Opening

Matter 1 Legal and Procedural Requirements
Matter 2 Spatial Strategy
Matter 3 Infrastructure and Viability

Please note that some additional questions have been added to the originally identified Matters Issues and Questions on the agendas. They can be found under the original question number but with a suffix added.

10.00 Openings

1. Inspector’s opening

2. Questions/procedural or programming matters

3. Council’s opening statement

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 been 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?


6a. With the Council’s response to Initial Question 22 in mind, can the Council confirm whether any review or update of the SCI is needed so that plan making can continue?

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?

8a. Does the Plan take into account the Climate Emergency that was declared in the borough in 2019?

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?

9a. Has an Equality Questionnaire been completed or an Equality Impact Assessment for the Plan been prepared?

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)

11. Do any parts of the Plan need to be modified to reflect the changes to the Use Classes Order that will come into effect on 1 September 2020?

11a. Please note that in light of the Council’s response to this questions and the representations made, this issue will be dealt with in Matters 9 and 10.
12.00 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?
16.30 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?