

WEST NORTHAMPTONSHIRE
JOINT LOCAL DEVELOPMENT FRAMEWORK
JOINT STRATEGIC PLANNING COMMITTEE

REPORT OF THE INTERIM HEAD OF THE JOINT PLANNING UNIT
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Review of the Local Development Scheme for West Northamptonshire

Background

- 1.0 The Joint Local Development Scheme sets down the documents that will form the Local Development Framework for West Northamptonshire and the programme to which they will be produced. The purpose of this report is to seek the agreement of the committee to review the Joint Local Development Scheme for West Northamptonshire following an invitation by Government Office East Midlands to do so. The relevant letter is attached at Appendix A.
- 2.0 The current Local Development Scheme was approved by Members of the Joint Strategic Planning Committee in November 2008. Since that time a number of key matters that affect the original programme have become apparent and publication of a pre submission document is no longer possible in November 2009.
- 3.0 The Government Office for the East Midlands recognises the significant progress made by the Joint Planning Unit and the Joint Strategic Planning Committee in publishing the Emergent Joint Core Strategy and the on going efforts being made to progress to pre submission. However, the complex infrastructure issues that need to be better understood and resolved before pre submission, their complexity, sensitivity and financial impact all require further time and this is recognised by Government Office – hence the invitation to review the Local Development Scheme.

Recommendation

- 3.1 That the Joint Strategic Planning Committee agrees to the review of the Local Development Scheme in principle.
- 3.2 That discussions with Government Office East Midlands include the separation of the Affordable Housing and Developer Contributions Development Plan Documents.

- 3.3 That work on the Affordable Housing Supplementary Planning Document is abandoned for legal reasons.
- 3.4 That a revised Local Development Scheme is brought before the Joint Strategic Planning Committee in December once the critical paths for outstanding evidence and policy making have been mapped and a common understanding with key agencies on a way forward is reached.

Evidence base

- 4.0 There are some fundamental pieces of high risk technical evidence, principally transport modelling, flood risk assessment and water cycle strategy (foul water capacity) that are still awaited. These critical issues have now been exposed more fully through the publication of the Emergent Joint Core Strategy requiring the key agencies to rigorously test and evidence the capacity (or otherwise) of existing infrastructure to accommodate the scale of growth within the timescales required by the Regional Spatial Strategy.
- 5.0 The results of these studies have the potential to have a material impact on the proposals in the Emergent Joint Core Strategy and the shape of the pre-submission plan. The preliminary outputs from the transport modelling are of particular concern requiring further time for all involved to consider fully the evidence from these base studies and assess the capacity of West Northamptonshire and, in particular, the Northampton Implementation Area to accommodate growth properly. The risks related to delivery are heightened for West Northamptonshire, given the absence of any regional infrastructure programme of investment for increasing transport capacity.
- 6.0 The potential weakness of infrastructure deficit, and limited testing of infrastructure capacity through the regional planning process, was identified in the Emergent Joint Core Strategy. A strategic principle of the Emergent Joint Core Strategy is to align necessary new infrastructure to enabling development, so as to develop an infrastructure platform for the future, a funding mechanism to facilitate delivery in the absence of adequate public funding, and a long term “plan” that would support future bids for public investment. Without such a ‘plan’ West Northamptonshire is at high risk of missing out again as and when infrastructure funding becomes available. This strategic principle, in part, may now be compromised by the inadequacy of existing infrastructure and the uncertainty created by the unknown outcomes of the Delivering a Sustainable Transport System (DaSTS) study and the Regional Spatial Strategy review.

Consultation on the Emergent Joint Core Strategy

- 7.0 The recent consultation on the Emergent Joint Core Strategy proved to be a very effective consultation process eliciting in the region of 6,000 individual responses most of which raise a number of proper issues that will be given careful consideration.
- 8.0 Each response will be acknowledged, details logged, responses logged into the computer system and then officers will analyse and consider how each matter could be responded to within the next stages of plan making. At this moment it

is only possible to estimate the time it will take for the team to analyse and consider responses to the representations made. However it is estimated that this could be completed shortly before Christmas 2009.

9.0 There is no requirement within the regulations to respond directly to individuals but a detailed report will be produced for the JSPC that will note how the matters raised have been accounted for in plan making. When the final plan is submitted for examination this report must accompany the plan as evidence for the Planning Inspector to consider.

10.0 The responses from statutory agencies such as the Highways Agency, Environment Agency and Natural England will be the subject of a report to Joint Strategic Planning Committee in November 2009.

Risks of a new timetable

11.0 A number of risks present themselves with respect to a change in the programme. The key risks are outlined below:

- There is a significant risk that land owners and developers of potential sites will choose not to wait for the pre submission Joint Core Strategy for West Northamptonshire and instead seek to make applications and if refused planning permission seek redress through the appeals process. This is a lengthy and expensive process for all parties and it is hoped that the development industry would prefer to work within the certainty of an agreed policy framework.
- The resources required to undertake production of the Local Development Scheme will need to be made available and the resource position considered beyond the original three years of the first Joint Local Development Scheme agreed by Committee in December 2008. The Joint Strategic Planning Committee will receive a further budget report later in the financial year.
- The demand on councillors time of the intensive programme of working sessions and briefings requested will impact significantly upon member's diaries. There is a serious risk when members are unable to attend such working sessions that understanding of the work does not develop evenly across the committee. Officers will give as much notice as possible for the programme of member engagement.

11.1 It is considered, however, that these risks are unavoidable.

Affordable Housing and Developer Contributions Development Plan Document

12.0 Consultation on a draft Affordable Housing Supplementary Planning Document (which is only able to expand on existing policy not set new policy) is now complete. Consultation on the Developer Contribution Development Plan Document has commenced. However, a number of issues have recently come to light, which collectively suggest an alternative approach is needed.

- 13.0 The Community Infrastructure Levy is intended as a mechanism to extract development contributions for infrastructure but is not intended to meet the full bill for such infrastructure. The draft guidance and regulations for Community Infrastructure Levy, published by Government at the end of last month, suggest that it will almost certainly be necessary to introduce a Community Infrastructure Levy charging schedule as a key strand for the collection of developer contributions in West Northamptonshire. The final regulations will not be issued until 6th April 2010. Given the importance of the final regulations, it would be prudent to wait until after this date to complete a draft of the Developer Contributions Development Plan Document.
- 14.0 The consultation responses to the Affordable Housing Supplementary Planning Document raised two key concerns. The first is why an Affordable Housing Supplementary Planning Document is required, when a Development Plan Document on the same topic is already under preparation. Members will recall that there was a strong desire to put an interim statement in place with respect to Affordable Housing. However, the second, more fundamental issue is that the scope of the Supplementary Planning Document goes beyond what is possible for such a document and does indeed seek to make policy. Legal advice has been sought, which validates this concern:
- 'Sections 5 and 6 of the draft Supplementary Planning Document contain policy which should be within a Development Plan Document. These sections go beyond providing greater detail to proscribe inter alia thresholds and tenure.'*
- 15.0 It is therefore proposed that the Affordable Housing Supplementary Planning Document is abandoned. Work will continue to analyse the consultation responses to make sure that the issues raised are reflected in future work. In the interim the Regional Spatial Strategy and Saved Local Plan policies should continue to be used to require affordable housing.
- 16.0 It is also proposed that the Affordable Housing and Developer Contributions Development Plan Document is split into two single topic Development Plan Documents. The Affordable Housing Development Plan Document would be prepared to the same timetable as for the Core Strategy. This proposition will need to be subject to detailed discussion with Government Office.

KJM 12/10/09