Kettering Site Specific Part 2 Local Plan (SSP2)

Examination – Hearing Statement – Inspector’s Matters, Issues and Questions

**Matter 12 – Natural Environment and Heritage**

Week 2 - Day 3 – 15th October 2020

By: David Lock Associates (User ID No. 57)

On behalf of: Hanwood Park LLP
1.0 INTRODUCTION

1.1 This Hearing Statement has been prepared by David Lock Associates (‘DLA’) on behalf of Hanwood Park LLP (‘HPL’), the promoter and principal developer of Hanwood Park, formerly known as the East Kettering Sustainable Urban Extension. As Paragraph 9.1 of the Site-Specific Part 2 Local Plan (‘the Plan’ or ‘SSP2’) states, ‘the majority’ of the growth over the plan period within Kettering Borough will be provided through the Hanwood Park development. The Hanwood Park development comprises up to 5,500 dwellings, schools, district and local centres, healthcare, employment, formal and informal open space including playing facilities, roads and associated infrastructure.

1.2 This Statement responds to the Inspector’s Matters, Issues and Questions relating to Matter 12 – Natural Environment and Heritage but does not respond on each and every question just those having a bearing upon the Hanwood Park development and related matters.

1.3 This Statement should be considered and read in conjunction with previous representations made on behalf of Hanwood Park LLP, including Statements made to respond to other Matters raised by the Inspector as part of the Examination of the Plan.
2.0 CONTEXT

2.1 Hanwood Park has an extant outline planning permission (KET/2015/0967) granted in 2018 for a large-scale urban extension, comprising 5,500 residential units and related development.

2.2 The Hanwood Park development is being implemented in accordance with a series of documents, which have been approved by the Council pursuant to the outline planning permissions and which are of relevance to this matter:
   - Strategic Masterplan (see Appendix 1);
   - Phase 1 Strategic Landscaping Plan (which contains details on landscaping required, and its phasing and implementation);
   - Open Space Strategy;
   - Green Infrastructure Strategy; and
   - Land Use Schedule and Phase 1 and 2 plans.

2.3 Reserved Matter applications are required to "accord with the principles set out in these approved documents".

2.4 The Open Space Strategy, which was approved by the Council in September 2012, states as follows:

   ‘Alongside the sports pitches to be provided as part of the secondary school development, 21 hectares of multi-use sports green space are proposed as part of the Open Space delivery for East Kettering. These will be well maintained and respected areas, facilitating the sporting and recreational needs of the community. They are to incorporate changing and toilet facilities, security and lighting, and will be situated within 20 minutes’ walk from the doorstep of each householder living at East Kettering.’

2.5 A total of 107.2 hectares of open space are proposed as part of the development. Formal open space accounts for 21.3 hectares of this whilst 85.9 hectares are allocated as informal open space.
2.6 The original outline planning permission for Hanwood Park dates back to April 2010 (KET/2008/0274); this and the subsequent s73 permission (KET/2015/0967) required all reserved matters to be submitted before 1\textsuperscript{st} April 2020; this has subsequently been extended to 1\textsuperscript{st} May 2021 by the Business and Planning Act, 2020. The development is well underway with primary infrastructure in place, reserved matter approvals for 1,222 dwellings, pending reserved matter applications for a further 925 dwellings and well over 355 occupations\textsuperscript{1}.

2.7 HPL are preparing a new outline planning application and Environmental Impact Assessment for the remainder of Phase 1 and Phase 2 of the development. This is to be submitted in the Autumn 2020.

\textsuperscript{1} At the time of preparing this Statement based upon 22\textsuperscript{nd} January 2020 figures
3.0 MATTERS, ISSUES AND QUESTIONS

Policy NEH2 - Green Infrastructure

Question 7 - What is the purpose of Table 8.1 for decision makers? Are the sites shown on the Policies Map? Does the table duplicate the JCS? Is the table complete? Should Local Wildlife Sites be included?

Question 9 - Is the approach to GI in line with the JCS approach? Does some of the policy and the supporting text repeat JCS Policy 19? Do the identified GI corridors arising from the Green Infrastructure Delivery Plan align with the local GI corridors in the JCS (albeit that those are indicative)? Is the approach to identifying new borough corridors justified?

Question 10 - Are the GI corridors shown effectively on the Maps? Are their boundaries clear? Are they affected by any of the proposed allocations in the Plan and how is this dealt with? What are the implications for development in the built-up areas covered by the borough corridors?

3.1 HPL consider that Figure 1 is not effective as it is difficult to read and therefore unsuitable for decision-taking purposes. In addition, it is surprising and disappointing that it does not include the proposed green infrastructure provision at Hanwood Park, the largest development in the Borough. As such, it gives a misleading impression of future green infrastructure (‘GI’) in the Plan and overlooks the extensive GI major character corridors (5 no.), GI linkages (7 no.), off-site GI linkages (8 no.), minor character corridors (3 no.), formal and informal open space, new and retained woodland, parkland and other features to be provided at Hanwood Park. The development will have an extensive park system and open space within the site has different uses and offers a variety of opportunities for people to interact with the environment (see the GI Parameter Plan at Appendix 2).
3.2 As detailed above a total of 107.2 hectares of open space is proposed as part of the approved SUE development; formal open space accounts for 21.3 hectares of the site whilst 85.9 hectares will be informal open space. This is over 32% of the total site area at Hanwood Park.

3.3 HPL also consider that the policy repeats much of what is already included in Policy 19 of the Joint Core Strategy, which is unnecessary and therefore neither effective nor justified.

**Policy NEH4 – Open Spaces**

**Question 20 - Are the Open Space Audit and Needs Assessment and the Open Space Standards Paper referred to in MM6 now published and available on the website? Do their findings support the policies and proposals in the Plan?**

3.4 As indicated in respect of Matter 11, HPL are extremely disappointed and concerned that the Plan was submitted to the Secretary of State for examination without the necessary, supporting evidence base documents purporting to provide a robust local evidence base with which to inform plan making and decision taking in the Borough.

3.5 The Plan was submitted to the Secretary of State on 28th May 2020, but the evidence base documents, assessments, strategies and Standards Paper were not publicly available until the end of July 2020. Therefore, it is difficult to be confident or assured that the findings of these reports support the proposals and policies in the Plan. It is certainly unusual in our experience to submit a Plan for examination without a host of documents that apparently support the formulation of the Plan and its policies.

3.6 It is also most regrettable that KKP (the Council’s consultants who produced these reports) did not engage with DLA or HPL in preparing the assessments and Standards Paper; we note they did consult with the Hanwood Park Residents’ Association.
Question 22 - What is ‘all major development’ defined as in terms of section 1 of the policy? The original Policy text refers to the Open Space Developer Contribution SPD which is yet to be produced but will include amongst other things, how to determine appropriate developer contributions, and in criterion a to the open space cost calculator. Is a policy which requires compliance with criteria or standards that are set out in another document or SPD effective or justified?

3.7 HPL are concerned that this policy is not consistent with national policy guidance in the PPG (Paragraph: 008 Reference ID: 61-008-20190315), which states (our emphasis):

‘Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.’

3.8 HPL are also concerned that the SPD, by its very nature, will not be subject to the same level of independent scrutiny (i.e. soundness and viability tests) as the Plan.

Question 23 - MM6 seeks contributions as appropriate and in accordance with the most up to date evidence base. Is this justified and effective? It is clear how the contributions that are required will be determined? Have the requirements of the policy been viability tested?

3.9 HPL does not consider that MM6 and the policy are justified and effective, for all the reasons set out in this Statement. It is not clear how the contributions will be determined and as there has been no discussion with HPL as the principal developer and promoter of the largest development in the Borough about the details of the open space provision (existing and proposed) and the financial impact or viability of the new policy requirements, there are major concerns about how feasible and viable the
future requirements may be. Hence, the policy cannot be considered, as it stands, to be sound, based upon an adequate and reliable evidence base and viable.

**Question 24 - Is there any cross over with Policy NEH2 concerning GI? Could a proposal fall to be considered under both policies? Does the policy deal with circumstances where there is a loss of open space arising from development and is there a mechanism for securing replacement provision in such instances?**

3.10 HPL agree that there is a cross-over and potential duplication with Policy NEH2 and a likelihood that a proposal would need to be considered under both policies, which would be confusing.

3.11 Having said that, HPL recognise that “Open Space” and “GI” are key requirements in building sustainable communities and delivering the growth agenda at Hanwood Park and in the Borough generally. GI includes many different elements – e.g. recreational and sports facilities, pathways/routes, natural and historic sites, water bodies as well as accessible countryside. A key aspect of GI is connectivity through the creation or enhancement of linkages including green corridors or cycleway/pedestrian links. Hanwood Park will incorporate a network of multi-functional and connected green spaces and therefore consider that it is important that the Plan and Standards Paper (and any future SPD) do not slavishly apply a rigid policy requirement for specific amounts of space for specific typologies of open space or GI. This is because a development of the scale of Hanwood Park has green space(s) that do not precisely fit within normal open space typologies. For example, the Central Open Space and Linear Park that are key parts of the scheme and about to be laid out (Linear Park) comprise a number of the typologies within each particular area. Paragraph 8.16 of the Plan states:

‘The National Planning Policy Framework (NPPF) defines Green Infrastructure (GI) as a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.’
3.12 HPL request that the Plan makes it clear in its policies that a similar approach will be taken when applying the Plan and its policies, recognising that it is possible to combine types of open space without adversely affecting both their individual and wider GI and other functions.
4.0 CONCLUSION

4.1 Overall, HPL is supportive of much of this Chapter but has concerns about Policies NEH1 and NEH4 for the reasons set out in this Statement.

4.2 The proposed development at Hanwood Park seeks to create a fully integrated new community, with assets for the whole of the town. HPL and DLA have been conscious of creating a new high-quality edge to Kettering, particularly in the north where the site is adjacent to the registered historic park and garden surrounding Boughton House. The development will see major new green infrastructure created linking Hanwood Park to the town and surrounding countryside with parks, woodlands, tree-lined avenues and sports pitches creating a green environment for new homes.

4.3 This is secured through the existing planning permission, s106 obligation and supporting documents and is being delivered. Unfortunately, this Chapter and the supporting evidence base have not paid proper regard to these commitments nor properly engaged with HPL to discuss the proposals coming forward and establish the deliverability and viability of its assessments, strategies, policies and proposals. As such, HPL cannot accept that the Plan and its proposals in this Chapter are sound.
5.0 LIST OF APPENDICES

Appendix 1 – Approved Strategic Master Plan

Appendix 2 - Green Infrastructure Parameter Plan