



## CABINET REPORT

<b>Report Title</b>	<b>Northampton Local Plan Part 2 – Timetable and Commencement</b>
---------------------	---

**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	9 <sup>th</sup> September 2015
<b>Key Decision:</b>	Yes
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	Yes
<b>Directorate:</b>	Regeneration, Enterprise & Planning
<b>Accountable Cabinet Member:</b>	Councillor Tim Hadland
<b>Ward(s)</b>	All wards

### 1. Purpose

- 1.1 The purpose of this report is to consider the scope, timetable and commencement of the preparation of the Northampton Local Plan Part 2.

### 2. Recommendations

- 2.1 It is recommended that Cabinet:
1. Agrees the preparation of a Local Plan Part 2 for Northampton Borough as set out in Section 3 below;
  2. Agrees the scope of the Local Plan Part 2 as set out in Paragraphs 3.1.14 – 3.1.17 below;
  3. Agrees the timetable for the preparation of the Northampton Local Plan Part 2 as set out in Paragraph 3.1.30 below;
  4. Approves the Northampton Borough Local Development Scheme and brings it into immediate effect, i.e. from the 9<sup>th</sup> September 2015;

5. Agrees to a review of the Northampton Statement of Community Involvement to include six weeks consultation and delegates adoption of the revised SCI to the Cabinet Member for Regeneration and Enterprise;
6. Delegates approval of the Scope of the Plan consultation documentation, the Call for Sites documentation and the proposed consultation details to the Director of Regeneration, Enterprise and Planning in consultation with the Cabinet Member for Regeneration and Enterprise; and
7. Approves the establishment of a Cabinet Advisory Group to advise and liaise with officers during the preparation of the Local Plan. The Cabinet Member for Regeneration and Enterprise will Chair the Group which will comprise 5 Members as set out in Paragraph 3.1.40 of this Report.

### **3. Issues and Choices**

---

#### **3.1 Report Background**

##### **The Importance of the Development Plan**

- 3.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the adopted development plan unless material considerations indicate otherwise.
- 3.1.2 In March 2012 the Coalition Government published the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. The NPPF states that it does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF states that it is highly desirable that local planning authorities should have an up-to-date plan in place.
- 3.1.3 The NPPF stresses the importance of having a planning system that is plan led. It states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. Where a proposal accords with an up-to-date development plan, it should be approved without delay, unless there are clear material reasons otherwise as required by the presumption in favour of sustainable development.
- 3.1.4 Where the development plan is absent, silent or the relevant policies are out of date, the NPPF requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified (see Paragraph 14 of the NPPF).
- 3.1.5 The importance of the development plan has recently been emphasised in the Government's Productivity Plan which was published as part of the July 2015 Budget. The Productivity Plan sets out the Government's long-term strategy

for tackling the issues that matter most for productivity growth. One of the issues identified is building enough homes to keep up with growing demand. In relation to planning powers the Productivity Plan states that it is vital that local authorities use their powers to put in place local plans that set the framework for the homes and jobs local people need. The Government will take further action to ensure that local authorities put local plans in place by a set deadline. The Secretary of State for Communities and Local Government will intervene for those local authorities that do not produce a local plan.

### **The Existing Development Plan for Northampton**

- 3.1.6 The Development Plan can comprise either a single document or a number of documents that set out the spatial planning strategy for the area.
- 3.1.7 For the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004 the adopted Development Plan for Northampton Borough currently comprises the following:
- Northampton Local Plan Saved Policies - Adopted 1997
  - Northampton Central Area Action Plan - Adopted 2013
  - West Northamptonshire Joint Core Strategy Local Plan Part 1 - Adopted 2014
  - Northamptonshire Minerals and Waste Local Plan – Adopted 2014
- 3.1.8 The Northampton Local Plan was adopted in 1997 and a number of its policies were saved in 2007 to ensure that they remained part of the development plan prior to the adoption of a new plan. Some of these policies have subsequently been replaced by the West Northamptonshire Joint Core Strategy but a significant number of Saved Policies still remain.
- 3.1.9 The Northampton Central Area Action Plan was adopted in January 2013. Its Examination took place post-publication of the NPPF. It provides up-to-date planning policies for the town centre and its surrounding area.
- 3.1.10 The West Northamptonshire Joint Core Strategy Local Part 1 was adopted in December 2014. Its Examination took place post-publication of the NPPF. It provides up-to-date planning policies for the whole of Northampton Borough as well as the neighbouring areas of Daventry District and South Northamptonshire.
- 3.1.11 The Northamptonshire Minerals and Waste Local Plan was adopted in October 2014. The Plan, which is prepared by Northamptonshire County Council, sets out the strategy, policy and locations for minerals and waste development in the county to 2031. It provides up to date planning policies for minerals and waste development in Northamptonshire.

## Reasons for Preparing the Northampton Local Plan Part 2

3.1.12 The Local Plan Saved Policies were adopted in 1997 which pre-dates the existing planning system, the NPPF and the adopted Joint Core Strategy. This means that there is a need to review and update these policies. It is important to have an up to date plan in place to positively guide development decisions. An up to date plan will also replace extant interim guidance that does not constitute a formal part of the Development Plan. In addition, there is a need to consider how the Local Plan Part 2 policies will relate to emerging and future Neighbourhood Plans.

3.1.13 The continuing regeneration and growth of Northampton's Central Area coupled with recent planning reforms, such as the prior notification system for changes of use from business use to residential use, means that it is also necessary to review and update the Central Area Action Plan as part of the preparation of the Northampton Local Plan Part 2.

## Scope of the Northampton Local Plan Part 2

3.1.14 The National Planning Policy Guidance (NPPG) states that the Local Plan should make clear **what** is intended to happen in the area over the life of the plan, **where** and **when** this will occur and **how** it will be delivered. Local plans should be tailored to the needs of each area in terms of their strategy and the policies required. They should focus on the key issues that need to be addressed and be aspirational but realistic in what they propose.

3.1.15 As the recently adopted Joint Core Strategy provides the up to date strategic policies for Northampton Borough it is proposed that the main scope of the Northampton Part 2 Local Plan should be as follows:

- Site specific allocations including residential and employment uses;
- Detailed development management policies against which planning applications will be determined;
- Identification, phasing and implementation of local infrastructure (for example the Northampton Northern Orbital Road);
- Boundaries of retail centres;
- Historic conservation, open space and nature conservation policies and designations; and
- Policies Map.

3.1.16 It is proposed that the Local Plan Part 2 will cover the entire Borough of Northampton including the Northampton Central Area.

3.1.17 The Local Plan Part 2 will need to be consistent and in conformity with the Joint Core Strategy; it will cover the period up to 2029.

## **Timetable**

### Statutory Requirements and Stages

3.1.18 It is a statutory requirement for the Local Plan to be prepared in accordance with the relevant primary and secondary legislation i.e. the Planning and Compulsory Purchase Act 2004, as amended, and the Town and Country Planning (Local Development) (England) Regulations 2012, as amended. These Regulations prescribe the form and content of plans and the procedure to be followed in their preparation. The Regulations set out the statutory stages including the nature of public participation and the requirements for publication and submission of documents, including the length of the representations period.

3.1.19 The statutory stages are:

- Regulation 18 – Public Participation from Commencement to Proposed Submission
- Regulation 19 – Publication of the Proposed Submission Development Plan Document (also known as Pre-Submission or Draft Plan)
- Regulation 22 – Submission of the Development Plan Document
- Regulation 24 – Independent Examination of the Development Plan Document
- Regulation 25 – Publication of the Inspector’s Report
- Regulation 26 – Adoption of the Development Plan Document

3.1.20 There is considerable flexibility in how the initial stages of plan preparation are to be carried out as long as they comply with Regulation 18 and the Council’s Statement of Community Involvement. The requirements for the subsequent stages are more specific.

### Legal Compliance and Soundness

3.1.21 The primary purpose of the examination into a plan is to consider whether the plan is sound and meets legal requirements including consideration of whether the Duty to Co-operate has been met. The duty to co-operate was introduced through the Localism Act 2011 and it requires a local planning authority to co-operate with other local planning authorities and prescribed bodies – such as the Environment Agency, Historic England and Highways England – when preparing local plans.

3.1.22 Through the examination soundness will be judged against four tests. The presumption is that the plan is sound unless as a result of considering the representations made and the evidence considered at the examination it is proved not to be sound. The four tests of soundness are:

- Positively prepared – The plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
- Justified - The plan should be the most appropriate strategy when considered against the reasonable alternatives based on proportionate evidence;
- Effective – The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – The plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

#### Evidence Base

3.1.23 The NPPF requires that each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. The NPPF lists the evidence base requirements by topic and the NPPG provides more detailed guidance on the evidence base. The evidence base required for each Local Plan varies depending on the scope of the Plan and the nature of the local area.

3.1.24 The evidence base for the Local Plan Part 2 will be developed from existing studies, documents and data. Additional studies will be undertaken as required. The following studies are already under way:

- Northampton Employment Land Assessment;
- Northampton Townscape, Landscape and Historic Environment Study;
- Northampton Open Space, Sport and Recreation Study;
- Northampton Green Infrastructure Implementation Plan;
- Northampton Hotels Audit and Demand Assessment; and
- District and Local Centres Study.

3.1.25 The evidence base will be kept under review throughout the preparation of the Local Plan Part 2 to ensure it is kept up to date and reflects local circumstances.

## Sustainability Appraisal and Habitats Regulation Assessment

3.1.26 Under the Planning and Compulsory Purchase Act 2004 the sustainability appraisal of development plans is mandatory. For the development plan it is also necessary to conduct an environmental assessment in accordance with the requirements of the Strategic Environmental Assessment Directive (European Directive 2001/42/EC). Therefore, it is a legal requirement for the Local Plan to be subject to SA and SEA throughout its preparation. The requirements to carry out SA and SEA are distinct, although it is possible to satisfy both using a single appraisal process. The aim of the process is to appraise the social, environmental and economic effects of plan strategies and policies and ensure that they accord with the objectives of sustainable development.

3.1.27 The Sustainability Appraisal, incorporating the Strategic Environmental Assessment, will be undertaken as an integral part of preparing the Local Plan Part 2 and will help arrangements for monitoring and implementation. The Sustainability Appraisal process has the following five stages:

- Stage A: Setting the context and objectives, establishing the baseline and deciding on the scope
- Stage B: Developing and refining alternatives and assessing effects
- Stage C: Prepare the sustainability appraisal report
- Stage D: Seek representations on the sustainability appraisal report from consultation bodies and the public
- Stage E: Post adoption reporting and monitoring

3.1.28 Under the EU Habitats Directive (92/43/EEC) a Habitats Regulations Assessment is required for any proposed plan or project which may have a significant effect on one or more European sites and which is not necessary for the management of those sites. The purpose of the HRA is to determine whether or not significant effects are likely and to suggest ways in which they could be avoided. The first stage is to carry out a Screening process to establish if the Local Plan might have any Likely Significant Effects (LSEs) on any European site and therefore to determine whether a full HRA would be required for the Plan. The Screening will be undertaken at the same time as the Issues and Options stage (Regulation 18) of the Plan's preparation.

3.1.29 Further details of how the SA and HRA processes relate to the Local Plan preparation stages is set out in the Local Development Scheme.

## Proposed Timetable

3.1.30 The timetable for the preparation of the Local Plan Part 2 has been developed taking into account the statutory requirements set out above. The proposed timetable is set out in the table below:

<b>Stages</b>	<b>Timescale</b>
Commencement of Preparation/ Consultation on the Scope of Local Plan Part 2/ Call for Sites (Regulation 18)	September – October 2015
Issues Consultation (Regulation 18)	March – April 2016
Options Consultation (Regulation 18)	September – October 2016
Publication of Draft Plan (Regulation 19) and Consultation	March – April 2017
Submission (Regulation 22)	July 2017
Examination (Regulation 24)	Autumn 2017
Receipt of Inspector's Report (Regulation 25)	Winter 2017
Adoption (Regulation 26)	Spring 2018

## **Northampton Local Development Scheme**

3.1.31 The Local Development Scheme (LDS) is a rolling business plan for the preparation of key planning policy documents that will be relevant to future planning decisions. It outlines the programme and resources for completion and adoption of each relevant planning document. It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended by Section 111 of the Localism Act (2011)) that the Council prepares and maintains an LDS.

3.1.32 The LDS must specify:

- The local development documents which are to be development plan documents;
- The subject matter and geographical area to which each development plan document is to relate;
- Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
- Any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee;
- The timetable for the preparation and revision of the development plan documents; and
- Such other matters as are prescribed.



- 3.1.33 Development Plan Documents must be prepared in accordance with the LDS.
- 3.1.34 The existing LDS covering Northampton was prepared and brought into effect by the West Northamptonshire Joint Strategic Planning Committee in June 2012 and covered the three year period January 2012 to December 2014.
- 3.1.35 A new Northampton Borough LDS covering the period 2015 to 2018 has now been prepared and is attached as Appendix A to this report.
- 3.1.36 This LDS reflects discussions regarding future partnership working that have taken place with Daventry District and South Northamptonshire Councils following the adoption of the West Northamptonshire Joint Core Strategy in December 2014.
- 3.1.37 Subject to Cabinet's approval this new Northampton Borough LDS will be brought into immediate effect, i.e. from the 9<sup>th</sup> September 2015.

### **Northampton Statement of Community Involvement Review**

- 3.1.38 The Statement of Community Involvement (SCI) sets out how communities and stakeholders can expect to be engaged in the preparation of planning documents and in the consideration of planning applications in Northampton Borough. The SCI was adopted by the Council in March 2006. As a result of a number of significant changes since 2006, such as the introduction of the NPPF and the Localism Act, it is necessary to review the SCI. The requirement to prepare an SCI remains in the Planning and Compulsory Purchase Act 2004 however the process to be followed is no longer prescribed. It is proposed that a revised draft SCI is prepared and public consultation held for six weeks in September - October 2015. Adoption of the revised SCI will then be delegated to the Cabinet Member for Regeneration and Enterprise in December 2015.

### **Northampton Local Plan Part 2 – Consultation on Scope of the Plan (Regulation 18) and Call for Sites**

- 3.1.39 It is proposed that the first formal stage of the Local Plan preparation process will be consultation on the content and scope of the new Plan. This consultation will be accompanied by a "call for sites" where developers and landowners can promote sites for any use. It is proposed that this first formal stage will take place in September - October 2015. Consequently it is requested that Cabinet delegates approval of the Scope of the Plan consultation documentation, the Call for Sites documentation and the proposed consultation details to the Director of Regeneration, Enterprise and Planning in consultation with the Cabinet Member for Regeneration and Enterprise.

## **Local Plan Cabinet Committee/ Councillor Involvement**

- 3.1.40 In order to facilitate the preparation of the Local Plan Part 2 it is proposed that a Cabinet Advisory Group (“CAG”) for the Local Plan should be formed. It is proposed that this should be composed of the Cabinet Member for Regeneration and Enterprise, as Chair and 4 non-executive Councillors comprising 2 Conservative and 2 Labour Councillors. The CAG will inform and advise Cabinet in reaching any decisions in relation to plan-making through ensuring that work progresses on the Local Plan Part 2 in accordance with the timetable set out in the LDS. The CAG will also receive and discuss the evidence base, consider policy content and advise on consultation in accordance with the Statement of Community Involvement. The CAG will be an advisory group to Cabinet and will have no formal decision-making powers delegated from Cabinet.
- 3.1.41 Ward Councillors will be involved in the preparation of the Local Plan Part 2 through a variety of measures including Councillor Workshops at key stages and a regular Local Plan Part 2 Newsletter.
- 3.1.42 The CAG will be supported by an Officer Working Group chaired by the Director of Regeneration, Enterprise and Planning. The Officer Working Group will comprise representatives of the key service areas of the Council including Housing, Environmental Services, Asset Management, Regeneration, Development Management, Finance and Legal as well as Northamptonshire County Council in relation to infrastructure planning.

### **3.2 Choices (Options)**

#### **Option 1: Agree**

- 3.2.1 There is an urgent need for the Council to have an up to date and robust planning policy in the light of on-going reforms to the planning system. The Joint Core Strategy only provides the strategic policies for the Borough and does not allocate all the sites that will be required or set up to date detailed development management policies.

#### **Option 2: Do not agree**

- 3.2.2 The Cabinet could defer or decide not to prepare the Northampton Local Plan Part 2, however, this would mean that the Council would not have an up to date development plan and would increase the risk of planning decisions being overturned at appeal. This option is therefore not recommended.

## **4. Implications (including financial implications)**

---

### **4.1 Policy**

- 4.1.1 The Local Plan Part 2 will review and update the Local Plan Saved Policies and replace extant interim guidance. An up to date plan will provide greater certainty and allow policies at the local level to address local issues and be fully compliant with up to date requirements. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning applications

will be determined in accordance with the development plan, including the Local Plan Part 2, unless material considerations indicate otherwise.

## **4.2 Resources and Risk**

- 4.21 Sufficient resources are available for the preparation of the Local Plan Part 2 within this year's resources. Additional resources are expected to be required for 2016/17 and 2017/18. The request for these additional resources will be incorporated into the Medium Term Financial Plan and be subject to approval in the budget setting process for 2016/17

## **4.3 Legal**

- 4.3.1 The Local Plan is a statutory document and has to be prepared in accordance with the Planning and Compulsory Purchase Act 2004, as amended; the Town and Country Planning (Local Development) (England) Regulations 2012, as amended; the Environmental Assessment of Plans and Programmes Regulations 2004; and the Conservation of Habitats and Species Regulations 2010.
- 4.3.2 Legal support and advice will be required throughout the preparation process. This will require both internal support and external Counsel advice at key stages.

## **4.4 Equality and Health**

- 4.4.1 The Local Plan Part 2 will be subject to full Community Impact Assessment.

## **4.5 Consultees (Internal and External)**

- 4.5.1 It is proposed that a Cabinet Advisory Group will be established to inform and advise Cabinet in reaching any decisions in relation to plan-making through ensuring progress that work progresses on the Local Plan Part 2 in accordance with the timetable set out in the LDS. The CAG will also receive and discuss the evidence base, consider policy content and advise on consultation in accordance with the Statement of Community Involvement. The CAG will be supported by an Officer Working Group chaired by the Director of Regeneration, Enterprise and Planning.
- 4.5.2 Ward Councillors will be involved in the preparation of the Local Plan Part 2 through a variety of measures including Councillor Workshops at key stages and a regular Local Plan Part 2 Newsletter.
- 4.5.3 The Statement of Community Involvement (SCI) sets out how communities and stakeholders can expect to be engaged in the preparation of planning documents and in the consideration of planning applications in Northampton Borough. It is proposed to review the existing SCI. Community involvement and consultation will be undertaken in accordance with the SCI and the relevant Regulations.

#### **4.6 How the Proposals deliver Priority Outcomes**

4.6.1 The preparation of an up to date Local Plan Part 2 will assist in all aspects of the Corporate Plan and guide and influence many of the Council and its partners' strategies.

#### **4.7 Other Implications**

4.7.1 None.

#### **5. Background Papers**

---

5.1 None.

### **Appendix A – Northampton Local Development Scheme**

**Claire Berry, Planning Policy & Heritage Manager, Extension 8030**