Please note the additional question in Matter 10 relating to whether any parts of the Plan need to be modified to reflect the recent changes to the Use Classes Order.

9.30 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?

TCE7 Protection of Local Centres

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 test 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 Improvements Sites in Burton Latimer (x4)
DES2 Opportunity Redevelopment Sites in Desborough (x5)
DES3 Opportunity Environmental Improvements Sites in Desborough (x5)
ROT2 Opportunity Environmental Improvement Sites in Rothwell (x4)
Additional Question originally raised under Matter 1:
Do any parts of the Plan need to be modified to reflect the recent changes to the Use Classes Order?

11.30 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 applied?

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)

**14.00 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 those 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? It is 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 is 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)