Kettering Site Specific Part 2 Local Plan Examination

Matters, Issues and Questions

Introduction

This document sets out the Matters, Issues and Questions (MIQs) relating to the soundness of the submitted Plan. They do not intend to cover every policy in the Plan but are based on the main issues identified by the Inspector taking account of the views of the Council and other representors. Prior to the forthcoming hearing sessions, responses are invited from participants on these MIQs. Further information about the examination, hearings and format of written statements is given in the Guidance Notes.

Matter 1 – Legal and Procedural Requirements

Issue

Has the Plan been prepared with due regard to the appropriate procedures and regulations? Has the Duty to Co-operate (DtC) on strategic matters been satisfied?

Questions

1. Has the Plan be prepared in accordance with the DtC?
   
   (See Initial Question 4 and the Council’s response)

2. Has the Plan had regard to the North Northamptonshire Joint Core Strategy (JCS)?
   
   (See Initial Question 5 and the Council’s response)

3. Does the content and timescale for the preparation of the Plan accord with the latest version of the Local Development Scheme (LDS)?
   
   (See Initial Question 6 and the Council’s response)

4. Have the requirements for appropriate assessment under the Habitats Regulations been met? Have the results of the Habitats Regulation Assessment (HRA) been carried forward in the Plan? Are there outstanding objections from Natural England to the HRA or have these been addressed?
   
   (See Initial Question 14 and the Council’s response)

5. Has the Plan been subject to a Sustainability Appraisal (SA) and have the requirements for Strategic Environmental Assessment been met? Is it evident that reasonable alternatives have been considered and how the SA has influenced the Plan and dealt with mitigation measures? Are there any representations on the SA itself?

7. Do the policies maps correctly illustrate geographically the application of the policies in the Plan?

8. Does the Plan contain policies designed to secure that the development and use of land in the borough contributes to the mitigation of, and adaptation to, climate change? How does it interact with the JCS on this matter?

9. Will the Plan help to advance equality of opportunity between people who share a ‘protected characteristic’ as defined in the Equality Act 2010 and those that do not share it and further the aims of the Act?

10. Is the intention and purpose of the Plan and its relationships with other plans clear? Is the relationship with the Kettering Town centre Area Action Plan (TCAAP) and the respective policies maps clear? Does the Plan set out an appropriate framework and allow an appropriate role for neighbourhood plans, having regard to the current progress made in relation to their preparation in the borough?

(See Initial Questions 8, 9, and 11 and the Council’s responses)

**Matter 2 – Spatial Strategy**
*(Location of Development, Spatial Strategy, Scale of Development, Site Selection and Settlement Boundaries - Policies LOC1, RS1, RS2, RS3 and RS4)*

**Issue**
Is the Plan positively prepared and justified, effective and consistent with national policy and the JCS in relation to the scale and distribution of development proposed and the site selection process?

**Questions**

**Spatial Strategy**

1. What context does the JCS provide in terms of the scale of development required in Kettering borough? What are the specific requirements for housing, employment and town centres? Is the scale of development in the Plan consistent with this?

2. What context does the JCS provide in terms of the distribution of development in Kettering borough? Is the proposed distribution of development in Kettering as the Growth Town and Burton Latimer, Desborough and Rothwell as Market Towns in accordance with the JCS and sustainable development principles?

3. Does the Plan include sufficient flexibility and contingencies to take account of any changes in circumstances, including any review of the JCS?
Site Selection

4. Was the methodology used to assess and select the proposed site allocations appropriate? Were reasonable alternatives considered and tested? Are the reasons for selecting the preferred sites and rejecting others clear?

Settlement Categories and Boundaries

5. Is the categorisation of the villages into Categories A, B and C (Policies RS1, RS2 and RS3) justified and consistent with the JCS? Is the methodology used to determine the categories robust?

6. Is the principle of using settlement boundaries to direct and control the location of new development sound? How does it work in relation to rural exception sites?

7. What is the justification for the settlement boundaries referred to in Policy LOC1? What is the approach to defining boundaries and how has this evolved? Are the four defining principles used to define the extent of the areas within the settlement boundaries appropriate? What is the justification for not defining settlement boundaries in Category C Villages?

8. Are the specific boundaries/confines for the settlements justified and adequately drawn in all instances? Do the boundaries as drawn provide flexibility to respond to change?

9. Does Policy LOC1 provide a clear indication of how a decision maker should react to a development proposal? Would the boundaries be better referred to in RS1 and RS2 and would this be sufficient? Does paragraph 3.8 repeat the Policy?

10. Is the wording of Policies RS1, RS2 and RS3 sufficiently clear for the purposes of decision making? Does it repeat the provisions of the JCS, national policy and other policies in the Plan? To be considered under these policies would a proposal need to be by definition within the settlement boundary? What is the definition of ‘infill development’? Do the policies need to refer to compliance with other policies? What are the Part 1 and Part 2 Local Plans referred to in the final criteria of each policy and does this go without saying?

11. Is it clear what the difference in approach will be to the three categories in terms of decision making? In practical terms how do the requirements of Policy RS1 differ from those of Policies RS2 or RS3 for example?

12. How do the requirements of Policy RS3 for Category 3 villages differ from those of RS4 for development in the open countryside? If Category C villages are considered to be in the open countryside (as indicated at paragraph 13.16) should RS4 apply there? Is RS3 stricter than RS4? Should RS3 allow the replacement of an existing dwelling in the same way that RS4 does? Should the wording in relation to RS3 criterion b and RS4 criterion c be consistent?
Development in the Countryside

13. Is the approach in Policy RS4 to development in the open countryside justified and in line with the Framework and the JCS? Does it relate to all development or just residential development?

14. Does the policy reflect the circumstances set out at paragraph 79 of the Framework relating to isolated homes? Do the requirements of criterion c exceed those circumstances? Are the requirements in relation to replacement dwellings at criterion b appropriate outside the Green Belt?

15. Is the wording of Policy RS4 sufficiently clear for the purposes of decision making? Does it repeat the requirements of other policies in the JCS and the Plan? Are the provisions of the Policy repeated in the supporting text?

16. What are small scale private equestrian facilities referred to in the final paragraph? Why are these justified as an exception? Are there other exceptions?

Matter 3 - Infrastructure and Viability

Issue
Whether the Plan is positively prepared and justified, effective and consistent with national policy and the JCS in relation to infrastructure and viability.

1. Is the Plan’s approach towards infrastructure justified, effective and consistent with national policy, so as to ensure the timely delivery of the scale and distribution of development in the Plan?

2. What are the likely impacts of the proposed development on infrastructure, and what specific improvements are required or have been proposed?

3. Were viability assessments undertaken during the preparation of the Plan in accordance with the relevant national guidance? Are the recommendations of any viability assessment reflected in the Plan?

4. Are the policy requirements such that the cumulative cost of all relevant policies will not undermine the deliverability of the Plan having regard to the types of development and sites proposed?

Matter 4 – Delivering the Housing Requirement

Issue
Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach towards the supply and delivery of housing land to meet the JCS requirement for Kettering.

*The JCS sets the housing requirement for Kettering at 10,400 dwellings in the period 2011-2031. It also sets out how it will be distributed in line with the spatial strategy and sets out housing requirements for Kettering, Burton Latimer, Desborough, Rothwell and the Rural Areas. The JCS allocates strategic housing*
sites of 500+ dwellings. The Plan allocates smaller scale sites to meet housing requirements. The Sustainability Appraisal recognises that without planning for additional housing development (by making site allocations) there is sufficient supply from committed and completed developments of at least 11,355 dwellings. This exceeds the 10,400 set out in the JCS. However, in order to allow for a degree of choice and flexibility the Council has chosen to provide a greater supply of land to ensure that needs are met in the Plan period. This is to ensure that housing targets are met across the borough, particularly in Rothwell and the Rural Areas. The Council has therefore applied a 10% flexibility allowance above the housing requirement for each settlement set out in the JCS (but not to the Rural Areas). The housing target for the rural areas will be met through housing allocations and a windfall allowance.

Revising the housing requirement is not within the scope of this Plan. Discussions at the hearings will therefore focus on ensuring the Part 2 Plan allocates sufficient housing land to deliver the housing requirement as set out in the adopted JCS. This principle also applies to the provision of a five year housing land supply and whilst I will need to satisfy myself that the proposals in the Plan are such that the aims of the JCS will be met and development delivered in accordance with it, it is not necessary for me to consider whether the Council has a five year housing supply as part of this examination.

(See Initial Question 12 and the Council’s response)

In responding to the following questions, the Council should seek to identify and address specific concerns raised in the representations.

Questions

1. Does the Plan deliver the housing requirement of the JCS (for 10,400 dwellings net) and its timescale for delivery?

2. Is it appropriate to apply a flexibility allowance? What is the justification for the plus 10% flexibility allowance and is it effective? Was consideration given to a higher or lower allowance? Should the allowance be applied across the board (including the rural areas)? Will the housing requirement plus the 10% allowance be met in the urban areas?

3. Is the expected contribution from windfalls realistic and justified by evidence? What is the approach to windfalls in the urban area? Is there an undue reliance on windfalls to meet the rural housing requirement? How will the approach to housing in the Rural Areas meet the JCS requirement for 480 homes?

4. Is the housing trajectory at Appendix 1 of the Plan realistic? Does it demonstrate a supply of deliverable sites and developable sites that would meet the JCS housing requirement for Kettering? What progress has been made on the Sustainable Urban Extensions (SUEs) allocated in the JCS and how has this been monitored? What assumptions have been made in relation to delivery rates and are these justified?
5. Is there sufficient range and choice of sites allocated in the Plan in terms of location, type and size to provide adequate flexibility to meet the JCS housing requirement for Kettering?

6. Paragraph 68 of the Framework states that local planning authorities should identify, through the development plan and brownfield registers, land to accommodate at least 10% of housing requirements on sites no larger than one hectare. Should this be recognised specifically in the Plan?

(See Initial Question 13 and the Council’s response)

7. Overall will the Plan realistically deliver the dwellings required over the plan period? What contingencies are in place should housing delivery fall below expectations? Are there any risks associated with the over-supply of land for housing? How have these been addressed?

**Matter 5 – Housing Allocations in Kettering and Barton Seagrave**

**Issue**
Whether the following housing allocations are soundly based.

KET1 Scott Road Garages (22 dwellings)
KET2 Former Kettering Town Football Club, Rockingham Road (49)
KET3 Kettering Fire Station, Headlands (13)
KET4 Land West of Kettering, Gipsy Lane (350)
KET5 Glendon Ironworks, Sackville Street (33)
KET6 Ise Garden Centre, Warkton Lane (15)
KET7 Factory adjacent to 52 Lawson Street (25)
KET8 Land to the rear of Cranford Road (60)
KET9 Mc Alpine’s Yard, Pytchley Lodge Road, Kettering (217) and 1 ha of employment land (see below)
KET10 Land at Wicksteed Park, east of Sussex Road and Kent Place (30-35) (see below)

**Questions**

_The Council is requested to address the following questions for each of the proposed housing allocations. For those sites where reps have been made, the Council should respond to the particular issue(s) raised. In doing this any updated information regarding the planning and development status of the sites should be included._

1. Are the housing allocations appropriate and justified in light of the potential constraints, infrastructure requirements and adverse impacts?

2. Are there any significant factors that indicate that any sites/parts of sites should not have been allocated?
3. Are the sites viable and deliverable? Is there any risk that site conditions and constraints might prevent development or adversely affect viability and delivery?

4. How were the site capacities determined? What assumptions have been made? Are these justified?

5. What is the current planning status of the site?

6. What benefits would the proposed development bring?

7. What are the potential adverse impacts of developing the site and how might they be mitigated?

8. Would the Modifications proposed by the Council address any shortcomings?

9. What is the expected timescale and rate of development and is it realistic?

10. Is the boundary of the site appropriate? Is there any justification for amending the boundary?

11. Are the detailed policy requirements for each site, effective, justified and consistent with national policy? Are they needed when some of the sites already have planning permission?

Additional site specific questions are as follows:

12. KET9 Mc Alpine’s Yard, Pytchley Lodge Road, Kettering (217) and 1 ha of employment land

Does the objection from the Environment Agency with regard to reservoir breach flooding remain? What progress has been made on this matter and has a Statement of Common Ground been agreed? Can an indication of the implications of a continued objection to the proposed allocation from the Environment Agency and what contingencies the Council would need to be make in these circumstances be provided?

(See Initial Question 26 and the Council’s response)

13. KET10 Land at Wicksteed Park, east of Sussex Road and Kent Place (30-35)

Is the additional text proposed by MM21 in relation to aspirations for a larger area of land justified and effective? Does this area of land need to be included in the site for the provisions of Policy KET10 to be applied as suggested? Has the SA recommendation for mitigation and enhancement in relation to cultural heritage been taken forward in the policy wording? What does ‘strategically located’ mean?
**Matter 6 – Housing Allocations in Burton Latimer, Desborough and Rothwell**

**Issue**
Whether the following housing allocations are soundly based.

BLA4 land to the West of Kettering Road, Burton Latimer (22)
BLA5 land adjacent to the Bungalow, Higham Road, Burton Latimer (7)
BLA6 Bosworth Nurseries and Garden Centre, Finedon Road, Burton Latimer (69)
DES4 land off Buxton Drive and Eyam Close, Desborough (135)
DES5 land to the south of Desborough (304)
ROT3 Land to the West of Rothwell (300) (see below)

**Questions**

*The Council is requested to address the following questions for each of the proposed housing allocations. For those sites where reps have been made, the Council should respond to the particular issue(s) raised. In doing this any updated information regarding the planning and development status of the sites should be included.*

1. Are the housing allocations appropriate and justified in light of the potential constraints, infrastructure requirements and adverse impacts?

2. Are there any significant factors that indicate that any sites/parts of sites should not have been allocated?

3. Are the sites viable and deliverable? Is there any risk that site conditions and constraints might prevent development or adversely affect viability and delivery?

4. How were the site capacities determined? What assumptions have been made? Are these justified?

5. What is the current planning status of the site?

6. What benefits would the proposed development bring?

7. What are the potential adverse impacts of developing the site and how might they be mitigated?

8. Would the Modifications proposed by the Council address any shortcomings?

9. What is the expected timescale and rate of development and is it realistic?

10. Is the boundary of the site appropriate? Is there any justification for amending the boundary?

11. Are the detailed policy requirements for each site, effective, justified and consistent with national policy? Are they needed when some of the sites already have planning permission?
Additional site specific questions are as follows:

12. ROT3 Land to the West of Rothwell (300)

What relationship does this site have to the adjacent SUE? Is criterion h relating to the strategic link road justified by evidence? What role does the site play in terms of Green Infrastructure?

Matter 7 – Housing Allocations in Rural Areas

Issue
Whether the following housing allocations are soundly based.

BRA2 Top Orchard Braybrook (3)
CRA2 South of New Stone House, Duck End Cranford (5/6)
CRA3 Land east of the corner of Duck End and Thrapston Road Cranford (8/10)
GED2 Geddington Saw Mill, Grafton Road, Geddington (10)
GED3 Geddington South East (11)
GED4 Old Nursery Site, Grafton Road (10)
GRC2 Land to north of Loddington Road, Great Cransley (10/15)
MAW2 Land west of Mawsley (50) (see below)
PYT2 Two fields on the outskirts of Pytchley (8)
STA2 land to the south of Harborough Road Stoke Albany (16)
WES2 Home Farm Weston by Welland (10)

Questions

The Council is requested to address the following questions for each of the proposed housing allocations. For those sites where reps have been made, the Council should respond to the particular issue(s) raised. In doing this any updated information regarding the planning and development status of the sites should be included.

1. Are the housing allocations appropriate and justified in light of the potential constraints, infrastructure requirements and adverse impacts?

2. Are there any significant factors that indicate that any sites/parts of sites should not have been allocated?

3. Are the sites viable and deliverable? Is there any risk that site conditions and constraints might prevent development or adversely affect viability and delivery?

4. How were the site capacities determined? What assumptions have been made? Are these justified?

5. What is the current planning status of the site?
6. What benefits would the proposed development bring?

7. What are the potential adverse impacts of developing the site and how might they be mitigated?

8. Would the Modifications proposed by the Council address any shortcomings?

9. What is the expected timescale and rate of development and is it realistic?

10. Is the boundary of the site appropriate? Is there any justification for amending the boundary?

11. Are the detailed policy requirements for each site, effective, justified and consistent with national policy? Are they needed when some of the sites already have planning permission?

Additional site specific questions are as follows:

12. MAW2 Land west of Mawsley (50)

   Is the housing proposal justified and appropriate in light of the potential constraints including flood risk and highway safety? Does the wording of criterion I address the concerns of Natural England in relation to the nearby SSSI?

Matter 8 – Meeting Housing Needs
(Gypsies and Travellers, and Policies HOU1, HOU2, HOU3, HOU4, HOU5)

Issue
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 provision of housing and whether it adequately address the needs for all types of housing and the needs of different groups in the community (as set out in paragraph 61 of the Framework)

Gypsies and Travellers

1. The updated Gypsy and Traveller Accommodation Assessment (March 2019) identifies a need for 48 pitches between 2018 and 2033 for Kettering Borough. Is the approach to meeting this requirement through a further Development Plan Document (DPD) to the timetable indicated justified and effective and consistent with national policy? How can the production of this DPD be ensured?

   (See Initial Question 10 and the Council’s response)

HOU1 Windfall and Infill Development Principles of Delivery

2. What is the intention of the Policy? Is it clear that it seeks to protect residential gardens in three areas in line with paragraph 70 of the Framework? Does it also seek to retain family housing? What is the
justification for this in these three areas only?

3. What is ‘infill development’ or ‘infilling’ defined as in the context of this policy? Are the provisions of criterion a and b covered by other general policies in the JCS or elsewhere in the Plan? Does resisting the division of a curtilage in criterion c go beyond the provisions of paragraph 70 of the Framework?

4. Are the areas listed within the area covered by the TCAAP? If so, are they appropriate for inclusion in the Plan?

(See Initial Question 9 and the Council’s response)

**HOU2 Older Persons Housing**

5. Is the approach to older persons housing justified, effective and consistent with national policy and the JCS? Is there any overlap with JCS Policy 30?

6. Is the threshold of 50 dwellings/1.6 hectares justified? Does it relate to an identified need?

7. What is a ‘proportion’ and should this be specified? Is the desired mix clear and does it take account of local considerations? In determining the proportion, type and tenure, how will local need be evidenced? Does the Policy as drafted provide certainty and is it effective?

8. Is there any evidence that the requirements of the policy would affect the viability or deliverability of housing sites?

**HOU3 Retirement Housing and Care Homes**

9. Is the approach to retirement housing and care homes justified, effective and consistent with national policy and the JCS? Does this policy provide a clear indication of how a decision maker should react to a development proposal for retirement housing and care homes? How in practice will support be achieved?

(See Initial Question 25 and the Council’s response)

**HOU4 Self Build and Custom Build Housing**

10. Is the approach to self build and custom building housing justified, effective and consistent with national policy and the JCS? Where is the need for this type of housing established and is this a sound basis from which to seek provision?

11. Is the 50 dwellings/1.6 hectare threshold justified? Is the requirement for 5% of plots to be made available for self-build or custom build serviced plots reasonable? How will local need be evidenced?

12. What does ‘appropriately marketed’ mean in practice and how will prevailing market value be assessed? Why has a 6 months marketing period been
chosen and is this justified?

13. Is there any evidence that the requirements of the policy would affect the viability or deliverability of housing sites?

**HOU5 Single Plot Exception Sites for Self-build**

14. Is the approach to single plot exception sites for self-build justified, effective and consistent with national policy and the JCS? Does it add anything to Policy 13 of the JCS which deals with Rural Exceptions more generally?

15. Is it justified to stipulate that the applicant is the prospective owner of the proposed dwelling and how will this be enforced? How will applicants demonstrate a strong local connection to the village? What if the house is not in a village? How can it be demonstrated that the applicant has a need that is not met in the market?

16. Is it appropriate to require such property to be built to the minimum nationally described space standards? What is the evidence for this, does it apply to self-build exception sites only, and does it accord with national guidance in terms of need and viability testing? What if the property is proposed to be bigger than the minimum space standards?

17. What are the ‘exceptional circumstances’ to justify blanket removal of permitted development rights?

18. What progress has been made on the Rural Exceptions Sites SPD which will provide guidance on the delivery of self-build or custom build affordable housing on rural exception sites?

   (See Initial Question 19 and the Council’s response)

**Affordable Housing**

19. Is the Plan effective in delivery the affordable housing requirements of the JCS and does it meet national policy? Where is this evident?

**Matter 9 – Employment**
**(Policies EMP1, EMP2, EMP3)**

**Issue**

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach towards the building a strong, competitive economy.

*The JCS sets out the job creation target for Kettering of 8,100 net job growth (in all sectors). The JCS allocates strategic employment sites (5+ hectares) and the Plan allocates additional smaller scale sites to meet employment requirements.*

**Questions**
EMP1 Safeguarding Employment Land

1. Is the approach to safeguarding employment land justified, effective and consistent with national policy and the JCS?

2. Is Policy EMP1 in accordance with JCS Policy 22 which seeks to safeguard employment sites, unless a number of circumstances apply?

3. Is proposed MM1 justified and necessary in terms of soundness? What does it seek to achieve?

EMP2 Local Employment Areas

4. Is the approach to local employment areas justified, effective and consistent with national policy and the JCS? Is Policy EMP2 accordance with JCS Policy 22? What does it seek to achieve over and above EMP1 in local areas?

EMP3 Non Employment Uses (non B Class Use) in Safeguarded Employment Areas

5. Is the approach to non-employment uses in safeguarded employment areas justified, effective and consistent with national policy and the JCS?

6. Are MM2 and MM3 justified and required in terms of soundness? How will ‘support’ be given to ancillary proposals?

7. With regard to criterion a, how will a ‘reasonable price’ be determined and is a period of 12 months proposed in MM3 justified and appropriate? How can it be demonstrated that there is no reasonable prospect of the site being viably used for employment? What is an ‘over concentration’ referred to in criterion d? How will this be measured? Do all the criteria apply? Is an ‘and’ required after criterion e?

EMP4 Live Work Units

8. Is the approach to live work units justified, effective and consistent with national policy and the JCS? How will they be ‘encouraged’?

9. Are the other criteria effective and logically set out and do they all apply? Are some of the criteria covered by other more general development management policies in the JCS or elsewhere in the Plan? Can ‘inappropriate’ local air quality be defined in criterion e? In terms of criterion h, where are the primary, secondary and core shopping areas of the town and local centres defined and set out?

Employment Allocations

10. Are the employment land allocations set out in the Plan (below) justified by appropriate available evidence, having regard to national policy and local context, including meeting the requirements of the JCS?
11. Do they show how they will contribute to the achievement of the employment requirement in the JCS and its timescale for delivery?

DES6 Land adjacent to Magnetic Park, Harborough Road, Desborough (1.8ha) (see initial question 5 and the Council’s response and MM30)
KEY9 McAlpine’s Yard, Pytchley Lodge Road, Kettering (217) and 1ha of employment land = mixed use (see initial question 26 and the Council’s response)
GED5 Geddington South West, New Road (0.28ha)

**Matter 10 – Town Centres**
(Policies TCE1, TCE2, TCE3, TCE4, TCE5, TCE6, TCE7, BLA1, BLA2, BLA3, DES1, DES2, DES3, ROT1 and ROT2)

**Issue**
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 town centres.

**Questions**

1. The JCS identifies a minimum net increase of 12,500 square metres of net comparison shopping floorspace in Kettering which I understand will be provided in the TCAAP and its intended review. What progress has been made on the North Northamptonshire Retail Capacity Update? Is it likely to have any implications for approach to retail provision in the Plan?

   (See Initial Question 24 and the Council’s response)

**TCE1 Town Centre Boundaries**

2. Does this policy provide a clear indication of how a decision maker should react to a development proposal? Would the boundaries be better referred to in Policies BLA1, DES1 and ROT1?

3. Should the town centre boundaries also define the primary shopping areas (as required by paragraph 85 (b) of the Framework)?

   (See Initial Question 25 and the Council’s response)

**TCE2 Proposals for a Medium Sized Foodstore**

4. What does ‘considered positively’ mean in practice for decision makers? How is the Rothwell and Desborough catchment defined? What is the definition of a medium sized foodstore supported by Policy 12 of the JCS? Has the need for a store been established?
5. What is the justification for the floorspace threshold of 2000 square metres of convenience retail? How would a foodstore ‘protect and enhance’ GI corridors?

6. Is criteria d covered by other DM policies? Do all the criteria apply? Is an ‘and’ required after the second to last criterion?

**TCE3 Markets – General Principles**

7. Does the policy apply to open markets? Do these need planning permission in all instances? Do all the criteria apply? Is an ‘and’ required after criterion c?

8. What is the status of the Markets Standards Guidance? Is a policy which requires compliance with criteria or standards that are set out in another document or SPD effective or justified?

**TCE4 Residential Development within the Town Centres**

9. Is it clear how the policy will be implemented? How will ‘support’ and ‘further support’ be provided? Is the inclusion of what appears to be policy in the supporting text at paragraph 6.16 effective? Are some of the criteria required by other policies?

10. Where are the ‘design out crime’ standards referred to in criterion c? What is their status? Is a policy which requires compliance with criteria or standards that are set out in another document or SPD effective or justified?

**TCE5 Application of the Sequential Test**

11. Does Policy TCE5 accord with the Framework? Is the reference to Section 2 of the Framework correct?

12. What provision is made for the local centres in the SUEs in the JCS? Is the inclusion of what appears to be policy in the supporting text at paragraph 6.20 effective? Is this approach not to require a sequential assessment in the SUEs justified?

13. What is ‘small scale’ in terms of criteria a and c? Can ‘immediate neighbourhood’ and ‘neighbourhood significance’ be defined or explained?

**TCE6 Locally Set Impact Assessment**

14. Does Policy TCE6 accord with the advice at paragraph 89 of the Framework regarding impact assessments?

15. What is the justification for a locally set impact thresholds and the specific thresholds proposed? What is the reasoning behind the different thresholds in the different towns? What harm is referred to in the final paragraph of the policy?
16. What is a local shopping facility and where is this defined? Would it include more than just shops? The supporting text refers to community facilities, would the policy as drafted also be effective in protecting them?

17. What is an emerging Local Centre? Is the inclusion of what appears to be policy in the supporting text at paragraph 6.25 effective?

**BLA1, DES1, ROT1** Town Centre Development Principles

18. Are the town centre development principles policies justified by appropriate available evidence, having regard to national guidance, and local context, including the JCS and are they effective?

19. Are some of the criteria generic to all three town centres, and are they covered by other policies elsewhere in the Plan or the JCS? How would a development demonstrate that it accords with 'Designing out Crime' and where are those standards set out? How will decision makers 'support', 'consider' or 'give priority' to particular developments in practice?

**BLA2, BLA3, DES2, DES3, ROT2** Opportunity Sites for Redevelopment and Environmental Improvements

20. Are the town centre opportunity sites for redevelopment and environmental improvements set out in the Plan (below) justified by appropriate available evidence, having regard to national policy and local context, including meeting the requirements of the JCS and are they effective?

21. What is the intention of these policies? Is it clear what is expected of a developer? Do the policies provide a clear indication of how a decision maker should react to a development proposal or are they statements of intent/support? Have the requirements of the policies been costed or viability tested?

BLA2 Opportunity Redevelopment Sites in Burton Latimer (x4)
BLA3 Opportunity Environmental Improvement Sites in Burton Latimer (x4)
DES2 Opportunity Redevelopment Sites in Desborough (x5)
DES3 Opportunity Environmental Improvement Sites in Desborough (x5)
ROT2 Opportunity Environmental Improvement sites in Rothwell (x4)
Matter 11 – Health and Well-being  
(Policies HWC1, HWC2, HWC3)

Issue
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.

Questions

HWC1 Health and Well-being

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. 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. 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)

HWC2 Protection of Community Facilities and Proposals for New Facilities

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. 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?

HWC3 Sport, Recreation and Physical Activity

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. 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
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. 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)

Matter 12 – Natural Environment and Heritage (Policies NEH1, NEH2, NEH3, NEH4)

Issue
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.

Questions

NEH1 Local Flood Risk Management Policy

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?

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?

3. Does the policy apply to all development or just those in specific areas that are at risk of flooding?

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?

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?

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 townscapes referred to?

**NEH2 Green Infrastructure**

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?

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?

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 these are indicative)? Is the approach to identifying new borough corridors justified?

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?

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?

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?

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? Is it clear how the contributions that are required will be determined? Have the requirements of the policy been viability tested?

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?

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?

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?

(See Initial Question 25 and the Council’s response)

**NEH3 Historically and Visually Important Local Green Spaces**

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

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?

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?

**NEH4 Open Spaces**

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?

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?

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?

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?

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?
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?

(See Initial Questions 16, 19 and 25 and the Council’s responses)

Matter 13 – Rural Areas

Issue
Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to development principles in rural areas.

Questions

RS5 General Development Principles in the Rural Area

1. Are the general development principles for rural areas justified by appropriate available evidence, having regard to national policy and local context, including meeting the requirements of the JCS?

2. How does Policy RS5 relate to the principles in RS1, RS2, RS3 and RS4? Would they all apply in some instances? Do they repeat each other? Is the Policy necessary and what does it seek to achieve?

3. How does this generic policy sit alongside the village specific development principles policies? Is there repetition? And alongside the housing allocation site policies? Could a number of these policies apply to a particular site? Which would take precedence?

4. In paragraph 13.23 what does the historic core relate to? What other locations are likely to be deemed appropriate? Do the alterations under the Highway Act referred to need planning permission and is the inclusion of what appears to be policy in the supporting text effective?

5. Is criterion a covered by other generic development management policies in the JCS or elsewhere in the Plan? Is the test at criterion b in line with the Framework and its approach to heritage assets? What is a ‘potential moderate village expansion’ referred to in criterion c? Are criterion d and f repetitive?

6. Do the criteria apply to historic farm buildings only? Would non-historic farm buildings or other rural buildings generally not fall for consideration here? What is the justification for criterion h and the requirement for an element of employment? Is this in line with national policy and will viability be a consideration? Can criterion i be explained? What is most damaging, to
what and why? Is criterion j about materials or design? Do all the villages have a historic core as referred to in criterion j?

7. Is criterion k required and is it repeated by other policies? Does it apply to car parking or all parking? How is it envisaged that car parking would affect the existing network of streets in a village?

8. Do all the criteria in each list apply? If so should an ‘and’ be inserted at the end of the second to last criterion?

**Village Specific Development Principles**

9. Are the development principles policies for the specific villages listed below justified by appropriate available evidence, having regard to national policy and local context, including the JCS?

10. Do the policies repeat the general development principles set out in RS5? What is their relationship with the requirements for the housing allocations in the respective villages?

11. Is it clear that the principles are locally specific to each village? Have the identified improvements identified in some of the policies been costed? Do they raise issues of viability? Do the criteria align with the requirements of the Framework for example with regard to the tests for heritage assets?

12. Do the policy requirements in the specific villages replicate other generic development management policies (in the JCS or elsewhere) which would be required in all instances, such as those requiring adequate off-street car parking etc? Is it necessary or effective for these policies to refer to compliance with other policies in the Plan?

ASH1 – Ashley  
BRA1 – Braybrooke  
CRA1 – Cranford  
GED1 – Geddington  
GRA1 – Graton Underwood  
GRC1 – Great Cransley  
HAR1 – Harrington  
LOA1 – Little Oakley  
LOD1 – Loddington  
MAW1 – Mawsley  
NEW1 – Newton  
PYT1 – Pytchley  
RUS1 – Rushton  
STA1 – Stoke Albany  
ST1 – Sutton Bassett
Matter 14 – Monitoring and Review
(Table 15.1)

Issue
Whether the Plan would be able to be monitored effectively to ensure timely delivery of its proposals in conformity with the JCS?

Questions

1. How would the implementation of the Plan policies be achieved? What mechanisms are there to assist development sites to progress?

2. How would the implementation of the Plan be monitored? Would it be effective? How would the results of monitoring be acted upon? What would trigger a review of the Plan?

3. Overall does the plan deal adequately with uncertainty?