

## **Examination of the Northampton Local Plan Part 2 2011 – 2029**

### **Inspectors:**

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24 January 2022

Mr Paul Everard  
Planning Policy and Heritage Manager  
Northampton Borough Council

Dear Mr Everard

### **Examination of the Northampton Local Plan Part 2 2011 - 2029**

1. As indicated at the conclusion of the examination hearings on 30 November 2021, we are writing to set out our thoughts on the Northampton Local Plan Part 2 2011 - 2029 (the Plan) at this stage, and the way forward for the examination. Our comments are based on all that we have read, heard and seen to date. However, we should emphasise that the examination is not yet concluded and consultation on main modifications (MMs) is still to take place. Therefore, our comments are without prejudice to our final conclusions on the Plan.
2. Overall, we consider that, subject to the satisfactory resolution of matters relating to the Habitats Regulations discussed below, and MMs, the Plan is likely to be capable of being found legally compliant and sound. We will set out our reasoning for this in our final report.
3. The MMs should include changes proposed by the Council through their hearing statements and submissions, where we consider they should be treated as MMs in accordance with the tests for soundness, together with the further MMs to individual policies and their supporting text as discussed at the hearings. Please prepare a consolidated set of these proposed MMs for our consideration prior to public consultation on them and we will respond separately in this regard. In addition, there are several matters discussed at the hearings which we said we would take away for further consideration. We set out our response to these matters below.

### **The Purpose of the Plan**

4. The Plan before us is a Part 2 Plan to the West Northamptonshire Joint Core Strategy (WNJCS). Prior to the hearings, the Council confirmed that the only WNJCS policy proposed to be superseded by the Plan is Policy H6 – Gypsies, Travellers and Travelling Showpeople. At the hearings, there was some discussion as to whether the Plan should also supersede WNJCS Policy N2 – Northampton Central Area. We shall return to these matters. The Plan is not seeking to supersede any other strategic Policy.

## **Sustainability Appraisal**

5. The reasonable alternatives chosen in the Sustainability Appraisal (SA) process are realistic and the Council has provided an adequate outline of the reasons for selecting them. However, whilst options may be rejected as the Plan moves through various stages, and they do not necessarily need to be examined at each stage (see *Calverton PC v Nottingham CC* [2015] EWHC 1078 (Admin)), the SA should signpost clearly where the reasons for rejecting sites earlier in the plan making process are set out. In this regard, a suitable reference should be provided in the SA to how and where in the SA process, sites were rejected as being reasonable alternatives and the reasons why they were rejected.

## **The Habitats Regulations**

6. In our letter dated 17 March 2021 (EXAM-1), we posed a number of initial questions and highlighted our concerns regarding the approach of the Plan in respect of the Upper Nene Valley Gravel Pits SPA (the SPA), and the findings of the Habitats Regulations Assessment (HRA). Our concerns echo those of Natural England as set out in their representations to the Plan.
7. Whilst we appreciate the ongoing efforts that have been made since we issued our initial letter, at this point in time, we are not able to agree with the conclusions of the HRA as submitted, namely that there would be no adverse effects on the integrity of the SPA. As set out in our letter and as discussed in the hearings, there are two dimensions to these concerns; recreational disturbance, and the effects on any functionally linked land (FLL).

### **Recreational disturbance**

8. The HRA acknowledges that access by people and dogs, both on and off public rights of way, is a significant cause of disturbance in some areas of the SPA, and evidence that visitor pressure arises principally from people living within 3 kilometres of the surveyed access points. The evidence before us includes that there has been a 76% decline in Golden Plover (one of the sites qualifying species) since baseline, a trend which does not match that for the region, or Britain.
9. Policy 13 of the submitted Plan allocates land for around 2,310 new dwellings on 22 sites within 3 kilometres of Unit 1 of the SPA. In addition, there is the potential for in-combination effects with other development in the area. The Appropriate Assessment concludes that mitigation measures are required to address the issue of recreational disturbance. This has not been disputed.
10. It is common ground between the Council and Natural England that a mitigation strategy is required to avoid adverse effects arising from the Plan on the SPA from recreational disturbance. However, it remains at this time that there is no mitigation strategy to protect the integrity of the SPA in place.
11. The Planning Practice Guidance (PPG) states that 'Any measures used to inform the decision about the effects on the integrity need to be sufficiently secured and likely to work in practice'. The Council explained at the hearings

that it is preparing a mitigation strategy, in consultation with Natural England, and that it would be adopted as a Supplementary Planning Document (SPD). The draft Mitigation Strategy is presently subject to consultation, undertaken as a separate process to our examination of the Plan.

12. It would appear that in principle, the SPD would ensure that the mitigation measures would be sufficiently secured and likely to work in practice. However, we reserve our position on this until the consultation has been concluded. We are of the view that it is necessary to have the adopted SPD in place prior to the MMs being finalised and consulted upon, as it is likely to have a bearing on the wording necessary to make the relevant parts of the Plan legally compliant and sound. Please obtain from Natural England their written confirmation as to their views on the proposed SPD and whether it changes their stated position on the Plan. Once the SPD is complete and adopted by the Council, please publish it on the Examination Website.

### **Functionally linked land**

13. As discussed at the hearings there are two proposed sites for allocation for development which may provide either optimal, or sub-optimal habitat for Golden Plover and/or Lapwing and could therefore be functionally linked to the SPA. These are LAA0204 The Farm, Hardingstone and LAA1098 The Green, Great Houghton.
14. Through statements and discussions at the hearings, it has been confirmed that further work is being undertaken in respect of these sites, and wintering bird surveys are being undertaken in respect of The Green, Great Houghton.
15. LAA0204 The Farm, Hardingstone. At the hearing we heard evidence that supported the view that this site was unlikely to involve FLL. We note that the views of Natural England on this matter are awaited. Please forward them to us in due course to assist us in determining whether/how the Plan should be amended in this regard through the preparation of MMs.
16. LAA1098 The Green, Great Houghton. The outcome of the current wintering bird surveys is expected to be known around April 2022. If it cannot be established that the scheme would not involve FLL, we would wish to see evidence that the Mitigation Hierarchy has been applied, and how any necessary mitigation measures may be secured so that we can consider how the Plan may be modified to make it sound and legally compliant in this regard.

### **Habitats Regulations conclusions**

17. We are of the view that the issues we raise concerning the HRA are capable of resolution in a timely manner, to enable us to conclude on legal compliance and soundness. Additionally, given that the work necessary to resolve these matters is well under way, this should not cause undue delay to the progress of the Plan. The outstanding matters however need to be resolved to our satisfaction prior to the completion of, and consultation on the MMs. The HRA requires to be updated and consulted upon alongside the MMs. Please confirm the likely adoption date for the SPD and when the comments from Natural England on the SPD, FLL, and the outcome of the Wintering Bird Surveys can be provided.

## **The provision for housing**

18. A number of representors raised matters which properly fall within the scope of the review of the WNJCS rather than the part 2 plan before us. A review of the WNJCS is underway. In this regard, in line with the Oxted Residential judgment<sup>1</sup>, we are mindful that the Plan before us is not required to rectify any shortcomings in the Core Strategy's approach to housing land supply.
19. The Plan is proposing a number of housing allocations and identifies supply of housing land from a number of sources. We need to be satisfied that the provision of housing is consistent<sup>2</sup> with the parent plan and that the aims of that plan are met. However, we will not consider whether the Council has a five-year supply of housing land as part of this examination as that would require the consideration of sites already allocated in the WNJCS which is not before us. Furthermore, securing a five-year housing land supply is not within the scope and purpose of the Plan. In overall terms, our initial view is that the amount of new housing development being proposed by the Plan is broadly consistent with the overall housing requirement set in the WNJCS.

## **Housing trajectory**

20. The Council is seeking to establish a new housing trajectory for the former Northampton Borough area through the Plan (Table 7). The updated trajectory would include the anticipated delivery of new homes proposed in the Plan and take account of the slower rate of delivery of homes at the proposed Sustainable Urban Extensions (SUES) allocated in the WNJCS which has not taken place as quickly as envisaged.
21. The Council has also identified in its Housing Technical Paper (08 01) a number of concerns about the approach of the WNJCS to calculating the five-year housing land supply and the Council explained that it wishes to address these through the Plan.
22. The Plan before us is a part 2 plan to the WNJCS. The National Planning Policy Framework (the Framework) in paragraph 74 sets out that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period. The Plan does not contain strategic policies in respect of the supply of housing. Those are contained in the WNJCS and are not before us. Similarly, nor is the explanatory text of the WNJCS and associated tables which relate to the calculation of the five-year housing land supply.
23. At the hearings, we were directed to WNJCS Policy S6 Monitoring and Review. This Policy sets out how the WNJCS would be monitored and measures to be taken if its Policies were found to be ineffective. This includes, amongst other things, the preparation of alternative local plans. However, the Plan before us is not seeking to change strategic housing policy for the area, including the overall requirement.

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<sup>1</sup> Oxted Residential Ltd v Tandridge DC [2016] EWCA Civ 414

<sup>2</sup> Regulation 8(4) of The Town and Country Planning (Local Planning) (England) Regulations 2012

24. The WNJCS sets out the housing requirement and the approach to establishing the five-year supply of housing land. There is no change to the relevant strategic policies of the WNJCS proposed. In addition, we note that the Review of the WNJCS Policies (EXAM 38) concluded that WNJCS Policy S3 should continue to be used for the purposes of calculating the five-year land supply. Again, WNJCS Policy S3 is not proposed to be superseded in this Plan. We find that the approach to this matter in the submitted Plan is not clear, would not be effective or consistent with national policy as set out in the Framework, and that the Plan should be amended so that it is clear that it is not changing the way the five-year housing land supply is calculated.
25. In principle though, the inclusion of a housing trajectory in the Plan to show the expected rate of housing delivery over the remainder of the plan period from the sites allocated in the Plan would be sound. However, the Plan should not attempt to change the way in which housing land supply is calculated in the way sought.

### **Housing trajectory conclusions**

26. Given the scope of this examination and the purpose of the Plan, we find that the Plan should be altered so that it includes an updated housing trajectory, and makes clear that this is solely for the purpose of illustrating the expected rate of housing delivery over the plan period. The Plan should not intimate in any way that the trajectory is to be used for the calculation of the five-year housing land supply for the former Northampton Borough area, or is a replacement for the tables and text set out in the WNJCS. The review of the WNJCS is the proper place to establish in strategic policy how the five-year housing land supply should be calculated, and until that review is done, the legality of any other approach pursued by the Council would ultimately be a matter for the Courts. This Plan however shall not be used to establish an alternative approach to calculating housing land supply to that set out in the WNJCS.

### **Policy 16 Gypsies, Travellers and Travelling Showpeople**

27. It is proposed that Policy 16 would be a strategic policy to supersede WNJCS Policy H6 which sets out the level of provision of accommodation for Gypsies, Travellers and Travelling Showpeople to be made in the period to 2029, and development management criteria. WNJCS Policy H6 has been reviewed by the Council and was found to be out of date given the national Planning Policy for Traveller Sites (PPTS) and findings of the assessment of need undertaken in the West Northamptonshire Travellers' Accommodation Needs Study January 2017 (WNTANS).
28. The WNTANS is the latest assessment of need for the former Northampton Borough area. This identifies that there is no need for accommodation for Gypsies and Travellers who meet the definition as set out in the PPTS, a need for up to 3 additional pitches for Gypsy and Traveller households that may meet the PPTS definition, and a need for 17 additional pitches for Gypsy and Traveller households who do not meet the PPTS definition. The application of the PPTS definition for Gypsies and Travellers has significantly reduced the need for further pitches from that set out in the WNJCS.

29. The submitted Plan proposes no additional provision of pitches, but sets out development management criteria for the consideration of planning applications. These are proposed to be amended in the Council's suggested MMs.
30. It has been confirmed through the Council's statement and at the hearing that there are currently two households residing on unauthorised sites in the Plan area, and that it is now calculated that a minimum of one new household which meets the PPTS definition may arise in the plan period from those households for which the status is classified as 'unknown' in the WNTANS.
31. There is one Gypsy and Traveller site in the Plan area at Ecton Lane which has a waiting list of 9 households. We heard that a significant proportion of the accommodation needs arising in the Plan period is from the Ecton Lane site. It was also confirmed that a new needs study has been commissioned for West Northamptonshire to inform the review of the WNTANS.
32. There is clearly a need for accommodation for Gypsies and Travellers in the plan period, both meeting and not meeting the PPTS definition. This is reinforced by the waiting list at Ecton Lane and the presence of unauthorised sites. There was some discussion at the hearings as to whether it would be possible to reconfigure the Ecton Lane site to meet some or all of the need arising there. However, it has since been confirmed that this is not feasible due to site constraints.
33. The Plan as submitted does not quantify the needs for pitches for Gypsies and Travellers, either meeting or not meeting the PPTS definition, nor does it seek to address them. Consequently, it is inconsistent with the PPTS, and with paragraph 60 of the Framework in that it does not meet the needs of groups with specific housing requirements. Furthermore, the Plan is inconsistent with national policy in that it does not make sufficient provision for the housing needs of Gypsies and Travellers (Framework paragraph 20), and would not look ahead a minimum 15 year period from adoption as per paragraph 22 of the Framework.
34. Whilst the Plan could be readily amended to set out the necessary targets, the provision of suitable sites is likely to require additional work and would take some time, significantly delaying the adoption of the Plan. We would therefore advise that Policy 16 is deleted from the Plan, with this matter being addressed through the review of the WNTANS.

## **Proposed Allocations**

### **Employment land**

35. There was some discussion at the hearings about Policy 17 Safeguarding Existing Employment Sites and Policy 18 Supporting New Employment Developments, and the Council's approach to the allocation of employment land.
36. The WNTANS in Policy S7 sets out a target for the overall net increase in jobs in West Northamptonshire, and makes a number of strategic employment land allocations. As with housing land supply, we are considering whether the approach to employment land set out in the Plan before us is consistent with the

WNJCS, and not any shortcomings with the provision of employment land in the parent plan, which would be a matter for the review of the WNJCS.

37. We find that the overall approach to employment land taken in the Plan is consistent with the WNJCS and given the purpose of the Plan, that there is no need for the Council to make provision for additional non-strategic sites by way of further allocations of land.
38. However, to be effective, as discussed at the hearings, Policies 17 and 18 should be amended to separate out clearly employment land which is safeguarded, the sites which are specifically allocated in the Plan and to set out how proposed schemes which may come forward outside of these would be dealt with. The Policies Map annotations should be amended appropriately.

### **Policy 13 Residential and Other Residential Led Allocation and Policy 38 Development Allocations**

39. The submitted Plan contains two lists of proposed allocations within Policies 13 and 38. There is some duplication between these Policies, their purposes are unclear, and we do not consider that they would be effective. Given our views on Policies 17 and 18, we advise that Policy 38 could be deleted, with the allocation of employment land being addressed in Policy 17 (as amended).

### **Proposed allocations affecting public open space**

40. A number of the proposed allocations in the Plan would have a direct effect upon areas of existing open space. Paragraph 99 of the Framework sets out the circumstances when existing open space, sports and recreational buildings and land, including playing fields may be built on.
41. In overall terms, whilst there would remain a significant surplus of open space in the plan area of all types combined, the proposed allocations would give rise to a deficit of amenity green space and add to the deficit in the provision of allotments. Given that open space can take many forms, a surplus of one type of provision, does not necessarily justify increasing a deficit in another. We note that the Council's Open Space, Playing Pitch and Sports Facilities Study (14/01) identifies a number of distinct typologies of open spaces, specific standards for their provision, and surpluses and deficits for each typology. We also note that the study considered sites above a minimum size threshold. However, national policy applies to all existing open space and our response should be read accordingly.
42. In the case of the areas of amenity green space and allotments which would be affected, there is no evidence that they are surplus to requirements. Whilst we acknowledge that these sites are important to the Council in boosting the housing land supply, to be consistent with national policy, all the proposed allocations which would give rise to a loss of amenity green space and allotments should ensure that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The Plan should be amended to this effect.

43. The provision of the necessary mitigation may have viability implications for the proposed allocations and we ask the Council to update its viability assessment accordingly. Please provide the results of this assessment in due course. If any of the proposed allocations would not be viable on this basis, we would recommend their deletion.

### **Proposed allocations**

#### **Policy 39 Northampton Railway Station (LAA0288) Rail Freight and Adjoining Sites (LAA0333)**

44. The proposed allocation is in two parts. Whilst there is some evidence that the Railway Station scheme is progressing, the proposed redevelopment of the rail freight area within the plan period is less certain. The redevelopment of the rail freight area should be considered as being developable in terms of the Framework, rather than deliverable.

#### **Policy 41, The Green, Great Houghton (LAA1098)**

45. As we expressed at the hearings, we find that given the scale and complexity of the proposal, the Policy should include a requirement for the preparation of a master plan. This should set out a detailed framework of how the site should be developed having regard to its constraints. As we set out earlier, the question of whether the site involves FLL is unresolved at the present time.
46. The Policy should also be amended to clarify that vehicular access would be from the south (Newport Pagnell Road) rather than the Bedford Road, to ensure that the access is not primarily from The Green. Figure 20 should be amended to show the broad location of the proposed SANG, and the Policy should require a landscape vision for the site to include how views across the site into and out of the village of Great Houghton will be managed, especially views of the Grade II\* listed church.

#### **Quinton Road (LAA0171)**

47. As submitted, the allocation site boundary includes land falling within flood zones 3a and 3b and we advise that it is redrawn to exclude this land to ensure that the site can be considered as being deliverable /developable as per the Framework definitions.

#### **Hill Rise Farm, Hunbury Hill (LAA1100)**

48. Given the complexities of the site as discussed at the hearing, we advise that it is subject to a site-specific policy and ask the Council to draft this for our consideration.

#### **Former Abington Mill Farm, land off Rushmere Road (LAA1107)**

49. We have concerns about whether safe access can be provided to the site so that the exception test can be passed. We understand that further work is being undertaken in this regard and we will respond to that in due course. If the exceptions test cannot be passed, then we would recommend that the site is

deleted from the Plan. If the exceptions test is capable of being passed, then the site should be the subject of a site-specific policy to address access, flood risk issues and provision of green infrastructure and open space.

### **Upton Reserve Site LAA1099**

50. As the entire site is within flood zone 3b as part of the Upton Flood Attenuation Area, we consider that it should be deleted from the Plan.

## **Development Management Policies**

### **Policies Reliant on other Documents**

51. There are a number of Policies in the Plan that seek to rely on other documents in order to give effect to their provisions. These were discussed at the hearings. This approach is not consistent with the Framework and these documents, such as the Parking Standards SPD, are not part of the development plan and are not before us in this examination. We consider that the relevant Policies should be amended to 'have regard to' these documents, as they should not be afforded development plan status unless they are part of the Plan. Whilst the Policies could be amended to include the provisions from the other documents which are of particular relevance, we consider that this may require the preparation of additional evidence, and give rise to delay to the adoption of the Plan.

### **Policy wording**

52. In a number of Policies and in the text of the Plan (Policies 6, 24 and 25) the phrase 'sustainable location' is used. This is not clear and consequently the Policies would not be effective. The Policies should be amended to refer to 'accessible location' as discussed.

### **Policy 1 Presumption in Favour of Sustainable Development**

53. Whilst the Policy as drafted makes some duplication of national policy as set out in the Framework, it is nevertheless necessary for the consideration of some proposals, such as for windfall employment schemes arising outside of allocated or safeguarded employment land.

### **Policy 2 Placemaking and Policy 3 Design**

54. Given the extent of overlap between the Policies, we advise that they are combined so as to be effective. Since the Plan has been submitted, the Framework has been revised with an increased emphasis on design. The combined Policy should be consistent with the revised Framework, particularly in regard to creating beautiful and sustainable places, and in the role of street trees. The combined Policy should also be amended so that it is clear what is meant by 'sustainable construction', and this comment applies also to Policy 5.
55. The Framework in paragraph 133 refers to design processes such as Building for a Healthy Life, and Policy 3 should be amended so that the use of such design tools is encouraged, rather than required.

## **Policy 4 Amenity and Layout**

56. The Framework states that policies may make use of the Nationally Described Space Standards (NDSS) where the need for an internal space standard can be justified. Whilst the Council has undertaken an assessment of the compliance of a number of new developments and dwellings with the NDSS, we do not find that there is adequate justification for the requirement for the NDSS in Policy 4. For example, there is little evidence of need for the standard, such as a consideration of size, type, tenure and range of housing that is required in particular locations, or how they may affect the delivery of the types of new homes required. We consider that the NDSS requirement should be deleted as it is not justified.

## **Policy 5 Carbon reduction, community energy networks, sustainable design and construction, and water use**

57. Policy 5 seeks to apply the optional water efficiency standard of 110 litres/person/day, rather than that set out in the Building Regulations of 125 litres/person/day. However, whilst there is evidence that the wider Anglian Water area is an area of serious water stress, there is not evidence to demonstrate that the plan area is experiencing serious water stress, nor that the Plan would cause that to occur<sup>3</sup>. In our view there is not sufficient justification to impose the requirement on this basis.

58. We note the findings of the HRA that there will be no adverse effects on the SPA and Ramsar site as a result of changes to water supply and water level management. However, these are made on the assumption that the optional water efficiency standard is imposed. We would welcome your views on whether reverting to the Building Regulations 125 litres/person/day would lead to a different conclusion in the HRA, potentially requiring mitigation.

## **Policy 14 Type and mix of housing**

### **d. Self-build and specialist and accessible housing**

59. We consider that whilst it is justified to seek to secure self-build and custom housing plots in the way proposed, the provisions regarding undeveloped plots reverting to other forms of housing after 3 years are not clear or effective. The Policy should be amended so that a marketing period for any custom or self-build plots should be limited to no more than 12 months, with the beginning and end point of the period being clearly defined and the scope of marketing agreed by the Council.

### **f. Specialist and Accessible Housing**

60. The Council's Specialist Housing Supplementary Planning Document (Exam 39) sets out a modelled need for wheelchair user dwellings for the plan period,

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<sup>3</sup> Appendix 1 of the Council's document, Optional Higher Technical Standards July 2020 (06-03)

which equates to 4% of new market homes and 8% of new affordable homes in the plan period to 2029 to fall within M4(3) of the Building Regulations. These overall figures are justified. The Policy should be amended however so that it is clear that a requirement for wheelchair accessible homes (M4(3)(b) of the Building Regulations) should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling, as per the PPG (Paragraph: 009 Reference ID: 56-009-20150327).

61. In addition, the Policy should set out that in exceptional circumstances, factors such as vulnerability to flooding, site topography and where the provision of a lift to dwelling entrances may not be achievable, may determine a reduced requirement in terms of accessibility standards.

### **Policy 19 New Retail Developments and Retail Impact Assessment**

62. The Policy would, amongst other things, set out the overall level of retail provision in the town centre for the remainder of the plan period. The floorspace provision figures are expressed as a range and as discussed at the hearings, to be effective, the policy should be clear in respect of the overall level of provision planned in terms of floorspace and should be modified accordingly. The Policy requirement for a period of vacancy and marketing of 12 to 18 months is not justified and would not be effective. The Policy should be amended to require a period of vacancy and marketing for a minimum of 12 months.
63. It is intended that the Part 2 Plan will supersede the policies of the adopted Central Area Action Plan 2013 (CAAP). Policy N2 Northampton Central Area refers to the role of the CAAP in defining the Town Centre Boundary and making provision for shopping and office floorspace. Given that the CAAP is to be superseded by this Plan, and the scope of its policies, WNJCS Policy N2 should also be included within the list of superseded policies.

### **Policy 20 Hot Food Takeaways**

64. Policy 20 includes a provision that proposals for new hot food takeaways which are situated in close proximity to a primary or a secondary school will only be permitted if the takeaway facility is located at least 400 metres from any entrance to the school.
65. The evidence before us is that there are issues with overweight/obesity in the Plan area. This includes that there is a higher than average incidence of obesity in adults and children in Northampton, with identified Council Ward areas having particularly high incidence of obesity amongst children. The proportion of the population of Northampton who meet the recommended 'five a day' is significantly lower than the average for England and the town has a relatively high density of fast-food outlets per 100,000 population, compared with other parts of Northamptonshire. We have also had regard to the mapping of takeaways, schools and obesity levels in school children in year 6 across the Plan area.
66. Whilst there is evidence of obesity in parts of the plan area, we consider however that there is no robust evidence which demonstrates a causal link

between the proliferation of hot food takeaways and obesity/eating habits across the plan area to justify the proposed 400 metre distance.

67. For example, there has been no consideration of the effect of the provision of free school meals, or school lunchtime policies regarding whether children may leave school sites. Furthermore, it has not been established that the higher obesity levels do not relate to other factors such as those relating to deprivation, or more simply the proliferation of takeaways, rather than their relationship with schools.
68. Whilst we have had regard to the Public England document 'Obesity and Health and Wellbeing in Northampton A briefing and evidence paper March 2020' (10-05), we do not find the link between the location of schools, takeaways, and obesity to be justified. The Policy should be amended by the deletion of the locational requirement for hot food takeaways. Consistent with the Framework, the Council could consider whether the proposals for takeaways should fall within the Health Impact Assessment regime.

### **Policy 28 Providing open spaces**

69. The Policy as submitted sets out requirements for the provision of different types of open space from development. The Policy and text should be amended so that it is clear how it would be applied where the provision of SANG is necessary.

### **Policy 34 Transport Schemes and Mitigation**

70. Given that there is no detailed proposal to show how the former Northampton to Market Harborough railway line would be developed as a future rail link in the lifetime of the Plan, we are not able to conclude that there is robust evidence to justify its safeguarding, as per paragraph 106 of the Framework. The safeguarding provisions in Policy 34 should be deleted and the Policies Map amended accordingly.

### **The way forward for the examination**

71. At this point and subject to the Council's response to this letter, we anticipate that the examination of the Plan will proceed with the Council providing the additional information / documents as set out in this letter. The Council should prepare a consolidated list of MMs as discussed at the hearings and as set out in this letter for us to review. We would also wish to review any list of 'Additional Modifications' and Policies Map changes. This is of course subject to the resolution of the Habitats Regulations matters we have discussed which are necessary for legal compliance. In this regard, it is necessary to have the adopted SPD in place prior to the MMs being finalised and consulted upon.
72. When agreed, the proposed MMs to the Plan should be subject to SA and HRA and those documents should also be published for consultation as per the appropriate Regulations. The Council should also undertake consultation on any 'Additional Modifications' and changes to the Policies Map separately, but alongside, the MMs consultation.

73. The Council's Local Development Scheme should be updated to reflect the likely adoption of the Plan to be in the summer of 2022.

74. On receipt of this letter, the Council should make it available to all interested parties by adding it to the examination website. However, we are not seeking, nor envisage accepting, any responses to this letter from any other parties to the examination.

Yours sincerely

*Philip Lewis and Mark Sturgess*

INSPECTORS