Kettering Site Specific Part 2 Local Plan (SSP2) (2011-2031) Examination

Matter 11 – Health and Well-being

Matter Statement by Kettering Borough Council

September 2020
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1. Introduction

1.1. This statement sets out the Council’s response to Matter 11: Health and Well-being, questions 1 - 9, in respect of the following issues:

- Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy and the JCS in relation to the matter of health and well-being.

1.2. The statement also addresses any representations which the Council considers are of particular significance or concern, where this is the case the relevant respondent number and comment id are provided.

1.3. All documents referred to in this statement are listed in Appendix 1, submission document numbers are provided throughout where applicable.

HWC1 Health and Well-being

2. Matter 11 – Question 1: What is the basis for the policy approach, what does the policy seek to achieve? Is the policy justified and effective and in line with Section 8 of the Framework?

2.1. The policy seeks to support health and well-being in the Borough through setting out how the Council will work with partners to ensure that adequate health facilities are available in the locations where they are needed and to support the provision of multi-purpose buildings. The approach is in line with Section 8 of the NPPF which seeks to promote healthy and safe communities, including through the provision of shared spaces, through supporting the delivery of local strategies to improve health and through guarding against the loss of valued facilities. Alongside other policies in the plan, including policies HWC2, HWC3, NEH2 and NEH4 the policy will contribute towards the creation of healthy, inclusive and safe places.

3. Matter 11 – Question 2: Is it evident how the policy will be implemented? Is it sufficiently clear for the purposes of decision making in terms of the development proposals to which it would apply and what would be required to support an application? In practical terms how will decision makers ‘prioritise’ and ‘support’ proposals?

3.1. The policy primarily sets out how the Council will work with partners to improve health and well-being. Working with partners the Council would seek to prioritise interventions and resources to areas where health inequalities are the greatest, this would be done on a collaborative basis with partners and would be informed by local strategies.

3.2. For the purpose of decision making development proposals would be assessed on a case by case basis through the application process. Consideration will be given to what is required in terms of health infrastructure based on the Health Service Delivery Plan or other subsequent documents identified as part of the
partnership working process. Support for proposals which involve the integration of community facilities in a multi-purpose building would be through consideration of planning applications where integration of facilities would weigh in favour of the grant of planning permission.

4. Matter 11 – Question 3: Is the reference to new sites being based on a health service delivery plan in criterion a effective and justified? Have the requirements of the policy been viability tested? (see Initial Question 25 and the Council’s response)

4.1. The reference to new sites being identified based on a health delivery service plan is appropriate and justified, this will ensure that the Council will work with partners to identify suitable sites based on up to date requirements and to meet the needs of the health sector.

4.2. The Whole Plan Viability Assessment (2019) (VIA1) assessed the impact of Policy HWC1 on viability as medium, this recognised that some of the costs will be met through S106, S106 has been treated as an output though out appraisals.

HWC2 Protection of Community Facilities and Proposals for New Facilities

5. Matter 11 – Question 4: How will impact on vitality and viability be measured under criterion a? Where is a ‘neighbourhood area’ defined? What is the justification for the 12 month advertisement period in criterion b? Have the requirements of the policy been viability tested?

5.1. The impact on vitality and viability will be considered through the planning application process, paragraphs 7.11 and 7.12 of the SSP2 (PBK1) set out the type of considerations that will be taken into account when assessing the impact on vitality and viability.

5.2. A neighbourhood area is the distinct neighbourhood in which the proposal is located, it is not possible to define this precisely as it will be depended on the location of the proposal and the characteristics and function of the surrounding area.

5.3. It is considered that a 12 month period is necessary to take into account changes in the market which take place throughout the year. This will ensure that the Council has greater certainty that there is no interest in using the property for its current purpose.

5.4. The Whole Plan Viability Assessment assessed the impact of Policy HWC2 on viability as low.

6. Matter 11 – Question 5: How will proposals for new facilities be ‘supported’ in practice? Are the requirements of the final paragraph of the policy covered by other policies in the Plan or the JCS?
6.1. Proposals for new facilities will be supported through the approach to applications for this type of facility, the support would weigh in favour of the grant of planning permission.

6.2. The final paragraph of the policy seeks to provide additional local policy in relation to local character and amenity.

**HWC3 Sport, Recreation and Physical Activity**

7. **Matter 11 – Question 6: Are the Borough’s Audit and Needs Assessment findings for playing pitches and sports facilities now available and on the website? Have the Playing Pitch Strategy and the Sports Facilities Strategy referred to in MM5 now been published and are they available on the website? Do the findings of these support the proposals and policies in the Plan?**


7.2. The Audit and Needs Assessment should be read in conjunction with the Strategies. Together these provide a comprehensive and robust evidence base to support the proposals and the policies in the Plan.

7.3. This can be corroborated by noting that the strategies include prioritised action plans and set out strategic recommendations to address issues such as which facilities should be protected and enhanced; possible locations for new provision and what opportunities exist for change or potential rationalisation. The strategies provide a justified approach toward the enhancement of existing and creation of new facilities. This content is in line with the narrative supporting Policy HWC3 (Sport, Recreation and Physical Activity).

7.4. In addition, the Audits and Needs Assessments were based on assessing the quality, quantity, availability and accessibility of the pitches and sports facilities. The findings reflected through the strategic recommendations do address the requirements of Policy HWC3 the delivery of which will be supported through the production of a Supplementary Planning Document (SPD) for Sports and Physical Activity Provision. The SPD will provide further guidance to inform development management practices including how to determine appropriate developer contributions.

8. **Matter 11 – Question 7: Does the policy provide a clear indication of how a decision maker should react to a development proposal? How will proposals be ‘supported’ in practice? What are the ‘Sport England Active Design Principles’ that will be applied?**
8.1. Read in conjunction with the supporting narrative (paragraphs 7.21. – 7.26) the policy does provide a clear indication of how the decision maker should respond to a development proposal. The narrative establishes that the evidence base consists of the Audit and Needs Assessments and the Strategies for playing pitches and sports facilities. In addition, it highlights the commitment to produce a Supplementary Planning Document (SPD) for Sports and Physical Activity Provision in Kettering Borough. This will provide further guidance to inform development management practices.

8.2. The first paragraph of the of HWC3 sets out the aim of the policy for decision makers. Paragraph two, through criteria (a), (b) and (c), directs the decision maker to some important expectations in relation to the enhancement of existing and/or provision of new sports facilities. These criteria make the decision maker aware that these expectations must be given due consideration when assessing a proposed scheme.

8.3. Reference to Sport England’s Active Design Principles in paragraph 3 is an indication to the decision maker that proposed schemes should be designed so as to promote and support the role of sport and active lifestyles. In addition, by following the guidance and advice laid down by the National Governing Bodies of Sport the decision maker is led to assessing schemes to ensure they maximise their potential as a sporting facility.

8.4. In paragraph five the decision maker is advised that developer contributions and reference to the most up to date evidence base will be the mechanism to achieve the goals of the policy and meet the needs of the population arising from development.

8.5. It is noted on reflection that perhaps the wording of paragraph 5 could be modified so as to provide more clarity to the decision maker for example:

‘To achieve the goals above and to meet the needs of the population arising from development, the enhancement of existing and/or the provision of new sport and physical activity facilities will be in accordance with the most up to date evidence base and delivered through developer contributions and other funding mechanisms where appropriate, in accordance with the most up to date evidence base’

8.6. Support for proposals which involve sport, recreation and physical activity would be through the approach to applications for this type of facility. Proposals would need to meet the relevant criteria in policy HWC3 and conform with other applicable policies of the JCS and SSP2. Support would weigh in favour of the grant of planning permission.

8.7. The Sport England Active Design Principles are set out in Active Design: Planning for health and wellbeing through sport and physical activity (2015). This collaborative guidance document has been produced by Sport England and Public Health England. The 10 principles have been developed to inspire
and inform the layout of cities, towns, villages, neighbourhoods, buildings, streets and open spaces, to promote sport and active lifestyles.

9. **Matter 11 – Question 8:** Is the policy’s requirement for developer contributions justified and effective and has it been viability tested? Does this requirement apply to all development proposals (see MM5) or just major development? Is it clear what development will be required to contribute and what contributions are likely to be sought?

9.1. Paragraph 28 of the Framework states that non-strategic policies can be used for the provision of infrastructure and community facilities at a local level. Paragraph 34 says plans should set out the contributions expected from development. Paragraph 54 of the framework is about considering whether unacceptable development could be made acceptable through the use of planning obligations. Paragraph 91 (c) highlights that planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles. The provision of sports facilities is among a long list of resources identified to achieve the aim of this provision.

9.2. Paragraph 92(a) continues by underlining the need to plan positively for the provision and use… of community facilities such as *inter alia*, sports venues. Paragraph 96 recognises the importance of and access to a network of high quality open spaces and opportunities for sports and physical activity. It highlights how policies should be based on robust and up-to-date assessments of need. It continues that plans should seek to accommodate identified needs. Paragraph 127(f) requires planning policies and decisions to ensure that developments create places that *inter alia*, promote health and well-being.

9.3. It is clear from the provisions made in the Framework there is an expectation for policies and decisions to support the provision of sports facilities to enable active life-styles and encourage healthy communities. Paragraphs 34 and 54 on developer contributions do correlated with the requirement of the policy. The SSP2 has addressed the requirements of the Framework and is considered to be justified and effective in its requirement for developer contributions through the:

- development of a robust evidence base set within the Plan period. The playing pitch and sports facilities strategies identify needs with respect to the quality, quantity and accessibility of facilities
- Policy HWC3 is the mechanism with which to ensure that the recreational and sporting needs of new communities arising from development are met. This will be achieved through the decision making process and by the provision of developer contributions.
- Appendix 4 – Infrastructure Delivery Schedule of the SSP2 establishes that the Playing Pitch and Sports Facilities Strategies will provide the instrument with which to identify appropriate provision in accordance with development proposals.
9.4. The policy was subject to viability testing in the Whole Plan Viability Assessment - Part 2 Local Plan (2019) (VIA1). Appendix 2 found the impact on viability to be low.

9.5. The intention is for the policy to apply to all development where it is determined through the decision making process, that the proposed scheme creates a need for sporting provision.

9.6. The evidence base is publicly available for developers to access and review in advance of submitting a proposal. This sets out the strategic recommendations and action plans that will a) provide an understanding of facility needs in any given location and b) guide decision makers in their determination of development proposals to ensure the needs of the development will be met through the provision of developer contributions (where planning conditions cannot address an identified need).

9.7. The Council has committed to the production of a Supplementary Planning Document which will be subject to stakeholder and community engagement. This will provide additional guidance to ensure the determination of developer contributions will be proportionate to the proposed scheme.

10. Matter 11 – Question 9: The Policy as originally drafted refers to the Sports and Physical Activity in Kettering Borough SPD which will amongst other things determine appropriate developer contributions (this is yet to be produced). MM5 sees the Policy amended to seek developer contributions in accordance with the most up to date evidence base. Is a policy which requires compliance with criteria or standards that are set out in another document or SPD effective or justified? Should the criteria or standards appear in the Plan? (See Initial Questions 15 and 19 and the Council’s response)

10.1. The Policy is considered to be justified and effective. Supplementary Planning Documents and documents prepared as part of the evidence base add further detail to policies in the development plan. Both provide a material consideration in planning decisions.

10.2. It is considered wholly appropriate that the decision maker should be supported in their role with more detailed information that provides guidance and clarity to their decision making. The evidence base has been published and the SPD will be prepared in accordance with the timeframe of the plan period. The SPD will be providing the criteria and standards with which the policy will comply. The SPD will be subject to stakeholder and community consultation.

11. Conclusion

11.1. The Council considers that the submitted Kettering Borough Site Specific Part 2 Local Plan is sound in relation to the Issues and Questions set out in Matter 11. This is founded on the assessment provided in this statement which sets
11.2. The statement explains the basis of policy HWC1 and what it seeks to achieve. It identifies how the policy is in line with section 8 of the NPPF and that when read in conjunction with other policies in the plan it will contribute towards the creation of healthy, inclusive and safe places.

11.3. The statement explains how HWC1 will be implemented through partnership working to prioritise interventions and resources to areas where they are needed most. The narrative describes how decision making will apply through the assessment of proposals on a case by case basis. The application process which would determine what would be required to support an application.

11.4. In the case of how proposals will be supported in practice, the statement establishes in the case of HWC1, HWC2 and HWC3, that support will be through the passage of applications for each provision. Proposals would need to meet the relevant criteria in these policies and conform with other applicable policies of the JCS and SSP2. Support would weigh in favour of the grant of planning permission.

11.5. The statement explains in the case of HWC1 that new sites being identified on the basis of on a health delivery service plan is effective and justified as it will mean sites are selected based on up to date requirements that meet the needs of the health sector. In the case of viability testing the Statement affirms that HWC1, HWC2 and HWC3 have all been assessed with the following results: HWC1 – Medium; HWC2 – Low; HWC3 - Low.

11.6. The Statement clarifies that the impact on vitality and viability will be considered through the planning application process against the provisions provided in paragraphs 7.11 and 7.12. An explanation is given as to how a neighbourhood area is defined and that this is based on the distinct neighbourhood in which the proposal is located. The 12 month advertisement period is justified as it takes into account changes in the market that take place over one year. With respect to the final paragraph of HWC2, the Statement points out that this provision is about providing additional local policy in relation to local character and amenity.

11.7. Links are provided to the Audit and Needs Assessments and the Strategies for Playing Pitches and Sports Facilities. The Statement confirms that they are now all published and available on the Council’s website and that the findings support the proposals and policies in the Plan with further explanation provided in paragraphs 7.3 and 7.4.

11.8. When read in conjunction with the supporting narrative (paragraphs 7.21. – 7.26) the policy does provide a clear indication of how the decision maker should respond to a development proposal. Further commentary is provided in paragraphs 8.1 and 8.6 setting out how the policy achieves this. It is noted
within this section that the wording of paragraph 5 in the Policy could be modified so as to provide more clarity to the decision maker and an example of how this might be achieved is included. A link to the Sport England Active Design guidance is provided and a brief explanation about the guidance.

11.9. With respect to developer contributions, the Statement firstly explains the provisions of the Framework in the context of the policy. It goes on to establish that the policy requirement for contributions is justified and effective when taking account of the evidence base, the policy and the Infrastructure Delivery Schedule. The intention for the policy to apply to all development and the circumstances of when and with respect to what is required is clarified.

11.10. Finally, the Statement explains why the policy is effective and justified in it’s approach to require compliance with criteria or standards that are set out in another document or SPD. Particularly with respect to the fact that SPDs and evidence base documents are intended to add further detail to policies in the development plan. Both provide a material consideration in planning decisions.

11.11. Therefore, to conclude, the Council considers the SSP2 (PKB1) to be positively prepared and justified, effective and consistent with national policy in relation to the approach towards health, well-being and community facilities within the Borough.
Appendix 1: List of Reference Documents

- North Northamptonshire Joint Core Strategy
- SSP2 Publication Plan (PKB1)
- Whole Plan Viability Assessment - Part 2 Local Plan (VIA1) (2019)
- Playing Pitch Strategy (2020) (ENV21)
- Sports Facilities Strategy (2020) (HWB4)
- Active Design: Planning for health and wellbeing through sport and physical activity (2015)