Comments

Site Specific Part 2 Local Plan - Publication Plan Consultation (18/12/19 to 12/02/20)

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Consultation Point Housing Requirements and Allocations (View)
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Representation

Please use a separate form for each representation.

Which part of the Publication Plan does your representation relate to?

Chapter 4 Housing: Housing Requirements and Allocations

Tests of Soundness

Do you consider the Local Plan is sound in terms of being:

Justified  
Effective  
Positively prepared  
Consistent with National Policy  
Legal and Procedural requirements

Do you consider the Local Plan has been prepared in line with legal procedural requirements?  Yes

Duty to Cooperate

Do you consider the Local Plan to be compliant with the Duty to Cooperate?  Yes

Reasons

Please give the reason(s) why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the statutory Duty to Cooperate.
2.1 Persimmon Homes Midlands supports the Council’s general approach of allocating sufficient land through the SSP2 LP to meet residual housing needs identified in the strategic plan, namely the North Northamptonshire Joint Core Strategy 2016 (NNJCS). The NNJCS controls the broad scale and distribution of housing growth up to 2031. It has been tested at examination, found sound, and it is necessary for the SSP2 LP to conform with the strategic plan in order to be sound itself. In this regard particularly, Persimmon Homes would emphasise the recent findings of the Inspector who undertook the examination into The Plan for the Borough of Wellingborough (PBW). The PBW, now having been examined and adopted, sits under the NNJCS in the same manner the SSP2 LP will once adopted. At paragraph 9 of his report, the Inspector articulated the relationship between the NNJCS and subsequent Part 2 Plans:

“The scope of Part 2 is to enable the effective delivery of Part 1 of the Plan – the North Northamptonshire Joint Core Strategy (JCS). The Plan therefore aims to complement the strategic policies of the JCS. Anything outside its scope, such as the future growth of Northampton, is therefore not a matter for this Plan to address. Any strategic challenge to the strategic provisions of the JCS will need to be made when that document is reviewed, and not through Part 2 of the Plan.”

2.2 In coming to this conclusion, the Inspector had regard to the Court of Appeal Judgement in Oxted Residential Ltd v Tandridge District Council [2016] EWCA Civ 414 which states that, in preparing a development plan, the local authority must have regard to any other development plan document already in existence which covers the relevant local plan area. Accordingly, and as concluded by the PBW Inspector at paragraph 11, there was no requirement for him to re-examine the strategic issues already covered by the NNJCS. The same no doubt applies to the Kettering Borough SSP2.

2.3 Persimmon Homes Midlands notes that the SSP2 LP, along with completions and commitments in the plan period, delivers 1,353 net housing completions in the current plan period against an NNJCS housing requirement figure of 1,309 including a 10% buffer to allow for flexibility. This is clearly a positive and proactive approach which conforms with the strategic plan. Considering the position as summarised by the PBW Inspector, there is very limited if any scope to legitimately question the general scale or the distribution of housing growth as articulated in the NNJCS. Whilst recognising the need for flexibility and that the housing requirement figures by settlement are a “minimum”, there is a certain tipping point at which over-allocating land in settlements will distort and therefore conflict with the adopted spatial strategy. This was explained by a Section 78 planning Inspector (appeal reference APP/L/820/W/18/321536) specifically in a North Northamptonshire context with reference to a proposal for 250 dwellings in Desborough. The Inspector stated:

“In this instance the housing provision for Desborough already exceeds the requirement for housing to 2031 by some distance. To further increase it to a point of about 39% supply exceeding requirement would take it, in my judgement, beyond a reasonable point. I therefore regard the proposal as being in conflict with Policy 29 as provision would be out of step with the intentions of the policy.”

2.4 In short there is no need to revisit the strategic decisions made about the broad housing requirement figure and the distribution of that requirement as reflected in the NNJCS. The focus of the SSP2 LP is (and should be) on delivering suitable sites to meet the residual need to the end of the NNJCS plan period. Persimmon Homes Midlands therefore supports the Council’s approach articulated in paragraphs 4.1 to 7.

Attendance at the examincations hearings

If you are seeking to change the Plan, would you like to attend the examination hearings? Yes

If Yes, please outline the reason(s) why, below.

Persimmon Homes Midlands is an active developer in Kettering Borough and has several concerns in relation to plan’s soundness vis-à-vis certain detailed development management policies as well as a single criterion of Policy ROT3 Land West of Rothwell. These issues will need to be tested at examination and Persimmon Homes Midlands wishes to be party to these discussions.
Notifications

Do you wish to be notified?

- When the Plan is submitted for independent examination?
- When the Inspector's Report is published?
- When the document is adopted?