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

Matter 12 – Natural Environment and Heritage

Matter Statement by Kettering Borough Council

September 2020
# Matter 10: Town Centres

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 12 on the natural environment and heritage (Questions 1 – 25), 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 natural environment and heritage.

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.

Policy NEH1: Flood Risk Management Policy

1. Matter 12 – Question 1: Is the approach to flood risk management justified and effective? What are the main findings of the Strategic Flood Risk Assessment (SRFA) carried out to inform the Plan? Does the Plan accord with the recommendations of the SFRA?

1.1. Kettering Borough Council commissioned Northamptonshire County Council (NCC) to prepare an updated Level 1 SFRA (ENV14) to satisfy the requirements of the NPPF and meet Planning Practice Guidance. The Council also completed a Surface Water Management Plan (ENV15) in October 2018. The main purpose for the SFRA update (ENV14) was to bring the document and understanding in line with policy provided by the NPPF, in particular where it states that it is required to assess the risk to an area from flooding from all sources, now and in the future, taking account of the impacts of climate change, and to assess the impact that land use changes and development in the area will have on flood risk.

1.2. In addition to the Strategic Update, a site specific review was made of each of the sites for consideration in the Part 2 Local Plan. This review included an assessment of the fluvial, surface water, sewer, ground water and reservoir breach flood risk from each of the sites. The review followed the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG), and legislative and procedural changes, alongside updates to a number of flood and water data sets, modelling and mapping layers.

1.3. A Red, Amber, and Green (RAG) Assessment was used to communicate the flood risk of each site. Green indicating limited flood risk to site, acceptable for allocation in flood risk management terms; Amber indicated deliverable in flood risk management terms, providing the site-specific considerations e.g. sequential approach are incorporated into the policy requirement for the site; and Red indicated additional work required before allocation.
1.4. The main findings from the site specific work were that 14 of 29 sites were rated as ‘green’, 13 of 29 sites were rated as ‘amber’, and the remaining two sites were rated as ‘red’. Those sites featuring as ‘amber’ have been provided with policy criteria to ensure that the risk is adequately assessed and mitigated prior to development. Whereas those rated ‘red’ required additional work before allocation. The approach taken to flood risk management is considered justified and effective, having undertaken an appropriate strategy identifying and using the evidence available, and delivering a plan based on the joint working of the agencies concerned with flood risk matters.

1.5. The 2 sites rated ‘red’ (requiring additional work) are a proposal for a mixed residential/ employment scheme at McAlpine’s Yard, Pytchley Lodge Road, Kettering (Policy KET9); and a wholly residential site at South of New Stone House, Duck End, Cranford (Policy CRA2).

1.6. An update on the progress made with the McAlpine’s Yard site, to resolve concerns expressed by the Environment Agency, is provided in response to questions raised in Matter 5.

1.7. With respect to additional work on the site South of New Stone House, Duck End, Cranford, an update is contained within the Council’s response to questions raised in Matter 7. It is considered the Plan accords with the recommendations of the SFRA.

2. Matter 12- Question 2: Are any of the allocated sites located within flood zones 2 or 3? Which are the two ‘red’ sites identified in paragraph 8.7?

2.1. The SFRA (ENV14) includes a table at page 45 which provides the flood zone for each of the sites assessed. Three of the 29 sites are identified as falling within flood zones 2 or 3. These are Land to the South of Desborough (Policy DES5) which is almost entirely Flood Zone 1; McAlpine’s Yard, Pytchley Lodge Road, Kettering (Policy KET9), part of which falls in Flood Zone 2, the remainder is Flood Zone 1; and the Old Nursery Site, Grafton Road, Geddington (Policy GED4), the western edge of the site is in Flood Zone 2, with the remainder Flood Zone 1.

2.2. The two ‘red’ sites identified in paragraph 8.7 of the Plan (PKB1) are a mixed residential/employment scheme at McAlpine’s Yard, Pytchley Lodge Road, Kettering (Policy KET9); and a wholly residential site at South of New Stone House, Duck End, Cranford (Policy CRA2).

2.3. An update on the progress made with the McAlpine’s Yard site, to resolve concerns expressed by the Environment Agency, is provided in response to questions raised in Matter 5.

2.4. With respect to additional work on the site South of New Stone House, Duck End, Cranford, an update is contained within the Council’s response to questions raised in Matter 7 and in a Level 2 Flood Risk Assessment (ENV13).
3. **Matter 12 – Question 3: Does the policy apply to all development or just those in specific areas that are at risk of flooding?**

3.1. Policy NEH1 of the Plan (PKB1) is a policy to guide development in the management of local flood risk. The policy and supporting text together provide a resource to the developer setting out the likely depth to which there’s a requirement to address the issue of flood risk, and advice available to assess how flood risk can best be managed. Policy NEH1 applies to all development, until it has been concluded whether flood risk weighs on the site’s development through inspection of the information and following the requirements contained within the documents referenced by the policy.

4. **Matter 12 – Question 4: How is it envisaged that developments will ‘have regard to the findings of the SFRA and SWMP in criterion a and the Flood Toolkit and Local Standards referred to in criterion c? What are the projects referred to in criterion b? Under what circumstances would such contributions to the projects be appropriate? Has this policy requirement been viability tested?**

4.1. Developments should use both the SFRA (ENV14) and SWMP (ENV15) as reference points when assessing and designing land and buildings for development. These are major resources to refer to, to ensure development does not result in a negative impact on flood risk, and can potentially contribute towards a positive impact through meeting some of the actions identified within the documents.

4.2. By having regard to the NCC Flood Toolkit and Local Standards (ENV19), developers can follow advice to help their neighbourhood and developments to be more resilient to risk from flooding.

4.3. In terms of the flood risk or green infrastructure projects development may contribute towards, each of the documents, the Strategic Flood Risk Assessment (ENV14), Surface Water Management Plan (ENV15), and Green Infrastructure Development Plan (ENV4), contain a series of actions or projects listed within them. By way of example, in some cases the developer may be required to make a financial contribution towards an off-site solution to reduce flood risk eg. the up-stream flood risk alleviation measure north of Kettering. Whereas in other cases, an area of land can be dedicated as an area of green space or recreation or may provide an on-site solution for flood water storage at times of heavy rainfall.

4.4. The Local Plan Viability Assessment (see appendix 2) (VIA1) for the Plan (PKB1) is a whole plan viability assessment, the impact of policy NEH1 was assessed as medium.

5. **Matter 12 – Question 5: 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 (and be tested through**
the examination)? Is the inclusion of what appears to be policy in the supporting text at paragraph 8.10 effective?

5.1. The documents submitted with the Plan (PKB1) all form part of the evidence base. They are considered both effective and justified and are expected they will be tested during the Examination. The policy criteria are equally justified, the policies having been considered alongside other competing site allocations and policies in the development of the Plan (PKB1).

5.2. The approach proposed at paragraph 8.10 of the Plan (PKB1) is considered effective. It is deliverable over the plan period and was created based on joint working in the preparation of the SFRA (ENV14), involving Anglian Water, Northamptonshire County Council as Local Lead Flood Authority, the Environment Agency, and Kettering Borough Council.

6. Matter 12 – Question 6: Where are the Critical Drainage Catchments referred to in the second to last paragraph of the policy and are any allocations proposed there? Would schemes to retrofit SUDs necessarily need planning permission? What are the townscape referred to?

6.1. The Critical Drainage Catchments are identified on a map on page 3–13 of the Kettering Surface Water Management Plan (October 2018) (ENV15). The three highest priority areas were taken forward to a Phase II Detailed Assessment for further assessment and modelling (page 3-24 refers). Those three areas are Kettering Town, Desborough South, and Eastbrook Culvert Critical Catchment Areas. Allocations are proposed within the Critical Catchment Areas.

6.2. In terms of schemes for the retrofitting of SUDs, these should be assessed on a case by case basis. It is acknowledged that in some cases, for example small-scale home schemes, permission may not be required. Whereas, some likely larger-scale schemes may need some form of permission, this can also include Non Material Amendments to consented schemes, or a Reserved Matters Application.

6.3. With respect to what townscapes the policy refers to, there were no specific urban town landscapes in mind in the drafting of the policy. However, the purpose of this part of the policy is to encourage the use of SUDs, including on schemes that were implemented when SUDs were less of a solution to addressing drainage issues. The implementation of a retrofitted SUDs scheme could deliver an improved surface drainage solution and improve the appearance of a townscape.

Policy NEH2: Green Infrastructure

7. Matter 12 – 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?
7.1. Table 8.1 is for information purposes. It provides a useful reference point when reading the supporting text. The sites are not shown on the proposals map as there is not a policy that relates to them in the SSP2. The policy direction in this context is Policy 4 (Biodiversity and Geodiversity) in the JCS. Should decision makers require the visual aid of mapping they would refer to the the Magic website which provides interactive mapping of the natural environment from across government. This includes datasets for Special Sites of Scientific Interest (SSSI) and Local Nature Reserves (LNR). The Council’s own GIS will hold data relating to the local designations such as the Local Geological Sites, Local Wildlife Sites and Pocket Parks, *inter alia*.

7.2. The Table does not duplicate the JCS, it provides a local outlook of designated assets within the Borough. The table is complete with the exception of the Local Wildlife Sites (LWS). These have been excluded because there are over 60 sites. The designation list for LWSs can change with regularity. The mapping is updated annually and provided to the Council by the Wildlife Trust as part of a service level agreement. To list the LWSs in Table 8.1 was deemed to be of little benefit.

8. Matter 12 – Question 8: Appendix 2 of the Plan indicates that Policy NEH2 supersedes saved Policy 10 of the Local Plan which relates to Cransley and Thorpe Malsor reservoirs. Is Policy NEH2 effective in its approach to these areas?

8.1. It is acknowledged that initially Appendix 2 (Superseded Policies) of the SSP2 set out that NEH2 would supersede Policy 10. During the regulation 20 consultation 48 representations (see below) were received all expressing similar concerns - that Policy NEH2 did not make reference to Cransley and Thorpe Malsor reservoirs and that the protection afforded by saved Local Plan policy 10 will be lost. This situation led the Council to review Appendix 2 and to consider the protection afforded the reservoirs.

8.2. On reflection it was true that Policy NEH2 would not be the principle policy in terms of the protection of the Cransley and Thorpe Malsor reservoirs. The reservoirs are viewed as being in the open countryside because they are both located outside of any existing or proposed settlements boundaries. They are therefore afforded a level of protection through existing policy in the JCS which provide a set of criteria that must be met for development in the open countryside to be considered acceptable.

8.3. The JCS policies are referenced in Policy RS4 (Development in the Open Countryside) in the SSP2. This policy goes on to provide additional criteria with respect to replacement dwellings and the re-use of redundant or disused buildings as well as private equestrian facilities.

8.4. Therefore, Cransley and Thorpe Malsor reservoirs are sufficiently protected due to their location in the open countryside and the policy provision of RS4. This matter of fact is now reflected in the Schedule of Proposed Changes to the Publication Draft (2020) *(PKB2)* as AM40.

9. Matter 12 – 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?

9.1. The JCS provides a strategic approach to the delivery of GI for North Northamptonshire through Policy 19 (Delivery of Green Infrastructure). This provides a framework for managing development and investment and for protecting and enhancing the sub-regional and local GI corridors. The supporting text makes reference to the fact that the alignment and extent of the GI network could be defined further through, inter alia, Part 2 Local Plans.

9.2. The SSP2 responded to this through the commission of the Green Infrastructure Delivery Plan for Kettering Borough (2018) (GIDP). It builds on the work undertaken at a strategic level by focusing on enhancing and expanding the GI network for Kettering Borough. It is therefore considered to be in line with the JCS approach.

9.3. There may be occasional similarities in the language between the supporting text and policy wording of the JCS and the SSP2 but this is not repetition. Some context is provided within the supporting text to help the decision maker understand the relationship between the Borough Level Green Infrastructure Network (BLGIN) and the sub-regional network as these need to be considered in tandem. Of higher relevance though is that the policy and the supporting text for GI in the SSP2 is locally led where the JCS is strategic. The SSP2 makes specific reference to the BLGIN from the outset of the policy making clear to decision makers that this is the focus for the policy requirements.

9.4. The GIDP identifies seven new Borough level GI corridors which expand the GI network for the Borough by providing connections between the sub-regional and local GI corridors (see Fig 8.1 in SSP2). It is not that the BLGIN ‘align’ with the local GI corridors more that they connect into and develop the strategic GI network into a local scale for Kettering.

9.5. The approach to identifying new borough corridors is justified. They are based on connecting communities with the strategic GI network and enhancing connections between the sub-regional and local GI corridors. They were developed through desk top study, stakeholder and community consultation and verified through site walk-overs. They have been developed along routes
that provide opportunities for ecological enhancement and freedom of movement for people and wildlife. The positioning of the corridors also took account of the planned development and particularly the Sustainable Urban Extensions with reference to the GI planned within these developments.

10. Matter 12 – 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?

10.1. The GI corridors are shown effectively on the Maps both as a whole in Fig 8.1 and individually on the relevant Proposals Map. These Maps illustrate the corridors and they are identified as such in the key. The boundaries are clear but they are not intended to be fixed, they are indicative, they provide a best fit based on desktop research and consultation. This, together with the site walkovers has led to the identification of a series of projects that have been verified as technically feasible and strategically desirable. These provide an opportunity for the investment in and delivery of the BLGIN on the ground.

10.2. None of the BLGIN corridors are affected by the allocations though during the identification of the BLGIN, connectivity to/from identified allocations was given due consideration. For example, the BLGIN corridor (g) - Barton Seagrave to Burton Latimer runs between the residential allocations identified in KET8 and BLA6. This provides a link between the two communities and connects a sub-regional corridor with a local corridor.

10.3. With respect to the implications for development in the built up areas covered by the borough corridors: The BLGIN corridors are indicative and therefore do not preclude development but proposed schemes would need to demonstrate that they do not compromise the integrity of the corridor as prescribed in NEH2. This can be achieved through appropriate design that ensures the protection of and potential enhancement to established features, or indeed that schemes make a positive contribution to the growth of the corridor.

11. Matter 12 – Question 11: Does the policy relate to the Borough Level Green Infrastructure Network only or to all the identified GI corridors? Is the intention to refuse any new development that would affect the integrity of a Borough Level GI network? Is the first part of the policy (criterion i to iii) relevant to decision makers?

11.1. Policy NEH2 relates to the BLGIN corridors only as the sub-regional and local corridors are observed through Policy 19 of the JCS. The intention is to refuse new development that would affect the integrity of the BLGIN. However, as noted above in paragraph 11.3, development is not precluded in the BLGIN corridors. Development proposals will be assessed on a case by case basis through the application process. Consideration will be given on what is required in terms appropriate design. Applications that seek to protect and conceivably enhance established features within the BLGIN corridors would weigh in favour of a grant of planning permission.
11.2. The first part of the policy (criteria i to iii) is relevant to decision makers. These criteria direct the decision maker to some important expectations with respect to the enhancement of existing and/or creation of new green infrastructure. By explicitly stating these expectations through criteria (i) to (iii) the decision maker is fully aware that they must be given due consideration when assessing a proposed scheme.

12. Matter 12 – Question 12: Is the policy effective and consistent with national policy? Does the policy apply to all development or just those affecting a GI corridor? Should all development have to deliver net gain of infrastructure?

12.1. The policy is effective and consistent with national policy. The Framework requires the planning system to contribute to and enhance the natural and local environment. It states that local planning authorities should set out a strategic approach, not only for maintaining and enhancing networks of habitats and GI but also for the provision of new GI and the overall conservation and management of GI networks. Policy NEH2 alongside other policies in the plan including NEH3, NEH4, HWC2 and HWC3 will contribute to the progression of healthy and safe communities as well as conserving and enhancing the natural environment.

12.2. The policy applies to all major development as per the definition of ‘major development’ in Annex 2 of the Framework. It is not reasonable to expect all development to have to deliver a net gain in GI however aspirational this might be. In practice, the provision of GI will be through the planning application process on a case by case basis. The case officer will consider the type of application, it’s location in relation green infrastructure corridors and projects identified in the GIDP (or other subsequent documents). They will examine the ability of the proposal to make provision for GI, on-site or through off-site contributions, by taking into account viability of the scheme and the scale and type of proposal.

13. Matter 12 – Question 13: Is criterion a which seeks contributions to achieve net gain of green infrastructure consistent with national policy? What is the definition of ‘major’ development in criterion a? Is the requirement for this to be in accordance with the best practice principles aims and objectives in the Kettering Green Infrastructure Delivery Plan effective or justified? It is clear how the contributions that are required will be determined? Have the requirements of the policy been viability tested?

13.1. 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 accessible GI is among the list of possible measures identified to achieve the aim of this provision.

13.2. Paragraph 150, in the context of climate change, advocates managing risk through suitable adaptation measures, including through the planning of green infrastructure. Paragraph 171 states plans should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure. Paragraph 181 in the context of air quality, states that opportunities to improve air quality or mitigate impacts should be identified, such as through… green infrastructure provision and enhancement.

13.3. It is clear from the requirements of the Framework there is an expectation for policies and decisions to support the planning, provision, maintenance and enhancement of GI and that this should be achieved through a strategic approach. Paragraphs 34 and 54 on developer contributions do correlate with the requirement of NEH2. The SSP2 has addressed the requirements of the Framework and is considered to be justified and effective in its requirement for developer contributions towards GI through the:

- development of a robust evidence base which provides a flexible approach to the enhancement of existing and creation of new GI within the Plan period.
- Policy NEH2 which is the mechanism to ensure that the BLGIN corridors can be delivered. This will be achieved through the decision making process and by the provision of developer contributions.
- Appendix 4 – the Infrastructure Delivery Schedule of the SSP2 which identifies the more strategic, high level GI projects that need to be realised to deliver the growth of Kettering.

13.4. The definition of major development is to be interpreted as the definition of ‘Major development’ provided by Annex 2 of the Framework. The requirement for major development to make a contribution toward GI in accordance with the best practice principles, aims and objectives in the GIDP is considered to be effective and justified. It provides a proportionate approach; it is effective because the delivery of the principles, aims and objectives is an iterative process that can be achieved through efficient joint working over the Plan period. Justified because principles, aims and objectives provide an appropriate strategy for the effective management and maintenance of GI that will bring multiple benefits.

13.5. The contributions will be determined on a case by case basis through the application process. The case officer will consider the type of application, it’s location in relation green infrastructure corridors and projects identified in the GIDP (or other subsequent documents). They will examine what is required in terms appropriate design and the ability of the proposal to make provision for GI, on-site or through off-site contributions. They will take into account the viability of the scheme and the scale and type of proposal.
13.6. The requirements of the policy have been viability tested through the Whole Plan Viability Assessment (2019) (VIA1) for the SSP2. Appendix 2 found the impact on viability to be medium.

14. Matter 12 – Question 14: In terms of criterion b, what is the justification for the threshold for requiring a site specific green infrastructure study? Depending on their location, will it always be possible for proposals to improve connectivity to the network?

14.1. The Council is of the view that the threshold set in criterion (b) provides a scale of development that would enable the provision of a meaningful level of GI. Therefore the preparation of a site specific GI strategy and/ or plan will help ensure that a blueprint is in place to address the delivery of GI on the site and ensure that full consideration is given to opportunities to improve connectivity within the site and with GI beyond the boundary. The threshold is considered to be justified for these means.

14.2. It may not always be possible for proposals to improve connectivity directly into the BLGIN as opportunities may well be fettered by location. However, in the majority of cases the development of a GI strategy and through good design, it should be possible for new development to respond positively to the surrounding area. Opportunities should be sought to use the GI best practice principles, aims and objectives to connect into, strengthen and transform existing routes, particularly if these are on the margin of the BLGIN.

15. Matter 12 – Question 15: Does the policy deal with circumstances where development would lead to a loss of GI? Is there a mechanism for securing replacement provision in such instances?

15.1. As noted in paragraph 11.3 above the policy is clear in its intention that new development will not be permitted if it affects the integrity of the BLGIN. Development is not precluded but proposals will be assessed on a case by case basis through the application process. Consideration will be given on what is required in terms of appropriate design; the Council believe there is enough guidance and case studies supporting the delivery of GI that any development proposal should be able to address its inclusion positively. Applications that seek to protect and conceivably enhance established features within the BLGIN corridors would weigh in favour of a grant of planning permission.

16. Matter 12 – Question 16: What does criterion c require of the decision maker/developer? Do all the criteria in the policy apply? If so, is an ‘and’ required in both short lists?

16.1. The criterion explains how NEH2 will be implemented through partnership working to prioritise projects and resources to areas of opportunity and where they are needed most. For decision makers and developers, it is an indication that the Council embrace a collaborative approach on the planning for and delivery of GI. It provides clarity for all parties on the preferred approach to the
delivery of GI and that this should, wherever practicable, (see paragraph 15.2 above) seek to deliver projects associated with the BLGIN.

16.2. All the criteria of the policy apply. The Council would be willing to make the suggested amendment to insert ‘and’ at the end of the sentence for criteria (i) and (ii) as well as criteria (a) and (b) for both short lists. The Council will update the Schedule of Proposed Changes to the Publication Plan and will add this to the Examination webpage before the hearing sessions commence.

Policy NEH3: Historically and Visually Important Local Green Spaces

17. Matter 12 – Question 17: Is the supporting text at paragraphs 8.32 to 8.36 necessary since is does not support a particular policy relating to heritage assets? Does it repeat the JCS?

17.1. The whole chapter on Heritage is considered to be necessary even though it does not support a specific policy relating to heritage. The Framework is emphatic in its provision to ensure the protection, conservation and enhancement of both designated and non-designated heritage assets. Paragraph 197 of the Framework states that a balanced judgement will be required when weighing up applications that directly or indirectly affect non-designated heritage assets.

17.2. The Planning Practice Guidance (PPG) advises that non-designated assets are identified by the local planning authority. They have a degree of heritage significance meriting consideration in planning decisions but they do not meet the criteria set for designated heritage assets. The PPG goes on to state that the local plan-making process is one way to identify non-designated heritage assets. In addition, plan-making bodies should make clear and up-to-date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. In this context, the PPG adds, it can be helpful if local planning authorities keep a local list of non-designated heritage assets.

17.3. The JCS echoes this point by noting that it may be appropriate to preserve such assets as future historic assets through local listings. Local Lists provide a positive way for Councils to identify non-designated assets against a consistent criterion. The Council does not have a comprehensive and up to date local list of non-designated heritage assets.

17.4. The chapter on heritage in the SSP2 (paragraphs 8.26 to 8.36) is about providing the context for the historic environment from a national to local level. The supporting text at paragraphs 8.32 to 8.36 provide a specifically local context and therefore, do not repeat the provisions of the JCS, which considers heritage at a North Northamptonshire scale.

17.5. The purpose of the Chapter is to establish to decision-makers the importance of the historic environment and the need to ensure the protection, conservation and enhancement of both designated and non-designated heritage assets. The
chapter advises the decision maker that the national and strategic policy provisions are sufficient for the purposes of decision making. Perhaps most importantly the chapter commits the council to the development of an up-to-date local list. This will provide greater clarity and certainty for developers preparing proposals and decision makers when determining them.

18. Matter 12 – Question 18: Is this local green space designation justified and does it comply with the Framework, in particular the guidance at paragraphs 99, 100 and 101? Is the policy for managing development in the local green space consistent with those for Green Belts?

18.1. The Historically and Visually Important Local Green Spaces (HVIs) have been subject to a robust and rigorous assessment to select them. It has been an iterative process, the methodology and assessments of which can be found in the following documents: Open Space and Allotments Background Paper (2012) (ENV12); Site Specific Proposals Local Development Document – Options Paper (2012) (PKB6); Assessment of Proposed Visually Important Open Space for Kettering Borough Council (2014) (ENV9); Historically and Visually Important Open Space Background Paper (2015) (ENV8); Assessment of Proposed Visually Important Open Space (RNRP) (2016) (ENV7); Historically and Visually Important Open Space Update (2016) (ENV6); Historically and Visually Important Local Green Space Background Paper Update (2019) (ENV5).

18.2. The assessment process used many different criteria to appraise and select each site; this included an evaluation using the test criteria set out in paragraph 100 of the Framework. The selection of sites is also consistent with paragraph 99 of the Framework as the designations began as part of the preparation of the SSP2. They are therefore consistent with the local planning of sustainable development and complement the investment in sufficient homes, jobs and other essential services.

18.3. The supporting text under paragraph 8.38 highlights the fact that ‘designating a green area as Local Green Space provides a level of protection consistent with Green Belts which rules out development in all but exceptional circumstances’. This provision was considered sufficient to advise decision makers that reference should be made to the provisions of Chapter 13 in the Framework, Protecting Green Belt Land. On reflection of paragraph 101 of the Framework states that policies for ‘managing development’ within a local green space should be consistent with those for Green Belts. Policy NEH3 is consistent with paragraph 144 of the Framework in reference to ‘very special circumstances’. The policy does not however make reference to the exceptions that may apply to development on Local Green Space.

18.4. The Council is not of the view that this omission diminishes the policy in anyway as it is not the purpose of the Local Plan to simply repeat the provisions of the Framework. Exceptions will be considered on a case by case basis taking account of the harm resulting from the proposal when weighed against other considerations.
18.5. On this basis the council considers the local green space designations justified as they have been assessed against a consistent criterion, consulted upon and are based on proportionate evidence.

19. Matter 12 – Question 19: What is the methodology for their selection? Are there any factors that indicated that any of the proposed local green spaces should not have been designated? If so what evidence is there to support this position?

19.1. As noted in paragraph 19.1 above the HVIs have been subject to a robust and rigorous assessment to select them. The methodology has been an iterative process and is set out in the documents referenced in paragraph 19.1. The assessment involved GIS analysis, desktop study, field surveys, and consultation. The assessment criteria considered, *inter alia*, location, village setting, accessibility, key views, land use and proximity to heritage assets. In addition each site was tested against the criteria set out in paragraph 100 of the Framework. During the process some sites were excluded as they did not score sufficiently against the assessment framework as well as new sites being proposed, assessed and accepted.

19.2. The Council received 3 responses with respect to NEH3 that are worth noting here. The first welcomed the policy ([User ID: 34 Comment ID: 92]) but the remaining two objected (independently of one another) to the inclusion of two different HVIs ([User ID: 54 Comment ID: 140] and [User ID: 77 Comment ID: 197]).

19.3. [User ID: 54 Comment ID: 140] objected to the inclusion of HVI028 on the basis of paragraph 100 (b) in the Framework stating they did not view the site as being ‘demonstrably special to the local community; nor does it hold local significance’. The Council’s response explained that the HVIs had been identified through a robust assessment process set out in those documents referred to in paragraph 19.1 above.

19.4. The assessment for this site against paragraph 100 of the framework is set out in Historically and Visually Important Open Space Background Paper (2015) ([ENV8]). The site is considered to be demonstrably special under the provisions of paragraph 100 (b) because it provides views to the church, listed buildings and the conservation area and helps create the rural feel of the village. The Council reviewed the full site assessment and reached the conclusion that the site was justified as designated and no action would be taken to remove it from the designation.

19.5. [User ID: 77 Comment ID: 197] objected to the inclusion of HVI057a on the basis of paragraph 100 in the Framework stating the site did not ‘have local significance or value and has a strong urban context. It is contained by new residential developments on two sides, which have already irreversibly altered the sites context and users experience of it.’
19.6. The Council’s response explained that the HVI057a (land north of HVI057) was put forward for inclusion as an area of HVI through the consultation on the Site Specific Part 2 Local Plan - Draft Plan consultation. In the context of paragraph 100 of the Framework the site is considered to provide a highly visible and accessible rural buffer along the Ise Valley. This finding, in tandem with the rest of the assessment was considered to be sufficient evidence to justify the sites designation.

Policy NEH4: Open Spaces

20. Matter 12 – 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?


20.2. The Audit and Needs Assessment (OSANA) should be read in conjunction with the Standards Paper (OSSP). Together these provide a comprehensive and robust evidence base to support the proposals and the policies in the Plan.

20.3. This can be substantiated through the following explanation. OSANA provides a site by site analysis on the quality, quantity and accessibility of open spaces across the Borough. The findings provide the basis for OSSP which has developed locally derived standards for open spaces across the Borough. These have been applied to the Borough’s existing provision to identify gaps in terms of quality and value, accessibility and appropriate levels of provision. OSSP make suggestions on how these can be remedied and provides strategic recommendations to prioritise and direct investment. The Standards Paper provides an evidenced approach toward the enhancement of existing and creation of new open spaces.

20.4. The Council has committed to producing a Supplementary Planning Document (SPD) for Open Space which will provide further guidance to inform decision making including how to determine appropriate developer contributions and calculate open space requirements for new development. Together, the OSANA, OSSP and the SPD will enable the Council to make informed decisions on how best to maintain a stable open space network and how to plan for the right spaces in the right places. They will support the delivery of policies and proposals in the Plan.

21. Matter 12 – Question 21: How in practical terms will it be determined whether new development would ‘compromise the stability of the open space network’? Is the intention to refuse any new development that would affect an open space as shown on the Maps? Is the first part of the policy (criterion i to v) relevant to decision makers? Does criterion iv concern open spaces?
21.1. In practical terms, Policy NEH4 guides the decision maker by stating what matters would compromise the stability of an open space. These include the loss of an open space; inappropriate development that would harm the primary function of a space; an obstruction or fragmentation of existing connections; poorly connected and / or located new spaces and development leading to a degradation in the ecological quality and value of a space.

21.2. The intention is to protect, enhance and develop the open spaces shown on the Policies Maps. Development is not prohibited but proposals would be assessed against the criteria set out by Policy 7(d) (Community Services and Facilities) of the JCS alongside NEH4 and other relevant policies in the Development Plan.

21.3. The first part of the policy criteria (i) to (v) is relevant to decision makers. These criteria direct the decision maker to consider some important expectations with respect to the enhancement of existing and /or creation of new open space. By explicitly stating these expectations through criteria (i) to (v) the decision maker is fully aware that they must be given due consideration when assessing a proposed scheme.

21.4. Criteria (iv) has the potential to identify with a number of policy areas. For example, JCS narrative makes reference to such measures in the context of climate change, biodiversity, design, and this provision would not be out of place alongside policies on GI or flood mitigation.

21.5. Criteria (iv) has a relationship with open space too, particularly in the context of the urban environment where open space is not so abundant. It offers a sense of openness; people are happier in a green environment than a grey surrounding and it has a positive effect on the well-being of people. Greenery offers relaxation and reduces stress. In conclusion, the Council could have made this provision in a number of policy areas but chose open space to be the host.

22. Matter 12 – 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?

22.1. The policy applies to all major development as per the definition of ‘major development in Annex 2 of the Framework. 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.

22.2. 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.

23. Matter 12 – 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?

23.1. 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 83 (d) states planning policies and decisions should enable the retention and development of accessible local services and community facilities. Open space is included in the suggested examples.

23.2. Paragraph 92(a) continues by underlining the need to plan positively for the provision and use… of community facilities such as inter alia, open space. 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.

23.3. It is clear from the provisions made in the Framework there is an expectation for policies and decisions to support the provision of open space for the health and well-being of communities. Up to date assessments of need provide a justified, effective and evidenced approach with which to achieve this. Paragraphs 34 and 54 on developer contributions do correlate 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 OSANA and the OSS identify needs with respect to the quality, quantity and accessibility of facilities
- Policy NEH4 is the mechanism with which to ensure that the open space 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 ‘Open Space Strategy’ will provide the instrument with which to identify appropriate provision in accordance with development proposals. This should be subject to a minor modification to read as the Open Space Standards Paper’ as a matter of fact correction. The Council will update the
23.4. With respect to how the contributions will be determined. The supporting text of the policy establishes that the OSSP will inform decisions on planning the right spaces in the right places. It informs the decision maker that guidance on the application of these standards will be set out in the Open Space SPD including how to determine developer contributions. It also highlights to the decision maker that the focus for investment in open space will be in accordance with, but not limited to the provisions of the OSSP and the GIDP.

23.5. Criterion (a) of the policy reiterates that the supply of new and / or the enhancement of existing open space will be in accordance with the most up to date evidence base (namely OSANA and OSSP). The provisions of the supporting text and the policy ensure the decision maker is clear about their point of reference on how to determine the contributions.

23.6. In practice contributions will be determined on a case by case basis through the application process. The case officer will consider the type of application in the context of open space needs. They will take into account the viability of the scheme and the scale and type of proposal and they will use the SPD and OSSP to guide them on the determination of requirements.

23.7. The requirements of the policy been viability tested through the Whole Plan Viability Assessment (2019) (VIA1) for the SSP2. Appendix 2 found the impact on viability to be low.

24. Matter 12 – 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?

24.1. Green infrastructure is defined by the Framework 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 communities. It is widely acknowledged that GI is made up of different types of open space and watercourses, such as rivers and lakes (commonly known as blue infrastructure). Open spaces are a major asset of the GI network but they are only a part of the picture. Green corridors, hedgerows, Public Rights of Way, woodlands, heritage sites, waterways and cycle and other recreational routes are just some examples of other GI assets.

24.2. The policies NEH3 and NEH4 augment one another rather than cross over. The focus of NEH3 is on protecting and enhancing existing assets and delivering new assets within the BLGIN. NEH4 is directed to the protection and enhancement of open spaces identified on the Policies Maps and ensuring that new development makes an appropriate provision of open space within their scheme to meet the needs arising for the new community.
24.3. A proposal should be considered against both policies as they are each seeking to achieve a different aim. The outcome from both policies will benefit environmental quality, contribute to climate change mitigation, deliver healthy, inclusive and safe places which enable and support healthy lifestyles, etc. This gain is potentially two-fold through the application of both policies.

24.4. The JCS under Policy 7 (Community Services and Facilities) provides the direction where there is a loss of open space and the mechanism for securing replacement provision should the proposal meet the requirement of the policy. To ensure the decision maker is fully appraised of this policy approach NEH4 (3) directs the decision maker to the JCS policy.

25. Matter 12 – Question 25: What are the quality standards and quality and accessibility standards referred to in 1 b of the original text? What are the open space typologies referred to in 2 and where can they be found? Does criterion 3 repeat the JCS? Is it clear what criterion 4 expects decision makers to do?

25.1. The quantity, quality and accessibility standards are set out in the Open Space Standards Paper (OSSP). The baseline for their development is set out in the Open Space Audit and Needs Assessment which identified current levels of provision and assessed them for quality and with respect to accessibility. This data was taken forward in the OSSP where the findings were tested against existing standards as well as national benchmarks. This enabled adjustments to be made where appropriate and standards to be set. The standards provide a guide to decision makers and developers about the Council’s expectations when it comes to enhancing existing and creating new open spaces.

25.2. The open space typologies are just the categorisation of the open spaces that were audited and assessed as part of the overall open space study. Both the OSANA and the OSSP set out the types of open space considered and a description of their primary purpose in Table 1.1. For ease of reference they are: Parks and Gardens; Amenity Green Space; Natural and Semi Natural Space; Allotments; provision for Children and Young People; Cemeteries and Churchyards and Civic Spaces.

25.3. Criterion 3 does not repeat the provision of Policy 7 in the JCS. It provides a signpost for decision makers and developers to a point of reference when considering a proposal that will lead to a loss of open space. The Council were mindful during the preparation of the SSP2 not to repeat policy provision. However, there are occasions where it is deemed appropriate to support the decision making process by signposting to policy and guidance outside of the SSPS where such provision augments the requirements of the SSP2.

25.4. With respect to decision making and criterion 4. Case Officers, as part of both the pre-application and submitted application stage, will, as a matter of course, discuss the long term management and maintenance of open space provision with a developer. In the past open spaces that have been delivered as part of
new development have ended up becoming an unexpected burden on Council resources.

25.5. There are examples where the long term management and maintenance arrangements have been an after-thought with little care and due regard given to the longevity of the space. In other cases, the management company appointed by the developers goes out of practice and the space becomes unkempt. Often the Council must remediate and / or take on the maintenance regime with no financial contribution from the developer.

25.6. The Council has since determined to have a proactive approach to such circumstances. As there is an effective in-house grounds maintenance team the Council can offer a competitively priced management and maintenance service to developers. The decision maker will work with the developer, the Council’s Legal Services and Environmental Care in an effort to secure such an arrangement. If successful in this negotiation both the Council and the Developer benefit. It ensures that spaces are managed and maintained in accordance with the Council’s ground maintenance practice and within budget; the developer receives a competitively priced service to meet their needs over the long time. In conclusion the decision maker is clear, within the lines of Council practice, what is expected from criterion (4)

26. Conclusions

Policy NEH1: Flood Risk Management Policy

26.1. 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 out the approach towards supporting health and well-being and community facilities for the Borough. The statement draws on information provided by the evidence base for the SSP2

26.2. The Statement explains that through the preparation of the evidence base, the undertaking of the site specific reviews and via joint working with the agencies concerned, an appropriate strategy towards flood risk management has been developed and this is considered to be justified and effective. The Statement set out the main findings of the Strategic Flood Risk Assessment and described what actions were taken to ensure the Plan accords with the SFRA.

26.3. Information was provided to establish how many sites were located in flood zones 2 and 3. The two ‘red’ sites were identified with an update on their status and progress in association with the Plan. It is established that Policy NEH1 applies to all development to ensure every proposal is assessed for flood risk in accordance with the criteria of the policy and that contributions are made in accordance with criterion (b) where appropriate.

26.4. The Statement clarifies that developments should use both the SFRA and SWMP as reference points when assessing and designing land and buildings
for development. This will ensure a positive outcome from the proposal by deflecting flood risk and potentially delivering environmental gain through project delivery. Having regard to the NCC Flood Toolkit and Local Standards will ensure better resilient against the risk of local flooding. Examples are provided of the type of projects development could contribute to where contributions are considered appropriate under criterion (b). These examples illustrate what on-site or off-site solutions might be sought. The Statement establishes that the NEH1 has been assessed as part of the whole plan viability assessment.

26.5. The narrative maintains that the policies which require compliance with criteria or standards set out in another document or SPD are effective and justified. SPDs and evidence base documents add further detail to policies in the development plan. Decision makers should be supported in their role with more detailed information which been prepared in accordance with the timeframe of the plan period. Where available the criteria and / or standards set out within such documents will be tested through the consultation and examination of the Plan. Where the preparation of such documents is post-Plan examination they will be tested through a separate stakeholder and community consultation process.

26.6. The approach taken in paragraph 8.10 is considered to be effective; it is deliverable over the Plan period and has been admitted into the text based on advice from partners during joint working on the aspect of local flood risk in the Plan. It is noted that the Critical Drainage Catchments are identified in the Kettering Surface Water Management Plan (2018) and that there are allocations proposed within these catchments.

26.7. The Statement establishes that the retrofitting of SUDs, would be assessed on a case by case basis. It acknowledged small-scale home schemes were unlikely to require permission where larger-scale schemes may need some form of permission, this can also include Non Material Amendments to consented schemes, or a Reserved Matters Application. The narrative explains that there were no specific urban town landscapes in mind in the drafting of the policy, the purpose was to encourage the use of SUDs. The provision was deemed appropriate because implementing a retrofitted SUD scheme could deliver an improved surface drainage solution and improve the appearance of a townscape.

Policy NEH2: Green Infrastructure

26.8. The statement continues with an examination of the questions raised against the policy and supporting text for Policy NEH2 (Green Infrastructure). It sets out the purpose of Table 8.1 for decision makers as a point of reference. The sites are not shown on the policies map as not specific policy relates to them. Decision makers will use constraints mapping as part of the application process to identify them. The table does not duplicate information in the JCS as it is locally led and it is complete for the purposes of the plan. Wildlife sites
are excluded as they are numerous and prone to regular change which would render the plan out of date almost instantly on publication

26.9. An explanation is set out with respect to the matter of NEH2 replacing saved policy 10 in the Local Plan for Kettering 1995. Clarification is provided to assert that Policy RS4 (Development in the Open Countryside) is the SSP2 policy provision to replace the saved policy. This is recognised in the Schedule of Proposed Changes.

26.10. When considering GI in the context of the JCS the Statement establishes that the JCS provides the strategic direction for GI, delegating the local context to the Part 2 Local Plans. Our local approach is therefore in line with the JCS. There may be occasional similarities in the language between the supporting text and policy wording of the JCS and the SSP2 but this is not repetition. It is to help the decision maker understand the relationship between the Borough Level Green Infrastructure Network (BLGIN) and the sub-regional network.

26.11. With respect to the alignment of the BLGIN, it is clarified above that rather than ‘align’ with the local GI corridors connect into and develop the strategic GI network into a local scale for Kettering. The approach to identifying the new borough corridors is considered justified as the process involved a robust analysis based on desktop study and research, site walk overs, assessment against paragraph 100 of the Framework and subject to stakeholder consultation.

26.12. The Statement determines that the GI corridors are shown effectively on the Maps both as a whole in Fig 8.1 and individually on the relevant Proposals Map. Whilst the GI boundaries are clear there is an explanation establishing that the boundaries are not in intended to be fixed. They are, however, verified as technically feasible and strategically desirable. Further consideration would be given to GI opportunities during the design stage of a proposal.

26.13. It is confirmed that none of the BLGIN corridors are affected by the proposed allocations though connectivity to / from identified allocations was given due consideration. It is noted that development located in the BLGIN is not precluded but proposed schemes would need to demonstrate that they do not compromise the integrity of the corridor as prescribed in NEH2.

26.14. The narrative above confirms that NEH2 relates to the BLGIN corridors only as the sub-regional and local corridors are observed through the JCS. The intention is to refuse new development that would affect the integrity of the BLGIN. However, development is not precluded in the corridors if designs respond sensitively to the corridors. Proposals will be assessed on a case by case basis through the application process. It is established that criteria (i) to (iii) are relevant to decision makers as they direct the decision maker to some important expectations with respect to the enhancement of existing and /or creation of new green infrastructure.
26.15. Policy NEH2 is considered effective and consistent with national policy. The Statement continues by setting out the provision in the Framework to illustrate consistency and noting that alongside other policies in the Plan NEH2 will contribute to the progression of healthy and safe communities as well as conserving and enhancing the natural environment. The narrative clarifies that the policy applies to all major development as defined by Annex2 in the Framework. There is however, recognition that it would be unreasonable to expect *all* development to have to deliver a net gain in GI, in practice it would be assessed case by case through the application process.

26.16. The Statement continues to set out the case for criterion (a) and its consistency with national policy. This included a summary of the relevant provision within the Framework and that through the development of the evidence base, policy provision and the Infrastructure Delivery Schedule the SSP2 met the Framework’s specifications. The narrative clarified that the definition of major’ development is to be interpreted as the definition of ‘Major development’ provided by Annex 2 of the Framework.

26.17. The requirement for major development to make a contribution toward GI in accordance with the best practice principles, aims and objectives in the GIDP is considered to be effective and justified; it provides a proportionate approach that can be achieved through efficient joint working over the Plan period. It’s justified because the principles, aims and objectives provide an appropriate strategy for the effective management and maintenance of GI that will bring multiple benefits. Contributions will be determined on a case by case basis through the application process. The narrative confirms that the requirements of the policy have been viability tested with found the impact to be ‘medium’.

26.18. Justification for the threshold set out in criterion (b) is explained; it is considered that this scale of development would enable the provision of a meaningful level of GI. The narrative acknowledged that it may not always be possible for proposals to improve connectivity directly into the BLGIN but in the majority of cases using good design, it should be possible to respond positively to the surrounding area.

26.19. On the matter of development leading to a loss of GI the Statement is clear; new development will not be permitted if it affects the integrity of the BLGIN. Development is not precluded but proposals will be assessed on a case by case basis to ensure that where applicable new development responds positively to the BLGIN. Criterion (c) indicates to decision makers and / or developers that the Council embrace a collaborative approach on the planning for and delivery of GI and that this is the preferred approach to the delivery of GI. It is clarified that all the criteria of the policy apply and that the Council are willing to insert the suggested amendment to clarify the requirement within the policy.

**Policy NEH3: Historically and Visually Important Local Green Spaces**
26.20. The Statement continues by establishing that the whole chapter on Heritage is considered to be necessary even though it does not support a specific policy relating to heritage. An analysis of the national and strategic expectations is provided. The narrative highlights that the Council does not have an up to date Local List of heritage assets where there are clear national and strategic recommendations to have one. The chapter presents an opportunity to commit the Council to the production one. In addition, the chapter is considered necessary because it provides the local context of heritage for the decision maker and it explains why there isn’t a heritage policy in the SSP2. It does not repeat the JCS which provides a strategic context.

26.21. With respect to whether the Local Green Space designation is justified and in compliance with the Framework: The statement describes the rigorous assessment the sites have been subjected to to select them and that this process has been compliant with the guidance at paragraphs 99, to 101. The narrative also provides an overview of how, when read together, the supporting text and policy provision for the Historically and Visually Important Local Green Spaces (HVIs) are considered consistent with the policy provision for managing Green Belts.

26.22. The Statement continued by explaining that through the rigorous assessment process some sites were de-selected and new ones proposed. In terms of an indication that any of the proposed sites should not have been designated the narrative referred to three responses from the Regulation 20 consultation that provided objections to two sites. The Statement explained the rational for the objections and set out that the Council’s considered and investigated these responses but on reflection the Council found that the sites should retain their designation

Policy NEH4: Open Spaces

26.23. Clarification was provided on the status of the the Open Space Audit and Needs Assessment (2020) (ENV11) and the Open Space Standards Paper (OSSP) (2020) (ENV22). Both are published and fully available on the Council’s website. The findings of these documents are considered to support the policies and proposals in the SSP2. This assertion was substantiated by explaining how the OSSP provides an evidenced approach toward the enhancement of existing and creation of new open spaces.

26.24. The Statement sets out what would constitute a compromise to the stability of the open space network in the words of the policy. It is established that the intention is to protect, enhance and develop open spaces shown on the Policies Maps. Development is not prohibited but proposals would be assessed against the criteria set out by JCS Policy 7(d) and other relevant policies in the Development Plan.

26.25. It is established that the first part of the policy criteria (i) to (v) is relevant to decision makers as these direct the decision maker to consider some important expectations with respect to the enhancement of existing and /or creation of
new open space. A narrative is supplied on the relevance of criterion (iv) to the open space policy. It is acknowledged that this criterion has the potential to identify with a number of policy areas including biodiversity, GI and Climate Change. However, it has a good relationship with open space too and having weighed up the options it was the Council’s choice to make provision through the NEH4.

26.26. The Statement clarified that the definition of ‘major development’ in the policy is in accordance with Annex 2 of the Framework. The narrative maintains that policies which require compliance with criteria or standards set out in another document or SPD are effective and justified. It sets out the rational for this and concludes that decision makers should be supported in their role with more detailed information that’s prepared in accordance with the timeframe of the plan period. Criteria and / or standards set out within such documents are tested through consultation and examination of the Plan. Where the preparation of such documents is post-Plan examination they will be tested through a separate stakeholder and community consultation process.

26.27. An explanation as to why the Council believes that contributions sought in accordance with the most up to date evidence base is considered justified and effective. This establishes that through the provision of a robust evidence base, the policy as a delivery mechanism and the requirements of Appendix 4 – Infrastructure Delivery Schedule the SSP2 has addressed the requirements of the Framework. The narrative continues to establish how developer contributions will be required and that these will be determined in accordance with OSSP and on a case by case basis. The policy has been viability tested with the impact on viability being assessed as low.

26.28. The Statement sets out how policies NEH3 and NEH4 augment one another rather than cross over. It establishes that a proposal should be considered against both policies as they are each seeking to achieve a different aim. The policy direction that deals with a loss of open space arising from development and the mechanism for securing replacement provision is detailed in the JCS Policy 7. To ensure the decision maker is fully appraised of this policy approach NEH4 (3) directs the decision maker to the JCS policy.

26.29. Finally, an explanation is provided to describe what the quality, quantity and accessibility standards are. This also explains about open space typologies and provides a reference for further investigation. The narrative determines that criterion (3) does not repeat the provision of Policy 7 in the JCS. It provides a signpost for decision makers and developers to a point of reference when considering a proposal that will lead to a loss of open space. Clarification is provided on what criterion 4 expects decision makers to do. Where appropriate this will require the case officer to work with developers and the Council’s Legal Services and Environmental Services as part of the pre-application or full application process.

26.30. 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 the natural environment and heritage within the Borough
Appendix 1 – Reference Documents

- Schedule of Proposed Changes to the Publication Draft (2020) ([PKB2](#))
- **Green Infrastructure Delivery Plan for Kettering Borough** (2018)
- Whole Plan Viability Assessment (2019) ([VIA1](#))
- Open Space and Allotments Background Paper (2012) ([ENV12](#))
- Site Specific Proposals Local Development Document – Options Paper (2012) ([PKB6](#))
- Assessment of Proposed Visually Important Open Space for Kettering Borough Council (2014) ([ENV9](#))
- Historically and Visually Important Open Space Background Paper (2015) ([ENV8](#))
- Assessment of Proposed Visually Important Open Space (RNRP) (2016) ([ENV7](#))
- Historically and Visually Important Open Space Update (2016) ([ENV6](#))
- Historically and Visually Important Local Green Space Background Paper Update (2019) ([ENV5](#)).
- Open Space Audit and Needs Assessment (2020) ([ENV11](#))
- Open Space Standards Paper (2020) ([ENV22](#))