North Northamptonshire Joint Core Strategy 2011-2031
Proposed Main Modifications to the Submitted Plan
Summary of representations on the Main Modifications

MM1: Para 1.14

Northampton Borough Council (028) and Barratt Developments and Taylor Wimpey (093) support the Proposed Modification as it provides additional clarity in respect of how needs arising in the adjoining area of West Northamptonshire, specifically Northampton, will be taken into account within the NNJCS. Barratt Developments and Taylor Wimpey believe that this modification helps demonstrate the Duty to Cooperate, particularly where elements of the Housing Market Areas overlap.

MM2: Para 3.40, 3.42: Policy 4

The proposed Main Modification is supported by a number of stakeholders. Natural England (045) has confirmed that this main modification satisfies its representations on the core strategy made at the Focused Changes consultation stage and it accurately reflects the modifications agreed in a statement of common ground between the Joint Planning Unit and Natural England prior to the examination hearings. The Wildlife Trust (122) supports the modification and also wishes to lend its own strong support to the production of the "Mitigation Strategy" and its future use / implementation.

Society of Merchant Venturers (036) and Catesby Estates (064) also support MM2. Society of Merchant Venturers advise that this modification satisfies their previous objection. Catesby Estates previously considered that a blanket policy requiring wintering bird surveys for development sites of more than 2 hectares and within 4km of the Nene Valley Gravel Pits Special Protection Area ("SPA") is unreasonable and that the need for such surveys should be considered on a site specific basis. They therefore welcome the introduction of modification MM2 to paragraph 3.40 which allows for pre-application consultation with Natural England to agree the need for, and scope of, any survey work in respect to the SPA. There is also support given to MM2 by Irchester Parish Council and the Irchester, Knuston and Little Irchester Neighbourhood Plan Steering Group (024).

In contrast, Barratt Developments and Taylor Wimpey (093) believe that the proposed additional wording for Policy 4 is ambiguous and does not properly reflect the content of the draft SPD that provides a variety of mechanisms for delivering the mitigation strategy. As currently worded they are concerned that the policy may be interpreted as the need for additional financial contributions. They set out that this approach is not considered to comply with National Policy (Paragraph 153) and the guidance set out within the NPPG. They believe that further clarification is required to ensure compliance with National Policy and ensure that the policy is clear and effective.

MM3: Policy 6

Irchester Parish Council (005) and Irchester, Knuston and Little Irchester Neighbourhood Plan Steering Group (024) support the proposed Main Modification. The Home Builders Federation (HBF) (056) considers that the removal of the prioritising of Brownfield Land as set out in MM3, MM 6 and MM 28 are acceptable.

James Hakewill (058) objects to the proposed Main Modification. He considers that by singling out 'within the urban areas' a blanket policy is being encapsulated both for urban and rural parts of North Northamptonshire whereas simply leaving brownfield land as such without further definition of location is more sound. *"The emerging register of Brownfield Land does not differentiate between Urban or Rural or the quantity in individual locations. There is more than enough planning policy to ensure that development is sustainable and ecologically sound. This is Justified as the alternative is greenfield land, Consistent with National Planning Policy which seeks to ensure that brownfield land is developed in preference to greenfield."*

Whilst Gladman Developments (090) recognise the principle of re-using previously developed land, it would object to any policy wording that would give priority to the re-development of brownfield sites over otherwise sustainable greenfield locations. In this respect they refer the JPU to the requirements of paragraph 111 of the National Planning Policy Framework, which makes clear that JCS' proposals should be drafted to 'encourage' the effective use of land, by re-using land that has previously been developed.

MM4: Policy 8

The HBF (056) remains concerned about the wording of Bullet Point e)v of Policy 8 – Place Shaping Principles. They set out that the Deregulation Act specifies that no additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings should be set in Plans other than the nationally described space standard, an optional requirement for water usage and optional requirements for adaptable / accessible dwellings. The HBF concern is that Bullet Point e)v of Policy 8 may result in the introduction of a local standard / policy requirement for fire safety measures because of the way in which it is interpreted and implemented in the making of development management decisions. The HBF consider this concern is not removed by the insertion of the word "proportionate" in MM4. Therefore the HBF state that *"Bullet Point e)v of Policy 8 as modified remains unsound because it is unjustified and inconsistent with national policy. It is recommended that the reference to fire safety measures in Bullet Point e)v of Policy 8 is deleted".*

MM5: Policy 9 & Supporting Text

Respondents from the development industry have objected to a number of elements of the proposed Main Modification, notably the requirement in para 4.16 for developments of over 200 dwellings to now be required to meet the energy requirements equivalent to level 4 of the outgoing CSH (a 19% improvement of building regulations 2013), subject to viability. The development industry considers that this requirement is contrary to the provisions of the Deregulation Bill.

Hallam Land Management (HLM) (052) alongside others such as Barratt Developments and Taylor Wimpey (093), Miller Homes (076) and the Home Builders Federation (056) object to MM5 on the basis that it is not justified or consistent with national policy. Hallam Land and Miller Homes refer to the Government Ministerial Statement of 25th March 2015 which outlined a new approach to the setting of technical housing standards in England. They

note this statement confirmed the government's withdrawal of the Code for Sustainable Homes and stated that local planning authorities should not set policies which require any level of the Code in their emerging Local Plans.

On a similar theme Persimmon Homes Midlands (042) have suggested that schemes may be put at risk by the requirements of Policy 9 specifically in this case relating to the Rothwell North SUE (being promoted by Persimmon). Persimmon indicate that the information they have submitted to the JPU and Kettering Borough Council relating to scheme specific viability at Rothwell North has not included any allowance for meeting the enhanced standards above Building regulations included in Policy 9. It is therefore suggested by Persimmon that if these extra costs were to be included then the position in respect to the delivery of affordable housing or other s106 obligations would be put at further risk. With the viability position of each of the SUEs already marginal this additional policy burden is considered by Persimmon to be inconsistent with national policy and therefore unsound.

Hallam Land Management (052) equally warn that whilst MM5 would result in less of a policy burden than a requirement for zero carbon, it is not aware of any justification for the adoption of CSH Level 4 equivalent energy requirements that the JPU authorities would seek in line with paragraphs 4.16 and 4.22. They indicate that there is no evidence the policy burden faced by developers in delivering large scale development has not been taken into consideration in this decision. In HLM's experience of delivering large scale developments in North Northamptonshire, infrastructure requirements necessary to deliver such development are already significantly impacting on delivery of affordable housing. The Government's message is clear that CSH has been withdrawn, and it is suggested that in order to comply with NPPF paragraph 173 and 174, energy requirement standards above current Building Regulation requirements should not be imposed without evidence they are reasonable and necessary, which they consider has not been shown.

Gladman Developments (090) object to the use of any optional energy performance standards that would place an unjustified and undue burden on the viability of development proposals. Gladman also question the soundness of introducing local requirements for energy performance, such as the use of allowable solutions, in light of the Government's intended changes to the use of technical housing requirements, as outlined in the Deregulation Act 2015. Gladman refer the JPU to the requirements of paragraph 173 of the Framework, which states that "The sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened". Gladman submit that it would be logical to remove any references to the Code for Sustainable Homes from the text of the JCS, as a now withdrawn construction standard.

Linked to the above objections, a number of responses from the development industry also consider that there should be a reference within Policy 9 to Viability.

In contrast, Kettering Borough Council (053) support the Policy and the requirement for developments of 200+ to meet energy requirements above Building Regulations. They have requested that the requirement in paragraph 4.16 be included as an additional criterion within Policy 9 above Criterion 3.

MM6: Policy 11

The HBF (056) considers the removal of the prioritising of Brownfield Land as set out in MM3, MM 6 and MM 28 are acceptable. Northamptonshire County Council (NCC) Highways (043) also support the Modification which they consider will remove any confusion regarding the sentence.

MM7: Para 5.30

No representations to proposed Main Modification.

MM8: Para 5.34

No representations to proposed Main Modification.

MM9: Policy 12 criterion f)

No representations to proposed Main Modification.

MM10: Policy 12 criterion g)

No representations to proposed Main Modification.

MM11: Policy 13

The proposed Main Modification is supported by respondents including the Society of Merchant Venturers (036), Irchester Parish Council (005), Irchester, Knuston and

Little Irchester Neighbourhood Plan Steering Group (024), Chelveston Parish Council (119) and Kettering Borough Council (053).

MM12: Para 5.54

No representations to proposed Main Modification.

MM13: Policy 14

No representations to proposed Main Modification.

MM14: Policy 14

Historic England (009) considers that the contents of the Statement of Common Ground agreed 12th November 2015 have been incorporated and they now consider policy 14 to be sound.

MM15: Policy 14 f)

No representations to proposed Main Modification.

MM16: Para 6.32

NCC Highways (043) support the amendment of paragraph 6.32 to give further clarity regarding the planned improvements to the A43 in response to discussions that arose at the examination hearings. NCC Highways consider that the wording as now proposed accurately describes the planned improvements to the A43 and timescales.

MM17: Para 8.5

NCC Highways (043), Kettering Borough Council (053) and Great Oakley Farms, Rockingham Castle Estate, Taylor Wimpey and Barratt Developments (077) support the proposed Main Modification.

Hampton Brook (071) considers that the modification to the scale of planned job creation represents a fundamental change to the submitted plan (a decrease of 23%) and as such cannot be considered as a main modification. They consider that the plan should therefore be found unsound. Hampton Brook considers that the modification proposes a significant change to the supply of labour for the neighbouring Northampton. This is clearly a strategic issue in terms of the framework and there is no record in the evidence on the duty to co-operate that this level of retained claw back of commuters has been discussed and accepted by Northampton or the West Northamptonshire Joint Core Strategy Unit.

Hampton Brook state that “the considerable downgrading of the area's economic aspirations appears to have been undertaken simply to curtail the level of housing that would be required to support growth and as such would appear contrary to the planning principles which is to accomodate for economic growth and the housing

need to support it. The change makes the plan so fundamentally different to that which was submitted the correct approach would be for the plan to be found unsound if a modification of this size is required to make it sound".

Similarly, Mulberry Developments (088) set out that the changes set out in MM17 in effect reduce the minimum requirement from 31,100 to 24,200 and consequently the 31,100 figure now becomes a 'target'. Their concern is that the previously positive position of the JCS to additional employment generating uses in excess of the 31,100, previously defined as a minimum, has been diluted to such an extent that it is no longer clear how the Plan will respond to wider opportunities for economic development. Mulberry considers that precisely how one would judge 'compliance with the plan' has become muddled and confused. *"Prior to the Main Modifications, it was clear that economic-led development in excess of the minimum 31,100 job growth requirement could be supported in policy terms subject to compliance with other policies in the JCS, but now this figure is defined as a 'target', in effect a ceiling/cap."*

Mulberry does not repeat previous submissions to the Examination but in light of MM17 are concerned that the 31,100 figure will now be applied as a restrictive and deliberate cap. They consider that the consequence of which will be that opportunities, such as those promoted by Mulberry (additional land at Kettering South) would not benefit from a sufficiently positively policy framework, one that responds positively to wider opportunities for growth as set out in the NPPF as a Core Planning Principle (3rd bullet point, paragraph 17).

MM18: Policy 22; Policy 23

Great Oakley Farms, Rockingham Castle Estate, Taylor Wimpey and Barratt Developments (077) (promoters of the West Corby SUE) support the modifications to Policies 22 and 23 and the reflection of realistic expectations relating to job creation, i.e. through the deletion of the word "minimum" in relation to the creation of 31,100 jobs during the Plan period (including 9,700 in Corby). They also support the simplification of the policy wording at the first bullet point of clause (c) in Policy 22.

Catesby Estates (064) consider that proposed modification MM18 does not adequately reflect the discussions at the Matter 4 and 5 Hearing Sessions regarding extensions to existing high quality employment sites providing an opportunity to reduce out-commuting from North Northamptonshire and to deliver a better balance between homes and jobs (a key aim as identified at paragraph 8.1 of the JCS). The policy therefore requires further modification if it is to meet North Northamptonshire's employment needs and be considered positively prepared, justified and effective. Catesby Estates set out their support to the modification to policy 22 that was proposed by Oxalis Planning (on behalf of Roxhill Developments Limited) in their hearing statement to Matter 4 (employment), alongside modifications to para 8.7 relating to extensions to existing employment sites.

MM19: Policy 23b)

Great Oakley Farms, Rockingham Castle Estate, Taylor Wimpey and Barratt Developments (077) support the proposed Main Modification.

MM20: Policy 24a)

Barratt Developments and Taylor Wimpey (093) support the inclusion of "and viability" in respect of strategic distribution developments as set out in Policy 24 (a). They believe that this modification supports the position made during the examination process in respect of the need for flexibility when delivering employment uses on site. They consider that this policy, taken in conjunction with those relating to the specific requirements of the Sustainable Urban Extensions, provides a robust framework for delivering employment uses alongside residential development.

MM21: Policy 24e)

No representations to proposed Main Modification.

MM22: Policy 24f)

No representations to proposed Main Modification.

MM23: Policy 25

The Boughton Estate (079) supports MM23, which proposes the inclusion of the word "sustainable" to the beginning of part 1 of the policy. They consider this modification to be consistent with national policy in that it now requires the decision taker to take into account the government's definition of sustainable development which is contained within paragraphs 18 to 219 of the NPPF (NPPF, paragraph 6).

With regards to Part 2 of the policy the modification of the policy to encompass sustainable rural diversification is also welcomed by the Boughton Estate because it broadens the scope of the policy and makes it more flexible. As a result, they consider that MM23 would make Policy 25 positively planned and more consistent with NPPF paragraph 28 which seeks to "promote the development and diversification of agricultural and other land-based rural businesses".

The Boughton Estate sets out that Policy 25 is now considered to be sound in terms of its approach to rural economic development. However, it is still a matter of concern to the Estate that the social element of sustainable development, in terms of providing housing in rural areas, has not been addressed.

MM24: Policy 26 criterion c)

Historic England (009) note that the contents of the Statement of Common Ground agreed 12th November 2015 have been incorporated and it now considers policy 26 to be sound. Irchester Parish Council, Irchester, Knuston and Little Irchester

Neighbourhood Plan Steering Group (024) also support the proposed Main Modification.

MM25: Policy 27 & Supporting Text

NCC Highways (043) support the modifications to the supporting text surrounding walking and cycling connectivity and the role of the Northern Orbital Route. They also support the changes to Policy 27 to support provision for pedestrian and cycle movements along the Northern Orbital and through the development.

Rockingham Land Ltd (049) supports the updated policy wording which it considers now:

- Provides greater flexibility over uses (to better reflect development in economic sectors that have the capability to be delivered at the site, particuarly in the short to medium term).
- Allows individual parcels to come forward in the absence of a full, comprehensive masterplan for the whole enterprise area (recognising that application proposals will need to be phased in step with the provision of infrastructure, and also that there are multiple land ownerships in the area.
- Involves place making principles that more realistically reflect the opportunities of the area and the implications of 'big box' development formats in priority economic sectors, (including logistics and food and drink).

MM26: Para 9.17

Persimmon Homes Midlands (042) support the deletion of what they consider to be misleading text at Para 9.17 now that Policy 38 has been added in relation to Rothwell North.

MM27: Para 9.18, Para 9.18a

A number of responses from the development industry re-state their previous objections regarding the JCS's reliance on SUEs to deliver its housing requirements.

They consider that the JCS should make a firm commitment to a review, if housing delivery is less than expected. The HBF (056) recommend that MM27 is amended so this failure triggers an actual review of the JCS. Moreover to ensure that OAHN will be met in the North Northamptonshire HMA over the plan period the HBF consider that it is equally important that the Local Plans Part 2 prepared by individual authorities are capable of delivering the required housing land supply. These Local Plans Part 2 should be consistent with both the NPPF and the strategic policies of the JCS. Therefore the JCS should also include provisions to trigger the review of existing Local Plans on adoption of the JCS, for example, the Rural North, Oundle & Thrapston Plan in East Northamptonshire.

Catesby Estates (064) state that MM27 is not considered to be either positive or effective in its current form given it only commits to "consideration of a need for a review" should an SUE deliver less than 75% of the projected housing completions for three years. *"If North Northamptonshire is to meet its objectively assessed housing need over the plan period it is our view that an actual review should be triggered in the event of an SUE / District / Borough (i.e. not just SUEs as proposed by MM27) delivering less than 75% of projected housing completions for three consecutive years.An SUE or District / Borough delivering less than 75% of its projected housing completions will be clear evidence that the plan's spatial strategy for the distribution of housing is not effective in delivering North Northamptonshire's objectively assessed needs. MM27 should therefore be explicit in stating that the spatial strategy will be reviewed as part of any partial review of the plan."*

Tata Steel (070) note that unlike the existing trigger, the new trigger is only included as supporting text. It considers that such a trigger is contrary to the Framework. *"The Framework already includes a mechanism through Paragraphs 14, 47 and 49, which deals with situations when a LPA is unable to deliver a 5 year housing land supply. This is not restricted to the delivery of a particular type of site and is designed to ensure the objective to boost significantly the supply of housing is achieved."* Miller Homes (076) also raise similar concerns about the relationship of the trigger to the NPPF. Hallam Land Management (081) considers that the appeal process would overtake any action to tackle under-delivery only after three years as proposed in Paragraph 9.18a. They consider a requirement to allocate additional sites through the Part 2 Local Plans is the most appropriate approach for local planning authorities to ensure a sufficient housing land supply, in conjunction with a robust assessment of the delivery of key sites, such as SUEs, that are included within the housing trajectory.

Tata Steel (070) also consider that if this plan is adopted at the end of 2016/early 2017 then it is going to be at least 2020 before this mechanism could be triggered. At this point only 10-11 years would be left of the Core Strategy, which currently only runs to 2031. Given the requirement of Paragraph 47 of the Framework to "identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15", Tata Steel would expect the Council as a minimum to be commencing a review of the Core Strategy at this time in any event (especially given the amount of time it has taken to bring the current review of the Core Strategy forward). This only goes to accentuate the concerns they have previously raised with the timeframe of the Core Strategy (see our Hearing Statement 1, Paragraph 1.1 to 1.4). They also consider that it is also the case that if the rate of delivery was to get to this stage that it is clear that the strategy relying on SUEs is failing.

Miller Homes (076), whilst welcoming the commitment to deal proactively with 5 year land supply issues, consider that the proposed approach, in looking at opportunities in the Growth Town and Market Town, is unnecessarily restrictive. Miller Homes feel

the approach would rule out the consideration of highly sustainable options for development on the edge of Northampton within Wellingborough district at Ecton.

Hampton Brook (071) welcomed the recognition of likely under delivery within the JCS, but consider this to be so fundamental to the delivery of the objectives of the plan that it should be policy rather than just commentary in the text of the plan. Hampton Brook set out that in order to be effective and deliver the required level of housing within the plan period, then in the face of evidence of under delivery positive action is required. They consider that Prospect Park should be allocated in the JCS as a reserve site to be brought forward if the trigger is activated. *"This approach is clearly an effective way of resolving the issue of undersupply from the SUE's and strategic sites. If it is considered that specific reserve sites cannot be identified at this time then this should be a requirement for the part 2 of plan to identify appropriate reserve sites."*

Michael Kent (061) notes that the monitoring trigger provided by MM27 means that the approach suggests it is acceptable if only 75% of any of the SUE's are delivered. In relation to the West Corby SUE this would mean delivery of just 2,550 dwellings in the Plan period. He notes that this is 850 short of the plan period Appendix 4 trajectory delivery figure (3,400 dwellings), 1,450 short of the Pre-Submission allocation (at least 4000 dwellings) and 1,950 short of the allocation provided by MM32 (around 4500 dwellings). Across the whole plan area it could result in a huge shortfall before a review is triggered. This could theoretically lead to an overall shortfall of 5,300 dwellings in the plan period across all of the SUE's. Michael Kent considers that the NNJCS has failure built in to the policies for housing delivery, that will then result in the Council's being unable to meet their five-year housing land supply requirements and/or to realise the strategic growth opportunity for Corby that is fundamental to the Plan strategy.

Michael Kent considers that if the additional Kent Land were to be included in Policy 32 at this stage, there would be an opportunity to secure increased delivery. This would be achieved by the provision of an additional access into the site (from the A427), which would enable additional developers to operate.

Another issue identified by Michael Kent arising from MM27 is that, whilst it recognises the wide held concern that the SUE's are unlikely to deliver the required number of homes as allocated by the NNJCS, it is not robust enough to actually deal with the likely under-delivery swiftly and effectively. This is because it is not contained in a Policy, and because it only states that the Joint Committee "will consider the need for a partial review....". There is no policy requirement that even a partial review of the NNJCS would take place in circumstances where there was significant under-delivery of housing. This modification does not provide certainty and should therefore not be considered 'sound'.

Whilst welcoming the JPU's commitment to monitor and manage the delivery of housing in the JCS area, Gladman Developments (090) question whether identifying

further housing sites at the area's Growth Towns and Market Towns will be an effective solution in the event of a five year housing land supply shortfall. They consider that a strategy that focuses on additional housing delivery in the same areas and settlements that are already the root cause of the area's housing shortfall risks perpetuating any under-delivery, and being subjected to the same underlying constraints.

Barratt Developments and Taylor Wimpey (093) (promoters of Rushden East SUE) support the modification in principle. However, they do not believe that the new paragraph (9.18a) will be effective in taking into account market signals, particularly for large, strategic sites. They believe that there needs to be additional explanation as to how viability will be assessed to ensure that both parties are in agreement that the scheme is no longer viable before the mechanisms, such as compulsory purchase, are explored. They consider their amendments are more closely aligned with the spirit of National Policy and Guidance.

In contrast, Great Oakley Farms, Rockingham Castle Estate, Taylor Wimpey and Barratt Developments (077) (promoters of West Corby SUE) support the modifications to paragraphs 9.18 and 9.18a. The inclusion of guidelines against which the delivery of housing at the SUEs (including the West Corby SUE) will be monitored and a partial review of the JCS triggered (if delivery falls below 75% of projected completions set out in Appendix 4 of the JCS) is prudent, forward thinking and should assist in ensuring that the objectively assessed need for housing in the JCS area is met.

MM28: Policy 29

The HBF (056) considers the removal of the prioritising of Brownfield Land as set out in MM3, MM 6 and MM 28 to be acceptable. Great Oakley Farms, Rockingham Castle Estate, Taylor Wimpey and Barratt Developments (077) support the encouragement given to the re-use of suitable previously developed land and buildings for housing. They also support the deletion of the words "*priority is the*" from the Policy*."This deletion acknowledges that housing requirements will need to be met from a range of sites, including SUEs and other strategic housing sites, and that the reuse of brownfield land will form a part of meeting the Policy 28 requirements."*

MM29: Para 9.36

Great Oakley Farms, Rockingham Castle Estate, Taylor Wimpey and Barratt Developments (077) (promoters of West Corby SUE) and Barratt Developments and Taylor Wimpey (093) (promoters of Rushden East SUE support the proposed Main Modification.

In contrast, Persimmon Homes Midlands (042) consider that Policy 30 is aspirational but not realistic, as it does not reflect the viability evidence commissioned by the JPU

which clearly indicates that the proposed policy levels of affordable housing are not viable on the SUEs. They consider that there is little point in undertaking a viability exercise if the outputs are then ignored. Having a policy that necessarily means all the major sites will be subject to site specific viability testing adds significant delays to the process and therefore directly affects the deliverability of the plan. It also creates uncertainty for both sides which can affect land agreements and further investment.

MM30: Para 9.38

Kettering Borough Council (053) supports the reduction of the threshold for provision of affordable housing in the rural area. The Council considers that provision of affordable housing on smaller sites will make a valuable contribution to affordable housing in the rural area. Chelveston Parish Council (119) also supports the proposed Main Modification.

Francis Jackson Homes (120) object to the proposed Main Modification and seek amendments to clarify. They set out that *"As drafted the paragraph references "developments of 5 or more dwellings, (or 0.2Ha or more site areas). With regard to the threshold of 5 dwellings, this should make it clear this is a net increase of 5 more dwellings to be clear and for the avoidance of doubt. I.e. if 2 no. houses are demolished to provide for 6 no. new houses, there is a net increase of only 4 no. dwellings and so this would not trigger a contribution. Also it is unclear where the 0.2Ha applies- is this on small sites of 0.2Ha or more, even if the number of dwellings is fewer than 5? Or is that if the number of dwellings sought is unknown or unclear at that point i.e. outline. It is not clear."*

MM31: Policy 30

The Boughton Estate (079) supports the decision to remove reference to paragraphs 9.26 and 9.27 within part a) of Policy 30. They state that the Policy is now considered to be sufficiently flexible and meets the soundness tests set out at NPPF paragraph 182.

Lauren Humber from NCC Business Improvement and Intelligence Performance (105) sets out that she is working with District and Borough Council to verify the need for dwellings designed for older people. NCC's service users are predominantly from Wellingborough, Corby and East Northants so the need for lifetime homes in areas where people can maintain their independence is a necessity and should be detailed in this policy.

MM32: Policy 32

As outlined in EXAM 9, NCC Highways (043) are content that on the basis of access being from the A6003 and A427, the traffic volumes arising from the additional housing (500 dwellings) can be accommodated within the improvements and access

works required as part of the development. They are therefore content with the amendments to Policy 32.

Great Oakley Farms, Rockingham Castle Estate, Taylor Wimpey and Barratt Developments (077) (the promoters of West Corby SUE) support the modifications made to Policy 32 (a).

They consider that the change in housing requirement from 4,000 to 4,500 dwellings reflects the Promoters' assessment of capacity of the West Corby SUE and is based on a masterplan which has been the subject of extensive pre-application consultation (including with officers of the JPU and Corby Borough Council, stakeholders and members of the general public) and an ongoing environmental impact assessment.

They also support the replacement of the words "up to" with "around" in the context of the delivery of 4,500 dwellings. They consider that his terminology considered to be consistent with other SUE policies and provides flexibility for the Promoters of the SUE to plan for an appropriate scale of development which is consistent with their masterplan and EIA work.

Michael Kent (061) suggests that MM32 results in a notional increase in the allocation for housing at West Corby, but removes references to a delivery timescale. He notes that his previous representations have explained why the West Corby SUE would not be able to deliver at least 4,000 homes as allocated in Pre-Submission Policy 32, within the life of the Core Strategy to 2031. MM32 has sought to address this by simply removing reference to a delivery date or timescale for the West Corby SUE rather than identifying clearly in the Policy the quantum of development expected to be completed by 2031. It is considered by Michael Kent that the deletion of a timescale for the delivery of around 4500 dwellings is not explained or justified in the reasoning set out for MM32 – such justification must be provided if the NNJCS (as modified by MM32) is to be considered sound.

Michael Kent also considers that the removal of a delivery date or timescale from the text of Policy 32 does not alleviate the problems or flaws associated with delivery of the SUE. Michael Kent considers that the inclusion of the "Kent Land" at this stage would provide an added facet to secure additional delivery at West Corby during the Plan period to 2031.

MM33: Policy 32i)

Great Oakley Farms, Rockingham Castle Estate, Taylor Wimpey and Barratt Developments (077) support the modification to Policy 32 (i) which requires that the masterplan for the West Corby SUE provide for the comprehensive integration and connectivity of "all of the" land between the northern boundary of the site and the A427 to facilitate possible further development beyond the Plan period (post 2031).

They set out that since the Examination into the JCS was undertaken, they have made further changes to their emerging masterplan and the planning application will show:

(i) a link road between the site and the A427 on land controlled by the Promoters; and

(ii) a notation of land to show that a potential future access can be made between the north-western part of the site and the A427 on land controlled by the Kent family (the current owners of the land).

Michael Kent (061) also welcomes MM33. His representation sets out that he has continually expressed a desire and a willingness to work collaboratively with the NNJPU and other key stakeholders to ensure the comprehensive integration and connectivity of the Kent Land with the West Corby SUE, and this continues to be the case. He notes that MM33 incorporates a requirement for this to happen albeit beyond the Plan period (post 2031). However, the requirement for any emerging masterplan to provide for the comprehensive integration and connectivity of all of the land between the northern boundary of the site and the A427 is welcomed, and he looks forward to seeing how the Kent land is treated in any emerging masterplan to ensure that this policy aspect is complied with.

Michael Kent also notes that "It is somewhat ironic that this aspect of Policy 32/MM33 makes reference to "possible further development beyond the Plan period (post 2031)" when the effect of MM32 is to remove any clarity on what development is intended to be delivered at the West Corby SUE during the Plan period (up to 2031)."

MM34: Policy 33i)

Barratt Developments and Taylor Wimpey (093) (promoters of Rushden East) support the removal of the words "if required" indicating that this overcomes their objections and concerns to the original policy, as set out in their representations, hearing statement and oral submissions, in which they highlighted the implications of the uncertainty over the facility on Master Planning and the preparation of supporting technical evidence. They believe that Policy 33 is now sound.

MM35: Para 10.51; Policy 35

Ashfield Land (121) (the new owners of Nene Valley Farm) raise a number of concerns with the specific wording of the proposed amendments.

Inclusion of an Element of B8 Development

Ashfield Land note that reference to 'an element of B8' has been removed from Policy 35 following its consideration at the JPC in December. They do not agree with the removal of B8 development from the policy allocation. They refer to the minutes

of the NNJPC meeting which suggested that the reference to B8 should be tightened up. Ashfield Land consider that removal of the reference to B8 in its entirety is unreasonable and does not reflect the Inspector's support of some flexibility towards B8 uses.

Flexibility of Other Compatible Uses

Ashfield Land also raise concerns with regard to the flexibility of other 'compatible uses' which would be accepted under this policy at this site. They suggest that the requirement of Policy 35 for the provision of other employment uses 'where these are compatible with the intended primary uses' is somewhat vague. As part of the masterplanning process for the land at Nene Valley Farm, comprehensive marketing has been undertaken. This marketing exercise has found there to be less of a demand for pure B1 uses, with more interest in a range of uses which, in our opinion, would be compatible with the primary B1 / B2 intention of this policy allocation. Such uses include B8 storage and distribution uses and commercial roadside uses including; car showroom, public house, drive thru restaurant and hotel, amongst others. We would welcome the recognition of such other commercial activities within this policy, as per the amended wording below.

Landmark Buildings

Ashfield Land support the principle of a key landmark building in the south west part of the site. However, given the importance of bringing this critical part of the site forward for development, they contend that restricting the use of this landmark building to 'primarily B1 uses' is unreasonable.

They set out that as previously identified, marketing in association with the masterplanning of this site has shown limited demand for pure B1 uses a this site, with interest shown instead, particularly in this location, for a number of alternative uses, including a hotel that could contribute to employment generation and act as a catalyst for attracting other uses encouraged by policy. A high quality landmark building, to be used for uses other than B1, to occupy the south western part of this site and to meet the objectives set out within Policy 35 could clearly be achieved. Limiting the use of this part of the site for primarily B1 uses is unjustified and could potentially restrict the ability of this part of the site to be brought forward for development.

MM36: Para 10.88; Policy 38 criterion e)

Persimmon Homes Midlands (042) (promoters of Rothwell North SUE) support the proposed modifications which they consider provide more clarity on the proposals and which were agreed by those appearing at the Examination. Similarly, NCC Highways (043) welcomes the further clarification that the amendment to paragraph 10.88 gives. There is also support given by Kettering Borough Council (053) to all Modifications relating to Policy 38.

MM37: Policy 38 d)

Persimmon Homes Midlands (042) support the proposed modifications which they consider provide more clarity on the proposals. Kettering Borough Council (053) supports the proposed modifications to Policy 38 and paragraph 10.88 which it considers provide clarification on requirements. The Council would support a mechanism that secures the early delivery of a new junction with the A6, and a link road through the site, thereby reducing the impact of construction traffic on this historic town.

MM38: Policy 38 criterion i)

Persimmon Homes Midlands (042) support the proposed modifications which they consider provide more clarity on the proposals.

MM39: Para 11.5

NCC Highways (043) support the amendments to paragraph 11.5 and Table 8 to provide clarity. They are now content that Table 8 accurately reflects each of the key investment priorities in the Strategic Economic Plans.

MM40: Table 8

NCC Highways (043) support the amendments to paragraph 11.5 and Table 8 to provide clarity. They are now content that Table 8 accurately reflects each of the key investment priorities in the Strategic Economic Plans.

MM41: Table 9

Kettering Borough Council (053) supports the inclusion of this trigger which it considers will provide a useful tool for monitoring housing land supply.

Catesby Estates (064) notes the introduction of a 25% buffer to each constituent local planning authority's housing requirement on an annual basis as an early warning mechanism that housing land supply shortfall could be imminent requiring 'corrective action'. They express concerns that the corrective actions set out in the contingency column (including working with developers / landowners to identify further sites) will only provide a short term remedy, especially as sites will be selected within the JCS' spatial context. Notwithstanding this, they consider that the corrective action, should it be triggered, does not deal with the heart of the issue – that the overall spatial strategy is not delivering the required level of housing.

Tata Steel (070) are still of the view that such a mechanism is contrary to the Framework and is only included to try and continue to restrict development even when the Council's proposed strategy is deemed to be failing. *"The reason we say this is that the Council have explained that these additional sites will be identified in Growth Town, and then if necessary Market Towns. The result is that a mechanism is proposed that seeks to address a failing strategy which focuses on Growth Towns and then Market Towns, by identify more sites using exactly the same strategy*."

Tata Steel consider that Paragraphs 14, 47 and 49 of the Framework already contain a very clear mechanism to ensure housing supply is boosted where it drops below 5 years. They remain of the view that it is inappropriate to include a second mechanism, which would continue to restrict development in parts of the district even when the strategy is deemed to be failing. *"Particularly given that the rural areas are the acknowledged to be the strongest performing parts of the HMA in terms of delivery due to the demand for houses in this location. In any event, if any of the authorities are unable to identify a five year housing land supply then this mechanism would be rendered out of date, because it is clearly a policy that relates to housing land supply."*

The above notwithstanding, Tata Steel set out that if one accepts the principle of the mechanism, it is clear from the five year supply calculations provided in Appendix 4 that from day one both Corby and East Northamptonshire would be caught by this trigger using the Councils own numbers and additional sites will need to be identified.

Hampton Brook (071) considers that the modification is unclear and that as a way of monitoring the trigger point in 9.18 and 9.18a the wording should be made clearer. The principle of a policy that requires the local authorities to respond quickly to undersupply is however fully supported by Hampton Brook. They state that evidence at the examination highlighted that such undersupply was a distinct possibility. Given that flexibility in a plan is supported by the Framework it is important that the plan has an appropriate policy basis to respond to change. Therefore as with their objection to MM27 they consider this should be embodied in a policy rather than just in the monitoring table. Hampton Brooks' proposed changes to paragraph 9.18a attempt to address the issue of the action required and the trigger for that action. The upgrading of the paragraph also deals with the issue of making this a policy requirement rather than just supporting text. Their objection to MM41 is that it is unclear what the 25% buffer means. It appears to be a slightly different measure to the approach in paragraph 9.18a. the options are: a. It is suggesting the use of a 25% buffer instead of a 5% or 20% required by the framework, or b. It is a measure of the undersupply as suggested by the amended paragraph 9.18a. Hampton Brook consider that it would be more appropriate to moniter the level of undersupply referred to in Para 9.18a.

MM42: Policies Maps

Kettering Borough Council (053) note that the area added to the North Northants Policies Map on page 205 of the JCS shows an area of Kettering Borough is within 4km of the SPA, however the Kettering inset map on page 208 does not show the boundary. The Council considers that the Kettering inset map should be updated to reflect the North Northants Policies Map.

MM43: Appendix 3

No representations to proposed Main Modification.

MM44: Appendix 4

A number of responses from the development industry repeat previous objections about the delivery rates from the SUEs including Barwood Strategic Land II (021), Kiff and Troke Partnership (069) and Gladman Developments (090). They re-emphasise concerns about a lack of 5 year housing supply in specific districts. These objections relate to previous objections on the need for more development to be provided in the rural area. Gladman submit that there is now a need to identify further deliverable housing sites, in sustainable locations within the East Northamptonshire, Kettering and Wellingborough authority areas, to provide additional housing in the short term to medium term.

A number of objections from the development industry criticise the lack of site specific detail within Appendix 4 and EXAM 7 or explanation to justify the delivery rates from individual sites. Barwood Strategic Land II (021) and Kiff and Troke Partnership (069) both consider that Appendix 4 (MM 44) should be fully revised to include all named sites and accompanying evidence to show they are deliverable within 5 years. They state that further consultation should then take place to allow the matter to be "thoroughly considered and examined" as required by the Government's PPG. Similarly, Tata Steel (070) state that *"further information is required to make a proper assessment of the Source of Housing Supply and the trajectory."*

Catesby Estates (064) have four significant concerns regarding both Exam 7 and MM44 in relation to *1. Timing of publication 2. Rushden East SUE 3. Windfall Development 4. Unallocated sites with potential' and double counting.* In light of the information contained in MM44 and Exam 7 Catesby are of the view that the JCS' strategy of restricting development in Rural Areas will not provide sufficient deliverable sites to ensure East Northamptonshire has a demonstrable five year housing land supply, particularly in the first five years. Modification MM44 is therefore not considered to be positively prepared, justified, effective or consistent with national policy. Moreover, they consider it is unclear how the JCS can be found sound when East Northamptonshire Council is not able to demonstrate a five year housing land supply.

Tata Steel (070) note that MM 44 relates to insertion of Appendix 4, which introduces a five year housing land supply calculation for each of the local authorities and includes a significantly revised housing trajectory from that originally included in the submission version of the Core Strategy. However, Tata Steel consider that *"somewhat confusingly the original housing trajectory in Figure 18 remains on p134 unchanged."* Given that Figure 18 bears no resemblance to the new trajectory in Appendix 4, Tata Steel consider that Figure 18 should either be removed or updated. Each of the five year calculations identify the housing target for the respective districts. In doing so Tata Steel considers that the Objective Assessed Need figure and the Housing Target presented by the revised Core Strategy have been confused.

Miller Homes (076) consider that as the monitoring of the rolling 5 year supply position is intended to take place at a local authority level, MM44 should include separate housing trajectories for the plan period for each of the constituent local authorities as well as the trajectory for the HMA as a whole.

Barwood Strategic Land II (021) , Kiff and Troke Partnership (069) and Tata Steel (070) criticise the 5 year supply period used in Appendix 4 (2016-2021) which they consider should be 2015-2020. Tata Steel question the accuracy of this and consider that the starting point for the five year supply should be from a point where the completions to date are known. This does not necessarily have to be at the start of the financial year and could be taken at any point in the year in order to given the most up to date factual position. Similarly, Kiff and Troke Partnership and Barwood Land II set out that using the period 2016 – 2021 means having to rely on estimated completions for the financial year 2015 – 2016 which unnecessarily introduces additional uncertainty over the accuracy and reliability of the housing supply data.