Comments

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

Comment ID 161
Response Date 12/02/20 10:19
Consultation Point Policy TCE5 Application of the Sequential Test (View)
Status Processed
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Representation

Please use a separate form for each representation.

Which part of the Publication Plan does your representation relate to?
Policy TCE5 and TCE6

Tests of Soundness

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

- Justified . No
- Effective . No
- Positively prepared . No
- Consistent with National Policy . No

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.
We continue to object to the wording of Policy TCE5 as it provides insufficient clarity as to what proposals would be required to undertake a sequential assessment.

Indeed, if the Council insists on including developments that would be exempt from the application of the sequential test (which in our view is unjustified as the NPPF only refers to small scale rural offices or other small scale rural development being exempt– Para 88), then it must ensure there is no room for misinterpretation. By this we mean references to ‘small-scale’ proposals must be defined / quantified (for example, proposals for less than 180 sqm).

Also, please be advised that the draft Policy refers to Section 2 of the NPPF – the relevant section is now Section 7.

We support the revision to Draft Policy TCE6 which now states that in some instances, proposals falling below the defined thresholds will still require an impact assessment, where it is evident that cumulative impacts are likely to give rise to significant harm.

TCE5 & 6 – DEFINITION OF LOCAL CENTRES

Notwithstanding the Council’s response to our previous representation dated 31 July 2018 (Comment IDs: 165 & 166) (Appendix 2g of the Planning Policy Committee Pack - Town Centres), we remain concerned that neither the JCS or the SSP2 seek to define the scale and composition of the local centres that would be considered appropriate for the Borough’s proposed SUEs.

Without such a definition, we are concerned that proposals which have the potential to have a significant adverse impact on Kettering Town Centre, or which would be better located in the Town Centre (allowing for a degree of flexibility as is required by the NPPF), could be permitted without the necessary scrutiny. We therefore maintain that the scale and composition of the proposed local centres should be defined and a requirement for an impact and sequential assessment be specified where a proposal for a local centre as part of a SUE exceeds a defined threshold.

Proposed Actions/Changes

Please explain what changes or actions are needed to make the Local Plan legally compliant.

Policy TCE5 must define what is meant by ‘small scale’ and refer to Section 7 of the NPPF, not Section 2.

Moreover, the scale and composition of the proposed SUE local centres should be defined and a requirement for an impact and sequential assessment be specified where a proposal for a local centre exceeds a defined threshold.

Attendance at the examination hearings

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

Yes

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?