local inquiry for 9 days starting on 16 June 2015 into your client’s appeal against the refusal by Northampton Borough Council (“the Council”) to grant outline planning permission for a sustainable urban extension to include up to 1,000 dwellings (class C3); a local centre with up to 1,320m² net floorspace of retail, professional and financial services, and restaurants/ cafes (classes A1, A2 and A3); up to 375m² net for a public house (class A4); 2.09ha of land for a two-form entry primary school; up to 750m² for community uses which may include a medical centre, a pharmacy and a community centre (class D1); infrastructure improvements including a pumping station, green infrastructure and highway access from Landimore Road and Newport Pagnell Road in accordance with application N/2013/338, dated 28 March 2013.

2. On 19 December 2014, the Secretary of State recovered the appeal for his own decision because it involves a proposal for residential development of over 150 units or on sites of over 5ha, which would significantly impact on the Government’s objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed, and inclusive communities.

Inspector’s recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed. For the reasons given below, the Secretary of State agrees with the Inspector’s conclusions and recommendation. A copy of the IR is enclosed, and all references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

4. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and the addendum to the ES primarily dealing with surface water drainage. The Secretary of State agrees with the Inspector (IR5) that the information provided in the Environmental Statement is adequate for the purposes of this appeal decision.
Policy and statutory considerations

5. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In the case of this appeal, the development plan consists of the West Northamptonshire Joint Core Strategy Local Plan – Part 1 (JCS), adopted in December 2014 and those saved policies of the Northampton Local Plan (LP), adopted in 1997, which were not replaced by the JCS. The Secretary of State agrees with the Inspector that the policies most relevant to this appeal are those referred to at IR17-20 and IR25.

6. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (The Framework) and the subsequent planning guidance; as well as the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

7. As required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Main issues

8. The Secretary of State has taken account of the matters already agreed between the parties (IR32-36), including the agreement that there is not a five years’ supply of housing land for the Northampton Related Development Area (NRDA) (IR32, sixth bullet point); and he agrees with the Inspector that the main outstanding issues relevant to this appeal are those listed at IR134.

Character and appearance

9. For the reasons given at IR 135–148, the Secretary of State agrees with the Inspector’s conclusion that, whilst the proposed development would not have a significantly detrimental effect, it would have certain adverse effects on the character and appearance of the area. He shares the Inspector’s view that the proposed development would cause a large-scale change to the landscape of the site and the nature of the footpath, and to views from both the footpath and nearby roads (IR148). For the reasons given, he also shares the Inspector’s opinion that the site is located in part of the Landscape Character Area (LCA) which is of medium sensitivity (IR135) and he agrees that the proposed development would be contained by the physical form of the built-up area and the woodland which would lessen its effect on the LCA (IR136). However, in agreement with the Inspector, he considers that, taking into account the allocation of the site as a Sustainable Urban Extension (SUE), these are effects of moderate harm and there would only be minor harm to the LCA (IR148).

10. The Secretary of State agrees with the Inspector’s reasoning at IR137-140 and IR148 with regard to LP Policy E7. He agrees that LP Policy E1 being replaced by Policies BN2 and BN5 of the JCS does not lessen the weight attributable to LP Policy E7 (IR138). He also shares the Inspector’s view that LP Policy E7 is consistent with the Framework and its age is insufficient reason to give this policy less weight (IR139).

11. Like the Inspector, the Secretary of State does not consider that the development would have an adverse effect in landscape terms by virtue of the presence of buildings on the ridge to the south of the Nene Valley and he considers that there would only be a minor
detrimental effect on visual amenity in the early years after construction has begun (IR148). He also agrees with the Inspector that the proposal would cause moderate harm to the outlook from nearby dwellings (IR148) but he does not consider that the presence of built development would be so pronounced that it would conflict with Policy E7 (IR140). Similarly, for the reasons given at IR142-143 and IR148, the Secretary of State agrees with the Inspector’s finding at IR148 that the proposed development complies with the policy requirements of Policy N6 of the JCS. However, for the reasons given in that paragraph, the Secretary of State shares the Inspector’s view that, while the development of the appeal site would not have a significantly detrimental effect, it would give rise to a conflict with Policy BN5 of the JCS.

**Traffic movement**

12. The Secretary of State has given careful consideration to the Inspector’s comments at IR149-170 and he notes the Highways Agency’s view that, with the mitigation measures proposed, the transport effects of the development can be accommodated on the network. He agrees that the traffic effects of the proposed development would be adequately mitigated (IR170). He also shares the Inspector’s concerns expressed at IR166 and IR170 with regard to the uncertainty about the effect of the signalisation at Pavilion Drive and the addition of the fifth lane at the Queen Elizabeth Interchange. However, like the Inspector, he is satisfied that the modelling undertaken is adequate for assessing the appeal (IR162) and that the reservations about aspects of the modelling do not indicate that the development would cause material harm to traffic movement (IR170). The Secretary of State also agrees with the Inspector that measures in the Northampton Growth Management Scheme, scheduled for early implementation, have the potential to benefit the strategic road network without causing a negative impact on the roads (IR164). Overall, for the reasons given at IR170, the Secretary of State agrees with the Inspector’s conclusion that the residual cumulative impacts of the development would not be severe and that it would not conflict with Policy C2 of the JCS or paragraph 32 of the Framework.

**Brackmills Industrial Estate**

13. In reaching his conclusion on the effect of the proposed development on the Brackmills Industrial Estate (BIE), the Secretary of State has carefully considered the Inspector’s analysis at IR171–174. He notes the concerns of businesses on the estate about the road network and access as well as the issues with finding and keeping staff which, it has been suggested, could be due to difficulties travelling to work (IR171). Like the Inspector, the Secretary of State considers that the significant pool of labour in close proximity to the BIE, which would result from the appeal proposal, would help to address this matter (IR173). He too considers this supports the sustainability credentials of the development. Overall, the Secretary of State agrees with the Inspector’s conclusion that the proposed development would benefit the operation of the BIE and it is therefore consistent with Policy S8 of the JCS. Like the Inspector, he gives this matter moderate weight.

**Housing supply**

14. The Secretary of State agrees with the Inspector’s reasoning set out at IR174-177 with regard to housing supply. Like the Inspector, the Secretary of State considers it appropriate that a 20% buffer should be applied to the Council’s housing assessment (IR175). He also agrees with the Inspector that the contribution the appeal site would make towards the five year housing land supply carries considerable weight in favour of the proposal (IR176). He notes that it is common ground between the parties that the
provision of 24% affordable housing proposed would be policy compliant and he agrees with the Inspector that the 240 affordable dwellings would make a significant contribution to meeting the affordable housing need. He accords this significant weight.

Infrastructure, facilities and services

15. The Secretary of State notes that there are concerns about the effect of the development on infrastructure, facilities and services. However, for the reasons given at IR178-181, the Secretary of State is satisfied that they do not present any unsurmountable impediments to the granting of planning permission for the appeal scheme. He agrees with the Inspector that the planning obligations concerning infrastructure, facilities and services are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related to it in scale and kind (see paragraph 22 below).

Hardingstone Conservation Area

16. The Secretary of State agrees with the Inspector’s analysis at IR182-183, and with his overall conclusion that the proposed development would not detract from the setting of Hardingstone Conservation Area, or the contribution that setting makes to its significance as a heritage asset. He also agrees that the development would not detract from the character of Hardingstone as a whole.

Nature conservation

17. In reaching his conclusion on nature conservation, the Secretary of State has carefully considered the Inspector’s reasoning at IR184-186, including Natural England’s opinion that golden plover remain unlikely to make any significant use of the site; and he agrees with the Inspector that, subject to the imposition of conditions to secure mitigation measures, the proposed development would not have an adverse material effect on nature conservation interests (IR186).

Retail development

18. The Secretary of State agrees with the Inspector at IR187 that the level of detail provided for the retail component is adequate for outline planning stage. He notes that the main parties agree that the amount of retail floorspace indicated in the proposal would be appropriate to serve the new residential community and, like the Inspector, he attributes negligible weight to the opportunity for existing residents to use the facilities in the local centre.

Economic implications

19. In reaching his conclusion on the economic implications of the proposed development, the Secretary of State has carefully considered the Inspector’s analysis at IR188. He agrees that the employment opportunities that would be provided by the scheme are an important benefit, but that limited weight should be accorded to the potential for the development to make money for a local authority through the New Homes Bonus.

Localism

20. For the reasons given at IR189, the Secretary of State agrees with the Inspector that the process undertaken was not contrary to the objectives of the localism agenda.
Conditions and obligations

21. The Secretary of State has considered the recommended conditions set out at Appendix C to the IR and the Inspector’s comments on them at IR193-195. He is satisfied that these conditions are reasonable and necessary and meet the tests of the Framework and the guidance. He has therefore incorporated them in his decision as set out at Annex A to this letter.

22. The Secretary of State has considered the Inspector’s comments at IR190-192 on the sealed S106 Planning Agreement dated 29 July 2015, and agrees that the provisions meet the statutory tests in Regulation 122 of the CIL Regulations as amended.

Planning balance and conclusion

23. For the reasons set out in this letter, the Secretary of State concludes that the proposed development is consistent with, and would play a major role in implementing, Policies S5 and N6 of the JCS, which provide for an SUE on the appeal site; and that it would be in accordance with the development plan overall. He has gone on to consider whether there are any adverse effects of the proposal that would outweigh the benefits it provides.

24. The Secretary of State acknowledges that the size and nature of this development would inevitably involve a major change to the landscape and appearance of the area and that, whilst the development would not cause significant harm in this respect, there would be a degree of conflict with Policy BN5 of the JCS. However, for the reasons given in this letter, he does not consider that, overall, the proposal would conflict with the development plan.

25. Turning to the benefits of the proposal, it is an agreed matter that the Council is unable to demonstrate a five year housing land supply in the NRDA, and the Secretary of State considers that the contribution which this scheme would make towards the land supply position should be given considerable weight in its favour. The Secretary of State also considers that the significant contribution the proposal would make towards affordable housing need (at 24%) provides a considerable social benefit and should also be given considerable weight.

26. Overall, the Secretary of State concludes that the proposal represents a sustainable form of development which would accord with the development plan and the Framework, and he considers that the adverse effects would not outweigh the benefits. Consequently, he concludes that there are no material considerations which indicate that this development should not be determined in accordance with the development plan.

Public Sector Equality Duty

27. In making this decision, the Secretary of State has had due regard to the requirements of Section 149 of the Public Sector Equality Act 2010, which introduced a public sector equality duty that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In this
regard, and in coming to his decision, the Secretary of State considers that there would be some positive impact on protected persons arising from the affordable housing.

**Formal Decision**

28. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector’s recommendation. He hereby allows your client’s appeal and grants outline planning permission to grant outline planning permission for a sustainable urban extension to include up to 1,000 dwellings (class C3); a local centre with up to 1,320m² net floorspace of retail, professional and financial services, and restaurants/cafes (classes A1, A2 and A3); up to 375m² net for a public house (class A4); 2.09ha of land for a two-form entry primary school; up to 750m² for community uses which may include a medical centre, a pharmacy and a community centre (class D1); infrastructure improvements including a pumping station, green infrastructure and highway access from Landimore Road and Newport Pagnell Road in accordance with application N/2013/338, dated 28 March 2013.

29. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

30. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

**Right to challenge the decision**

31. A separate note is attached setting out the circumstances in which the validity of the Secretary of State’s decision may be challenged. This must be done by making an application to the High Court within six weeks from the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

32. A copy of this letter has been sent to the Council. A notification e-mail/letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

JEAN NOWAK
Authorised by Secretary of State to sign in that behalf
**Annex A**

**Conditions**

1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") in any phase shall be submitted to and approved in writing by the local planning authority before any development in that phase begins and the development shall be carried out as approved.

2) Application for approval of the first reserved matters shall be made to the local planning authority not later than three years from the date of this permission, and application for approval of all remaining reserved matters shall be made within ten years from the date of this permission.

3) The development hereby permitted shall begin not later than two years from the date of approval of the first of the reserved matters to be approved, and development of any subsequent phase shall begin not later than two years from the date of approval of the reserved matters for that phase.

4) The number of dwellings to be constructed on the site shall not exceed 1,000.

5) The development and all reserved matters applications shall accord with the following approved plans and parameters:
   - i. Application Boundary Plan, drawing no. 3238/100.
   - ix. Highways plans – SK01, SK02, SK04, SK05, SK09, SK10 & SK11.
   - x. Up to 2.09 hectares for the provision of a primary school.
   - xi. A minimum of 9.98 hectares of public open space, including playing pitches, formal and informal play areas, parkland, allotments and public footpaths/cycleways.
   - xii. A local centre of up to 1,320m² net floorspace comprising of uses within use Classes A1(shops), A2 (financial & professional services) and A3 (restaurants/cafes), up to 375m² net public house (Class A4) and up to 750m² of non-residential uses (Class D1).

6) Prior to the submission of any reserved matters application, a detailed masterplan and design code covering the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The design code shall be formulated having regard to the design and access statement, the framework plans (Plans 3-9), and respond to the recommendations of Building for Life 12 and shall include the following details:
   - i. The character area objectives and principles for each part of the site in support of the overall vision for the scheme to guide the design code performance specifications for each component of the design. The proposed movement network delineating the primary, secondary and tertiary streets and pedestrian and cycleway connections, setting out the approach to estate design, treatment of non-vehicular routes and car and cycle parking. The proposed layout, use and function of all open space within the development.
   - ii. The approach to and design principles applied to parking (on street and off-street).
   - iii. Phased layout principles to include urban structure, form and layout of the built environment, building heights, densities, legibility, means of enclosure, key gateways, landmark buildings and key groups.
   - iv. Performance specifications for areas within the public realm including landscaping and hard surface treatments, lighting, street trees, boundary treatments, street furniture and play equipment.
   - v. Servicing, including utilities, design for the storage and collection of waste and recyclable materials.
vi. Performance specifications to guide the selection of external materials, including wall and roof finishes, windows, doors, porches, heads, cills, chimneys, eaves and verges and rainwater goods.

vii. The design principles that will be applied to the development to encourage security and community safety.

viii. The specific design principles that will be applied to the local centre.

ix. The specific design principles that will be applied to the ‘green link’ that runs from the northwest to the southeast of the site along the existing public footpath.

x. The design principles for development and green infrastructure along Landimore Road particularly to the south of the public footpath that crosses the road.

xi. The design principles for the incorporation of SUDS throughout the development.

Thereafter, any reserved matters application for any phase of development shall comply with the principles established by the approved masterplan and within the approved design code.

7) Prior to the submission of any reserved matters application, a detailed phasing plan for the development that identifies stages at which each element of the proposed development (including the affordable housing, local centre, open space, play equipment, primary school, public house, allotments and housing, highway infrastructure including the five access junctions as shown on drawings SK01, SK02 and SK05, walking and cycling measures and SUDs) shall be commenced, completed and made available for occupation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.

8) Contemporaneously with the submission of reserved matters applications for each phase of development containing non-residential development, a sustainability strategy including pre-assessment checklist detailing a method of achievement of BREEAM “very good” (or equivalent) for any non-residential development shall be submitted to the Local Planning Authority. No development in that phase shall take place until the sustainability strategy has been approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved sustainability strategy.

9) Concurrently with the submission of reserved matters applications for each phase of development, full details of the proposed surface treatment of all roads, access and parking areas, footpaths, cycleways and private drives, including their gradients, within that phase shall be submitted to the Local Planning Authority. No development in that phase shall take place until the details have been approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

10) The development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority relating to that phase. The CEMP shall include the following:-

a) The management of traffic and routing during construction: to address site access, routes within site kept free from obstruction, wheel washing, travel plan for construction workers, loading and unloading, vehicle parking and turning areas, a scheme for prevention of surface water discharges onto the highway;

b) Location of access points for site traffic for that phase of development

c) Detailed measures for the control of dust during the construction phase of development

d) The location and size of compounds;

e) The location and form of temporary buildings, adverts and hoardings;

f) Details for the safe storage of any fuels, oils and lubricants;

g) Construction of exclusion zones to prevent soil compaction for large scale planting areas, public and school playing fields, and remediation of any soil compaction;

h) A scheme for the handling and storage of topsoil;

i) A scheme for the protection of areas of ecological interest and for the mitigation of any possible harm to such areas

j) Details of any temporary lighting

k) Procedures for maintaining good public relations including complaint management, public consultation and liaison;

l) Measures for the control of noise emanating from the site during the construction period;
m) Construction Plant Directional signage (on and off site);

n) Provision for all site operatives, visitors and construction vehicles, loading and unloading of plant and materials;

o) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from construction works including confirmation of any material exports, routing and deposition sites.

The approved CEMP and measures contained therein shall be adhered to throughout the construction period.

11) No construction work (including use of machinery and/or plant maintenance) shall be carried out on the site outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays, or at any time on Sundays, or public holidays. No construction traffic shall enter or leave the site before 0700 Mondays to Saturday or at any time on Sundays, or public holidays.

12) As part of each reserved matters application, engineering and construction details of the access junctions relating to that reserved matters phase in accordance with drawings SK01, SK02 and SK05 shall be submitted for approval in writing by the Local Planning Authority. The junctions shall be provided prior to commencement of any other works on site in the relevant reserved matters phase in accordance with the approved details.

13) As part of each reserved matters application details of the precise location and engineering and construction details of walking and cycling measures relating to that reserved matters phase shall be submitted to the Local Planning Authority for approval in writing. The following walking and cycling measures shall be implemented in accordance with an approved Phasing Plan:
   i. A new pedestrian link to The Warren as indicated on the ‘Access & Movement Framework’ plan, drawing no. 3238_201 Rev A (with measures to prevent vehicular access).
   ii. Two toucan crossings on Landimore Road.
   iii. Provision of a shared pedestrian cycle track (3m wide) along the entire western side of Landimore Road.
   iv. Two controlled pedestrian crossings on Newport Pagnell Road.

The works shall be carried out in accordance with the approved details prior to the first occupation of any part of the relevant phase.

14) No development hall take place until engineering and construction details of the following highway improvements (as shown on Parsons Brinkerhoff drawings of the revised transport assessment, December 2013), together with a programme for implementation, have been submitted for approval in writing to the Local Planning Authority:
   i. Improvement to Landimore Road/Gowerton Road roundabout (drawing SK04, Appendix 10).
   ii. Improvement to Caswell Road/Rhosili Road junction (drawing SK09, Appendix 11).
   iii. Improvement to the Queen Eleanor Interchange (drawing SK11, Appendix 12).
   iv. Improvement to the Brackmills Interchange (drawing SK10, Appendix 13).

The junction improvements shall be carried out in accordance with the approved details and programme.

15) Prior to submission of any reserved matters application a Foul Water Strategy including phasing for the provision of mains foul sewage infrastructure on and off site and details of the procurement of works shall be submitted for approval in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and prior to occupation of any building.

16) Prior to the submission of any reserved matters application a Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted for approval in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and the approved phasing details as required by Condition No 7. The scheme shall include:
   i. Percolation tests to be undertaken in accordance with BRE-Digest 365 or Ciria 156.
   ii. Full detailed surface water calculations to ensure adequate surface water drainage facilities on site all for all events up to and including 0.5% (1 in 200) plus climate change.
   iii. Sustainable Drainage Systems (SuDS) features on site to be in accordance with Table 12.1 of the Northampton Level 2 Strategic Flood Risk Assessment.
iv. An assessment of overland flood flows.

v. Details of how the scheme shall be maintained and managed after completion for the lifetime of the development.

17) No development shall take place until a contamination investigation has been carried out on that part of the site within the limits of development defined on the Proposals Map of the Fylde Borough Local Plan as Altered, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. Upon completion of remediation, a validation report shall be submitted to and approved by the local planning authority confirming that the site has been remediated in accordance with the approved measures and that the site is suitable for the development hereby permitted.

If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

18) No infiltration of surface water drainage into the ground shall take place other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

19) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Prior notice shall be given to the Local Planning Authority’s nominated archaeologists of the exact date on which it is proposed that construction of the development hereby permitted is to begin. During the construction period representatives of the Local Planning Authority’s nominated archaeologists, shall be allowed access to the site in order to observe and inspect all excavation works and record all findings of archaeological interest. If required they shall be allowed to excavate such remains, provided that this shall not interfere unreasonably with the progress of the development.

20) Prior to the submission of any reserved matters application a detailed Green Infrastructure Strategy (in accordance with the mitigation requirements outlined in Sections 7.6 and 8.4.2 of the Environmental Statement dated January 2013) shall be submitted for approval in writing by the Local Planning Authority. The submission shall include the following:

i. Principles of any existing habitats to be retained and managed, including existing trees, hedgerows, grassland or other habitats, including the enhancement of existing hedgerows.

ii. Strategy for the creation of new habitats, including where appropriate Acid Grassland, and their on-going maintenance (being those habitats/mitigation requirements referred to in Section 7.6 of the Environmental Statement dated January 2013).

iii. Principles for the provision of new amenity areas, including the allotments, public open space, play areas, and multi-use games area.

iv. Principles of how the site will link to Brackmills Wood, including the points of access, treatment of any new footpath/cycleways, and the approach to landscaping within the residential areas adjacent to the existing woodland.

v. An assessment of the contribution of Brackmills Wood to the green infrastructure and opportunities to increase its value to both residents and wildlife detailed in a Future Management Strategy.

vi. Detailed proposals for the design and layout of the green streets, highlighting the use of street trees and SUDS infrastructure.

Thereafter, any reserved matter submissions shall accord with the approved Green Infrastructure Strategy.

21) Prior to commencement of development a detailed mitigation strategy in accordance with the mitigation measures proposed in the submitted ‘Dormouse Survey Report’ dated December 2012 in Appendix E1 of the Environmental Impact Assessment dated January 2013 shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
22) No development in any phase shall take place until an arboricultural method statement, in accordance with BS 5837:2012 “Trees in Relation to Design, Demolition and Construction – Recommendations”, including details and proposed timing of all proposed tree works to any tree or hedge on, or, if consent obtained, adjacent to, the site and replacement tree planting, has been submitted for approval in writing by the Local Planning Authority for that phase of the development. Thereafter, the development shall be carried out in accordance with the details so agreed.

23) No equipment, machinery or materials shall be brought onto the site for the purposes of the development until details of the proposed type, and a plan of the proposed position of, measures for the protection of trees and hedges that are to be retained on the site, in accordance with BS 5837:2012 ‘Trees in relation to Design, Demolition and Construction – Recommendations’, have been submitted for approval in writing by the Local Planning Authority for that phase of the development. The measures identified, including tree protection barriers, shall be implemented in accordance with these details and shall remain in place until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored, disposed of, or placed, nor fires lit, in any area fenced in accordance with this condition and the ground levels within these areas shall not be driven across by vehicles, altered, nor any excavation made (including addition/removal of topsoil/subsoil) without prior written consent of the Local Planning Authority.

24) Prior to the submission of each reserved matters application, details of the need and scope for updating any protected species surveys shall be submitted for approval in writing by the Local Planning Authority. Any updated surveys shall be submitted as part of the reserved matters application. The development shall be carried out in accordance with any approved mitigation measures contained therein.

25) Bat and bird boxes shall be provided in accordance with a scheme which has been submitted to and approved by the Local Planning Authority as part of each reserved matters application. The details shall be implemented concurrently with the development and thereafter retained and maintained.

26) As part of each reserved matters application, a scheme shall be submitted for approval in writing by the Local Planning Authority that demonstrates how the objectives of Secured by Design have been addressed in the development as identified in the submitted Design and Access Statement. The approved details shall be implemented concurrently with the reserved matters development.

27) A minimum of 10% of the residential units on any phase shall be designed so as to be capable of occupation by persons with disabilities and constructed to a Lifetime Homes standard or any subsequent Government equivalent standard set out in Building Regulations and shall include 1% of the total number of residential units constructed to full wheelchair standard, the detailed layout of which shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of construction of any residential unit on that phase.

28) Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), at no time shall the total gross retail floor area of the development hereby approved exceed 1,320m² or any individual unit (A1/A2/A3) exceed 500m² net floor area.

29) Concurrently with the reserved matters submission for each phase, a noise assessment of the exposure of proposed residential premises, with particular reference to bedrooms, based on the final building and estate layout, due to transportation noise shall be submitted for approval in writing to the Local Planning Authority. The assessment shall take into account the likely growth of traffic over the next 15 years. Where any habitable room or outdoor amenity space cannot achieve the noise levels recommended by the World Health Organisation, a scheme to protect outdoor amenity space and any affected habitable rooms shall be submitted to the Local Planning Authority for written approval. The development shall be carried out in accordance with the approved details.

30) Prior to the occupation of any part of each phase, details of the provision for the storage and collection of refuse and materials for recycling shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter. No dwelling or other unit shall be occupied until the associated refuse storage facility has been provided in accordance with the approved details.

31) As part of each reserved matters application details of existing and proposed ground levels and finished floor levels of the development in relation to adjoining land levels shall be submitted for approval in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.
Details of the precise location and engineering and construction of the following public transport infrastructure shall be submitted for approval in writing by the local planning authority and implemented prior to the first occupation of the development hereby permitted:

i. Two pairs of bus stops on Landimore Road, to include shelters, raised boarders, flags and poles.

ii. One pair of bus stops on Newport Pagnell Road, to include shelters, raised boarders, flags and poles.

iii. Two bus shelters to be added to existing bus stops on Newport Pagnell Road.
Inquiry opened on 16 June 2015

Land to the east of Hardingstone, north of Newport Pagnell Road, Northampton, NN4

Appeal Ref: APP/V2825/A/14/2228866
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Land to the east of Hardingstone, north of Newport Pagnell Road, Northampton, NN4

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by The Homes and Communities Agency against the decision of Northampton Borough Council.
- The application Ref N/2013/338, dated 28 March 2013, was refused by notice dated 15 May 2014.
- The development proposed is described as: 'A sustainable urban extension to include 1,000 dwellings (use class C3), supporting retail facilities of up to 1,320m² (use classes A1, A2 and A3), food and drink premises of up to 375m² net (use class A4), a two form entry primary school (use class D1), and up to 750m² of community uses which may include a medical centre, pharmacy, and community centre (use class D1). Infrastructure improvements including a new pumping station, green infrastructure and highway access from Landimore Road and Newport Pagnell Road.'
- The appeal be allowed, and planning permission granted subject to conditions.

Procedural Matters

1. The appeal was recovered for decision by the Secretary of State for Communities and Local Government by a direction dated 19 December 2014, as it involves proposals for residential development of over 150 units or on sites of over 5ha, which would significantly impact on the Government’s objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed, and inclusive communities.

2. On the application form the site address details are simply given as grid reference 477250/257436, although the description of development includes reference to land south of Brackmills. A pre-inquiry meeting was held on 14 May 2015. At that meeting, it was confirmed that the Appellant and the Council had agreed that the site should be identified as land to the east of Hardingstone, north of Newport Pagnell Road, Northampton, NN4, and I have identified it accordingly in the appeal details above. It was also confirmed that the main parties had agreed that the appeal proposal should be described as: a sustainable urban extension to include up to 1,000 dwellings (class C3); a local centre with up to 1,320m² net floorspace of retail, professional and financial services, and restaurants/cafes (classes A1, A2 and A3); up to 375m² net for a public house (class A4); 2.09ha of land for a two-form entry primary school; up to 750m² for community uses which may include a medical centre, a pharmacy and a community centre (class D1); infrastructure improvements including a pumping station, green infrastructure and highway access from Landimore Road and Newport Pagnell Road, and I have considered the appeal on this basis.

3. The planning application was submitted in outline form, with approval sought for the means of access.

4. Planning permission was refused for the following reasons:

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1 A note of the meeting is at Document G3.
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 Hardingstone 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.

5. An environmental statement accompanied the planning application (Core Documents (CD) 6 & 7). The adequacy of the information contained in the environmental statement was not disputed by the Council, and I am satisfied that the requirements of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been met. I have taken the environmental statement into account in considering this proposal.

6. A planning agreement between The Homes and Communities Agency, Northampton Borough Council and Northamptonshire County Council was submitted at the inquiry (Document G11). Financial contributions would be made towards construction training, highway works, traffic regulation orders, and to healthcare, fire and rescue, library, police and education services. The agreement also includes provisions concerning affordable housing, viability reassessment, allotments, Brackmills Wood, sport and leisure facilities, marketing of the local centre site, public open space, sustainable urban drainage, provision of a community facility, public transport and a travel plan. The Council submitted a statement (Document L17) which sets out its view on compliance of the obligations with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CILR).
7. Prior to the inquiry, the Council advised that notification of the arrangements had mistakenly referred to the venue being in Nottingham rather than Northampton\(^2\). Letters with the correct details were subsequently sent and an amended notice was published. The amended notice was published on 4 June 2015. Whilst this was within the statutory period of two weeks, advance notification of the arrangements was given and most parts of the venue address were correctly stated in the original notice. In the circumstances I do not consider that any prejudice was caused by the notification error.

8. This report contains a description of the site and its surroundings, an explanation of the proposal, identification of relevant planning policies, details of agreed matters, and the gist of the submissions made at the inquiry and in writing, followed by my conclusions and recommendation. Lists of appearances and inquiry documents are appended. The written closing submissions on behalf of the Council and the Appellant are included as inquiry documents: in delivery they were subject to a number of detailed alterations.

**The Site and Surroundings**

9. The appeal site lies about 3.7km to the south-east of Northampton town centre, where to the west and south it is adjacent to the built-up area. It is on the north side of Newport Pagnell Road (the B526) and to the west and north the A45 provides a link between the M1 motorway and Northampton and Wellingborough. The predominantly residential area of Hardingstone lies to the west of the site. Here a conservation area extends along both sides of High Street, and is a short distance beyond the north-west corner of the appeal site\(^3\). Housing on The Warren backs onto the western side of the site, and along part of the southern boundary is housing on Newport Pagnell Road. East of the junction with Landimore Road, a small enclave of housing at Pagnell Court is surrounded on three sides by the appeal site. To the south of Newport Pagnell Road is residential development in Wootton. There are several local facilities and services in Hardingstone and Wootton.

10. Brackmills Wood is to the north of the appeal site\(^4\): it contains extensive areas of tree cover and lies between the site and Brackmills Industrial Estate (BIE). The land falls from the appeal site though the country park and the industrial estate to the Nene Valley. To the east and south-east is open land: there is an arable field immediately to the east of the appeal site, and to the south-east, on the opposite side of the narrow Lewis's Lane\(^5\), is an area of rough grassland and woodland planting on the position of a former quarry and landfill site.

11. The appeal site comprises two irregular parcels of arable land, the greater part of the length of Landimore Road which runs between these parcels, and a stretch of Newport Pagnell Road on each side of its junction with Lady Hollows Drive (Plan 2). In total, the site has an area of about 49.17ha. Discounting the highway land, the area reduces to about 45.07ha of which 20.51ha is on the west side of

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\(^2\) Copies of the inquiry notification are in Document G2.

\(^3\) Plan 17 shows the relationship between Hardingstone Conservation Area and the appeal site.

\(^4\) This area of woodland is also known as Brackmills Country Park, the extent of which is shown on figure 13 in Appendix 1 of Document A3.

\(^5\) There was disagreement at about the name of the road which runs along the south-east boundary of the site. It is referred to in the Appellant’s documents as The Green, but I have used the name Lewis’s Lane, which is how the lane is identified by the Parish Council (Document O7 refers).
Landimore Road and 24.56ha to the east. There is little variation in level on the western parcel, which falls slightly to the north-west, north, east and south. The eastern parcel of land falls more noticeably towards the junction of Newport Pagnell Road and Lewis’s Lane. At its southern end Landimore Road is slightly lower than the adjacent parts of the site. As it rounds a bend to the north-east it falls in a cutting towards the roundabout junction with Gowerton Road on the industrial estate. Field boundaries are generally formed by hedgerows: there are a few trees within the site itself, including a small group to the north of Pagnell Court and a line of four oak trees in the field towards the eastern end of the land. A public footpath crosses the site from its north-west corner close to Hardingstone to Newport Pagnell Road, adjacent to Pagnell Court.

Planning History

12. In 1968 Northampton was designated as a new town, and the appeal site is part of a larger area of land which was held by the Northampton Development Corporation for development purposes. On the dissolution of the Development Corporation in 1985, the land was transferred to the Commission for New Towns, and subsequently English Partnerships and The Homes and Communities Agency. The submitted documentation records no relevant history of planning applications prior to the appeal proposal.

The Proposal

13. Up to 1000 dwellings are proposed on the site, and the planning statement refers to a range of housing types (CD-9). Affordable housing would be provided at a rate of 24%. The illustrative masterplan (Plan 1) shows a local centre and primary school on the west side of Landimore Road, close to the junction with Newport Pagnell Road. Areas of open space are shown within both the western and eastern parcels, and it is also intended that allotments would be provided on each part of the site. On Landimore Road there would be two vehicular accesses to the western parcel and another to the eastern parcel. The eastern parcel would also be served by an access from Newport Pagnell Road, and a secondary access is shown from this road near the local centre (Plans 10, 11 and 13).

14. Off-site highway works are proposed at the Queen Eleanor and Brackmills Interchanges on the A45 (Plans 16 & 15), and at the roundabout junctions at Landimore Road/ Gowerton Road and at Rhosili Road/ Caswell Road in the industrial estate (Plans 12 & 14). A package of public transport measures includes the provision of bus infrastructure and service improvements (Documents A24 & A25). The existing service through Hardingstone (route No 7) would be upgraded with the use of high quality vehicles, and a new route, running along Landimore Road, would provide a link to Brackmills and the town centre. Two pairs of new bus stops would be installed on Landimore Road, and another pair on Newport Pagnell Road to the west of the junction with Landimore Road. Additionally shelters would be added to the existing stops on Newport Pagnell Road near Lady Hollows Drive, and a contribution would be made to a bus priority scheme on London Road, which runs between the town centre and Queen Eleanor Interchange. A financial contribution would be paid towards the cost of a traffic order reducing the speed limit on Landimore Road from 40mph to

6 The line of the public footpath is shown on figure 10 in Appendix 13 to CD-134.
30mph, and towards highway works forming part of the Northampton Growth Management Scheme (NGMS).

**Planning Policy and Guidance**

**The Development Plan**

15. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (JCS CD-28) and the saved policies of the Northampton Local Plan which have not been replaced by the Core Strategy (CD-24).

**The Core Strategy**

16. The JCS was adopted in December 2014. It covers the areas of Daventry District, Northampton Borough and South Northamptonshire District Councils, and was prepared by the West Northamptonshire Joint Strategic Planning Committee (JSPC), supported by the West Northamptonshire Joint Planning Unit (JPU). The JSPC was established by statutory instrument in 2008, and it is the local planning authority responsible for the preparation of the joint local development scheme and certain local development documents.

17. The following policies of the JCS are of particular relevance in this appeal. Policy SA sets out a presumption in favour of sustainable development, which reflects paragraph 14 of the National Planning Policy Framework (NPPF). The policy makes it clear that applications which accord with policies in the Core Strategy should be approved without delay, unless material considerations indicate otherwise. Under Policy S3, provision is to be made for about 42,620 net additional dwellings during the plan period of 2011 to 2029. Of these, about 18,870 should come forward in Northampton Borough. Northampton is unable to accommodate all of its own housing needs: consequently these needs are to be met within the Northampton Related Development Area (NRDA), which includes Northampton Borough together with neighbouring parts of Daventry and South Northamptonshire. Policy S4 explains that Northampton’s needs in respect of both housing and employment are to be met primarily within the Borough’s existing urban area and sustainable urban extensions (SUEs) within the NRDA: provision should be made for about 28,470 net additional dwellings in the NRDA. Policy S5 provides for eight SUEs in the NRDA: that at Northampton south of Brackmills encompasses the two parcels of land on each side of Landimore Road within the appeal site, together with land to the east and south-east, and a small area by the north-west corner. It is intended that this SUE should provide in the region of 1,300 dwellings and local employment opportunities. The SUE is the specific subject of Policy N6. In addition to housing, the development is expected to accommodate a primary school, a local centre, and structural greenspace and wildlife corridors. Amongst other matters it should also make provision for an integrated transport network focussed on sustainable modes.

18. Policy S8 explains that most new job growth is to be concentrated in the principal urban area of Northampton through a range of measures. Development is to take place within existing business areas, including Brackmills. Under Policy S9, an impact assessment for retail development is required for proposals outside identified centres for floor space over 1,000m² gross to demonstrate that there

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7 The extent of the NRDA is identified on figure 4 in the Core Strategy.
8 The boundary of the SUE is shown on Inset 11 to the Policies Map.
would not be a significant adverse impact on the vitality and viability of the primary shopping area centres within the catchment area of the proposal. Provision is to be made for local convenience shopping of an appropriate scale within the local centres in the SUEs having regard to existing provision in the area and the impact of development on centres in the hierarchy (Policy N10). Policy S10 sets out a series of sustainable development principles, including requirements to locate proposals where services and facilities can easily be accessed by walking, cycling or public transport; to protect, conserve and enhance the natural and built environment; and to promote the creation of green infrastructure networks. New development should mitigate its effects on the transport network: additionally Policy C2 requires that SUEs provide access by walking, cycling and public transport to a mix of uses. Strategic transport initiatives to be pursued in accordance with Policy C3 include traffic management measures and related junction modifications on the A45 and A43 trunk roads in conjunction with development coming forward in those corridors, and including the M1/ A45 NGMS.

19. Policy H1 seeks a mix of house types, sizes and tenures: developments should make the most efficient use of land whilst having regard to considerations including the location and setting of the site, and the existing character and density of the local area. In the NRDA, affordable housing is expected to be provided at a level of 35% on sites with 15 or more dwellings. Policy H2 also states that the percentage requirements are subject to the assessment of viability on a site by site basis. Policy BN1 is concerned with green infrastructure connections: the requirements for new green infrastructure specify, amongst other matters, that it should be designed to the highest quality in terms of appearance, access provision and biodiversity enhancement and protection. Proposals which would maintain and enhance biodiversity resources or deliver a net gain in biodiversity are supported by Policy BN2. Development in areas of landscape sensitivity and/or known historic or heritage significance will be required to sustain and enhance the heritage and landscape features which contribute to the character of the area, and to be sympathetic to locally distinctive landscape features (Policy BN5).

20. In accordance with Policy INF1, provision should be made to meet infrastructure requirements arising from new development within an appropriate timescale. Policy INF2 makes it clear that a reliable mechanism should be in place to ensure the delivery of new infrastructure required in association with development proposals. A series of improvements to Northampton’s transport network are listed in Policy N12. They include the strategic highway measures identified in the NGMS. Policy E6 is concerned with education, skills and training. Training and employment agreements are to be supported to secure employment and skills development for the local workforce.

21. The Council considered a report on the adoption of the JCS at its meeting on 19 January 2015 (CD-48). At that meeting, the Council resolved⁹:

- To object to the allocation of the site for 1000 dwellings at Northampton South SUE in Policy N5, and to make this known to the decision maker in the determination of planning applications.

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⁹ Minute 12 of the Council meeting of 19 January 2015, CD-49.
• To object to the allocation of the site for 1300 dwellings at Northampton South of Brackmills SUE in Policy N6, and to make this known to the decision maker in the determination of planning applications.

• To object to the limited provision of the North-West bypass as set out in Policy T7, and to request that the County Council updates its strategic transportation modelling to better assess impacts of development on highways, and to plan and provide for a significant upgrade of as well as addressing missing links of the bypass.

• Subject to the above, to note and support the adoption of the JCS for the purposes of determining planning applications.

22. Proposed modifications had included an extension of the plan period from 2026 to 2029. Whilst the Council recognised the need to address this extended period and the amount of objectively assessed housing need identified, it did not consider that it was appropriate to identify additional sites to accommodate houses in SUEs around Northampton, primarily due to a lack of certainty over the robustness of strategic transport modelling. The Council’s representations were considered by the Inspector, but he found that, subject to proposed modifications, including those to extend the plan period and to increase the size of three SUEs, the JCS was sound for the purpose of adoption. The adoption of the JCS was not supported by the Council’s representatives, and was carried on the casting vote of the chair of the JSPC. In his statement to the inquiry, County Councillor Larratt (who is also a member of the Borough Council) questioned whether the JSPC had the power to adopt the KJCS and suggested that there may be a move to rescind the adoption decision (below, para 110).

23. The report on adoption of the JCS records Counsel’s advice that the Council’s decision-making powers in respect of plan making had been vested in the JSPC, and the Principal Statement of Common Ground (CD-18) acknowledges that the JSPC is the local planning authority for the preparation of the JCS. The validity of the adoption decision is not dependent on the breakdown of voting at the meeting, and, in terms of its effect, a decision made on the basis of the casting vote is equivalent to a unanimous decision. In response to my question, the Council explained that it did not intend to challenge the adoption of the JCS.

24. I note that, when considering the adoption of the JCS, the Council raised no objection to Policy S5 which refers to the provision of 1300 dwellings in the Northampton South of Brackmills SUE and explains that the boundary is as shown on the policies map. Moreover, the Council confirmed at the inquiry that the objection to Policy N6 arose because of the proposal to increase the size of the SUE. It was not suggested that there had been an objection to the previous version of Policy N6 which proposed 1000 dwellings on a less extensive area of land, and which was reflected in the appeal proposal. For the reasons given above, I find no reason to question the adoption of the JCS, and the Council’s objection to Policy N6 merits little weight.

The Local Plan

25. The Council’s decision notice referred to three saved policies of the Northampton Local Plan (CD-24). Policy E1 stated that permission would not be granted for development which would be likely to be detrimental to the character and structure of the landscape. Policy H7 was concerned with residential
development outside the primarily residential areas, which amongst other matters, was not to be at a scale and density which would be detrimental to the character of the surrounding area or result in an over-intensive development of the site. Since the refusal of planning permission, Policy E1 has been replaced by Policies BN2 and BN5 of the Core Strategy, and Policy H7 by Policy H1 of the Core Strategy\(^\text{10}\) (para 19, above). Policy E7, which has not been replaced, is concerned with skyline development. In considering the impact of proposals upon the landscape, in the context of Policy E1, special importance is to be attached to the effect on the skyline of four areas including that between Great Houghton and Hardingstone (as seen from the Nene Valley to the north).

**Other policy and guidance**

26. The Council has commenced the preparation of the NRDA Allocations and Development Management LDD with the gathering of evidence. This Part 2 Local Plan is at an extremely early stage in the plan preparation process, and it was not relied on by the main parties to this appeal.

27. The Current Northamptonshire Landscape Character Assessment forms part of the Northamptonshire Environmental Character and Green Infrastructure Suite (CD-101). The site lies within the Wollaston to Irchester Landscape Character Area (LCA) of the limestone valley slopes. To the south-east on the opposite side of Lewis’s Lane are the Hackleton Claylands LCA of the undulating claylands character type, and to the north of Hardingstone, Brackmills and Great Houghton is The Nene – Duston Mill to Billing Wharf LCA of the broad river valley floodplain character type\(^\text{11}\). The Northampton Landscape Sensitivity and Green Infrastructure Study (CD-94) includes a sensitivity review. This part of the study identifies the ridge between Hunsbury Hill and Cogenhoe\(^\text{12}\), which crosses the appeal site, as a high sensitivity landscape and the remainder of this study area as an open rural landscape of high-medium sensitivity where medium or large scale development would appear incongruous.

28. The Council published its Planning Obligations Strategy Supplementary Planning Document (SPD) (CD-51) in 2013. The SPD sets out the approach to securing planning obligations to mitigate the effect of new development. Policy PO3 is concerned with securing financial contributions by planning obligations to measures forming part of the NGMS. Developments which would generate more than 30 two way trips on the strategic road network in any peak hour are expected to make such a contribution. A Community Infrastructure Levy Charging Schedule has been prepared: the examination was held in May 2015, and the Inspector’s report was awaited at the date of the inquiry. I have also had regard to national planning policy and guidance, in particular that contained in the National Planning Policy Framework (NPPF), and the Planning Practice Guidance (PPG).

**A45/ M1 Northampton Growth Management Scheme (NGMS)**

29. The NGMS has been prepared by the Highways Agency to support growth in the Northampton area. A Memorandum of Understanding (MoU) between the

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\(^{10}\) Appendix 5 of the Core Strategy lists those saved policies which have been replaced.

\(^{11}\) The extent of the landscape character areas in the vicinity of the appeal site is shown on figure 2 in Appendix 2 of Document CD-17.

\(^{12}\) The line of the ridge is shown on figure 12 in Appendix 1 of Document A3.
Highways Agency, the Highway Authority, the three local planning authorities, including Northampton Borough Council, and the JPU (CD-81), records their commitment to deliver development with commensurate improvements to the A45 and junction 15 of the M1, and it is intended to provide a basis for supporting the funding and delivery of the NGMS.

30. The NGMS covers the strategic road network between junction 15 of the M1 (to the south of Wootton) and the Great Billing Interchange on the A45 (on the east side of Northampton). The schemes which comprise the NGMS are set out in Annex 1 to the MoU (CD-76), and include proposals at the two interchanges considered as part of the transport assessment. At Queen Eleanor the measures proposed involve the upgrading of traffic signals to microprocessor optimised vehicle actuation (MOVA), signalisation of the London Road approach, widening of the Newport Pagnell Road approach, and ramp metering at the northbound on-slip. Traffic signals would also be upgraded to MOVA at Brackmills, where signals would be installed at the exit from Pavilion Drive onto the A45 southbound on-slip and at the Caswell Road approach.

31. It is intended that where a significant traffic impact from a development proposal has been identified, a contribution will be sought towards the implementation of the NGMS by means of a planning obligation. By the end of 2014, £1.797 million had been secured for the NGMS. A joint position statement of the Highways Agency and the Highway Authority (CD-82) explains that it had been intended to use this money to implement improvements at the Queen Eleanor and Brackmills Interchanges, with the exception of ramp metering at Queen Eleanor, which were considered to be priority elements of the NGMS. Subsequently, it has been decided to await the outcome of this appeal, and to then take forward appropriate improvements. The planning agreement provides for a contribution of £1,233,471 towards improvements to the Queen Eleanor, Brackmills and Lumbertubs Interchanges.

Agreed Matters

32. The principal statement of common ground (CD-18) covers the following matters:

- A description of the proposal and identification of the plans.
- Consideration of the planning application.
- A description of the site and its surroundings.
- Development Plan policies. Whilst it is agreed that saved Policy E7 of the Local Plan was not replaced by the Core Strategy and remains part of the Development Plan, the weight it carries is not agreed.
- With reference to the economic, social and environmental dimensions of sustainable development, the proposal would make a positive contribution to local housing and economic growth requirements; it would provide or fund necessary social and community infrastructure, and include affordable

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13 The Highways Agency was succeeded by Highways England in April 2015.
14 The description of the measures in Annex 1 of the MoU also refers to ramp metering at the southbound on-slip, although this is not shown on the accompanying plan. Highways England has confirmed that it is the plan which is correct (Document A23).
housing; and there would be a network of green infrastructure and a contribution towards sports and leisure facilities.

- Housing need and supply are to be considered for the NRDA. The NRDA assessment calculates a five year requirement of 8,769 dwellings for 2014-19, and identifies a supply of 8,546 dwellings (CD-72). Whilst there is disagreement as to whether a 5% or 20% buffer should be used, there is not a five years supply of housing land. The supply includes contributions from the SUEs, of which there would be 250 dwellings from the South of Brackmills SUE.

- Taking account of a viability appraisal, the provision of affordable housing at a level of 24% would be policy compliant.

- The loss of agricultural land is not a reason to withhold the grant of planning permission.

- There would be no detrimental effect on Hardingstone Conservation Area, or any other heritage assets.

- Considerations relating to archaeology, flooding, drainage, air quality, noise, contamination, and biodiversity are not reasons to withhold the grant of planning permission.

- Social and infrastructure considerations can be addressed through planning obligations and are not reasons to withhold the grant of planning permission.

- The amount of retail floorspace is at an appropriate scale to serve the local needs of the new residential community, and it is in accordance with the principles of sustainable development. A formal assessment in relation to sequential testing and retail impact would be inappropriate.

- Planning obligations are capable of mitigating unacceptable effects in respect of affordable housing, educational requirements, a local centre and community facility, social facilities, open space and indoor sports provision, Brackmills Wood, a design contribution, construction training, healthcare and public transport provision.

33. A statement of common ground in relation to landscape and visual matters (CD-17) covers the following:

- The landscape and visual impact assessment (LVIA) submitted as part of the environmental statement\textsuperscript{15} was prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment second edition (CD-152). The third edition of the Guidelines has subsequently been published, and the Appellant’s landscape consultant has prepared an updated LVIA (CD-134), which follows the current guidelines and takes into account changes to the baseline environment. (References in this report to the LVIA are to the updated document.)

- A 4km study area is appropriate for assessing all potential significant landscape and visual effects.

\textsuperscript{15} Chapter 8 in CD-6.
• Brackmills Wood will obscure some views to and from the north. In close
proximity views from the west and south, the development would be viewed
within the context of existing development along the site boundaries.

• The development would be prominent along parts of Lewis’s Lane, Newport
Pagnell Road and Landimore Road, and it would significantly alter views along
the public footpath across the site.

• The landscape character of the site would be changed significantly by the
development.

• The appeal site forms part of an elevated section of land from Huntsbury Hill in
the west to Cogenhoe to the east.

• The Current Northamptonshire Landscape Character Assessment provides the
most appropriate published baseline for the consideration of landscape effects.
The only local landscape character areas that have potential to be affected by
the proposal are: 12a Wollaston to Irchester, 6b Hackleton Claylands, and 18c
The Nene - Duston Mill to Billing Wharf.

• A zone of theoretical visibility and a series of 17 representative viewpoints, for
six of which photomontages have been prepared, are agreed16.

• There is potential for a visual effect on people in publicly accessible areas in
Northampton close to the site, on users of the public footpath across the site,
the Nene Valley Way, Brackmills Country Park and nearby roads.

34. A second statement of common ground in relation to landscape and visual
matters (Document G5) refers to matters of agreement and disagreement in the
LVIA.

35. A statement of agreed position (transport and access) (CD-16) between the
Appellant and Northamptonshire County Council, the Highway Authority, covers
the following matters:

• The scope of the transport assessment was agreed in 2011.

• The traffic surveys undertaken by automatic traffic counts represent an
accurate and appropriate basis for understanding the location, volume,
composition and pattern of local traffic flows.

• A residential ceiling of 1200 units is very robust.

• The methodology used to determine the future level of transport demand is
agreed.

• The junctions of Landimore Road/ Newport Pagnell Road/ Wooldale Road,
Newport Pagnell Road/ The Warren/ Hope Drive, and Caswell Road/ Gowerton
Road (in BIE) would operate within acceptable capacity levels with the
development in place, with no requirements for mitigation works to
accommodate the additional traffic.

16 The zone of theoretical visibility and viewpoints are shown on figure 3 in Appendix 4 to the statement of common
ground in relation to landscape and visual matters. The photograph panels for the 17 viewpoints are in Appendix 14
to the Appellant’s LVIA, and the six photomontages are in Appendix 6 to the statement of common ground.
• The Landimore Road/ Gowerton Road junction would operate close to capacity with the future baseline traffic and conditions would be worsened by development traffic. The Caswell Road/ Pavilion Drive/ Rhosili Road junction would fail during peak hours with the future baseline traffic and conditions would be worsened by development traffic. Improvement schemes are required for both junctions to improve capacity and maintain operational performance.

• The Brackmills and Queen Eleanor Interchanges would fail during peak hours with the future baseline traffic and conditions would be worsened by development traffic. Improvement schemes are required for both junctions to improve capacity and achieve a nil detriment effect from traffic generated by the proposal.

• The development is designed to maximise access by sustainable modes.

• Based on the proposed changes in travel patterns, the transport impact of the development can be accommodated on the network with mitigation measures concerning highway works, bus services and infrastructure, and walking and cycling links.

36. A supplementary statement of agreed position (transport and access) between the Appellant and Northamptonshire County Council (CD-19) covers the following matters:

• A technical note covering the design rationale, road safety analysis, swept paths, stage 1 road safety audits and topographic surveys at the Queen Eleanor and Brackmills Interchanges has been submitted to the Highway Authority. The Authority has reviewed the note, and there is nothing to suggest that the Section 278 design proposal cannot be agreed, subject to a full detailed design package and Section 278 approval process.

• The conclusion in the original statement of agreed position that the transport impact of the development can be accommodated on the network with mitigation measures concerning highway works, bus services and infrastructure, and walking and cycling links (above, para 35) remains unchanged.

37. A joint statement on viability on behalf of the main parties (Document G4) covers the following matters:

• Following an initial viability appraisal on behalf of the Appellant, agreement was reached between the main parties for a £19million package of contributions through planning obligations, and 24% affordable housing provision, subject to a future viability review mechanism.

• An updated viability appraisal has been prepared using revised inputs concerning timescales, sales values, build costs and infrastructure costs.

• The update has resulted in a slightly lower residual land value, but it is agreed that the original planning obligations package of contributions and a 24% level of affordable housing should remain the same.
The Case for the Appellant (Documents A1-A11)

The material points are:

**History of the site and application**

38. Since 1968, when Northampton was designated as a new town, the appeal site has been held in public ownership through agencies of central government for development purposes. However no application for planning permission was made until the proposed allocation of the land for an SUE in the Development Plan was well advanced. Policy N6 was developed through an iterative process, culminating with the allocation of the appeal site and adjacent land for in the region of 1300 dwellings following the main modifications recommended by the JCS Inspector.

39. Having previously expressed support for the original proposed allocation of 1,000 homes, the Council only raised objections to the main modification to incorporate the adjacent land and an additional 300 homes into the N6 allocation. However the JCS Inspector rejected those objections, noting that:

- The N6 site was *well related to the existing built up area on the south eastern edge of the town*.

- 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*.

- The *local landscape sensitivity of parts of the site can be addressed and partly mitigated through such measures (as the green corridor and green spaces), 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 concerns of local residents regarding traffic generation and other matters could be *satisfactorily addressed through appropriate technical analysis and on site measures, as well as contributions to offset impacts elsewhere*.

- Because the site was owned by the HCA and *forms part of their accelerated disposals programme to assist the delivery of new housing nationally ... 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*.

- The sustainability appraisal for the JCS *did not identify any material constraints*.

40. It is considered that the subsequent objection to the recently adopted JCS (above, para 21) is likely to have been unlawful on the basis that it was irrational or perverse, and/or on the basis that it sought to make planning policy outside of the statutory plan-making process and in conflict with the Development Plan, and/or on the basis that it frustrated the purposes of the Planning Acts\(^\text{17}\).

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\(^{17}\) This matter is addressed in the legal opinion at Appendix E of Document A7.
**Benefits of the proposal**

41. The Council cannot demonstrate a five year housing land supply, even if the houses allocated on the appeal site and the SUE at Northampton South were delivered. However the Council’s 4.87 year supply assumes the delivery of 625 dwellings from the allocated SUEs at the appeal site and Northampton South. Given that the Council has objected to these SUEs, and that planning applications in respect of both sites have recently been refused, they should not be included in the housing supply figures. The removal of those sites from the five year supply figures results in a 4.52 year supply applying a 5% buffer, and a 3.95 year supply applying a 20% buffer. There has been a persistent under-delivery of housing: over the last 13 years, the Council is cumulatively 2929 units behind on delivery; in seven of those years, including both recessionary and non-recessionary years, the Council failed to deliver on its housing targets. Consequently it is appropriate to apply a 20% buffer. The urgent need for the delivery of homes was highlighted in the report to Committee prepared by the Council’s Head of Planning in respect of the five year housing land supply (CD-73). She noted that: *The 5 year assessment is based on the situation as it was assessed 1st April 2014. 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.* It has been suggested that any shortfall caused by refusing planning permission for housing within the area of the SUEs could be made up from windfalls and allocations in the emerging LDD. However windfalls have been taken into account already, and no reliance can be placed on the emerging LDD since there is as yet no timetable for its preparation.

42. Paragraph 49 of the NPPF explains that relevant policies for the supply of housing should not be considered up-to-date if a five-year supply of deliverable housing sites cannot be demonstrated. That does not mean that all policies for the supply of housing are to be treated as being out of date, but only *relevant* policies should be treated as such. Recently adopted policies, such as Policy N6 of the JCS, which permit or encourage the provision of housing, or policies which allocate land for housing, can still be accorded full weight. It is only those policies that discourage, restrict or prohibit housing that need to be treated as out of date. To do otherwise would run counter to the purpose of paragraph 49 and would defeat any newly adopted plan in a scenario where an LPA cannot demonstrate a 5 year supply of housing, thus frustrating the role of plan making. The appeal scheme offers the prospect of 250 dwellings within the next five years, and 1000 dwellings over the plan period. That is a significant benefit.

43. Additional benefits are:
   - Contribution to the regeneration of Northampton
   - Provision of a primary school, local centre, community facilities, and public house

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18 Document A4, para 7.38.
19 CD-72, figure 4.
• Creation of a minimum of 209 full time jobs in construction and in A1 – A4 uses, as well as additional jobs in the local centre, the school and at community facilities

• Up to 1000 homes, including 240 affordable homes, would be provided close to a major employment location

• A substantial improvement in access to public open spaces, offering new links for existing and new residents to Brackmills Country Park, creating children’s play spaces, and providing a network of green infrastructure that enhances biodiversity

• The likely provision of nearly £8 million in New Homes Bonuses

• The provision of total financial contributions of £19 million, including infrastructure improvements which will benefit existing businesses and residents as much as new. The contributions include £1.2 m to the NGMS.

44. It is acknowledged that the replacement of fields with housing brings a disbenefit, but that is inevitable given the allocation of the land for housing.

Compliance with the Development Plan

45. Policy S1 of the JCS marks Northampton as the principal urban area for West Northamptonshire and it seeks to concentrate development and economic activity in and around that principal urban area in order to accommodate in-migration and enhance economic growth. Policy S5 of the JCS provides that outside the existing urban areas development will be focused on SUEs. The growth needed in Northampton cannot take place without development outside the existing urban boundaries. The appeal site was allocated as one of a number of SUEs, sustainability appraisals having been conducted in advance. Moreover, SUEs enable the sustainable and coordinated delivery of development and infrastructure. There is compliance with Policies S1 and S5.

46. The appeal scheme is entirely in accordance with Policy N6. The site falls completely within the N6 allocation, and it is in a sustainable location, not just because of its proximity to the town centre, but also because of its proximity to employment locations. It offers up to 1000 homes, and it would not prejudice the delivery of around 300 homes on the adjacent land. The proposal provides for a primary school and a local centre, including a convenience store, in accordance with points (b) and (c) of the policy. The scheme offers an integrated transport network focused on sustainable transport modes, as required by point (d), with an upgrading of bus services and infrastructure. As required by points (e), (f) and (h), the appeal scheme provides structural greenspace and wildlife corridors and a landscape buffer to the south west of the site, as indicated on Inset 11 of the Policies Map, and adequate open space and leisure provision. Archaeological and ecological assessment of the site has been undertaken, and the proposal would provide satisfactory flood risk and surface water management. Infrastructure would be phased as part of the development, and the masterplan demonstrates an integrated approach to the design of the appeal scheme.

20 Document A4, para 6.18.
47. By virtue of its compliance with Policy N6, the appeal proposal also satisfies Policy N1 of the JCS which is aimed at the regeneration of Northampton. It notes that the regeneration will be supported by, amongst other matters, housing development through SUEs, including at Northampton south of Brackmills.

48. Policy C2 of the JCS requires development to mitigate its effects on the highway network and be supported by a transport assessment and travel plan. In addition the proposal would comply with requirements to provide access by sustainable modes of transport through the upgrading of bus services and infrastructure and the provision of pedestrian and cycle links.

49. In addition to the public transport, cycling and walking measures, the proposal would provide a range of on-site infrastructure, including a green infrastructure network, incorporating allotments, children’s play areas, parks and gardens, and outdoor sports facilities. It also offers a primary school, local centre, community facilities, a convenience store and a public house. In respect of off-site infrastructure it offers financial contributions towards infrastructure. There is compliance with Policies INF1 and INF2 of the JCS.

50. Policy S8 seeks to focus the majority of new jobs growth within the principal urban area of Northampton, including at BIE. It cannot be delivered without new housing.

51. Policy BN5 of the JCS and Policy E7 of the Local Plan both address the impacts of development on the landscape. Policy BN5 should be read in the context of the JCS as a whole, and in line with Policy N6, which allocates the site for development and which requires the masterplan to take into account the potential for development within the SUE to impact on the skyline when viewed from the north. Similarly Policy E7 does not impose a prohibition on development that affects the identified skylines, but attaches special importance to the impact on those skylines. The proposal complies with these policies. Moreover Policy E7 should only carry limited weight, since:

- The policy is old, and is based on the housing delivery requirements of the Northamptonshire Structure Plan 1989. The present housing requirements are different.
- Brackmills Wood was planted after the adoption of the Local Plan, in 1998-2000. The wood has already impacted substantially on the skyline and screens the majority of the land behind it.
- The policy was not replaced promptly after being saved.
- As Policy E1 is no longer any part of the Development Plan, Policy E7 can no longer be read in its context as the policy requires. It must now be read in the light of the more positive and flexible Policy BN5.
- There is no conflict between policies in the JCS, including Policy N6, and Policy E7; indeed the supporting text to Policy N6 refers to consideration being given to the skyline.
Landscape and visual impacts

Consequence of the N6 allocation

52. Consideration of the landscape and visual impact of the appeal proposal must have regard to the context of the allocation of the site and the adjacent land as an SUE. When 1000 homes and associated infrastructure are placed on a green field, there will inevitably be localised adverse landscape and visual impacts, an urbanising effect, an encroachment of the urban edge, and a loss of openness. Those inevitable impacts have been factored into the allocation, and, consequently, the test should not be whether the landscape and visual impacts of the scheme are acceptable compared to the existing green fields, but whether the landscape and visual impacts are acceptable compared to the inevitable landscape and visual impacts that have already been accepted by the Policy N6 allocation for around 1300 homes and associated infrastructure.

Approach to LVIA

53. The LVIA utilises the published Landscape Character Assessment, Strategies and Guidelines for Northampton contained in the Northamptonshire Environmental Character and Green Infrastructure Suite and draws on baseline evidence contained in the Northampton Landscape Sensitivity and Green Infrastructure Study. Account has also been taken of specific characteristics of the site, and this is a robust and widely accepted approach.

54. The Council’s site-specific approach is not more accurate, and suffers from the following problems. The absence of an explicit consideration of value risks over-estimation of sensitivity in the assessment. Moreover there are no sharp distinctions as suggested by the division of the site into landscape character zones (LCZs) A, B and C\(^21\). The site is a transitional landscape with changing nuance and character, but in many respects it is a fairly uniform area of arable fields and hedgerows.

Overall design approach

55. The masterplan design sought to respond to Policy E7 and the need to take into account the sensitive skyline. It sought to integrate the footpath as a green spine and to respond to the urban/rural edge to the east. The framework plans (Plans 3-9) set the outer limits for development. In responding to context with good design, the proposal has set lower density development in the permeable edge on the sensitive northern boundary and at the urban/rural edge to the east, while higher density development would be in the permeable grid in the western part of the site near the existing built development; lower building heights would be on the sensitive northern edge of the site and where the proposed development would back onto existing housing; the green spine and green corridors are incorporated as key elements of the design.

56. The design of the eastern edge includes a positive interface between the development and the rural edge. The eastern end of the site would incorporate both lower density permeable edge development and lower building heights, and a green corridor. At the sensitive northern edge, the proposal would incorporate a green corridor to provide an opportunity for screening from the important views

\(^{21}\) Appendix 1 in Document L5.
from the north, in addition to the screening already provided by Brackmills Wood, and lower density permeable edge development and lower building heights would be located adjacent to the northern edge in order to reduce the potential impact of the development on views from the north.

57. Although there is a gap in Brackmills Wood, allowing visibility from the north, the effect would be of negligible magnitude and minimal significance. Planting in the green corridor to the north of the site ought to provide sufficient additional screening, but, if considered necessary, the HCA would be willing to accept a condition to require planting in the gap in Brackmills Wood. The public footpath would be incorporated within a green spine running through the development, and the width of this could be addressed at reserved matters stage.

Points of dispute

58. There is dispute with the Council about the impact from the public footpath and from the Northampton Washlands/ Nene Way, represented by VP10. The Washlands area, including part of the Nene Way long distance footpath, is the only area from which Policy E7 will be engaged. There is already a substantial amount of built development on the ridgeline running from Hunsbury Hill to the appeal site, but that development is mostly screened by trees from representative viewpoint 10 (VP10). The view from VP10 is through, or over, the substantial built development of Brackmills Industrial Estate, and the skyline is broken by a number of large pylons. At year 15, there may be views of rooftops and the upper parts of the second storeys of the northern edge of the development, but only in the limited gaps in Brackmills Wood and potentially through the cutting at Landimore Road. Elsewhere, the built development would be screened by trees. The impact of the appeal scheme on the skyline as viewed from VP10 would be minimal. That is particularly since the height of trees in Brackmills Wood as shown in the photomontages is underestimated to ensure robustness. The height of the trees in the year 1 photomontages (during the first year after completion of the whole development) is modeled at the agreed existing height of 8–10m\(^2\). The height of the trees as shown in the Year 15 photomontages is modeled at the agreed height of 13.5m which they are predicted to reach in 15 years from Year 1. However, by the time the site is fully built out, the trees in Brackmills Wood would have grown taller.

59. The allocation of the site and the adjacent land for an SUE with in the region of 1300 dwellings would inevitably transform the footpath from a semi-rural to an urban footpath. Nonetheless, the appeal scheme has sought to integrate the existing footpath as a key design element, and it would be part of the green spine running through the western section of the urban extension.

Highways impacts

60. All large scale developments will have an impact on the highways network. The Core Strategy Inspector recognised this, but considered that the understandable concerns of local residents regarding traffic generation can all be satisfactorily addressed through appropriate technical analysis and on site measures, as well as contributions to offset impacts elsewhere. Before submitting the original transport assessment, the HCA scoped and agreed its content with the Highway

\(^{22}\) CD-17, Appendix 7.
Authority. The Highways Agency and the Council were consulted on this study, and neither raised any concerns. The Highway Authority and Highways England were also satisfied with the revised transport assessment. Sufficient work has been done in the transport assessment to allow a view to be reached that the proposal is acceptable. The statements of agreed position with the Highway Authority confirm that the work undertaken is appropriate: they also agree the proposed mitigation and make clear that the Highway Authority does not support the highways reason for refusal. Highways England, which is responsible for the strategic road network, does not object to the scheme.

61. Highways England has modelled the NGMS, but at the inquiry the Council argued that the HCA should have modelled the NGMS for itself. This is not the position of Highways England nor of NCC, which is responsible for the County roads and will implement the NGMS with Highways England.

The NPPF test

62. The test in paragraph 32 of the NPPF only permits refusal if the residual cumulative impacts of the development are severe. There is an obligation on an applicant to produce an adequate transport assessment. Once an adequate transport assessment is produced, a decision maker should only refuse permission on transport grounds where the evidence justifies a conclusion that the residual cumulative effects would be severe. In this case, Highways England, the Highway Authority and the Council’s officers concluded that the HCA’s transport assessment was robust and fit for purpose, and that it demonstrates nil detriment. Accordingly, there is no basis for the appeal to be dismissed on transport grounds. Even if it were found that the appeal scheme did not meet the Appellant’s test of nil detriment and that it would cause some cumulative residual impact on the highways network, planning permission should nevertheless be granted unless those impacts are severe.

Existing conditions

63. Insofar as the existing traffic conditions are concerned, the Council’s evidence is limited to an observational study, and it does not provide any quantitative, as opposed to qualitative, evidence of queuing and congestion. The HCA has provided more extensive evidence, including quantitative data in a number of forms. Moreover, a sensitivity analysis was undertaken which re-ran the models with greater levels of queuing, and this still demonstrated that with the proposed mitigation and NGMS there would be nil-detriment, with an interim benefit to the county roads.

The NGMS

64. Highways England (and formerly the Highways Agency) has developed the NGMS to facilitate the growth of Northampton, which includes the SUE of which the appeal site forms the major part. The Highway Authority supports the need for the NGMS and is committed to working with Highways England to deliver it. The Highways Agency, the Highway Authority, the JPU and the Council (and Daventry and South Northamptonshire Councils) have entered into a Memorandum of Understanding (CD-81), the purpose of which is to express, and place on record, a shared commitment by the parties to delivering development planned for Northampton (which includes the Appeal Site) with commensurate improvements to the A45 trunk road and M1 junction 15 in the form of the NGMS, which the
Highways Agency has developed as an appropriate approach to mitigating the impact of development. The works which comprise the NGMS were subject to VISSIM modelling. The parties to the memorandum of understanding have agreed that there is general consensus that the NGMS is required to support growth in the area and is founded on sound technical evidence and conforms to current planning and transport policies of encouraging environmental sustainability and managing the existing road network. The modelling included the trips generated by the SUE of which the appeal site forms part.

65. The case that there would be a significantly detrimental impact on the county road network is predicated on accepting that the Highway Authority has signed up to support, design, and deliver a scheme it has stated is based on sound technical evidence when in fact it would cause substantial detriment to the roads for which the Authority is responsible. It is unnecessary for individual developers to micro-model the NGMS, as this exercise has been done by the Highway Agency and signed up to as sound by the Highway Authority and the Council.

66. NGMS is a multi-layered strategy made up of corridor wide ramp-metering (of which that proposed at the Queen Eleanor Interchange is only a part); the introduction of MOVA; further signalisation and additional lanes/flare. These measures complement each other, providing added benefit. The benefits of the NGMS to the A45 would not be at a cost to the county roads, since it is about increasing capacity on the entire network. For example, congestion in a sensitive location such as a circulatory junction can cause severe congestion on the adjoining local roads. Signalisation to free up the circulatory junction may result in the formation of a queue at the signal, but that queue would be much smaller than if a stationary queue had formed on the circulatory junction itself.

LinSig modelling

67. It was suggested that micro-simulation modelling should have been undertaken in addition to the LinSig modelling because the existence of exit blocking makes the latter an unreliable form of assessment. No request for micro-simulation modelling was ever made by the Highway Authority. Furthermore, assuming the TfL Modelling Guidelines are applicable to Northampton, this says that consideration be given to micro-simulation modelling where endemic exit-blocking exists within a network. In this case there is some exit-blocking but it is a minor feature. A key aim of NGMS is to remove any such issues from the Queen Eleanor and Brackmills Interchanges via corridor-wide ramp metering. Whilst ramp-metering would not be in the first phase of NGMS works, the Council is not raising a phasing issue, there is no dispute the proposed works would happen as part of NGMS so long as funding is obtained, and the appeal scheme would take about 16 years to build out entirely, with other proposed mitigation on the County roads being provided before first occupation and hence providing interim benefit until NGMS works come on-line.

68. The LinSig base models were calibrated and validated. Technical Note 1 confirms that the models were calibrated by inputting direct observations of geometric parameters and saturation flows based on traffic observations and validated by confirming that the output degree of saturation was as observed – i.e. queues were forming – but not validated against queue surveys. The work

done was in accordance with the guidance in the LinSig Manual, and it has the endorsement of a specialist transport modeller\textsuperscript{24}.

**Lane widths**

69. The Council has raised concerns about some lane widths following mitigation works. As currently proposed the lanes in question would be 3m wide, and this is compliant with relevant guidance. There is in any event agreement between the main parties that there is scope to widen the lanes if considered necessary.

**Pavilion Drive**

70. The Council has also argued that there should have been assessment of the A45 southbound on-slip/Pavilion Drive junction. However the scope of the transport assessment was agreed with the Highway Authority. This junction is the responsibility of Highways England which was consulted on the scoping of the transport assessment and did not require it to be tested. Part of the NGMS works are intended at this junction, and thus it would have been micro-modelled by Highways England. The Council’s observational study identifies existing queuing by vehicles entering the Barclaycard premises which it is suggested leads to queues that extend back to affect the performance of the Brackmills Interchange through exit-blocking. In contrast, the Appellant’s journey time surveys do not identify a serious issue in this regard, and in any event, the appeal proposal should not be expected to solve a pre-existing problem.

**Newport Pagnell Road**

71. The capacity of Newport Pagnell Road between Queen Eleanor Interchange and Hermitage Way was raised by the Council for the first time in the proof of evidence of its highways witness. This section is between 7.23m and 8.1m in width. Using the lower figure, but rounding it up with reference to TA79/99 gives a capacity of 1470 vehicles\textsuperscript{25}. TA79/99 allows capacity flows to be up to 10\% greater than the values contained in the document. That gives a total allowable flow of 1617 vehicles, which the 2026 link flows do not exceed. Moreover the 2026 flows include TEMPRO growth, which includes the SUE allocation as part of the JCS, with traffic from the appeal scheme on top of this. Given the proximity of Newport Pagnell Road to the Appeal Site there is thus likely to be an element of double counting in the 2026 link flows.

**Conclusions**

72. In respect of technical highways evidence, Highways England, the Highway Authority and the Council’s officers support the scheme. It is not reasonable to suggest that the statutory authority responsible for the county roads has acted negligently and in breach of its statutory duties; that the NGMS agreed by Highways England, the Highway Authority and the Council to deliver growth in Northampton, including on the Appeal Site, would cause substantial harm to the local road network; and that the HCA should be expected to duplicate the work previously done by Highways England in modelling the NGMS. In any event, these matters do not demonstrate that the appeal proposal would have residual cumulative effects that are severe. The evidence shows mitigation measures that

\textsuperscript{24} Appendix A in Document A10.
\textsuperscript{25} Table 2 of TA79/99, CD-144.
would deliver an interim benefit to the county road network (if provided by first occupation of the proposed housing), and would ensure, in the long term, nil detriment to the road network.

**Brackmills Industrial Estate**

73. The Council accepted in opening that the impact of the proposal on Brackmills Industrial Estate is consequential on its highways case. If it is not concluded that the residual cumulative impacts of the development would be severe, then there is no independent basis on which to refuse to grant permission because of the impact on the industrial estate. The proximity of the housing provided by the proposed development would benefit the industrial estate, and the proposal would align with the objective of the JCS to retain and diversify the local economic base, whilst maintaining a broad balance between new homes and jobs. A range of new pedestrian and cycle links would facilitate connections to the industrial estate, and the proposal would create a new north-south link bus link between the industrial estate and the existing Wootton residential area. The contribution to the NGMS would also contribute to easing traffic congestion at Brackmills Industrial Estate.

**Matters raised by third parties**

**Localism and the duty to co-operate**

74. The JCS process was not undemocratic and contrary to the localism agenda. The Localism Act did not remove the need to provide sufficient housing land to satisfy objectively assessed needs, nor did it eliminate the requirement for neighbouring authorities to reach joined-up solutions on meeting the needs of development and growth. The duty to cooperate requires local planning authorities to make efforts to secure cooperation on strategic cross boundary matters, including housing, before they submit their local plans for examination. The Council worked cooperatively within the JSPC both before, and after, the abolition of regional spatial strategies, and relied on its participation in the JSPC and the JPU to satisfy its legal duty to cooperate, as imposed by the Localism Act. The JCS process was wholly consistent with the localism agenda. Moreover, the JCS remains the statutory Development Plan, against which this appeal must be determined.

**Heritage matters**

75. The principal statement of common ground between the HCA and the Council states that *The level of impact on the Conservation Area, listed buildings and any other known heritage assets is agreed with NBC as being nil detriment.* In the Conservation Area Appraisal (CD-95) a plan showing important boundary walls and important views does not include any important views to the site from the conservation area. Although the appraisal refers to land to the south east forming an important part of the setting of the conservation area, that text is written in the context of Pittam’s Farmhouse and land to the south east. It refers to land on which a stone barn has recently been replaced by modern farm buildings. The land around Pittam’s Farmhouse lies to the east of the conservation area, and the appeal site is mostly to the south of that land.
Ecology

76. The principal statement of common ground notes that biodiversity issues do not constitute a reason for refusal and records that the appeal site has limited ecological value. The scheme is likely to enhance the biodiversity value of the site through the incorporation of semi natural habitats. The Appellant’s technical note dated 17 June 2015 (Document A12) sets out the background to the work carried out by the HCA in respect of ecology and responds to the HAG submissions, concluding that, with the implementation of mitigation measures, there will be no significant ecological impacts. Another note, dated December 2011, deals with the golden plover (Document A14): it concludes that development of the site will not significantly affect any habitat used by foraging or roosting golden plovers.

Conclusion

77. The HCA seeks planning permission for residential development of up to 1000 homes and associated development on a site recently allocated in the Development Plan for those purposes. The proposal is part of the HCA’s accelerated disposals programme, and pursuant to its statutory purpose to improve the supply and quality of housing in England. During the course of the JCS process, the Council expressed support for the principle of 1000 homes on the site. The Council agrees they it cannot demonstrate a five year housing land supply, and the development would bring substantial benefits to Northampton and the West Northamptonshire region. A grant of permission is likely to see about 250 dwellings built within the next five years. Despite the Council’s objections on highways and landscape grounds, neither of these matters were identified as such by the Council’s Head of Planning, who recommended that planning permission be granted, and there were no highways objections from the authorities responsible for the county and strategic road networks.

78. The planning system in England and Wales is plan-led. That is confirmed by the first core planning principle set out in paragraph 17 of the NPPF. Although the Council has objected to parts of the Core Strategy, including Policy N6, and one of its councillors has suggested the possibility of a legal challenge, the position is clear: the JCS is the adopted Development Plan; it is not considered that there would be any prospect of a successful legal challenge to its status26; and Policy N6 which allocates the site for residential development should be given full weight in this appeal.

79. The appeal scheme is in accordance with the Development Plan and planning permission should be granted unless material considerations indicate otherwise. There are no material considerations which individually or collectively weigh against the appeal.

26 The advocates for the main parties agreed that a challenge to the Core Strategy would now be time-barred.
The Case for the Council (Documents L1-L11)

The material points are:

Introduction

80. The fact that the appeal site is allocated pursuant to Policy N6 of the JCS as part of the Northampton south of Brackmills SUE does not lessen the need to assess the effects of the specific proposals put forward by the Appellant against the requirements of the Development Plan and national planning policy. Having regard to the effect which the appeal scheme would be likely to have upon the surrounding road network, and also to the landscape and visual effects of the appeal scheme, the proposal does not accord with the Development Plan. The evidence was not before the inquiry to enable the conclusion to be reached that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of doing so. The Council has shown that it is likely that the residual cumulative highway impacts of the development would be severe. The Appellant's evidence does not establish that they would not be. Similarly, the Appellant has not demonstrated that it would be possible to bring forward 1,000 houses on the appeal site, within the parameters of the Framework Plans, without causing unacceptable harm in landscape and visual terms.

The approach to determination of the appeal

81. The first limb of that part of paragraph 14 of the NPPF concerning decision-taking requires that development proposals that accord with the Development Plan be approved without delay, but the Council's evidence shows that the proposal does not accord with the Development Plan. Although the appeal site itself is allocated as part of the Northampton south of Brackmills SUE, the development proposals put forward for the appeal site by the Appellant do not satisfy the requirements of that policy. The proposal is also contrary to Policies C2, INF1 and INF2 of the JCS in consequence of its likely effect on the surrounding road network, and fails to accord with both Policy E7 of the Local Plan and Policy BN5 of the JCS as a result of its landscape and visual effect.

82. Neither is the second limb of the decision-taking part of paragraph 14 satisfied. The Development Plan is neither absent nor silent, nor is it the case that relevant policies are out-of-date. Although it is common ground that the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 49 of the NPPF provides only that in those circumstances relevant policies for the supply of housing should not be considered up-to-date. The JCS housing policies which are applicable here are not relevant policies for the purpose of paragraph 49, because they seek to facilitate, as opposed to restrict, housing development. Even if that is wrong, when assessed against the policies of the NPPF taken as a whole, the benefits of granting planning permission for the appeal scheme are both significantly and demonstrably outweighed by the adverse highway and landscape and visual impacts of the proposed development.
Highway impact

Existing conditions

83. The transport network in the area is at, or close to, capacity. That is stated in the JCS\textsuperscript{27}. It is good practice to compare data collected on a single day with data obtained over a longer period. The Appellant has provided evidence of this nature in relation to flows on Newport Pagnell Road, and in relation to the exit slip roads from the A45 to the Queen Eleanor Interchange. However, no such evidence has been provided in relation to the other roads. Independent data obtained by the Hardingstone Action Group (HAG) related only to Newport Pagnell Road, so it does not provide justification for the baseline traffic flows assumed by the Appellant elsewhere. For a proposal for 1,000 homes it is reasonable to expect automatic traffic count (ATC) corroboration to be provided for the main road links affected by the development, including Mere Way and London Road, both of which carry substantially more traffic than Newport Pagnell Road, and Brackmills Interchange and its surrounding roads. There is all the more reason for the provision of such data where, as here, base traffic data for all the affected roads has not been collected on the same day.

84. Exit blocking occurs at both the Queen Eleanor and Brackmills Interchanges. It occurs when there is congestion on the roads leading away from a junction that causes traffic queues to extend back to the junction and impede vehicles leaving the junction when they would otherwise be free to do so. Thus exit blocking reduces the capacity of the road network upstream of where the blockage occurs. This increases the congestion of the junction itself and on the roads leading to the junction.

85. The studies undertaken for the Council were observations rather than quantitative surveys with queue length results tabulated. However, it was possible to calculate queue lengths from the observational study, to enable comparison with the LinSig results of the transport assessment. The comparison shows that the queues actually observed were far longer than those modelled by LinSig. Whilst the Appellant’s evidence in general shows queuing that is less serious than that observed by the Council’s highway witness, even the queues found in its surveys were longer than those modelled by LinSig. Exit blocking does occur at both the Brackmills and Queen Eleanor Interchanges. Its extent varies. If, as is the case, exit blocking occurs, it is necessary to take it into account in the modelling. The only reason not to do so would be if it can be assumed that the exit blocking will be removed in future. The Appellant has assumed that exit blocking will be removed by ramp metering, but it is not justified in doing so.

Modelling: failure to take account of exit blocking

86. There are various causes of exit blocking in this area, such as congestion on the A45 mainline and restricted car park entries on Pavilion Drive. LinSig can take account of the effects of exit blocking to some extent, but, as TFL guidance confirms, not its causes. The TFL guidance suggests that, where endemic exit blocking exists, microsimulation should be used, so that the causes and effects of the exit blocking can be fully considered. Microsimulation software such as

\textsuperscript{27} CD-28, para 11.1.
VISSIM can model the causes of exit blocking, because this type of software models the behaviour of individual vehicles in real time, and therefore the software models the effect of exit blocking in a more realistic way than LinSig. National guidance itself suggests the use of microsimulation where LinSig cannot adequately represent conditions on the relevant sections of road. In the present case, the LinSig modelling takes no account of the exit blocking. This means that the modelled queues do not match those observed, and the Appellant’s modelling cannot provide an accurate representation of the effects of the appeal proposal.

Saturation flows

87. It is normal practice to ensure that models reflect reality by measuring saturation flows and the degree of saturation, but the Appellant has not undertaken any actual observation of saturation flows. Rather, the model was prepared using a typical saturation flow of 1800 pcu/hr/lane, and upon finding that the preliminary base year results reported over-capacity, the saturation flow was uplifted to 2100 pcu/hr/lane so as to arrive at capacity. The Appellant’s modelling has not been corroborated by any actual observation of saturation flows, to ensure that it reflects reality.

Sensitivity testing

88. Further sensitivity testing was undertaken on behalf of the Appellant for the purpose of simulating the levels of queuing observed by the Council’s highway witness. However, those levels have not been replicated. Moreover, the further sensitivity testing makes no allowance for exit blocking, nor has the Appellant taken the opportunity in the further sensitivity testing to revisit its approach to saturation flows.

NGMS

89. The purpose of the NGMS is to keep the A45 and the roundabouts that give access to or egress from it clear. The Appellant has not modelled the effect of the NGMS together with its own scheme. Rather, it has been assumed that the NGMS would manage exit blocking issues and would otherwise have a neutral effect on the local road network. Ramp metering is a component of the NGMS. It is a traffic management technique that regulates the flow of vehicles joining a dual carriageway or motorway during peak periods through the use of traffic signals at the downstream end of the entry slip road. The purpose is to improve traffic flows on the main carriageway. It can be particularly effective when the entry slip roads are fed by signalised junctions that cause large platoons of merging traffic to overload the merge, as is the case here. The ramp metering signals break up the large platoons and help to prevent breakdown in flow on the mainline at the merge.

90. Ramp metering is proposed at the Queen Eleanor Interchange, at the bottom of the northbound slip road on to the A45. In this location it would help with exit blocking on the northbound entry slip road to the A45, but it would not assist with the exit blocking caused by queuing on the circulatory carriageway of the roundabout. Since ramp metering is not proposed at the Brackmills Interchange, it would not resolve this instance of exit blocking. Nor would it address the exit blocking that occurs on the Pavilion Drive exit and affects the performance of Brackmills Interchange during the AM peak. Moreover, ramp metering is not
among the measures originally intended to be brought forward in summer 2015, and there can be no certainty that it will ever be brought forward.

91. MOVA and further signalisation are to be introduced. It is inevitable that if queuing is managed into less sensitive locations, more queuing will result at those locations. That means all the local road approaches to the A45 at the Queen Eleanor and Brackmills Interchanges that are or will be signalled. More capacity will not be provided for vehicles to move through the junction, because the signalled entries to the junction will be restricted by MOVA in order to keep the roundabouts clear. Whilst Highways England has carried out VISSIM modelling of the NGMS, that is not a sufficient answer. It is not clear if any modelling has been done of the effects on the local road network, or if it has, that it predicts that the NGMS will remedy all exit blocking if ramp metering is introduced, or that the effect of the NGMS would be otherwise neutral.

92. It would not necessarily have been unreasonable for the Highway Authority to agree the NGMS, even if it did appreciate that there would be negative effects. The NGMS has benefits for the free flow of traffic on the A45 and it would have been responsible for the Highway Authority to agree to the scheme, while understanding the negative effects on the local road network. The proper expectation of the Highway Authority in those circumstances would be that applicants for planning permission in the area would take account of any negative effects in their transport assessments, and propose mitigation works accordingly.

93. The Appellant has suggested that MOVA and further signalisation were intended to operate as a gating strategy only at the Brackmills interchange, although Annex 1 to the NGMS MoU proposes access management in respect of both the Brackmills and the Queen Eleanor Interchanges. At Brackmills the relocation of queues from the circulatory carriageway to the Caswell Road approach is put forward as being acceptable because of the absence of cross-traffic. However there is no evidence before the inquiry to support the contention that it is acceptable to relocate queues at Brackmills interchange from the circulatory carriageway to the Caswell Road approach. It is not known whether relocating the queues in this way would increase or reduce delays experienced as a result of traffic congestion, or whether those delays would remain the same. The Appellant has not modelled the effect of the NGMS upon the local road network in this respect.

Pavilion Drive/ A45 junction

94. The traffic assignment shows that 80 vehicles from the development would use this junction in the AM peak, and 49 in the PM peak. In those circumstances, having regard to the threshold of 30 vph set out in the former guidance for Transport Assessment, the junction should have been modelled. Queuing back on Pavilion Drive affects the performance of Brackmills Interchange in the morning peak. As the Pavilion Drive junction has not been modelled, that interaction has not been taken into account in assessing the performance of Brackmills Interchange. Signalisation would increase queuing back to the Interchange and cause queuing on the Pavilion Drive approach to the A45 southbound on-slip. Modelling should have been carried out to check on those effects. It is not within the Appellant’s power to introduce changes to parking arrangements to address queuing on Pavilion Drive.
Newport Pagnell Road

95. During the morning peak the westbound flow would exceed the link capacity of Newport Pagnell Road between Hermitage Way and Queen Eleanor Interchange, and during the evening peak the eastbound flow would exceed the capacity. No mitigation measures are proposed to increase the capacity of this section of Newport Pagnell Road either by the Appellant or as part of the NGMS. The width of the road was measured by the Council’s highway witness as between 6m and 7.5m, and around 6.5 m on average. On the basis that the TA79/99 guidance capacity may in reality be between 10% more or less than the figure stated in table 2, that produces a capacity range of between 1134 and 1386 vehicles per hour (vph). Peak predicted flows of 1575vph west bound and 1490vph east bound would exceed the highest figure in the range\(^2\). A width of 7.23m (as measured by HAG) would indicate a capacity of 1470vph in accordance with table 2 of TA79/99, and again, the peak flows on Newport Pagnell Road with the development in place would exceed the road’s capacity. It was argued that there was an element of double counting due to the use of TEMPRO and because it had been assumed that all traffic generated by the proposal would leave the site, as opposed to travelling to destinations within it. However, the Appellant had also assumed average trip rates, which meant that trip rates could in fact be higher. The Appellant has provided its best estimate in the transport assessment. The peak flow figures calculated on the basis of that estimate should continue to be used in order to ascertain the effect of the development on the road network, including Newport Pagnell Road.

London Road bus priority scheme

96. The London Road bus priority scheme between the town centre and the Queen Eleanor interchange has not been included within the junction modelling work. The scheme could result in a reduction in capacity for vehicles other than buses, and its effect should have been assessed.

Highway improvement works

97. There are concerns about lane widths on the interchanges. The 3m figure is a minimum requirement, given in respect of lane widths at the give way line where vehicles are likely to be either stopped or slowing, as opposed to lane widths on the circulatory carriageway where radii are likely to be tighter. Proposed lane widths would be inappropriately narrow given the significant presence of articulated vehicles and other large vehicles.

Summary

98. The transport network in the area is at or close to capacity, and whilst its extent varies, exit blocking occurs at both the Queen Eleanor and Brackmills Interchanges. The Appellant’s baseline traffic data is unreliable. As to the adequacy of the Appellant’s modelling methodology, LinSig analysis alone is inadequate and microsimulation should have been undertaken. Moreover the Appellant’s base model does not reflect the queues reported by either highways witness. Contrary to normal practice, the Appellant’s modelling has not been corroborated by any actual observation of saturation flows to ensure that it

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reflects reality. The Appellant should have taken exit blocking into account. Even if ramp metering does come forward, it will only assist in resolving one instance of exit blocking. The gating strategy/ access management strategy (MOVA and further signalisation) will worsen the operation of the local road network. There is no evidence that it will be possible to accommodate the requisite changes within the highway boundary. The Appellant has placed too much reliance both on the Policy N6 allocation and on the Highway Authority’s acceptance of the NGMS. It is for the Appellant to show that the development would be acceptable in highway terms. However it is likely to have a severe residual cumulative impact, and the scheme would be contrary to Policies C2, INF1, INF2 and N6 of the JCS and paragraph 32 of the NPPF.

**Impact on Brackmills Industrial Estate**

99. Brackmills Industrial Estate is currently a successful business area. However congestion is an issue, as evidenced by letters from Action Express and Travis Perkins. Concern on this matter is also apparent from the BIE business survey 2013, which gives road network and access as the joint top key challenge for businesses on the estate. Other key challenges include availability of staff, staff recruitment and staff retention, which could be caused in part by difficulties in travelling to work. Brackmills Industrial Estate Business Improvement District (BID) in its letter of 29 July 2015 also refers to the problem of congestion and explains why it is especially of concern to the logistics sector (Document O17).

100. Any worsening of the existing level of traffic congestion at the access and egress points on the surrounding road network - resulting from a failure to satisfy the requirements of the relevant JCS policies as regards mitigation - would make BIE less attractive to both existing and potential occupiers. Having regard to the likelihood that the proposed development would have a severe effect upon the highway network, it is similarly likely that it would have a consequent negative effect on the ability of BIE to continue to provide an environment where employment uses can thrive, and contribute towards the jobs growth required in the Borough during the plan period. Consequently the appeal proposal does not accord with Policy S8, which contemplates new job growth within BIE.

**Landscape and visual impact**

101. The need for particular care to be taken in formulating proposals for the appeal site is well established, being identified by several studies, including the Northampton Current Landscape Character Assessment, Strategy and Guidelines, the Northampton Landscape Sensitivity and Green Infrastructure Study and the sustainability appraisal undertaken in respect of the JCS. Whilst the site is allocated by Policy N6, the sensitivity of the location to development proposals is expressly acknowledged in the supporting text to that policy.

102. A careful and detailed examination of the characteristics of the various parts of the appeal site has been undertaken by the Council’s landscape witness. Her Landscape Sensitivity and Character Assessment considers both value and sensitivity, and this approach is supported by GLVIA3, which provides that even where there are useful and relevant existing landscape character assessments it is still likely that it will be necessary to carry out specific and more detailed

29 Appendices 1d & 1e in Document L3.
surveys of the site itself. The Appellant relies on existing landscape character
studies to form the basis of its assessment of the effects of the proposed
development on landscape character, and the degree of attention which has been
paid to the characteristics of the various parts of the appeal site is considered to
be inadequate.

The skyline as viewed from the north

103. It is apparent from Policy E7 of the Local Plan that the need to attach special
importance to the effect of development upon the skyline between Great
Houghton and Hardingstone (as seen from the Nene Valley to the north) is a
longstanding concern. This skyline concern has been carried through to the JCS.
It remains the case, as stated in paragraph 2.21 of the supporting text to Policy
E7, that the skyline from Hardingstone to Great Houghton appears remarkably
free from development. From VP10 at year 15, rooftops and the tops of the
second storey of buildings on the northern edge of the appeal site would be
visible. Although it was accepted that in visual terms the effect would not be
significant, the effect would be significant in landscape character terms. Planting
in Brackmills Wood would not effectively screen the proposed development as
viewed from the north for many years.

The footpath

104. The footpath makes an important contribution to the amenity afforded by the
appeal site and its amenity value is increased by the fact that it connects via
Hardingstone into existing walking corridors from the town centre and Delapre
Abbey. Insufficient regard has been paid to the value of the present open and
transitional character of the footpath and the desirability of preserving the same
so far as possible. Furthermore, the design proposals do not respond adequately
to the significant adverse visual effects which the proposed development would
have upon the footpath. There is no evidence which shows how 1,000 houses
could be brought forward on the appeal site were the green corridor through
which the footpath is proposed to run and/or the green buffer along the northern
edge of the site to be widened so as satisfactorily to relate to the footpath.

The eastern part of the site

105. The eastern part of the appeal site has been identified as a distinct LCZ. LCZ
C is more sensitive to development of the nature of the appeal scheme than the
remainder of the appeal site, due to its strongly rural character and its visual and
physical connection with the countryside to the south and east. The consequence
of the Appellant’s failure to have regard to the distinctive character of this LCZ is
that the proposed development would be of an unacceptable scale and density.
The buffer shown along the eastern edge of the appeal site in the masterplan is
minimal, and LCZ C is shown at least as densely developed as the remainder of
the site. This approach to density fails to acknowledge that the site increases in
sensitivity from west to east. It is no answer to the above criticisms to refer to
the fact that the additional land to the east is also allocated for residential
development. It cannot be assumed that residential development will be brought
forward here, nor can any assumptions be made as regards the particular form
which development of the remainder of the Policy N6 allocation might take. The
appeal scheme amounts to an over-development of the site and is inappropriate
in its context. In this respect the development is contrary to Policy N6 of the JCS,
since the design and access statement, the framework plans and the illustrative
masterplan do not demonstrate that the scheme positively responds to context and design issues.

Conclusions on landscape and visual impact

106. The proposed development fails to accord with the Development Plan. It is contrary to Policy E7 of the Local Plan and Policy N6 of the JCS. Furthermore, since it neither conserves nor enhances the landscape within which the appeal site is situated, the proposal is also contrary to Policy BN5. The NPPF also weighs against granting planning permission on landscape grounds. Paragraph 17 requires planning to recognise the intrinsic character and beauty of the countryside and to contribute to conserving and enhancing the natural environment. The effects identified are not the inevitable consequence of development in accordance with Policy N6. That policy requires any development proposal to be accompanied by a masterplan demonstrating a positive response to context and design issues, amongst other matters. The Council’s concern in respect of the landscape and visual impact of the proposed development is not an objection to the number of houses proposed for the appeal scheme. There is no reason why 1,000 houses should not be built, provided that this is done within the parts of the appeal site which have capacity for development. Neither Policy H1 nor Policy N6 of the JCS specifies a maximum density, and if density were to be increased to 42 dph, the parts of the appeal site identified by the Council as having capacity for development could accommodate 958 houses. It has not been shown that 1,000 houses can be accommodated on the appeal site, within the parameters of the framework plans, in a manner that is acceptable in landscape and visual terms.

Housing land supply

107. It is common ground that the Council cannot demonstrate a five-year supply of deliverable housing sites, but there has not been a record of persistent under delivery. Whilst periods of recession should not be ignored, it was appropriate to look at delivery over a longer period and to give less weight to under delivery occurring during the recession, bearing in mind the impact of the recession on housing delivery. That approach is supported by the Secretary of State’s 2014 decision in the Sketchley House appeal (CD-149). Housing requirements were exceeded between 2001 and 2006, not achieved between 2006 and 2011, and then exceeded again between 2011 and 2014. Following the approach in the Sketchley House and Weedon Bec appeals, and looking at delivery over a longer period, whilst giving less weight to under delivery during the recession, the evidence shows that there has not been a record of persistent under delivery. A 5% buffer is therefore appropriate.

Overall conclusion

108. Notwithstanding the position of the appeal site in relation to the Development Plan, the key question for this appeal remains: has it been shown that the benefits of the specific proposal now advanced for the appeal site would not be significantly and demonstrably outweighed by the adverse impacts, such that planning permission should be granted? The evidence is not available to enable an affirmative response to be given.

109. It is acknowledged that the provision of 1000 dwellings, including 240 affordable homes, would be a significant benefit, and that the creation of
construction jobs and employment in the local centre would also be beneficial. Other factors put forward as benefits were either there to make the development acceptable, or presented only a minor positive effect.

110. A major housing development such as the appeal scheme should not be permitted to come forward without it having first been clearly demonstrated that the highway impacts of the development would be acceptable. The Appellant has not satisfied that requirement. Any economic benefits of the appeal scheme must be weighed the adverse economic effect which would result from the likely impact of the proposal upon BIE. The specific proposal presently advanced is unacceptable insofar as landscape and visual impact is concerned. The appeal proposal fails to accord with the Development Plan, and material considerations do not indicate that planning permission should nevertheless be granted. Moreover, the evidence shows that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of doing so.

The Cases for Interested Parties

The material points are:

i) Mrs A Leadsom MP (Document O2)

111. Hardingstone has received more than its fair share of development. The surrounding area has changed greatly with development at Hunsbury, Wootton Fields, Simpson Manor, and Brownlee Place, and the St George’s development is currently underway. Notwithstanding such development, Hardingstone retains many features of village life, including plenty of open green space. However this character is under threat from open space being included in the JCS as suitable for development. More homes are needed, but development must be appropriate and in keeping with the area. The appeal site is part of an important skyline, identified in Policy E7 of the Local Plan. Priority should be given to development on brownfield sites. There should also be an evaluation of unoccupied housing in the town centre, which could provide some relief to Northampton’s housing need.

112. For too long Northampton has been seen as an area earmarked for substantial development. Concerns have been raised by residents and local councillors about the adequacy of infrastructure, including capacity at schools and surgeries, and traffic congestion. Each local planning authority should prepare its own local plan. Whilst the Council voted in support of the adoption of the JCS, it objected to certain parts, including the Northampton south of Brackmills SUE.

ii) Councillor Nunn (Document O3)

113. The Council and residents are not opposed to the principle of development, but it must deliver adequate infrastructure, and thereby not adversely impact on communities and business areas. There is increasing pressure on local amenities and services, in particular health and education.

114. Of most concern is the impact on the local road network, since it is expected that the development would be heavily reliant on car use. It is considered that the most significant problem is associated with the A45 and the following junctions: Barnes Meadow, Brackmills and Queen Eleanor Interchanges, and Wooldale Road roundabout. There are capacity concerns about these parts of the network and Newport Pagnell Road. The NGMS may provide some relief to the
A45, but it is expected to cause congestion on the feeder roads. Moreover, regeneration projects in the town centre are likely to increase the number of workers using the A45 to travel to and from work.

115. BIE has about 135 businesses, and a key feature of the estate is its accessibility. Businesses there are growing: the results of the 2013 BID survey record 80% of businesses anticipating year on year growth of 10-40%. However, companies on BIE have experienced delays in deliveries, with the consequences of penalties and reputational damage. Existing congestion also makes it more difficult to recruit and retain staff. Additional traffic from the appeal proposal, together with the NGMS measures restricting access to the A45 would exacerbate the problems faced. This could threaten the future prosperity of BIE. Until adequate mitigation measures are identified, funded and delivered to overcome the pressures on local services and the road network, the proposed development should not proceed.

iii) County Councillor Larratt (Document O4)

116. Members of the Borough Council have not consistently supported the development of the appeal site. It has been imposed on Northampton through the JCS. It may be that the JSPC will rescind its decision to adopt the JCS in respect of the appeal site. The main objection to the proposed development concerns the impact on the local highway network. This area accommodates many people who travel to work outside Northampton using the motorway network. Journeys are made to Milton Keynes for leisure and shopping. Because of the proximity to the motorway, development in this part of the town generates more car movements than elsewhere.

117. It would be difficult to increase the capacity of the A45 by widening because of engineering and environmental considerations. The NGMS may benefit the A45 by controlling access, but this would have an adverse impact on feeder roads, particularly Newport Pagnell Road. Wooldale Road would provide access to the M1 from the development, and there are existing problems where this road joins the A45 at the Wootton junction. Caroline Chisholm Primary and Secondary Schools are on Wooldale Road, and the additional traffic would increase the threat to highway safety. On Newport Pagnell Road, the additional traffic would make it more difficult to exit from Water Lane and the Waitrose/ Wyevale site. There is concern about the viability of BIE as the A45 becomes more congested. Developments in the town centre will increase traffic on the A45 and its junctions.

118. The development would also have an impact on Lewis’s Lane, which is used by drivers avoiding the A45. This road leads to the village of Great Houghton, where there would be an adverse effect on traffic movement. There are reservations about the Highway Authority’s modelling, bearing in mind the traffic problems associated with the recent opening of a bus interchange in Northampton. The traffic and highway implications of the proposal would be severe in the terms of paragraph 32 of the NPPF.

iv) Hardingstone Parish Council (Documents O1 & O5-O7)

119. Hardingstone currently has the characteristics of a village, with one main road and about 1,000 dwellings. Many houses were built without off-street parking, and there is little parking space available for local facilities. Local roads are
already busy, and often obstructed by parking on narrower stretches. They would not cope with additional traffic from people using local facilities or avoiding Newport Pagnell Road. A landscape appraisal was commissioned in respect of the planning application. A series of issues are identified, although none are sufficiently significant to alter the conclusions of the design and access statement and the original LVIA.

120. Whilst the proposal would provide construction jobs, it would put jobs in BIE at risk due to congestion on the A45. Because of the proximity to the M1, the development would be likely to be occupied by people commuting out of Northampton by car. There would be little benefit to the local economy and congestion on the road network. Previous developments in the area have been smaller in scale. The size of the development would harm the character of the area, and it would not be successfully integrated into the parish community. Newport Pagnell Road is unsuitable for large volumes of traffic. It is already difficult to exit from drives and side roads. Mitigation measures would result in traffic backing-up and delays. In consequence drivers would use roads in the village as an alternative to a greater extent. Wooldale Road would be used to reach the A45, increasing the prospect of conflict with journeys taking children to Caroline Chisholm School.

121. There is no room for expansion at the nearby surgeries, local secondary schools are oversubscribed, and the road infrastructure is inadequate. The site is not only a productive area of farmland, but also an area of tranquillity and a visual amenity, and it is, therefore a benefit to the health and wellbeing of local people, and to other who walk in the area. The site is a habitat for badgers and skylarks and is visited by other wildlife. The adverse impacts of the development on Hardingstone would significantly outweigh the benefits, and the proposal would be unsustainable having regard to the economic, social and environmental dimensions of sustainable development set out in the NPPF.

122. The JCS was adopted contrary to the position of local councillors. This appears to be contrary to the concept of localism. Notwithstanding the adoption of the JCS, the Borough Council has objected to Policy N6.

v) Hardingstone Action Group (Documents O8-O14)

123. Hardingstone retains a rural character, an important aspect of which is the fields which comprise the appeal site, and the wider open countryside in this direction. The site also forms part of a green corridor running from Beckett’s Park in the town centre, to Delapre Park to the north of Hardingstone, and continuing to the rural edge. Hardingstone was the estate village for Delapre Abbey, and its village character is apparent in the narrow lanes, mediaeval church, and diverse groups of cottages and houses. The heart of Hardingstone is a conservation area, and the appeal site is within its setting. There are functional links between the site and the village, the significance of which is increased by public accessibility to the fields. The strongly urban design would be inappropriate close to Hardingstone, and the footpath would be confined in a narrow green area. The proposal would be damaging to the character of Hardingstone.

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30 Appendix 7, Document O6.
124. The proposal would result in the loss of valued open land, and it would not provide the required amounts of open space or affordable housing. The site provides habitat for birds, including skylarks, fieldfares and lapwings, and it supports the Upper Nene Gravel Pits RAMSAR site / SPA. The fields are in agricultural use, and their loss as such would have a negative effect. A relatively small number of jobs would be created, compared to the number of households which would need work, and it is likely that the development would accommodate commuters travelling to the more varied job market in Milton Keynes. This would increase congestion, with an adverse impact on the local economy. The proposed development would be unsustainable.

125. In the transport assessment, the mode share for drivers is assessed as 74%. However two adjacent wards which most closely match the SUE in terms of distance from the town centre and public transport have a value of over 80%, which suggests that the mode share used is an under-estimate. Predicted queue lengths at Queen Eleanor interchange are considerably shorter than those currently experienced, casting doubt on the reliability of the modelling of this junction. The purpose of the NGMS, stated in the MoU, is to ensure that the safety and free flow of traffic on the A45 and M1 is maintained over the period to 2026. This approach would be at the expense of traffic movement on the junctions and feeder routes. In any event there are limited opportunities for improvements to the A45 and Queen Eleanor Interchange. The proposals at Queen Eleanor Interchange would do little to address the 179% DoS on Newport Pagnell Road in the 2026 base scenario. Minor carriageway widening on the approach would make little difference to the length of the three lane entry, and it would be more difficult for drivers exiting Hardingstone Lane to cross an additional lane for the London Road or A45 east exits. It is considered that the length of Newport Pagnell Road between Queen Eleanor Interchange and The Warren has a theoretical capacity of 1100 vehicles. Peak flows given in the transport assessment show that in 2012 the road was already close to capacity, and by 2026, with the proposed development in place, it would be severely overloaded. There are no plans to upgrade this section of road. Drivers would be tempted to travel through Hardingstone instead, which would have a severe impact. The length of Newport Pagnell Road west of The Warren, and Wooldale Road should both have been assessed. The Appellant has failed to show that the mitigation measures would be sufficient to avoid a severe effect on the local highway network, especially on Newport Pagnell Road. There are already commitments for growth on the south side of the town centre, which would add traffic to the A45. Further growth cannot be accommodated without the infrastructure to support it.

Written Representations

The material points are:

i) Brackmills Industrial Estate Ltd (Documents O1 & O17)

126. BIE Ltd does not support any development which could have a negative impact on the roads within and those leading to and from the estate, in particular the A45. It is important that there would be nil detriment to the operations of occupiers, and that there is no adverse impact on the estate’s sustainable economic growth. There is concern, however, that the development would increase congestion on the estate and exacerbate deterioration of the estate’s
roads. Congestion is of increasing concern to businesses, especially those in the logistics sector. Penalties can be imposed and contracts lost because of late deliveries. There is concern about the modelling and the mitigation measures proposed, which should specifically address freight transport.

127. The position of the local centre could encourage HGV drivers to use Landimore Road, despite the weight restriction, and park near the school and houses. Such movements would reduce highway safety and have a detrimental environmental impact on local residents. Through appropriate design and location the facilities of the local centre could serve both the residents on the new development and people working on BIE. Should construction traffic travel through BIE, an additional strain would be placed on the capacity of the estate roads.

ii) Martin Grant Homes and Harcourt Developments (Document O15)

128. Martin Grant Homes and Harcourt Developments control the land to the east and south-east of the appeal site, which is also allocated as part of the Northampton south of Brackmills SUE\(^{31}\). The Appellant has demonstrated that its proposal could be integrated with development on the land to the east and south-east which forms the balance of the SUE. The proposal would provide an appropriate response to its setting, and it accords with the principles established by Policy N6. Further mitigation, as suggested by the Council’s landscape witness, would be unnecessary. Moreover it would reduce the capacity of the SUE so that it would not deliver the housing expected. Whilst development on the land to the east would result in the loss of openness, this issue was addressed when the allocation for housing was accepted. Development here would form a logical extension to the appeal proposal, yet the northern part would be contained by woodland, and higher land and plant cover would limit the extent of views from the east. There is no landscape justification for reducing the capacity of the appeal site or the Martin Grant/ Harcourt land.

iii) Waitrose Ltd (Document O1)

129. Waitrose operates a store on the south-west side of Newport Pagnell Road, on the stretch between Queen Eleanor Interchange and the junction with Hermitage Way. There is no objection to the principle of housing in this location, nor to local shopping facilities of an appropriate scale. Policy N6 of the JCS indicates that retail facilities in a centre should be of an appropriate scale, including a small convenience store. However the proposal is ambiguous about the scale and character of retail development, and there is no justification of the scale of the proposal, or consideration of the impact on existing provision, notwithstanding the requirements of Policies S9, N6 and N10 of the JCS.

130. The development proposes up to 1320m\(^2\) of net retail floorspace and up to 375m\(^2\) net for use class 4, although it is usual for the amount of development to be expressed in terms of gross floorspace. The form in which the retail component is expressed would allow scope for development to vary from the concept implicit in the design and access statement. On this basis a single large food store could come forward, which would not be consistent with Policies N6 or N10.

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\(^{31}\) The land concerned is identified as areas 1 and 2 on Plan 02 in Appendix 1 of Document L5.
131. Using data from the West Northamptonshire Retail Study 2012, the total convenience expenditure likely to be generated by the proposed housing in 2026 would be about £4.7million. Typically 80% of this amount would occur on main shopping trips, the majority of which would be at large food stores. The residual local expenditure on top-up shopping would be about £0.9million. Allowing for 5% of main grocery shopping to take place locally, the total expenditure available to support new local shops would be about £1.1million. Applying a sales density of £5,000 per square metre, the development would support local convenience floorspace of about 225m² net. As it is unlikely that all top-up shopping would occur at a local centre, this level of floorspace is the maximum appropriate for this location. Development in excess of this level would attract shoppers from existing provision. Comparison shopping should be focussed on the town centre, and it would be inappropriate to permit comparison shops within the SUE. Moreover there is no qualitative need for the level of retail floorspace envisaged.

iv) Other representations (in Document O1)

132. At appeal stage, 27 objections were submitted by local residents. The main concerns raised are: the development would exacerbate problems of congestion; highway safety; pressure on facilities and services, with particular mention made of secondary education and surgeries; the effect on the character and appearance of the area, in particular the effect on Hardingstone and its conservation area; the loss of open countryside, conflict with planning policies; lack of sustainability; and the importance of local decision-making in respect of the appeal proposal and the JCS. At application stage, over 1500 letters of objection were received\(^\text{32}\): similar concerns were expressed to those raised in response to the appeal and reference was also made to the value of the site for wildlife and flood risk. A petition, with over 200 signatures, objected to the application on the grounds of inadequate infrastructure, including primary and secondary schools; the need for highway improvements; and the effect on the character of the area.

Conditions

133. The main parties submitted an agreed list of suggested conditions (Document G9a). These cover the following matters: the plans for determination, development parameters, requirements for a masterplan and design code, phasing, a sustainability strategy, requirements for reserved matters applications, a construction environmental management plan, hours of construction work, off-site highway works, a travel plan, drainage, a contamination investigation, archaeological work, green infrastructure, mitigation measures in respect of wildlife, tree works, refuse storage, levels and public transport infrastructure. A suggested condition concerned with additional planting on a strip of land at the edge of the site and Brackmills Wood was submitted separately (Document G9b). Although the main parties agreed the form of words, the Appellant does not consider that this additional condition is necessary.

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\(^{32}\) The representations received at application stage are summarised in the committee report, CD-57.
Conclusions

References are made, where appropriate, to sources of material in earlier parts of the report by indicating the relevant paragraph number thus [8].

Main Considerations

134. I have identified the following main considerations in this case:

(i) The effect of the proposed development on the character and appearance of the area.

(ii) The effect of the proposed development on traffic movement on the highway network.

(iii) The effect of the proposed development on the operation of Brackmills Industrial Estate.

(iv) The effect of other considerations on the overall planning balance.

Character and appearance

135. In the Current Northamptonshire Landscape Character Assessment [27], the site lies within the Wollaston to Irchester Landscape Character Area (LCA) of the limestone valley slopes character type. The key characteristics of this landscape type include gently undulating farmed slopes bordering the Nene, a predominance of arable land and predominantly large fields. The appeal site is on higher land above the Nene Valley, and reflects these features. Although the LCA refers to very sparse woodland cover in the limestone valley slopes overall, the description for the character area acknowledges the wooded area at Brackmills. Within the site itself there is limited tree cover [11]. Although the open land of the LCA extends to the east, the appeal site abuts the built-up areas of Hardingtone and Wootton, and is crossed by the distinct line of Landimore Road, descending into a cutting. Taking account of these urban influences, and also of the local value of the ridge which crosses the site and the adjacent woodland, I consider that this part of the LCA is of medium sensitivity.

136. The proposal would involve a substantial expansion of the built-up area. However the appeal site is located towards the western end of the LCA, and much of the land lies between Brackmills Wood to the north [10] and existing built development to the west and the south [9]. Containment of development on the site by the physical form of the built-up area and woodland would lessen its effect on the LCA, the greater part of which lies further to the east, towards and beyond Great Houghton. Moreover this part of the Wollaston to Irchester LCA is already subject to urban influences. The close relationship of the development to the residential area of Wootton on the south side of Newport Pagnell Road would also lessen the effect of the proposal on the Hackleton Claylands (LCA 6a), which lie to the south of Lewis’s Lane.

137. The appeal site is on the line of a ridge of high land which runs from Hunsbury Hill in the west to Cogenhoe and Whiston in the east, above the Nene Valley. The ridge forms a skyline feature, which is apparent from the Valley, and the explanation to Policy E7 of the Local Plan describes the skyline between Great Houghton and Hardingstone, which is the section which crosses the appeal site, as a strong feature within which BIE is contained, the skyline itself being
remarkably free for development. When considering the impact of development on the landscape, Policy E7 requires that special importance is given to the effect on this skyline [25].

138. Policy E7 refers to consideration of development effects on the landscape in the context of Policy E1. That policy no longer forms part of the Development Plan, having been replaced by Policies BN2 and BN5 of the JCS [25]. This circumstance of itself does not lessen the weight attributable to Policy E7. Policy E1 simply required that development should not be detrimental to the character and structure of the landscape, and in similar vein part 3 of Policy BN5 requires development in areas of landscape sensitivity to be sympathetic to locally distinctive landscape features. The Appellant’s landscape witness identified the Wollaston to Irchester LCA as being of medium sensitivity, a view which I share (above, para 135), and the specific reference to the ridge line between Great Houghton and Hardingstone in Policy E7 also indicates that there is a sensitivity associated with this landscape feature. The requirement to give special importance to the impact of development on the skyline in Policy E7 elaborates on the more general provision in Policy BN5 concerning locally distinctive landscape features, and, as such, I consider that it is consistent with the more recent policy in the JCS.

139. The age of Policy E7 is insufficient reason to give this policy less weight. Paragraph 215 of the NPPF makes it clear that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. I consider that Policy E7 is consistent with paragraph 109 of the NPPF, which provides for the planning system to protect and enhance valued landscapes. Whilst it does not draw distinctions between the hierarchy of designations (NPPF, para 113), this is not relevant in a policy concerned with four local skylines.

140. The skyline can be seen from VP10 in the valley: tree cover in Brackmills Wood extends across the position of the site, but the skyline is broken by a number of structures, including the water tower at Hardingstone and a line of pylons. On completion the upper parts of buildings on the appeal site would break the skyline, although this effect would lessen over time due to the continuing growth of trees in Brackmills Wood, and the establishment of additional trees which would be planted as part of the development. Ultimately the effect from the north would be of buildings interspersed with tree cover, reflecting the form of the ridge at Hardingstone. Policy E7 does not preclude development which would break the skyline of the ridge. Existing and proposed tree cover would be the principal skyline feature, and I do not consider that the presence of built development would be so pronounced that there would be conflict with Policy E7. The main parties have agreed that the photomontages are appropriate for use in this appeal [33], and the year 15 plate from VP10 reinforces my view in this regard.

141. The Council’s landscape witness has undertaken a detailed assessment of the appeal site, sub-dividing it into three LCZs [102]. This is a useful tool of analysis, although the differences between the LCZs are not as marked as suggested. In particular, as LCZ B and the eastern part of LCZ A are part of the same large field, I do not consider that the former LCZ is readily distinguished by a smaller scale landscape, and field pattern, and it is no more removed from human influences than the north-eastern part of LCZ A, since it also abuts
Landimore Road, and at its southern end extends to Pagnell Court and close to residential development in Wootton. Whilst LCZ C, which extends to the east between Brackmill Wood and Lewis’s Lane, which is a rural lane, is a more sensitive landscape, due to its greater overall separation from built development and its open eastern edge, I agree with the Council that LCZ A is of medium to low sensitivity, and that LCZ B has a similar value.

142. Policy N6 requires that a proposal for the SUE includes the submission of a masterplan. The planning application was accompanied by a series of framework plans, which represent the outcome of the masterplanning exercise (Document A14). The Council is critical of the response of the proposal to its site and surroundings, and in particular it argues that the scheme as presented in the illustrative masterplan would be of an unacceptable scale and density due to the extent of development within the northern and eastern parts of LCZ C [105]. In response, the Appellant has submitted a sketch plan, which suggests that the area which could come forward for development taking account of the constraints identified would be significantly reduced (Plan 18). I agree with the main parties that a significant reduction in the number of dwellings would not be consistent with the purpose of the SUE. However this is an outline proposal, and there is scope for adjustment of the layout and depth of buffers at reserved matters stage. The agreed description of development, which refers to up to 1,000 dwellings [2], acknowledges this degree of flexibility. Moreover I note that the Council’s landscape witness agreed that a design code, required by condition, would provide a means of ensuring a strong and consistent approach to the development.

143. Brackmills Wood is a strong feature on the north side of the site, and would provide containment and act as a foil to the buildings proposed. A green corridor would run along this edge of the site, where the layout is described as permeable leafy edge (Plan 5). The masterplan indicates that development here would be less closely grouped than in the central and southern part of LCZ C where it is described as village core. I consider that this approach provides a satisfactory response to the northern edge of this LCZ, and that it would be unnecessary to restrict development to a much greater extent on this part of the site. The framework plans have been prepared on the basis of minimum widths of the green corridors (Document A22). Where open land continues beyond LCZ C to the east and south-east, corridor widths of 15m and 8m respectively are proposed, with the retention of existing hedgerows, and there would be the opportunity to increase these dimensions to an extent as part of a more detailed design. Nevertheless, the presence of built development in close proximity to the eastern edge of the site, which is the furthest point from the existing built-up area, would have a significant effect on LCZ C and the adjacent open land. Allotments are shown on the western boundary, and, together with an area of amenity space and rear gardens, this treatment would provide an appropriate response to the requirement in part (f) of JCS Policy N6 for a landscape buffer to the south-west of the site.

144. A green corridor would be established along the route of the public footpath. Several areas of amenity space are shown adjacent to this corridor on the green infrastructure framework (Plan 7), and it would not be unduly enclosed by built form within the site. The footpath would also continue to fulfil a role in providing a route to Brackmills Country Park and the countryside from Hardingstone, and as a link in a green network from Delapre Abbey out of Northampton to the
south-east [123]. However the footpath would no longer run through the countryside, but would be within the built-up area. Its open nature would be lost, and consequently there would be an effect of significant magnitude on the value of this landscape feature.

145. I turn now to consider the effect of the proposal on appearance. On the public footpath which crosses the appeal site, views would be curtailed by built development. As shown by the photographs taken at VPs12 and 13,33 there are at present extensive views from the footpath, and the open aspect experienced by walkers would be greatly reduced by the proposed development. The buildings on the appeal site would be apparent from Newport Pagnell Road, Landimore Road and Lewis’s Lane. Existing hedgerows would be retained and the establishment of additional planting within the site would assist in assimilating the new built form into its surroundings over time. The scale of the impact would be large from these nearby roads, although users would also be aware of the presence in the vicinity of existing development at Wootton and Hardingstone.

146. There would be more distant views of the development from further south, for example at Quinton about 2.5km away (VP5), and from the north side of the Nene Valley in Northampton glimpses of the development would be seen beyond buildings within the town and at BIE. The effect of the development would not be significant from these locations, and I agree with the Appellant that by year 15 it would be negligible with the maturing of landscaping around and within the site. From positions on the Nene Way to the north-east of the site and in the vicinity of the Northampton washlands in the valley (viewpoint 10, about 3.2km from the site), it would be possible to discern buildings on the skyline in the early years of the construction period. However they would not be unduly prominent, and would cause only minor harm. The scale framework (Plan 6) indicates that three storey buildings would be set back from the northern edge of the site, and by year 15, with the establishment of planting, including tree cover, in LCZs A and B, and the further growth of trees in the country park, I consider that it would be difficult to distinguish the built form of development in the SUE,34 and it would not appear as an intrusive feature on the skyline. The dominant built form in views from the washlands is the large utilitarian structures on BIE, and they would continue to draw the eye to the slopes below the ridge line.

147. I have also considered the effect of the development on the views from nearby dwellings. A number of dwellings on The Warren, Newport Pagnell Road and Pagnell Court abut the site, and there would be direct views towards it, particularly from first floor windows. Houses on the south side of Newport Pagnell Road are further away and at a lower level, but occupiers are likely to see parts of the development on the appeal site. Allotments are indicated in the green infrastructure framework (Plan 7) along the western boundary at the rear of properties on The Warren, and there would be an area of amenity space adjacent to Pagnell Court. Given their proximity to the site, but also the opportunity for landscaping along the boundary including in rear gardens, I consider that there would be a moderate adverse effect in respect of these properties.

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33 Photographs from the representative viewpoints of the LVIA are in Appendix 14 to CD-134.
34 Photomontages from viewpoint 10 are in Appendix 6 to CD-17.
148. By virtue of its size and nature, the appeal proposal would inevitably bring about a major change to the landscape character of the site. However the effect of the proposal on the landscape must be considered in the context of the inclusion of the site within an SUE, allocated under Policy N6 of the JCS [17]. The policy itself requires that proposals are accompanied by a masterplan, and that provision is made for structural greenspace and a landscape buffer to the south-west as indicated on the policies map. Additionally the explanatory text makes clear that the potential for development to impact on the skyline must be taken into account, and that the public footpath should be incorporated into the scheme. The proposal complies with these policy requirements. Although there would be large-scale change to the landscape of the site and the nature of the footpath, and to views from both the footpath and nearby roads, having regard to the allocation of the site as an SUE, these are effects of moderate harm, and there would only be minor harm to the landscape character area. I do not find that the development would have an adverse effect in landscape terms by virtue of the presence of buildings on the ridge to the south of the Nene Valley, and there would only be a minor detrimental effect on visual amenity in the early years after construction had started. The proposal would cause moderate harm to the outlook from nearby dwellings. Whilst the development of the appeal site would not have a significantly detrimental effect, I conclude that it would have certain adverse effects on the character and appearance of the area. Consequently there would be conflict with Policy BN5 of the JCS.

Traffic movement

Existing and predicted conditions

149. The appeal site is a relatively short distance from the A45 [9], part of the strategic road network, and the scope of the transport assessment, agreed with the Highway Authority [35], included junctions on both that road and the local highway network. There is extensive reference in the representations to problems of traffic movement in the area, notably associated with the A45 [83, 114, 117, 120, 125], and evidence of this situation is provided in the Appellant’s transport assessment. Both the Queen Eleanor and Brackmills Interchanges on the A45 are recorded as operating over capacity during the peak periods for the base year of 2012. During the morning peak at Queen Eleanor, the degree of saturation exceeds 90% on the Mere Way and London Road arms with queue lengths calculated as 19.9 and 8.7 passenger car units (pcus) respectively. London Road and the A45 southbound off-slip exceed 90% in the afternoon peak, when the queue lengths are given as 13.1 and 18.5 pcus. At Brackmills, the A45 southbound off-slip exceeds capacity in the morning peak, with a 90.3% degree of saturation and a queue of 11.7 pcus. Both main parties acknowledge that exit blocking and queuing occur at these interchanges. The other five junctions are assessed as operating within their capacities at the present time. As part of my programme of site visits, I had the opportunity to observe traffic conditions on the A45, local roads, and at the above junctions during the morning and afternoon peak periods.

35 The transport assessment explains (para 7.7.8) that a signalised junction is considered to be operating above capacity when it reaches a 90% degree of saturation.
36 CD-8, tables 7-13 & 14.
37 CD-8, table 7-15.
150. Future traffic levels have been calculated for 2026 with and without the development in place. Conditions are expected to worsen on both the interchanges for the 2026 baseline [35]: at Queen Eleanor there would be degrees of saturation markedly above 90% on all arms except the A45 southbound off-slip and Hardingstone Lane during the morning peak, and on three of the six arms in the afternoon peak period. Lengthy queues are also predicted, reaching 279.6pcus at the A45 southbound off-slip in the afternoon peak. A similar picture emerges at Brackmills, where the northbound off-slip would exceed capacity in both peak periods, the southbound off-slip in the morning peak, and the Caswell Road arm in the afternoon peak. Queues above 100pcus are given for Caswell Road (pm) and the northbound off-slip (am). Adding the development traffic would exacerbate the situation.

151. The modelling undertaken for the transport assessment also indicates that development traffic would cause the Landimore Road arm of the junction with Gowerton Road to fail in the morning peak, and that the Caswell Road/ Pavilion Drive/ Rhosli Road junction would be operating above capacity in 2026 even before development traffic is taken into account [35]. Inclusion of the proposed mitigation measures [14] in the modelling does not eliminate capacity problems, but it does indicate that overall there would be nil detriment in comparison with the 2026 baseline 38.

The NGMS

152. The NGMS includes proposals at the two interchanges considered as part of the transport assessment [30-31]. At Queen Eleanor the measures proposed involve the upgrading of traffic signals to MOVA, signalisation of the London Road approach, widening of the Newport Pagnell Road approach, and ramp metering at the northbound on-slip. Traffic signals would also be upgraded to MOVA at Brackmills, where signals would be installed at the exit from Pavilion Drive onto the A45 southbound on-slip and at the Caswell Road approach.

153. It had been intended to implement improvements at the Queen Eleanor and Brackmills Interchanges, with the exception of ramp metering at Queen Eleanor, during summer 2015. Subsequently, it has been decided to await the outcome of this appeal, and to then take forward appropriate improvements. The planning agreement [6] provides for a contribution of £1,233,471 towards improvements to the Queen Eleanor, Brackmills and Lumbertubs Interchanges. In addition, the off-site highway works proposed as part of the scheme [14] include approach widening, additional circulatory lanes and part-time signalisation on the Caswell Road approach at Brackmills, and approach widening and additional circulatory lanes at Queen Eleanor. These works are the subject of a suggested condition agreed by the main parties.

Modelling

154. During the course of the appeal, the Council has raised a range of criticisms about the approaches employed to assess and forecast traffic movement on the highway network in the vicinity of the site. Several of these points have now

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38 CD-8, tables 8-1 – 8-8.
been resolved, but a number of key differences remain between the main parties.

155. Baseline traffic data for the Brackmills and Queen Eleanor Interchanges was collected by manual classified counts on 9 October 2013 and 6 November 2012 respectively, rather than on the same day. Moreover the main parties agreed that it is good practice to compare data from a single day with that collected over a longer period. In this case the Appellant’s Technical Note 1 acknowledged that the base models were prepared with relatively limited information. Subsequently, however, automatic traffic count (ATC) data for Newport Pagnell Road was obtained for the years 2012-2014 for periods of over a week in each case. The results show somewhat higher traffic levels in the manual counts used in the modelling for the transport assessment. ATC data from Highways England was obtained for the off-slips at Queen Eleanor for 2012, 2013 and 2015, and this records similar levels of traffic flow to the manual count results. Whilst the available ATC data indicates that the traffic levels used in the modelling exercise in those instances are robust, it cannot be assumed that the same outcome would be achieved elsewhere. Observations reported by the Council’s highways witness indicate that Mere Way and London Road are well-used routes, and it would have been useful for ATC data to be available for these approaches to Queen Eleanor. Similarly the absence of comparative data at Brackmills reduces confidence in the robustness of the traffic levels modelled there.

156. A similar concern was expressed about the availability of data to validate junction modelling. Additional survey work was, though, undertaken on behalf of the Appellant in June 2015, with data collected on queuing at the interchanges and journey times between them. The results for Queen Eleanor are broadly comparable to data in the transport assessment, but there are instances of lengthier queues on London Road and Mere Way in the afternoon peak and on London Road in the morning peak. At Brackmills, there is limited observational data, although the point is made that queuing did not extend from Pavilion Drive as far at the roundabout. The Council’s highway witness undertook observational studies at both interchanges, based on two sets of site visits. Overall the conclusion was reached that both interchanges suffer from significant congestion, queuing traffic and exit blocking. A specific finding was of queuing from Pavilion Drive back onto the circulatory carriageway of the roundabout, which is a markedly different outcome from the Appellant’s exercise. At the inquiry, the Council’s highway witness acknowledged that the Appellant had provided more extensive evidence on existing traffic conditions, including quantitative data. As with traffic flow, however, that information is not comprehensive, and notably is limited in respect of Brackmills Interchange.

157. LinSig models were used to assess the two interchange junctions. The modelling of signal controlled roundabouts is covered in Local Transport Note 1/09 (CD-141). Empirical models such as LinSig are identified as essential, whereas micro-simulation models are referred to as optional. They provide an additional stage, if required, to investigate the operation of the roundabout in more detail.

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39 A summary of the queries raised is given in the highways issues tree (Document A16).
40 The results are compared in chart 1, Document A8.
41 Technical note 4 (Appendix B, Document A11) and technical note 6 (Document A18).
158. My attention was also drawn to Transport for London’s *Traffic Modelling Guidelines* (CD-142), which advises that exit blocking can be accounted for in a LinSig base model through the use of dummy stages, where exit blocked phases are removed to replicate lost capacity, but that the cause of exit blocking cannot be modelled. Where there is endemic exit blocking within a network, consideration should be given to the use of micro-simulation modelling, since this technique is able to represent both the cause and effect of exit blocking [68, 86]. Although prepared by Transport for London, I agree with the Council that the modelling principles set out in the guidelines have a wider applicability. The LinSig models assumed that exit blocking would be addressed by the NGMS [89], and the Council has reservations about reliance on the VISSIM modelling undertaken for the NGMS in this respect [91]. However the joint position statement [31] explains that the NGMS has been designed to ensure that vehicular access and egress onto the strategic road network is managed effectively. This would not be the case if exit blocking were not addressed by the NGMS.

159. It is clear from the guidance referred to by the main parties that the presence of exit blocking amongst existing traffic conditions does not necessarily mean that the additional exercise of micro-simulation modelling should be employed. That is a professional judgement which would take into account consideration of exit blocking. The Highway Authority has confirmed that it took the view that LinSig was an appropriate tool for assessment of the interchanges, bearing in mind that micro-simulation modelling had been undertaken in the development of the NGMS (Document A17), which provides a measure of reassurance of the approach taken in this case.

160. Saturation flows of 1800pcu/hr/lane were initially used in the LinSig models. However preliminary results indicated over-capacity, and, as part of the calibration process, the flows were uplifted. The Appellant’s approach was to focus on entry capacities saturation flow, and makes reference to the LinSig Manual. I note that, whilst the models were not assessed against queue surveys, observations of queuing supported the output degree of saturation [68].

161. The Appellant’s modelling does not include the effect of the NGMS on the local road network [89], and the Council’s highway witness raised the prospect that a system designed to ensure satisfactory traffic conditions on the strategic road network could potentially have a negative effect on other roads. It has been assumed that exit blocking would be addressed by the NGMS. Whilst ramp metering would principally maintain and improve flow on the A45 mainline, the upgrading of signals to MOVA and the introduction of additional signals should improve junction performance, and this could reasonably be expected to avoid a negative effect on the approach roads (below, para 164). A scenario was advanced on behalf of the Council that the Highway Authority could have agreed to the NGMS, recognising that there could be negative effects on the local road network, but expecting that these would be taken account of by developers [92]. Bearing in mind that the Highway Authority required transport assessments to provide for nil detriment\(^\text{42}\), it would be inconsistent to adopt a different approach in respect of the NGMS. I am mindful, moreover, that, not only the Highway Authority, but also the Borough Council, is a party to the MoU, and it is clear

\(^{42}\) Para 4.3 in Technical Note 1, Appendix B, Document L9.
from the Council’s representations that it is concerned to avoid any adverse
effect on the local roads in Northampton.

162. The Appellant has not provided all of the data which could have been
expected in its assessment of the highway system, and has placed reliance on
qualitative information for model validation. Nevertheless a significant amount of
information about the network, including the two interchanges has been
submitted, and the Council does not purport to offer an alternative modelled
approach. To my mind, the endorsement of the Highway Authority for the
modelling exercise is an important consideration, and, having regard to all of the
matters raised, I am satisfied that the modelling undertaken is adequate for the
purpose of assessing the appeal proposal.

The A45 interchanges

163. The transport assessment forecasts that both the Queen Eleanor and
Brackmills Interchanges would be operating over capacity by 2026. When
development traffic and mitigation are taken into account, these high levels of
use remain, but overall the modelling shows nil detriment compared with the
2026 baseline figures. The mitigation referred to is the highway works put
forward as part of the appeal scheme. In addition, measures from the NGMS are
proposed at both interchanges, which it has been assumed would have a
beneficial effect on traffic conditions (above, para 161).

164. Insofar as the NGMS is concerned, the Council accepts that ramp metering
would address exit blocking arising from slip roads leading from the interchanges.
However, ramp metering is only proposed at the northbound on-slip at Queen
Eleanor, and it does not feature at all in the measures for Brackmills. Moreover,
ramp metering has not been included with the other NGMS works as a priority,
and it is not certain when it would be carried out. The Council acknowledged that
MOVA has the potential to improve capacity, but argues that this would not
happen where exits are blocked, the queues being managed extend beyond key
detection points, or where a gating strategy would not allow the junction to
operate at maximum capacity. It is suggested that queueing would be relocated
from the circulatory carriageways to the approaches [93]. MOVA is a system in
which signal timings vary according to traffic conditions. Traffic Advisory Leaflet
(TAL) 3/97 is concerned with MOVA, and explains that features which indicate
that a junction is a prime candidate for conversion include high flows and large,
complex junctions. The evidence from the Council, the Appellant and other
parties, together with my own observations, all points to these features being
present at the interchanges. TAL 3/97 also makes clear that in its congested
mode, MOVA operates a capacity-maximising routine, and determines signal
timings which would maximise junction throughput. With additional signalisation
at both interchanges, only the Hardingstone Lane arm at Queen Eleanor and the
Eagle Drive arm at Brackmills would not be controlled by MOVA signals. On the
information before me, I consider that the NGMS measures scheduled for early
implementation have the potential to benefit the strategic road network without
cauing a negative effect on local roads. The relocation of queues does not
necessarily indicate a disbenefit: provided that junction throughput is maximised
the outcome should be nil detriment.

43 The figures are in tables 8-5 – 8-8 of Document CD-8.
44 Appendix E, Document A11.
165. The works proposed at both interchanges as part of the appeal scheme include the provision of additional lanes as part of the circulatory carriageway. In places these would be 3m in width [69]. The 3m minimum width specified in TD 16/07 (Document L16) refers to lane width at the give way line and not on the circulatory carriageway. I note there are 3m lanes at present on the southern overbridge at Queen Eleanor. The applicability of relatively narrow lanes depends on heavy goods vehicle usage, a point acknowledged by the Appellant, and it was also acknowledged that in places it would be a challenge for the trailer of a large vehicle to be kept within the lane markings. The Council’s highway witness accepted, however, that there was scope to achieve widening of these lanes by reducing the verge [69], and I note that the Highway Authority has not objected to this approach, which could be dealt with at S278 stage.

166. I am, however, concerned about the effect of additional lane formation on traffic emerging at Queen Eleanor from Hardingstone Lane. At present there are four lanes on the circulatory carriageway at this point, but it is proposed to form a fifth lane from here to the entry from Newport Pagnell Road. Following implementation of the NGMS measures, Hardingstone Lane would remain unsignalised, and I share the view of HAG that, at this busy junction, it would be more difficult for drivers heading from Hardingstone to the London Road or the A45 northbound on-slip exits to reach the appropriate outer lane [125].

**Pavilion Drive**

167. At Brackmills, the southbound on-slip meets Pavilion Drive. There is agreement that queues build up on the on-slip, particularly during the morning peak, as it provides access to commercial premises on Pavilion Drive. However the main parties disagree about the effect of queuing: the Council referred to exit blocking on the interchange, whilst the Appellant’s highway witness maintained that queues of that length were not a frequent occurrence. This junction has not been modelled. I agree with the Appellant that for traffic heading south on the A45, it would be more direct to join the road at Queen Eleanor than Brackmills. Nevertheless there is the prospect of some traffic from the site passing through this junction, and, in cross-examination, the Appellant’s highway witness referred to this as a borderline situation and expressed the view that if this junction had been part of the County network assessment may have be appropriate. I appreciate that the junction is covered by the NGMS, although that also applies to the interchange itself, and that the Highway Authority is content with the scope of the transport assessment. Inclusion of the Pavilion Drive/ southbound on-slip junction in the modelling would have assisted understanding of the effect of the appeal proposal, particularly having regard to the close association of this junction with the Brackmills Interchange.

**Newport Pagnell Road**

168. Newport Pagnell Road provides a direct route from the appeal site to the A45 at the Queen Eleanor Interchange. Concern has been expressed by the Council and other parties, notably HAG, about the level of traffic which would be generated on this road as a result of the development proposed on this part of the SUE. The busiest section of Newport Pagnell Road is likely to be the section between the interchange and Hermitage Way, which has a direct connection to the strategic road network. In 2026, highest peak hour flows derived from the transport assessment with the development in place are 1575 vehicles
westbound in the morning peak and 1490 vehicles eastbound in the afternoon peak [95].

169. The main parties agreed that this north-west section of Newport Pagnell Road falls within the urban all-purpose 2 (UAP2) type as described in TA 79/99 (CD-144), whereas HAG argued that it is a UAP3 road type which has a lower capacity. TA 79/99 describes UAP2 as a good standard single or dual carriageway with frontage access and more than two side roads per kilometre, where the speed limit is generally 40mph. Newport Pagnell Road is consistent with this description and I am satisfied that it is appropriately identified as a UAP2 type road. HAG has taken measurements of the road width, which in this section is 7.23m\(^4\). On this basis, TA 79/99 gives the capacity of the road in the direction of the busiest flow as 1,470 vehicles per hour. Application of the permitted 10% degree of flexibility gives a range of 1,323 – 1,617 vehicles per hour, and the forecast peak flows fall within this range. The Council did not dispute that the TEMPRO growth factors employed in the transport assessment modelling have taken development of the SUE into account. In consequence, notwithstanding the use of average trip rates, it is likely that actual traffic flows would be somewhat lower than indicated by the model, and that capacity problems would not arise on this part of Newport Pagnell Road. It follows that I do not consider that the proposal would be likely to encourage drivers to travel through Hardingstone as an alternative. Moreover that route is less direct, photographs submitted by the Parish Council indicate that parking on High Street and The Green narrows the available carriageway\(^4\), and there would be no traffic signals at the Hardingstone Lane arm of the Queen Eleanor Interchange to facilitate access to that junction.

Conclusions on traffic movement

170. It is common ground that the proposed development would generate traffic onto a part of Northampton’s highway network where congestion is experienced at the present time. The Appellant has produced extensive information in support of its highways case, but there are certain limitations in the extent and nature of data for model validation, and the modelling does not include the Pavilion Drive/ southbound on-slip junction, which is closely related to Brackmills Interchange. That said, the transport assessment was prepared in consultation with the Highway Authority and Highways England. These highway bodies have no objection to the approach taken to assessment, and, as the statement of agreed position makes clear, the Highway Authority accepts that with the mitigation measures proposed, the transport effects of the development can be accommodated on the network [35]. I consider that there is a degree of uncertainty about the effect of the signalisation at Pavilion Drive, and I am concerned that the addition of a fifth lane at the Queen Eleanor Interchange is likely to make it more difficult for drivers emerging from Hardingstone Lane. However these matters and reservations about aspects of the modelling do not indicate that the development would cause material harm to traffic movement, and, overall, I consider that the traffic effects of the development would be adequately mitigated. Given my finding about the adequacy of mitigation, I do not consider that the development would result in a material increase in traffic

\(^{45}\) Appendix 4A, Document O14.
\(^{46}\) Photographs 3-14, Appendix 8, Document O6.
movement on Lewis’s Lane [118], and there is no specific evidence before me to indicate that highway safety would be reduced on Wooldale Road, which gives access to Caroline Chisholm School [117, 120]. I conclude that the residual cumulative impacts of the development would not be severe, and that it would not conflict with Policy C2 of the JCS or paragraph 32 of the NPPF.

**Brackmills Industrial Estate**

171. BIE is an important employment area in Northampton. It covers about 305ha, and accommodates about 150 businesses, employing more than 11,000 people\(^47\). The industrial estate is situated immediately to the south-east of the A45, with access provided at the Brackmills Interchange and the Pavilion Drive junction. Concerns have been expressed by the Council, Brackmill Industrial Estate Ltd and Councillor Nunn about the effect of congestion on the road network on the operation of the estate [100, 126, 115]. I note that the BIE business survey of 2013 gives *road network and access* as the joint top key challenge for businesses on the estate [99], and representations have made the point that firms in the logistics sector are liable to be penalised for late deliveries [126]. It has been suggested that difficulties relating to the availability of staff, staff recruitment and staff retention could be caused in part by difficulties in travelling to work.

172. Notwithstanding the concerns expressed, the BIE survey also records that 80% of businesses were expecting annual growth of between 10- 40%\(^48\). Measures in the NGMS are intended not only to maintain the free flow of traffic on the A45, but also to ensure that access to and egress from the strategic road network is managed effectively [89]. In addition, the appeal proposal would include mitigation works at some junctions. Although I have certain reservations about these works and the modelling undertaken, I have reached the view that, overall, the traffic effects of the development would be adequately mitigated and that the development would not cause material harm to traffic movement in the area, which would include movement into and out of BIE. BIE Ltd is concerned about use of the local centre by HGV drivers, because of the implications for highway safety and residential amenity [127]. Landimore Road, which provides a link between BIE and the appeal site, is subject to a weight restriction of 7.5 tonnes; consequently enforcement of the existing order should address this concern of the BIE.

173. The appeal proposal would provide a significant pool of labour in close proximity to the BIE. This relationship supports the sustainability credentials of the development, and it should also assist in addressing problems experienced by businesses on the estate concerning the recruitment and retention of staff. I conclude that, overall, the proposed development would benefit the operation of BIE, and it would, therefore, be consistent with Policy S8 of the JCS, which supports job growth at Brackmills. This is matter to which I give moderate weight.

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\(^{47}\) Appendix 1, Document L3. The number of businesses is higher than that given by Councillor Nunn, but both sets of figures may not relate precisely to the area of the business improvement district shown in Plan 19.

\(^{48}\) Appendix 1b, Document L3.
Other considerations

Housing land supply

174. The NRDA assessment of housing land gives a requirement for 8,769 dwellings for the period 2014-19, based on a 5% buffer, and a supply of land for 8,546 dwellings [32], sufficient for 4.87 years. Whilst it is common ground between the main parties that there is not a five years supply of housing land, the Appellant argues that the assessment should be undertaken using a 20% buffer. Paragraph 47 of the NPPF explains that a 20% buffer should be used where there has been a record of persistent under delivery of housing. I have taken into account the previous appeal decisions referred to by the main parties which address this matter, and I agree with the approach set out in the Sketchley House appeal at Burbage that variations about the annual requirement should be expected in considering the number of dwellings provided over the plan period (CD-149).

175. I note that requirements were exceeded during 2001-06, and again from 2011-14, but that there was a shortfall during 2006-11 [107]. This later period coincided with the recession. Whilst acknowledging the effect of the recession on housing provision, the scale of the shortfall was significant over this period, amounting to 3,028 dwellings net against a target of 7,250 dwellings. In consequence there was an overall shortfall in provision of 2,978 dwellings for the ten years from 2001 to 2011 and a cumulative shortfall of 2,929 dwellings up to 2013/1449. I consider that this amounts to a persistent under delivery of housing, and that, accordingly, a 20% buffer should be applied to the housing assessment. On this basis, the requirement for 2014-19 would be 10,029 dwellings, and the available supply would be sufficient for 4.26 years.

176. The supply of housing land in the NRDA includes a contribution of 250 dwellings from the SUE which includes the appeal site. Whilst the Council does not object in principle to the provision of housing on this site, an alternative scheme would involve delay and as a consequence it is likely that there would be a reduced contribution to the present supply. Paragraph 47 of the NPPF refers to the importance of identifying a five years supply of sites to assist in significantly boosting the supply of housing. The contribution of the appeal site towards the provision of a five years supply of housing land carries considerable weight in support of the appeal proposal.

Affordable housing

177. Table 4 of the JCS gives a requirement for 7,600 social rented/affordable rented homes in the NRDA during the period 2011-2029. Although Policy H2 of the JCS aims for the provision of affordable housing at a proportion of 35% on sites with 15 or more units, this is subject to viability assessment [19]. It is common ground that, having regard to the viability appraisal, the provision of 24% of dwellings as affordable housing would be policy compliant [32]. Arrangements for affordable housing are the subject of a planning obligation, and further obligations provide for viability reassessment during the course of development of the site [6] and for design quality costs to be included when

49 Table 4, Document A4.
assessing viability. At present 240 affordable dwellings are proposed, which would make a significant contribution to meeting the need for affordable housing.

**Infrastructure, facilities and services**

178. There is widespread local concern about the effect of the development on infrastructure, facilities and services. This is a topic which was raised by Mrs Leadsom MP [112], Councillor Nunn [113] and Hardingstone Parish Council [121] at the inquiry, and by local residents in their written representations [132]. Particular mention was made of pressure at surgeries and in the education system.

179. The Council has explained that Northampton is under considerable pressure in terms of primary school capacity (Document L17). Agreement has been reached with the Local Education Authority that a two form entry primary school is required to meet the need arising from the development, and the appeal proposal includes this facility. A planning obligation provides either for the owner to build the new school or alternatively for an education contribution of £5,175,000 to be paid towards its cost. Existing secondary school capacity is also insufficient to accommodate the number of children expected from the development. A new secondary school is proposed in Northampton, and an obligation provides for a contribution towards this project in accordance with a formula based on dwelling size.

180. NHS England has confirmed that most general practices which would cover the development are already operating at full capacity and that their ability to accept new patients is limited. A financial contribution is, therefore, sought, and an obligation provides for the payment of £621 per dwelling towards the expansion or provision of surgeries in the parishes of Hardingstone or Wootton, Wootton Fields and Simpson Manor.

181. The planning agreement also includes obligations covering the provision of indoor sport and leisure facilities, the provision and maintenance of open space, provision of a community facility, a financial contribution towards the provision of a library facility in Wootton, a contribution of £92 per dwelling towards improvements at Mere Way fire station, and the sum of £201,782 towards the funding of two police community support officers for a three year period. Each of these obligations would respond directly to needs arising from this sizeable development, and, as with those concerning education and healthcare, they are required to ensure existing infrastructure, facilities and services are not placed under undue pressure. The planning obligations concerning infrastructure, facilities and services are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related to it in scale and kind. Accordingly they meet the statutory tests in Regulation 122 of the CIL Regulations.

**Hardingstone Conservation Area**

182. There is a relatively short gap between the south-east corner of the conservation area and the north-west corner of the appeal site [9], occupied in part by a contemporary agricultural building and crossed by the public footpath which runs through the appeal site. The edge of the conservation area can be experienced from the north-west end of the footpath, and its setting includes this corner of the appeal site.
183. The conservation area appraisal (CD-95) states that from Pittam’s Farmhouse (in the south-east corner of the conservation area), the land falls to the south-east, giving good views of this farm complex and the wider agricultural context within which Hardingstone has become established. It continues by suggesting that this area is a significant part of the wider setting of the village and accessible by public footpath. However, whilst the appeal site does lie to the south-east of the conservation area and is accessible from it by the public footpath, the land does not fall but rises gently in this direction [11], and Map 2 in the conservation area appraisal identifies important views out over the downward sloping open land to the east and north-east, and not in the direction of the appeal site. In similar vein, an earlier appeal decision for residential development at Pittams Farm referred to the importance of land at the eastern edge of Hardingstone as part of the setting for the conservation area\textsuperscript{50}. I note that, in commenting on the planning application, the Council’s conservation officer interpreted the conservation area appraisal as referring to the importance of the land immediately to the east, rather than the appeal site, in terms of setting, and also pointed out that Brackmills Wood provides a buffer zone between the conservation area and the site\textsuperscript{51}. For the reasons given above, I do not consider that the proposed development would detract from the setting of Hardingstone Conservation Area, or the contribution that setting makes to its significance as a heritage asset. Nor would the development detract from the character of Hardingstone as a whole.

**Nature conservation**

184. As part of the environmental impact analysis, an extended phase 1 survey was undertaken, together with survey work in respect of badgers, dormice, bats, great crested newts, and reptiles. These surveys found that there were species poor hedgerows, semi-natural tree cover, badgers, dormice, bats and reptiles within the site. Mitigation measures suggested in the environmental statement include a construction management plan, and the provision of green infrastructure\textsuperscript{52}. In addition, suggested conditions put forward by the main parties would require a detailed mitigation strategy for dormice and the provision of bat and bird boxes (Document G9a).

185. The appeal site is within 2km of the Upper Nene Valley Gravel Pits Site of Special Scientific Interest (SSSI) which is also a Special Protection Area and Ramsar site. Eleven species of waterbirds regularly overwinter there in important numbers, including golden plover\textsuperscript{53}, and assessments have been undertaken of the value of the site as supporting habitat for the SSSI. A peak count of six golden plovers was recorded during survey work in 2007-08, about 2km south of the site, and a technical note in 2011 concluded that the site was not suitable for roosting or foraging golden plovers due to disturbance from use of nearby roads and the footpath and its separation from the gravel pits.

186. Given the period of time which had elapsed, updated survey work was undertaken in 2014. No material changes in findings were reported, and Natural England have agreed that golden plover remain unlikely to make any significant

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\textsuperscript{50} Appendix 10, Document O6.
\textsuperscript{51} CD-57, para 6.8.
\textsuperscript{52} Mitigation measures are outlined in section 7.6 of CD-6.
\textsuperscript{53} Document G10 gives a description of the SSSI.
use of the site. Subject to the imposition of conditions to secure mitigation measures, I do not consider that the proposed development would have an adverse material effect on nature conservation interests.

Retail development

187. Policy N6 of the JCS does not prescribe the form of local centre expected in the SUE, referring, amongst other elements, to the inclusion of local retail facilities of an appropriate scale, including a small convenience store. Waitrose has calculated that the development would not support the potential scale of the retail component, but this exercise is set out in broad terms and does not provide a detailed analysis of expenditure and retail floorspace [131]. I am satisfied that the level of detail included in the scheme is adequate for an outline planning application, and no objection was made in this regard by the Council. Whilst Policy N10 of the JCS makes it clear that provision for local convenience shopping within the SUEs should have regard to existing provision in the area and the impact on centres in the retail hierarchy, that does not amount to a requirement to undertake an impact assessment. The circumstances for that exercise are set out in Policy S9, which specifically requires an impact assessment for retail proposals in excess of 1,000m² gross floorspace outside identified centres. In this case the retail floorspace would be part of a local centre specified under Policy N6. Moreover the policy explains that the purpose of the exercise is to consider the impact on the vitality and viability of primary shopping area centres, and there is nothing before me to indicate that such a centre could potentially be affected by the local provision in the SUE. I note that the main parties agree that the amount of retail floorspace indicated in the proposal would be appropriate to serve the new residential community [32]. In reality, I anticipate that the shops in the local centre would be used to an extent by existing residents, and that future occupiers of the appeal site would make use of facilities in the surrounding area, include the Waitrose store. The opportunity for existing residents to use the facilities in the local centre would be a limited benefit of the appeal proposal.

Economic implications

188. The Appellant calculates that the education, retail and community uses would create about 79 jobs and that there would be a minimum of 130 jobs associated with construction on site, and additional jobs would be supported in the supply chain. It is intended that the construction period would support training opportunities in accordance with Policy E6 of the JCS. A planning obligation provides for the submission of a construction training scheme and the payment of a financial contribution towards that scheme. These are important benefits of the proposal. I acknowledge that the development would result in the payment of new homes bonus. However paragraph 21b-011 of Planning Practice Guidance advises that it would not be appropriate to make a decision based on the potential for the development to make money for a local authority, and I give limited weight to this consequence of the appeal proposal.

Localism

189. There is considerable support within the local community, not only for the decision to refuse planning permission, but also for the Council’s stated objection to aspects of the JCS including Policy N6 [112, 116, 122, 132]. The localism agenda does not support local planning authorities making decisions in isolation. To ensure the co-ordination of policies at a local level, authorities have a duty to
co-operate in plan preparation. In the case of West Northamptonshire the duty to co-operate has been formalised through the mechanisms of the JSPC and the JPU, with which the Council was involved. Whilst it is clear that the Council and large parts of the local community are dissatisfied with the outcome of the JCS in respect of the SUE south of Brackmills, the process undertaken was not contrary to the objectives of the localism agenda.

The planning obligations

190. I have already referred to planning obligations concerning affordable housing (para 177); construction training (para 188); the provision of sport and leisure facilities, open space, and a community facility (para 181); fire and rescue, library, healthcare, police and education contributions (paras 179-181); and a contribution towards the NGMS (para 153).

191. The planning agreement includes several other obligations. The allotments would form part of the green infrastructure, and arrangements are needed to ensure their delivery. The Council’s guidance indicates an overall requirement for 14.64ha of open space (CD-57). It is intended that at least 9.98ha would be provided within the site, increasing to 10.88ha if green space at the primary school is included. I agree with the Council that, given its proximity, Brackmills Wood should also be taken into account, and an obligation provides for a management strategy to establish arrangements for public access and thereby ensure a satisfactory level of open space. Policy N6 of the JCS requires provision of a local centre within the SUE. In support of this policy requirement, a marketing strategy is to be prepared and submitted to the Council for approval. An obligation requires a sustainable urban drainage management plan, which is necessary to ensure that effective arrangements are put in place for this infrastructure system.

192. Obligations also make provision for bus service improvements and infrastructure, and to require a travel plan for each reserved matters phase. These obligations would assist in promoting the use of alternative means of transport to the private car, consistent with the objectives to encourage sustainable transport modes in paragraphs 17 and 29 of the NPPF. A contribution towards a traffic regulation order to reduce the speed limit on Landimore Road to 40mph would assist in securing safe access to and from the development. The CILR compliance statement explains that where contributions could be pooled, no more than five obligations would be used for the projects identified. I am satisfied that the statutory tests in Regulation 122 of the CIL Regulations are met in respect of all the planning obligations, and accordingly their provisions are capable of being taken into account as material considerations in this appeal. The Inspector’s report on the CIL charging schedule was awaited at the time of the inquiry [28]. Clause 19.3 of the planning agreement provides that should CIL become applicable to the development prior to a planning permission being granted, the parties will seek to agree variations to avoid contributions being made more than once for any item of infrastructure.

Conditions (Documents G9a-b)

193. I have considered the suggested conditions in the light of the advice in the PPG and the discussion on conditions at the inquiry. I have already referred to conditions concerning off-site highway works, a design code and wildlife mitigation. If the appeal is allowed and planning permission granted, it would
also be appropriate for conditions on the following matters to be imposed. For the avoidance of doubt and in the interests of proper planning, it is important that the development is carried out in accordance with the specified plans. Equally, conditions should identify details required at reserved matters concerning highway works, levels, secured by design, and noise assessment, and, in the case of a phase including non-residential development, a sustainability strategy. Given the size of the site, phasing should be approved to ensure that expansion of the built-up area occurs in a satisfactory manner, and the components and size of the development should be specified to ensure compliance with Policy N6 of the JCS.

194. To ensure that the development would be in keeping with its surroundings, a detailed masterplan, a green infrastructure strategy, and a scheme for refuse storage are required. For this reason and in the interest of nature conservation, tree works should be submitted for approval and protection measures put in place during the construction period. Restrictions on the hours of construction work and a construction environmental management plan would safeguard the living conditions of neighbours, and a contamination investigation would assist in ensuring a satisfactory residential environment. To encourage the use of alternative means of transport to the private car, a condition would be necessary concerning public transport infrastructure. However the preparation of travel plans is required by a planning obligation (above, para 192), and this does not, therefore, need to be the subject of a condition. Potential archaeological interest has been referred to by the County Archaeologist (CD-57), and a programme of investigation should, therefore, be implemented. Policy H4 of the JCS requires that housing should comply with the Lifetimes Homes Standard, and a proportion of dwellings should, therefore, be designed for occupation by persons with disabilities. Finally, surface water and foul drainage schemes should be constructed to ensure that the site is satisfactorily drained.

195. Given my findings on the extent of tree cover in Brackmills Wood (above, paras 136, 140), I do not consider that a scheme of additional planting would be required prior to the development of that part of the site adjacent to the wood and on the east side of Landimore Road.

Overall conclusions

196. The proposal for residential development of up to 1,000 dwellings and a local centre is consistent with, and would play a major role in implementing, Policies S5 and N6 of the JCS, which provide for an SUE on the appeal site and additional land to the east and south-east. Development of such a large site would inevitably involve a major change to the landscape and appearance of the area. Whilst the development would not cause significant harm in this respect, there would be a degree of conflict with Policy BN5 of the JCS, which seeks to safeguard the landscape. I do not, however, consider that the proposal would conflict with Policy E7 of the Local Plan, in respect of its effect on the skyline. I have certain detailed reservations about the highway modelling and the effect of highway works at Pavilion Drive and Queen Eleanor Interchange, but there would not be material harm to traffic movement, and the proposal would not conflict with Policy C2 which requires development to mitigate its effect on the highway network. Overall I find that the appeal proposal would be in accordance with the Development Plan.
197. The NPPF sets out three dimensions to sustainable development: economic, social and environmental. There is not a five year supply of housing land in the NRDA, and the contribution of the appeal site to supply represents a considerable social benefit, as does the provision of much-needed affordable housing. The provision of jobs and apprenticeships through a construction training scheme are important economic benefits. Traffic implications would not adversely affect the operation of BIE, which would gain a moderate benefit from the proximity of a pool of labour. In respect of the environmental dimension there would be certain adverse effects on the character and appearance of the area, although none carries more than moderate weight. I consider that the appeal site would be a sustainable location for new housing development: it is adjacent to the built-up area, the proposal includes measures to improve access by public transport, and there would not be material harm to traffic movement.

198. Several of the matters put forward by the Appellant as benefits, such as provision of primary school, play areas and links to Brackmills Wood, are necessary to mitigate the effects of the development, and consequently they have a neutral effect in the planning balance. I do, however, acknowledge a limited benefit to existing residents from the opportunity to use facilities in the local centre.

199. I conclude that, overall, the proposal would represent a sustainable form of development which would accord with the Development Plan. The adverse effects to which I have referred above (paras 196, 197) would not outweigh the benefits of the proposal.

**Recommendation**

200. I recommend that the appeal be allowed and that planning permission be granted subject to the conditions in the Annex to this report.

*Richard Clegg*

INSPECTOR
ANNEX - SCHEDULE OF SUGGESTED CONDITIONS

1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") in any phase shall be submitted to and approved in writing by the local planning authority before any development in that phase begins and the development shall be carried out as approved.

2) Application for approval of the first reserved matters shall be made to the local planning authority not later than three years from the date of this permission, and application for approval of all remaining reserved matters shall be made within ten years from the date of this permission.

3) The development hereby permitted shall begin not later than two years from the date of approval of the first of the reserved matters to be approved, and development of any subsequent phase shall begin not later than two years from the date of approval of the reserved matters for that phase.

4) The number of dwellings to be constructed on the site shall not exceed 1,000.

5) The development and all reserved matters applications shall accord with the following approved plans and parameters:
   i. Application Boundary Plan, drawing no. 3238/100.
   ix. Highways plans – SK01, SK02, SK04, SK05, SK09, SK10 & SK11.
   x. Up to 2.09 hectares for the provision of a primary school.
   xi. A minimum of 9.98 hectares of public open space, including playing pitches, formal and informal play areas, parkland, allotments and public footpaths/cycleways.
   xii. A local centre of up to 1,320m² net floorspace comprising of uses within use Classes A1(shops), A2 (financial & professional services) and A3 (restaurants/cafes), up to 375m² net public house (Class A4) and up to 750m² of non-residential uses (Class D1).

6) Prior to the submission of any reserved matters application, a detailed masterplan and design code covering the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The design code shall be formulated having regard to the design and access statement, the framework plans (Plans 3-9), and respond to the
recommendations of Building for Life 12 and shall include the following details:

i. The character area objectives and principles for each part of the site in support of the overall vision for the scheme to guide the design code performance specifications for each component of the design. The proposed movement network delineating the primary, secondary and tertiary streets and pedestrian and cycleway connections, setting out the approach to estate design, treatment of non-vehicular routes and car and cycle parking. The proposed layout, use and function of all open space within the development.

ii. The approach to and design principles applied to parking (on street and off-street).

iii. Phased layout principles to include urban structure, form and layout of the built environment, building heights, densities, legibility, means of enclosure, key gateways, landmark buildings and key groups.

iv. Performance specifications for areas within the public realm including landscaping and hard surface treatments, lighting, street trees, boundary treatments, street furniture and play equipment.

v. Servicing, including utilities, design for the storage and collection of waste and recyclable materials.

vi. Performance specifications to guide the selection of external materials, including wall and roof finishes, windows, doors, porches, heads, cills, chimneys, eaves and verges and rainwater goods.

vii. The design principles that will be applied to the development to encourage security and community safety.

viii. The specific design principles that will be applied to the local centre.

ix. The specific design principles that will be applied to the ‘green link’ that runs from the northwest to the southeast of the site along the existing public footpath.

x. The design principles for development and green infrastructure along Landimore Road particularly to the south of the public footpath that crosses the road.

xi. The design principles for the incorporation of SUDS throughout the development.

Thereafter, any reserved matters application for any phase of development shall comply with the principles established by the approved masterplan and within the approved design code.

7) Prior to the submission of any reserved matters application, a detailed phasing plan for the development that identifies stages at which each
element of the proposed development (including the affordable housing, local centre, open space, play equipment, primary school, public house, allotments and housing, highway infrastructure including the five access junctions as shown on drawings SK01, SK02 and SK05, walking and cycling measures and SUDs) shall be commenced, completed and made available for occupation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.

8) Contemporaneously with the submission of reserved matters applications for each phase of development containing non-residential development, a sustainability strategy including pre-assessment checklist detailing a method of achievement of BREEAM “very good” (or equivalent) for any non-residential development shall be submitted to the Local Planning Authority. No development in that phase shall take place until the sustainability strategy has been approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved sustainability strategy.

9) Concurrently with the submission of reserved matters applications for each phase of development, full details of the proposed surface treatment of all roads, access and parking areas, footpaths, cycleways and private drives, including their gradients, within that phase shall be submitted to the Local Planning Authority. No development in that phase shall take place until the details have been approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

10) The development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority relating to that phase. The CEMP shall include the following:-

a) The management of traffic and routing during construction: to address site access, routes within site kept free from obstruction, wheel washing, travel plan for construction workers, loading and unloading, vehicle parking and turning areas, a scheme for prevention of surface water discharges onto the highway;

b) Location of access points for site traffic for that phase of development

c) Detailed measures for the control of dust during the construction phase of development

d) The location and size of compounds;

e) The location and form of temporary buildings, adverts and hoardings;

f) Details for the safe storage of any fuels, oils and lubricants;

g) Construction of exclusion zones to prevent soil compaction for large scale planting areas, public and school playing fields, and remediation of any soil compaction;

h) A scheme for the handling and storage of topsoil;

i) A scheme for the protection of areas of ecological interest and for the mitigation of any possible harm to such areas

j) Details of any temporary lighting

k) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
I) Measures for the control of noise emanating from the site during the construction period;

m) Construction Plant Directional signage (on and off site);

n) Provision for all site operatives, visitors and construction vehicles, loading and unloading of plant and materials;

o) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from construction works including confirmation of any material exports, routing and deposition sites.

The approved CEMP and measures contained therein shall be adhered to throughout the construction period.

11) No construction work (including use of machinery and/or plant maintenance) shall be carried out on the site outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays, or at any time on Sundays, or public holidays. No construction traffic shall enter or leave the site before 0700 Mondays to Saturday or at any time on Sundays, or public holidays.

12) As part of each reserved matters application, engineering and construction details of the access junctions relating to that reserved matters phase in accordance with drawings SK01, SK02 and SK05 shall be submitted for approval in writing by the Local Planning Authority. The junctions shall be provided prior to commencement of any other works on site in the relevant reserved matters phase in accordance with the approved details.

13) As part of each reserved matters application details of the precise location and engineering and construction details of walking and cycling measures relating to that reserved matters phase shall be submitted to the Local Planning Authority for approval in writing. The following walking and cycling measures shall be implemented in accordance with an approved Phasing Plan:

i. A new pedestrian link to The Warren as indicated on the ‘Access & Movement Framework’ plan, drawing no. 3238_201 Rev A (with measures to prevent vehicular access).

ii. Two toucan crossings on Landimore Road.

iii. Provision of a shared pedestrian cycle track (3m wide) along the entire western side of Landimore Road.

iv. Two controlled pedestrian crossings on Newport Pagnell Road.

The works shall be carried out in accordance with the approved details prior to the first occupation of any part of the relevant phase.

14) No development hall take place until engineering and construction details of the following highway improvements (as shown on Parsons Brinkerhoff drawings of the revised transport assessment, December 2013), together with a programme for implementation, have been submitted for approval in writing to the Local Planning Authority:

i. Improvement to Landimore Road/Gowerton Road roundabout (drawing -SK04, Appendix 10).
ii. Improvement to Caswell Road/Rhosili Road junction (drawing SK09, Appendix 11).

iii. Improvement to the Queen Eleanor Interchange (drawing SK11, Appendix 12).

iv. Improvement to the Brackmills Interchange (drawing SK10, Appendix 13).

The junction improvements shall be carried out in accordance with the approved details and programme.

15) Prior to submission of any reserved matters application a Foul Water Strategy including phasing for the provision of mains foul sewage infrastructure on and off site and details of the procurement of works shall be submitted for approval in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and prior to occupation of any building.

16) Prior to the submission of any reserved matters application a Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted for approval in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and the approved phasing details as required by Condition No 7. The scheme shall include:

   i. Percolation tests to be undertaken in accordance with BRE-Digest 365 or Ciria 156.

   ii. Full detailed surface water calculations to ensure adequate surface water drainage facilities on site all for all events up to and including 0.5% (1 in 200) plus climate change.

   iii. Sustainable Drainage Systems (SuDS) features on site to be in accordance with Table 12.1 of the Northampton Level 2 Strategic Flood Risk Assessment.

   iv. An assessment of overland flood flows.

   v. Details of how the scheme shall be maintained and managed after completion for the lifetime of the development.

17) No development shall take place until a contamination investigation has been carried out on that part of the site within the limits of development defined on the Proposals Map of the Fylde Borough Local Plan as Altered, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. Upon completion of remediation, a validation report shall be submitted to and approved by the local planning authority confirming that the site has been remediated in
accordance with the approved measures and that the site is suitable for the
development hereby permitted.

If, during the course of development, any contamination is found which
has not been identified in the site investigation, then additional measures
for the remediation of this source of contamination shall be submitted to
and approved in writing by the local planning authority. The remediation
of the site shall incorporate the approved additional measures.

18) No infiltration of surface water drainage into the ground shall take place
other than with the express written consent of the Local Planning Authority,
which may be given for those parts of the site where it has been
demonstrated that there is no resultant unacceptable risk to controlled
waters. The development shall be carried out in accordance with the
approval details.

19) No development shall take place until the applicant has secured the
implementation of a programme of archaeological work in accordance with
a written scheme of investigation which has been submitted to and
approved in writing by the Local Planning Authority. Prior notice shall be
given to the Local Planning Authority’s nominated archaeologists of the
exact date on which it is proposed that construction of the development
hereby permitted is to begin. During the construction period
representatives of the Local Planning Authority’s nominated archaeologists,
shall be allowed access to the site in order to observe and inspect all
excavation works and record all findings of archaeological interest. If
required they shall be allowed to excavate such remains, provided that this
shall not interfere unreasonably with the progress of the development.

20) Prior to the submission of any reserved matters application a detailed
Green Infrastructure Strategy (in accordance with the mitigation
requirements outlined in Sections 7.6 and 8.4.2 of the Environmental
Statement dated January 2013) shall be submitted for approval in writing
by the Local Planning Authority. The submission shall include the following:

   i. Principles of any existing habitats to be retained and managed,
      including existing trees, hedgerows, grassland or other habitats,
      including the enhancement of existing hedgerows.

   ii. Strategy for the creation of new habitats, including where
       appropriate Acid Grassland, and their on-going maintenance (being
       those habitats/ mitigation requirements referred to in Section 7.6 of
       the Environmental Statement dated January 2013).

   iii. Principles for the provision of new amenity areas, including the
        allotments, public open space, play areas, and multi-use games area.

   iv. Principles of how the site will link to Brackmills Wood, including the
       points of access, treatment of any new footpath/cycleways, and the
       approach to landscaping within the residential areas adjacent to the
       existing woodland.

   v. An assessment of the contribution of Brackmills Wood to the green
      infrastructure and opportunities to increase its value to both
      residents and wildlife detailed in a Future Management Strategy.

   vi. Detailed proposals for the design and layout of the green streets,
       highlighting the use of street trees and SUDS infrastructure.
Thereafter, any reserved matter submissions shall accord with the approved Green Infrastructure Strategy.

21) Prior to commencement of development a detailed mitigation strategy in accordance with the mitigation measures proposed in the submitted ‘Dormouse Survey Report’ dated December 2012 in Appendix E1 of the Environmental Impact Assessment dated January 2013 shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

22) No development in any phase shall take place until an arboricultural method statement, in accordance with BS 5837:2012 “Trees in Relation to Design, Demolition and Construction – Recommendations”, including details and proposed timing of all proposed tree works to any tree or hedge on, or, if consent obtained, adjacent to, the site and replacement tree planting, has been submitted for approval in writing by the Local Planning Authority for that phase of the development. Thereafter, the development shall be carried out in accordance with the details so agreed.

23) No equipment, machinery or materials shall be brought onto the site for the purposes of the development until details of the proposed type, and a plan of the proposed position of, measures for the protection of trees and hedges that are to be retained on the site, in accordance with BS 5837:2012 ‘Trees in relation to Design, Demolition and Construction – Recommendations’, have been submitted for approval in writing by the Local Planning Authority for that phase of the development. The measures identified, including tree protection barriers, shall be implemented in accordance with these details and shall remain in place until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored, disposed of, or placed, nor fires lit, in any area fenced in accordance with this condition and the ground levels within these areas shall not be driven across by vehicles, altered, nor any excavation made (including addition/removal of topsoil/subsoil) without prior written consent of the Local Planning Authority.

24) Prior to the submission of each reserved matters application, details of the need and scope for updating any protected species surveys shall be submitted for approval in writing by the Local Planning Authority. Any updated surveys shall be submitted as part of the reserved matters application. The development shall be carried out in accordance with any approved mitigation measures contained therein.

25) Bat and bird boxes shall be provided in accordance with a scheme which has been submitted to and approved by the Local Planning Authority as part of each reserved matters application. The details shall be implemented concurrently with the development and thereafter retained and maintained.

26) As part of each reserved matters application, a scheme shall be submitted for approval in writing by the Local Planning Authority that demonstrates how the objectives of Secured by Design have been addressed in the development as identified in the submitted Design and Access Statement. The approved details shall be implemented concurrently with the reserved matters development.

27) A minimum of 10% of the residential units on any phase shall be designed so as to be capable of occupation by persons with disabilities and
constructed to a Lifetime Homes standard or any subsequent Government equivalent standard set out in Building Regulations and shall include 1% of the total number of residential units constructed to full wheelchair standard, the detailed layout of which shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of construction of any residential unit on that phase.

28) Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), at no time shall the total gross retail floor area of the development hereby approved exceed 1,320m² or any individual unit (A1/A2/A3) exceed 500m² net floor area.

29) Concurrently with the reserved matters submission for each phase, a noise assessment of the exposure of proposed residential premises, with particular reference to bedrooms, based on the final building and estate layout, due to transportation noise shall be submitted for approval in writing to the Local Planning Authority. The assessment shall take into account the likely growth of traffic over the next 15 years. Where any habitable room or outdoor amenity space cannot achieve the noise levels recommended by the World Health Organisation, a scheme to protect outdoor amenity space and any affected habitable rooms shall be submitted to the Local Planning Authority for written approval. The development shall be carried out in accordance with the approved details.

30) Prior to the occupation of any part of each phase, details of the provision for the storage and collection of refuse and materials for recycling shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter. No dwelling or other unit shall be occupied until the associated refuse storage facility has been provided in accordance with the approved details.

31) As part of each reserved matters application details of existing and proposed ground levels and finished floor levels of the development in relation to adjoining land levels shall be submitted for approval in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

32) Details of the precise location and engineering and construction of the following public transport infrastructure shall be submitted for approval in writing by the local planning authority and implemented prior to the first occupation of the development hereby permitted:
   i. Two pairs of bus stops on Landimore Road, to include shelters, raised boarders, flags and poles.
   ii. One pair of bus stops on Newport Pagnell Road, to include shelters, raised boarders, flags and poles.
   iii. Two bus shelters to be added to existing bus stops on Newport Pagnell Road.
APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Corner QC and Ms H Sargent of Counsel  
Instructed by LGSS Law Ltd on behalf of Northampton Borough Council.

They called  
Mr G Stephens  
BA(Hons) MA PGCertUD MRTPI  
Planning Director, Marrons Planning.

Miss S Howe BA(Hons) PGDipLA CMLI  
Director, Influence Environmental Ltd.

Mr J Birch BEng(Hons) CEng MICE  
Director, Glanville Consultants.

Miss N Toon  
Principal Planning Officer, Northampton BC.

FOR THE APPELLANT:

Mr J Maurici QC and Mr T Fisher of Counsel  
Instructed by Walker Morris Solicitors.

They called  
Mr P Brashaw  
BSc(Hons) BLD CMLI  
Associate, LDA Design.

Mr G A Tulley BA(Hons) MSc(Econ) DipTP MRTPI  
Planning Director, G L Hearn Ltd.

Mr J Tricker BEng(Hons) MIHT  
Director, Phil Jones Associates.

Mr J Frost  
Area Manager, The Homes and Communities Agency.

Ms A Meigh  
Associate Director, Savills.

INTERESTED PERSONS:

Mrs A Leadsom MP  
Member of Parliament for South Northamptonshire.

Councillor J Nunn  
Member of the Borough Council for Nene Valley Ward. Director, Brackmills Business Improvement District.

County Councillor P Larratt  
Member of the County Council for Hardingstone & Wootton Division.

Councillor P Thomas  
Member of Hardingstone Parish Council.

Mr A Bell  
Chairman, Hardingstone Action Group.

Ms K Servant MA  
Hardingstone Action Group.

Mr A Pease  
Hardingstone Action Group.

54 Miss Toon did not give evidence in support of the Council’s case, but contributed to the sessions on the planning obligation and conditions.

55 Mr Frost did not give evidence in support of the Appellant’s case, but contributed to the session on planning obligations.

56 Ms Meigh did not give evidence in support of the Appellant’s case, but contributed to the session on planning obligations.
THE LPA’S DOCUMENTS

L1 Mr Corner’s and Ms Sargent’s closing submissions.
L2 Mr Stephens’s proof of evidence.
L3 Appendices to Document L2.
L4 Miss Howe’s proof of evidence.
L5 Appendices to Document L4.
L6 Miss Howe’s rebuttal statement.
L7 Appendix to Document L6.
L8 Mr Birch’s proof of evidence.
L9 Appendices to Document L8.
L10 Mr Birch’s rebuttal statement.
L11 Mr Birch’s revised summary of evidence.
L12 Appeal decision ref APP/Y2810/A/14/2228921 concerning residential development at Weedon Bec, Northamptonshire.
L13 Letter dated 15 June 2015 from Mr Birch to Mr Tricker concerning agreement on certain highway matters.
L14 Letter dated 17 June 2015 from Mr Birch to Mr Tricker concerning the design year and carriageway widths.
L15 Paragraphs 21b 006-014 of the PPG.
L16 Extracts from Design Manual for Roads and Bridges; TD 16/07 – Geometric Design of Roundabouts.
L17 Planning Obligations Statement – Compliance with CIL Regulations 2010.

THE APPELLANT’S DOCUMENTS

A1 Mr Maurici’s and Mr Fisher’s closing submissions.
A2 Mr Brashaw’s proof of evidence.
A3 Appendices to Document A2.
A4 Mr Tulley’s proof of evidence.
A5 Appendices to Document A4.
A6 Mr Tulley’s rebuttal proof of evidence.
A7 Appendices to Document A6.
A8 Mr Tricker’s proof of evidence.
A9 Appendices to Document A8.
A10 Mr Tricker’s rebuttal proof of evidence.
A11 Appendices to Document A10.
A13 LDA Design Response Note, Defining the Masterplan.
A14 Letter from Miss G Cookson, Principal Ecologist WSP PB, to the Inspector concerning golden plovers, breeding birds and ecology surveys.
A15 Mr Maurici’s and Mr Fisher’s note on the Brackmills Wood planning obligations.
A16 Highways issues tree.
A17 Exchange of emails between Mr Tricker and Northamptonshire Highways concerning highway matters.
A18 WSP Parsons Brinckerhoff Technical Note 6; Hardingstone SUE, Northampton – Additional traffic data and observations.
A19 Note from Government website concerning the withdrawal of Guidance on transport assessment.
A20 Extract from Highways Agency press release concerning road works in the
East Midlands, 23 to 29 March 2015.

A21 Extracts from Highways Agency Technical Design Guidelines; Ramp Metering.

A22 Mr Brashaw’s note on the width of green corridors.

A23 Exchange of emails between WSP Parsons Brinckerhoff and Highways England concerning highway works at the Queen Eleanor interchange.

A24 Note on public transport strategy.

A25 Exchange of emails between WSP Parsons Brinckerhoff and Northamptonshire Highways concerning bus infrastructure.

A26 Letter dated 7 July 2015 from Mr Tricker in response to Document O17.

A27 Judgement in P Richardson & W Orme v North Yorkshire CC & The First Secretary of State [2003] EWCA Civ 1860.

OTHER PARTIES’ DOCUMENTS

O1 Correspondence received in response to Document G2.

O2 Mrs Leadsom’s statement.

O3 Councillor Nunn’s statement.

O4 County Councillor Larratt’s statement.

O5 Councillor D Kelk’s statement on behalf of the Parish Council.

O6 Appendices to Document O5.

O7 Councillor Thomas’s statement on behalf of the Parish Council.

O8a-b Mr Bell’s statements on behalf of HAG.

O9 Ms Servant’s statement on behalf of HAG.

O10 Appendices to Document O9.

O11 Mr Pease’s statement on behalf of HAG.

O12 Appendices to Document O11.

O13 Mr Pease’s supplementary statement on behalf of HAG.

O14 Appendices to Document O13.

O15 Statement by CSa Planning on behalf of Martin Grant Homes and Harcourt Developments.

O16 Extract from Transport Assessment for Northampton South SUE. Submitted by Mr Pease.

O17 Email dated 29 June 2015 and attachments from Brackmills Industrial Estate Ltd concerning highway matters.


GENERAL DOCUMENTS

G1 List of core documents.

G2 Notification of the appeal and inquiry.

G3 Note of pre-inquiry meeting.

G4 Joint statement on viability appraisal.

G5 Second statement of common ground in relation to landscape and visual matters.

G6 Northamptonshire CC rights of way leaflet – Delapre and Hardingstone.

G7 Summary note of planning obligations.

G8a-b Responses of the main parties to the Inspector’s comments on the draft planning agreement.

G9a-b Suggested conditions agreed by the Appellant and the Council.

G10 Description of Upper Nene Valley Gravel Pits SSSI.

G11 Planning agreement relating to the appeal proposal.
PLANS

1. Illustrative masterplan ref 3238/200.
2. Location plan ref 3238/100.
3. Access and movement framework ref 3238_201 Rev A.
4. Land use framework ref 3238_202 Rev A.
5. Proposed layout framework ref 3238_203 Rev A.
6. Scale framework ref 3238_204 Rev A.
7. Green infrastructure framework ref 3238_205 Rev A.
8. Blue infrastructure framework ref 3238_206 Rev A.
9. Urban structure and legibility framework ref 3238_207.
10. Proposed access on Newport Pagnell Road (east of Lady Hollows Drive) ref SK01.
11. Proposed accesses on Landimore Road ref SK02.
12. Landimore Road/ Gowerton Road roundabout alterations ref SK04.
13. Proposed access on Newport Pagnell Road (west of Landimore Road) ref SK05.
14. Rhosili Road/ Caswell roundabout alterations ref SK09.
16. Queen Eleanor Interchange alterations ref SK11.
17. Appeal site and Hardingstone Conservation Area. Submitted by the Appellant.
21. Site visit routes.
RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act). This new requirement for permission to bring a challenge applies to decisions made on or after 26 October 2015.

Challenges under Section 288 of the TCP Act
With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act
Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS
A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.
SECTION 4: INSPECTION OF DOCUMENTS
Where an inquiry or hearing has been held any person who is entitled to be notified of the
decision has a statutory right to view the documents, photographs and plans listed in the
appendix to the Inspector’s report of the inquiry or hearing within 6 weeks of the date of
the decision. If you are such a person and you wish to view the documents you should get
in touch with the office at the address from which the decision was issued, as shown on
the letterhead on the decision letter, quoting the reference number and stating the day and
time you wish to visit. At least 3 days notice should be given, if possible.