

Report to the Borough Council of Wellingborough

by Mike Fox

an Inspector appointed by the Secretary of State

Date 20 November 2018

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Plan for the Borough of Wellingborough Part 2 of the Local Plan

The Plan was submitted for examination on 30 January 2018

The examination hearings were held on 10, 11 and 24 April 2018

File Ref: PINS/H2835/429/7

Abbreviations used in this report

AH	Affordable Housing
CAJ	Court of Appeal Judgment
CPO	Compulsory Purchase Order
dpa	dwellings per annum
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Programme
IR	Inspector's Report
JCS	North Northamptonshire Joint Core Strategy
LDS	Local Development Scheme
LGS	Local Green Space
LOS	Local Open Space
LP	Local Plan
MM	Main Modification
<i>The Framework</i>	National Planning Policy Framework
OAN	Objectively assessed housing need
POS	Public Open Space
PPG	Planning Practice Guidance
RICS	Royal Institute of Chartered Surveyors
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SEMLEP	South East Midlands Local Economic Partnership
SHMA	Strategic Housing Market Assessment
SUE	Sustainable Urban Extension
TEP	The Environmental Partnership
VS	Valuation Study

Non-Technical Summary

This report concludes that the Plan for the Borough of Wellingborough – Part 2 provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. The Borough Council of Wellingborough has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the Examination Hearing sessions. Following the Hearing sessions, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

Summary of Main Modification(s)
Emphasise the importance of multi-functional green space throughout the Sustainable Urban Extensions (SUEs).
Emphasise the importance of retaining the integrity of the overall Green Infrastructure (GI) network , whilst ensuring an appropriate level of flexibility
Clarify that sites with no public access are not identified as Local Open Space (LOS) .
Provide greater clarity on the Council's intention to seek developer contributions on open space, sport and recreation .
Include the Council's housing trajectory within the Plan.
Include the five year housing land supply position within the Plan.
Increase flexibility within policy H5 and supporting text for the delivery of self-build and custom build housing .
Clarify the need to protect existing water and waste water infrastructure in relation to development allocations.
Provide a clear framework for the development of the Wellingborough East SUE , including reference to the masterplan, the need for integration with the wider urban area and the need to avoid harmful impact on the living conditions of both existing and proposed residential occupiers.
Provide a clear framework for the development of the Wellingborough North SUE , including reference to the masterplan, the need for integration with the wider urban area, the need to avoid harmful impact on the living conditions of both existing and proposed residential occupiers and the principal access routes.
Clarify the need for a detailed flooding assessment in relation to Policy Site 6 (Leys Road/Highfield Road).
Strengthen protection of Sywell Aerodrome in relation to Policy Site 9.
Clarify the Plan's monitoring framework and indicators.

Introduction

1. This report contains my assessment of the Plan for the Borough of Wellingborough – Part 2 of the Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. *The Framework*¹ (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised National Planning Policy Framework was published in July 2018. It includes a transitional arrangement in paragraph 214 whereby, for the purposes of examining this Plan, the policies in the 2012 Framework will apply. Unless stated otherwise, references in this report are to the 2012 *Framework*.
3. The starting point for the Examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Plan for the Borough of Wellingborough – Part 2 of the Local Plan, submitted in January 2018, is the basis for my Examination. It is the same document as was published for consultation in September 2017.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the Examination Hearing, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
5. Following the Examination Hearing sessions, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal and Habitats Regulations Assessment of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made an amendment to the detailed wording of two of the main modifications. The amendments do not significantly alter the content of the proposed modifications as published for consultation or undermine the participatory processes and sustainability appraisal that has been undertaken.

Policies Map

6. The Council must maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to

¹ DCLG: The National Planning Policy Framework (*The Framework*); March 2012.

provide a submission Policies Map showing the changes to the adopted Policies Map that would result from the proposals in the submitted local plan. In this case, the submission Policies Map comprises the set of plans within Appendix C of the Plan, together with Policies Map Changes, which are included within Examination Document reference CON8, dated January 2018.

7. The Policies Map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the Policies Map. These further changes to the Policies Map were published for consultation alongside the Proposed Main Modifications and Minor Modifications.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted Policies Map to include all the changes proposed in the above mentioned document and incorporate any necessary amendments identified in this report.

Scope of the Plan

9. The scope of Part 2 is to enable the effective delivery of Part 1 of the Plan – the North Northamptonshire Joint Core Strategy (JCS)². The Plan therefore aims to complement the strategic policies of the JCS. Anything outside its scope, such as the future growth of Northampton, is therefore not a matter for this Plan to address. Any strategic challenge to the strategic provisions of the JCS will need to be made when that document is reviewed, and not through Part 2 of the Plan. This is also supported in my view by a Court of Appeal Judgment (CAJ)³, which states that, in preparing a development plan, the local authority must have regard to any other development plan document already in existence which covers the relevant local plan area.
10. The Framework does not require a development plan document which is dealing with the allocation of sites and other principles such as village boundaries for an amount of housing provision which has already been found sound in the JCS, to address the question of whether further housing provision will need to be made.
11. As this is a subsidiary plan there is therefore no requirement for me to re-examine the strategic issues which were covered in the JCS, where they were found to be sound. It was argued that Wellingborough's housing was not examined appropriately at the JCS Examination. However, no successful challenges were made to the JCS within the prescribed statutory period, and it is therefore completely unnecessary for me to go down the route of re-examining the JCS.

² North Northamptonshire Joint Core Strategy 2011-2031 (JCS); Adopted July 2016.

³ Court of Appeal Judgment (CAJ): Oxted Residential Ltd v Tandridge District Council; 29 April 2016 (Ref 2016 EWCA Civ 414) [Examination Document APP1].

Assessment of Duty to Co-operate

12. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
13. The Council has produced evidence that shows an extensive and continual process of engagement with its neighbouring local authorities throughout the preparation of this Part 2 Plan. This process of engagement has also involved other important groups and bodies, such as Anglian Water, the Environment Agency and the statutory undertakers. The Council's extensive engagement with these groups is documented in its Statement of Consultation⁴.
14. The JCS is the principal strategic element of the Council's Local Plan. This Plan gives rise to only limited strategic matters with cross-boundary implications. I am nevertheless satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan, in accordance with the requirements of paragraphs 178-181 of *the Framework*, and that the Duty to Co-operate has therefore been met.

Sustainability Appraisal and Habitats Regulation Assessment

15. The Sustainability Appraisal (SA) was prepared by independent consultants. It is clear from reading these documents that the Plan has been robustly tested, both in relation to the SA and the Habitats Regulation Assessment (HRA)⁵
16. Concern was expressed that the SA dropped some potential development sites, especially in relation to the rural areas, early on in the process on the basis of insufficient evidence. It is clear, however, that the selection of sites has been made thoroughly at several stages in the preparation of the Plan, having full regard to the SA, and that this has been an iterative process throughout. Furthermore, the key decisions in relation to reasonable alternatives for the distribution of development in Wellingborough were made at the strategic stage, during the preparation of the JCS, having regard to the SA. Options for the spatial strategy were considered, including a dispersal option, and this significantly influences the scope of alternatives to be considered for this Plan⁶, given its role as a Part 2 Local Plan.

Assessment of Soundness

Main Issues

17. Taking account of all the representations, the written evidence and the discussions that took place at the Examination Hearing sessions, I have identified five main issues upon which the soundness of the Plan depends.

⁴ PBW Statement of Consultation; September 2017 [Examination Document CON3].

⁵ See Examination Documents SA1; SA2; SA3; SA4; HRA1; and HRA2, together with SA Report Addendum; June 2018; and Main Modifications HRA; July 2018.

⁶ BCW: Matter 2 Statement, paragraph 2.2; March 2018.

Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Is the Plan effective in delivering the adopted strategy of the North Northamptonshire Joint Core Strategy (JCS) (Part 1 of the Plan) for Wellingborough over the plan period, particularly in relation to housing provision?

What is the potential of the allocated sites and other opportunities to deliver the overall housing provision of the Plan?

18. The critical housing land supply evidence indicates that a total of 9,656 dwellings is expected to be delivered over the plan period (i.e. from 2011 to 2031). This is 2,656 dwellings or 37.9% above the JCS target of 7,000 dwellings over this period, which amounts to a considerable surplus.
19. The Plan's housing provision is focused on two large Sustainable Urban Extensions (SUEs) to deliver the bulk of the Borough's housing requirements over the plan period. It is necessary to consider whether these SUEs are likely to deliver sufficient housing over the plan period for the Plan to be effective, and if not whether the Plan needs to rely on additional sites (some of which are suggested on omissions sites) to ensure that the Plan is able to deliver effectively throughout the plan period.
20. Linked to this consideration, a detailed housing trajectory is necessary to give a robust indication of the forecast housing completions for each year of the plan period. **MM6&25** provides this information, which demonstrates that the Plan is positively prepared.
21. The Council's claim to have demonstrated that it can realistically deliver the Borough's housing need over the plan period was questioned. Is there an overreliance on the two SUEs? Can the necessary build rates anticipated in the Plan be achieved? Is there an overreliance on windfall development? Are the low lapse rates set out in the Council's evidence realistic? Are the housing delivery rates relating to some of the smaller housing allocations in the Plan realistic? Finally, is there sufficient flexibility in the smaller settlements to enable the delivery of the required housing in the event that the SUEs do not deliver?
22. In the light of these considerations, there were calls for a review of the Plan to ensure its housing delivery would be better placed to deliver the required amount of housing in the face of the objectively assessed housing need (OAN) for the Borough.
23. This sub-issue will be dealt with under five specific points.

(i) Is there an overreliance on the two SUEs and are their projected rates of growth realistic?

24. Both SUEs are located on the edge of the Borough's principal town of Wellingborough. The strategy for growth in the Plan is established in the JCS; Table 5 in that document provides for 5,750 new dwellings in the growth town of Wellingborough out of a total of 7,000 dwellings for the Borough over the plan period, i.e. 82% of all dwellings. JCS policy 29 states that further development requirements in North Northamptonshire will be focused on the delivery of the SUEs and other strategic housing sites identified in the Key Diagram.
25. The focus of the Plan on the town of Wellingborough, with a significant emphasis on the two SUEs, is in line with the JCS framework for the strategic distribution of housing. The reasons for this are straightforward. The town of Wellingborough is the main urban area in what is a largely rural Borough, and most of its housing requirement is located in this town.
26. The town of Wellingborough is also by far the most sustainable location for new house building within the Borough. Table 7.4 in the submitted Plan shows that the completions and commitments within the town, at 8,239 dwellings, already exceed the JCS requirement for the town and the Borough-wide shortfall, of 6,346, i.e. by 29.8%, by a significant margin. Therefore the focus on the two SUEs to deliver most of the Borough's housing over the plan period is justified.
27. The second part of the question addresses whether the two SUEs can effectively deliver the projected housing totals in the Plan within the plan period.
28. There has been a relatively low housing completion rate in the Borough in recent years in relation to the growth projections in the JCS. A housing delivery paper⁷ refers to a national survey of 70 large sites⁸ which points to the average lead times for these developments as 3.9 years, with 6.1 years the average planning approval period of schemes of 2,000 plus dwellings (161 dpa was the average build rate for schemes of 2,000 plus dwellings). The survey, however, also pointed out that higher build out rates can be delivered in stronger markets.
29. In relation to these figures it is necessary to consider whether an adjustment should be made to the projected delivery rates of the two SUEs. A figure of 1,894 dwellings at Wellingborough East was suggested, instead of the Council's projected 3,455 dwellings by 2031⁹ (i.e. a reduction of 1,561 dwellings), and an adjustment to 1,250 dwellings at Wellingborough North (i.e. a reduction of 515 dwellings), making a combined reduction of 1,645

⁷ Report on the delivery of the Sustainable urban Extensions in Welling borough and the implications for Five Year Land Supply and the delivery of the Publication Plan's Housing Requirement; DLP Planning; November 2017.

⁸ Nathaniel Lichfield and Partners – *Start to Finish How Quickly do Large-Scale Housing Sites deliver?*; November 2016.

⁹ The Council's projected 3,024 dwellings was increased by Bovis (Matter 4 Statement, para 3.2.6) to 3,411 and further increased to 3,455 by the addition of land in the SUE for 44 dwellings as set out in paragraph 4.5 of HOU1.

dwellings. On these figures it was argued that there would be a substantial risk that the Plan would not deliver sufficient houses within the plan period to meet the JCS target, and would therefore not be effective.

30. Despite the national average figures for the delivery of large housing sites, there are several other factors that need to be considered. Firstly, even taking on board the above suggested reductions, this would still leave the Plan delivering somewhere in the region of 7,580 dwellings (i.e. 9,656-2,076). And the highest suggested reduction would result in a figure of 7,635 dwellings, resulting in the Plan's housing provision still being considerably in excess of the JCS housing requirement for the Borough.
31. Secondly, the evidence provided by the promoters of Wellingborough East explains that progress is being made. A detailed masterplan has been consulted on and fed into an outline planning permission, following which reserved matters approvals would provide for the delivery of 522 dwellings in the first three phases of the scheme. The majority of the land has now been acquired, including the use of confirmed compulsory purchase orders (CPOs).
32. The vision for both Wellingborough East and Wellingborough North SUEs is set out in their respective masterplans and is in line with the JCS (these SUEs are shown in the JCS Key Diagram). The amendments to the Plan, to ensure that the development principles of the SUEs are based on the approved Masterplans **[MM13-MM14]** and on emphasising the importance of multi-functional green space throughout the SUEs **[MM1]**, ensure that the Plan is positively prepared and effective.
33. In terms of delivering the necessary infrastructure provision, it is clear, from observing Wellingborough East that this has now started on a large scale. I note that the utility services are already in place to serve the early phases of the development, with no 'in principle' problems anticipated, so as to ensure the continuity of the build programme. The implementation of the critical initial access scheme known as Route 4, to unlock the site, is now underway. This involves the construction of a new bridge across the Midland Mainline railway, to the north of the station, following the acquisition of £9 million funding from the South East Midlands Local Enterprise Partnership (SEMLEP). The formidable barrier of the railway which has curtailed development in the past is now being overcome.
34. The provision of Route 2 from the A45, which is arguably the critical primary access to Wellingborough East in the longer term, is required by the implementation of the 724th dwelling, which is scheduled to come on-stream in 2021/22¹⁰. Funding for the design and construction of Route 2 is coming from the development itself with no reliance on third party funding.
35. All the land needed for the scheme is already in the ownership of the developers, and the implementation of Stage 2, which provides the infrastructure for the proposed housing, is due to be completed by mid-2021.

¹⁰ Document HOU1, Table 9

It is clear from this evidence and from site observation that the scheme is on track to meet Local Plan expectations.

36. It is clear to me that the delays in scheme implementation thus far have been caused largely through physical constraints, including the requirement for highway access over the railway. There is also funding now in place for flood alleviation works and ecology compensation areas, with a Section 106 Agreement for primary school provision, and a requirement for parks in the Ise Valley to be available by the occupation of the 1,450th house.
37. The independent housing market analysis for Wellingborough East¹¹ is based on "on the ground" local RICS data. It concludes that, based on the provision of six outlets on the site (which is not unreasonable considering its size), the marketing capacity will absorb 250-300 dpa, following a gradual lead time of 12-18 months before achieving the optimum absorption levels of 40-50 dpa per outlet. This would appear to be comparable to rates already achieved nearby in Northampton (within the NN8 postcode district).
38. The local housing market is strong, based on factors such as its location close to the town centre, nearby attractive and publicly accessible countryside, including the Nene and Ise Valleys and good rail access to London, and that the site is relatively easy to develop once the key, above mentioned, access constraints are overcome.
39. Although Wellingborough North is not as far advanced as Wellingborough East, I note that the first phase of 1,500 dwellings can be delivered in advance of the proposed link road, to connect phases 2 and 3, i.e. before the end of 2024/25¹². I am satisfied, from the evidence presented at the Examination, that the scheme can be implemented within the plan period.
40. A joint Note from the Council, Northamptonshire County Council and Midtown Capital Ltd¹³ sets out some of the key parameters for scheme implementation. In particular the main link road is identified in the IDP as a high priority scheme, and total delivery of 1,765 dwellings (i.e. the above mentioned figure of 1,500 plus land in a separate ownership which it is anticipated will deliver an additional 265 dwellings) is not reliant on the delivery of the link road. I also note that finance has been made available for a new primary school to serve Wellingborough North, which is further evidence of Council commitment to scheme delivery.
41. The expected rate of delivery, projected at around 300 dpa for each of the SUEs¹⁴, once they are up and running, are high in relation to many of the schemes included in the above mentioned national delivery report (see footnote 13). Some schemes elsewhere in the country have exceeded this rate of delivery, and I agree with the Council that: "*using averages from*

¹¹ Bovis Homes: Stanton Cross, Wellingborough: Delivery Position Statement (March 2018) Appendix 3 - Housing Market Summary, prepared by Developer Solutions Ltd; September 2017.

¹² Document HOU1, Table 9.

¹³ Wellingborough North Note [Examination Document M5-6-BCW].

¹⁴ Document HOU1, Table 9.

*across the country is not the way to go*¹⁵. Each development site has its own unique set of development constraints and parameters, which in my view need to be examined on a case-by-case basis. I am satisfied, however, from the evidence provided to the Examination and summarised above, that the projected rates of delivery for the SUEs are realistic. Furthermore, the JCS IR stated that the projected rates of development at the SUEs were achievable.¹⁶

42. Taking into account the above evidence, I am confident that the projected rates of growth for the SUEs are realistic. Although both SUEs are running a couple of years behind their original trajectories, the constraints which have been responsible for the delay thus far are now being overcome or stand a realistic chance of being overcome at the relevant stages during the plan period when the necessary development triggers 'kick in'. On the basis of these considerations, I consider that there is not an overreliance on the two SUEs in the Plan.

(ii) Is there an overreliance on windfall development in the Plan?

43. Paragraph 48 of *the Framework* states that local planning authorities may make an allowance for windfall sites in the five year supply, if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.
44. The Council's evidence shows a consistent completion rate of windfalls over the first seven years of the plan period, which have accounted for around 80% of all completions. The completion rate of windfalls on previously developed, small sites (less than 10 dwellings) has averaged 48 dpa over the same period¹⁷, mostly within urban areas. I therefore consider it is reasonable to conclude that the Council's allowance of 48 dpa for windfall sites is likely to continue to arise from small sites over the remainder of the plan period. The Plan is not therefore over-reliant on windfall development to meet its housing requirements over the plan period.

(iii) Does the Plan rely on unrealistically low lapse rates?

45. There is broad agreement that an allowance needs to be made for lapse (or non-implementation) rates in assessing whether the Council can deliver sufficient housing to meet its requirements over the plan period, and I share this view. The Council's figures show a marked difference between larger sites (10 dwellings and above), where the lapse rate averages 0.1% of all commitments over 2010/11 to 2016/17, with most years recording zero, and smaller sites (below 10 dwellings), where the lapse rate averages 10.9% over the same period¹⁸. It is therefore reasonable not to apply any lapse rate to the larger sites, whilst applying 11% to smaller sites.

¹⁵ Comment by Sue Bateman on Day 2 of the Examination Hearings.

¹⁶ Inspector's Report to the Northamptonshire Joint Planning Committee on the Examination into the North Northamptonshire Joint Core Strategy; 22 June 2016.

¹⁷ Document HOU1, Table 7.

¹⁸ Document HOU1, Table 5.

(iv) Are the expectations in the Plan on the delivery rates of housing on some of the smaller housing allocations in the Plan realistic?

46. Policy H1 in the Plan identifies 10 housing allocations, all within the town of Wellingborough, which together with the site at Finedon (policy site 8) have an anticipated dwelling capacity of 1,221 dwellings. The Council has not set a cap on the dwelling capacity of these sites, and it has commented that increased dwelling totals could be acceptable, subject to design and living conditions criteria. The largest of these allocations, for 600 dwellings at Park Farm/Shelley Way, is still a reasonable expectation.
47. The fact that a number of these sites could yield increased amounts of housing compared to the anticipated capacities set out in policy H1 works in the Plan's favour and potentially increases its dwelling provision over the plan period. No soundness issues are therefore raised in relation to the Plan's smaller housing allocations as set out in policy H1 and policy site 8.

(v) Is there sufficient flexibility in the smaller settlements to deliver the required housing in the event that the SUEs do not deliver?

48. This question is addressed in more detail under Issue 3 below. However, the Council's figures show that firstly, the question of the SUEs not delivering in sufficient numbers to meet the Borough's needs is unlikely to arise. The smaller site allocations taken at the conservative level in the submitted Plan, amount to some 1,221 dwellings.
49. The level of commitments within the four largest villages in the Borough¹⁹ (406 dwellings), with a further amount within the smaller villages and rural areas (164 dwellings), amount to 570 dwellings²⁰. These permissions contribute 7.4% of the Council's estimated total commitments of 7,667, a figure which makes an allowance for lapse rates and already exceeds the JCS requirement of 7,000 dwellings over the plan period by some 667 dwellings.
50. The combined total of smaller allocations and commitments comes to a figure of 1,791 dwellings (1,221 + 570), accounting for 25.6% of the JCS housing requirement for the Borough. This would give significant flexibility in the Plan to deliver a wide range of housing in a variety of locations and would therefore complement the SUEs in providing opportunities, should any delays in delivery arise.

Summary of the potential of the allocated sites and other opportunities to deliver the overall housing provision of the Plan

51. Table 8 in Document HOU1, updated in Document HOU6, sets out the Council's calculation of its likely sources of housing supply over the period 2011-2031. I have already explained that it is my view that the figures in this

¹⁹ Earls Barton, Finedon, Irchester and Wollaston.

²⁰ Examination Document HOU, Table 6.

table are both justified and realistic, and that the Plan is therefore sound in this regard.

Can the Plan deliver a five-year supply of housing?

52. National planning policy requires each local planning authority to maintain a five-year supply of deliverable housing sites. The seriousness of this requirement is underlined in paragraph 49 of *the Framework*, which states that the relevant policies (in a local plan) shall not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
53. The Council's evidence for its five-year housing land supply is based on its JCS housing requirement for the plan period of 7,000 dwellings and covers the period from 2018/19 to 2022/23. The system of not including the current year but including the first full five years following the submission of the Plan accords with the monitoring system used throughout North Northamptonshire since 2008/09, and I can see no reason to depart from this established methodology in the case of Wellingborough.
54. In accordance with the advice in the PPG, the Council's calculations, as set out in Table 11 of its Housing Land Supply Background Paper²¹, include an allowance for making good the shortfall over the period 2011-2018 within the first five years of the remainder of the plan period. This is sometimes referred to as the 'Sedgefield' method (as opposed to the 'Liverpool' method, which spreads out the delivery to compensate for the shortfall over the whole of the remainder of the plan period). The Council's calculations also add the full 20% buffer to the total, in recognition that the Borough has a record of persistent under-delivery of housing, in accordance with the requirement of paragraph 47 [2] of *the Framework*.
55. The Council's estimated five-year housing land supply, based on the above methodology, is set out in Table 13 of the above-mentioned Background Paper. This table concludes that Wellingborough has a five-year requirement of 2,359 dwellings. This is increased to 2,831 by the application of a 20% buffer. The estimated supply of deliverable housing sites, totalling 3,779, therefore results in 6.67 years' supply; this figure, however, has been updated based on the revised trajectory in MM25, to 6.04 years' supply.
56. The deliverability of all the dwellings that the Council has included in Table 13 is critical to the Plan's effectiveness. The principal components of the figure of 3,779 dwellings over the relevant five-year period can be seen in Table A.2.1 in Appendix 2 of the Council's Housing Land Supply Background Paper²². The two SUEs account for a combined total of 2,384 dwelling completions within the five-year period, i.e. 63.1% of the total; the remaining 1,395 dwellings would amount to a 2.96 years' supply of deliverable housing.

²¹ Document HOU1.

²² Document HOU1.

Table A2.1 A: This table, which is based on the Council's Housing Land Supply Background Paper, summarises and then modifies the figures to include reduced SUE completions rates, including a delay of two years from the projected starts.

Source of housing supply	2018/19	2019/20	2020/21	2021/22	2022/23	No of completions
W'boro East SUE	zero	zero	55	175	250	480
W'boro North SUE	zero	zero	50	100	200	350
Other sources	386	400	381	350	228	1,745
Total	386	400	486	625	678	2,575
5-year housing requirement (dpa)	472	472	472	472	472	2,360 (5.46 years)

57. It is clear from the evidence submitted to the Examination that a start will be made on both SUEs during the next five years. There were, however, concerns expressed that there would be further delays. However, even allowing for a further year's delay in dwelling completions and a stepped start at Wellingborough North, from 50 dwelling completions in 2019/20 and 100 dwellings in 2020/21, 200 dwellings in 2021/22 to a peak of 250 dwellings in 2022/23, this would provide a yield of 730 dwellings at Wellingborough East and 600 dwellings at Wellingborough North, i.e. producing a combined total of 1,330 dwellings over the next five years. This would give a total five-year housing land supply of 3,075 dwellings, amounting to a 6.51 years housing land supply for the Borough. Even with a further years' delay, as set out in the table above, the Borough would still be able to demonstrate sufficient housing land to achieve a five-year housing land supply (5.46 years).

58. Based on the above considerations and the evidence provided to the Examination, I consider that the Plan is demonstrably able to deliver a five-year supply of housing. The inclusion of the Council's 5 year housing land supply figure within the Plan **[MM7]** is justified and makes the Plan effective and in line with national policy.

Is the proposed distribution of housing development in accordance with the JCS and sustainable development principles?

59. The proposed distribution of new housing in the Plan accords with JCS policy 29, which makes provision for a strong focus on Growth Towns, such as Wellingborough. The policy goes on to state: "*Further development*

requirements will be focused on the delivery of sustainable urban extensions and other strategic housing sites identified on the Key Diagram".

60. In addition to the SUEs, policies H1 and H2 of the Plan also focus on the Growth Town of Wellingborough, by designating 10 out of the 11 housing allocations (totalling some 1,131 dwellings out of a total of 1,221 dwellings for allocated sites within the Borough, outside the SUEs) within the town. Several potential housing sites are affected by existing sewers and water mains which need to be taken into account in the detailed proposals for their development in order for these sites to be deemed suitable housing allocations in the Plan. Subject to the inclusion of a new paragraph in the policies covering these housing allocations to ensure that the site layouts should take into account existing sewers and water mains **[MM10-12; 15-18; and 20-21]**, all of these housing allocations are suitable so that the Plan is positively prepared and effective.
61. The Council's suggestions regarding the need to ensure a detailed flooding assessment in relation to policy site 6 (Land East of Eastfield Road) **[MM19]** and the strengthening of the protection of needed to ensure that the Plan is effective. **MM22** also ensures that development in the immediate vicinity of Sywell Aerodrome will be resisted if such development would prejudice aviation use on the site.
62. On the basis of the above considerations and subject to the above modifications, I consider that the distribution of housing development in the Plan is in accordance with the JCS and sustainable development principles.

Is the Plan effective in delivering the affordable housing requirements of the JCS?

63. The need for affordable housing (AH) based on the Wellingborough SHMA, is calculated to amount to 38.3% of the overall housing requirement for the Borough requiring affordable and social rent plus 7.2% for intermediate forms of tenure, such as shared ownership, i.e. 45.5% of the overall housing requirement. It is also an important policy consideration that potential policy burdens such as AH should not put the implementation of the Plan at serious risk by threatening development viability.
64. JCS policy 30, which takes account of both the need for AH and the relevant viability considerations, sets AH targets of 30% on sites of 15+ dwellings; 20% in SUEs; and 40% on sites of 11+ dwellings in the rural area. In addition, JCS policy 13 enables AH provision on 'exceptions' sites. This approach is reflected in this Plan. There is no evidence that a higher AH proportion than 20% is possible on the SUEs due to their infrastructure demands.
65. Overall, the Plan will be effective in delivering the JCS AH requirements for the Borough.

Self-Build and Custom Housing: Are policies H5 and H6 justified and effective?

66. The Self-Build and Custom Build Housebuilding Regulations 2016 require the Council to grant consent for sufficient land suitable to meet the demand for

self-build and custom build housing identified on its register within three years. Currently 39 people have registered an interest, 35 of whom are looking for full home ownership, and the level of interest has been growing steadily. Evidence of the need for these forms of housing delivery is not therefore in doubt.

67. The requirement in policy H5 for 5% of self-build and custom housing on sites of 50 dwellings or more is not supported by any viability evidence that demonstrates that the Plan would be deliverable. On the other hand, no evidence has been submitted to demonstrate that self-build reduces viability. A 12 month marketing period would be likely to create significant logistical problems for conventional builders returning to site after that time to build out plots which have not been sold to self/custom builders. This should be reduced to 6 months and **MM8-9** are therefore necessary for the effectiveness of the Plan.
68. The Council's Viability Study (VS) of the Plan²³, does not specifically address self-build construction. It nevertheless concludes (paragraph 7.7) that the cumulative policy requirements set out in the JCS and this Plan build in an appropriate level of flexibility both specifically where policies have costs implications as well as identifying an overarching flexible approach to the implementation of the local plan at paragraph 3.9 of the JCS. Part of this flexibility clarifies that the policy extends to include custom build as well as what is sometimes referred to as 'DIY' self-build housing.
69. This, in my view, together with the above mentioned modifications to policy H5 and the supporting text, gives the appropriate level of flexibility to ensure that the policy addresses the self-build requirements in accordance with national policy whilst having regard to developer viability.

Older peoples' accommodation: Are policies H3 and H4 underpinned by robust evidence and are they effective?

70. National policy, as set out in paragraph 50 of *the Framework*, states that local authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community, including older people. The Plan achieves this. JCS policy 30 (f) encourages the provision of specialised housing for older people, which the Plan also addresses. Policies H3 and H4 are therefore in line with both national policy and the JCS.
71. The setting of the policy threshold is a matter of judgment. No alternative thresholds have been submitted for consideration, whilst the policy is phrased to allow for a measure of flexibility so as to be sensitive to the viability situation of developers. In my view, the threshold of 50+ dwellings is sufficiently high to avoid undue financial impact on smaller schemes. This view is supported in the Council's VS, firstly by not referring to the older persons' housing provision as presenting undue viability problems and secondly by stating that the flexible approach will allow the Council to strike a balance

²³ BNP Paribas Real Estate: Plan for the Borough of Wellingborough Viability Study; September 2016 [Examination Document VIA 1].

between achieving its sustainability objectives and ensuring that developments generate competitive returns to willing landowners and willing developers.

72. On the basis of the above evidence and the fact that the policy accords with the JCS, I consider that the Plan is sound in relation to its provision for older peoples' accommodation.

Accommodation for Gypsies and Travellers: Does section 7.5 of the Plan accord with national policy?

73. Although the Plan does not include a specific policy covering accommodation for Gypsies and Travellers, the issue is addressed in section 7.5 of the Plan, which refers to JCS policy 31. This protects lawful sites and sets criteria for the identification of new sites for the gypsy and traveller community. The Council's evidence²⁴ shows that the need for travellers over the plan period has been fully met, and I therefore consider that there is no need to identify additional sites in Part 2 of the Plan.

74. Taking into account the above considerations I consider that adequate provision would be made for accommodation for gypsies and travellers.

Issue 1 - Conclusion

75. From the evidence before me, I conclude in relation to Issue 1, that, subject to the above modifications, the Plan is justified, effective in delivering the adopted strategy of the JCS (Part 1 of the Plan), particularly in relation to housing provision, over the plan period, and accords with national policy.

Issue 2 – Are the village boundaries appropriately drawn?

Is the principle of using village boundaries, to control and manage the distribution of development within the Borough, as set out in policy SS1, justified?

76. Policy SS1 sets out a number of village boundaries which are shown on the Policies Map, within which development would be acceptable in principle, together with a number of Restraint Villages where development will be strictly managed.
77. JCS policy 11 provides a strategic framework for focusing the majority of new development over the plan period in Growth Towns and Market Towns, whilst limiting development in rural areas and providing some scope for small scale infill development within some villages. The policy does not specifically require the designation of village boundaries in Part 2 Plans. It seems to me, however, that boundaries which are designated according to consistently applied criteria, so as to interpret whether sites are within or adjoining villages for the purposes of policies 11 (and also policy 13 of the JCS which addresses rural exceptions), provide helpful certainty and clarity for the development management process. This is entirely in accordance with the JCS strategic framework and national policy.

²⁴ See table at paragraph 2.27 of the Council's Matter 4 Statement; March 2018.

78. Without the designation of the village boundaries under policy SS1, I consider that there would be a greater risk of inconsistent decisions if each planning application were to be decided on a 'case by case' basis. There would also be an increased risk of encroachment of development into the open countryside and coalescence of hitherto separate villages without policy SS1.
79. The boundaries which are identified in the Plan around several settlements in the Borough as set out in Appendix C, together with a limited amount of development in the other settlements in the rural area, will provide in the region of 1,795 dwellings or 25.6% of the JCS dwelling requirement for the Borough²⁵. Therefore, I do not consider that the village boundaries are a blunt tool or are too restrictive in denying appropriate development opportunities. Policy SS1 also allows for some development in sites adjoining village boundaries where a local housing need can be objectively demonstrated.
80. The value which results from consistently drawn lines within the Borough in terms of sustainable development and the protection of the attractiveness of the rural areas, including their openness, their contribution to agricultural and other forms of economic development, wildlife and overall wellbeing, significantly outweighs any harm which might stem from policy differences between neighbouring local planning authorities. There is also the likelihood of greater inconsistency through ad-hoc decision making within and around the edge of villages without policy SS1 being in place. For these reasons I do not accept the argument that the concept of a development boundary around villages is an out-of-date one, especially as there is nothing in *the Framework* that precludes them.
81. The criteria which are set out in Table 4.2 have been considered through several iterations in response to comments made in representations at each stage in the preparation of the Plan. The policy allows for some flexibility in allowing development in principle within or adjoining villages. Criterion F, which excludes from the boundaries individual and groups of dwellings or agricultural buildings that are detached or peripheral to the village, is criticised as being highly subjective and open to interpretation. In my view, the policy steers a fine line between consistency and flexibility, and I consider that criterion F achieves this objective. None of the criteria in the table raise issues that affect the soundness of the Plan.

In the light of the above considerations, are any of the proposed settlement boundaries inappropriately drawn?

82. In order to ensure that the village boundaries at Top Farm, Great Doddington and at Hill Farm, off Chequers Lane, Grendon comply with Criterion A in Table 4.2, changes to them are warranted. These changes to the Policies Map should be addressed by the Council as explained earlier. From the evidence before me, the rest of the village boundaries which are shown in the Plan are

²⁵ Table 8, Examination Document HOU1.

appropriately drawn. Because the Plan makes adequate provision for housing sites, there is no need to allocate any more sites on the periphery of villages.

Issue 2 - Conclusion

83. Policy SS1 flows directly from the JCS strategy of focusing the majority of new development in the main settlements and complementary to this, restricting new dwellings and other development within the rural areas. For the reasons which I have set out above, designating settlement boundaries around a number of villages provides consistency and certainty to ensure that the JCS settlement strategy is achieved over the plan period. I therefore consider that, subject to the above changes to the Policies Map, the village boundaries are appropriately drawn.

Issue 3 – Are the Plan's policies, covering Green Infrastructure (GI) open space and sport and recreation, justified and effective?

Is policy GI1, to protect and enhance Green Infrastructure (GI) corridors, sound and is the identification of GI corridors on the Policies Map justified?

84. Policy GI1 seeks to retain, maintain and enhance the identified GI corridors within the Borough. The policy complements JCS policy 19, which makes provision for the enhancement and ongoing management of local GI corridors. It also reflects paragraph 13 of *the Framework*, which recognises the important contribution of public open space to the health and wellbeing of communities. The policy is drawn indicatively on the Policies Map, so as to enable a degree of flexibility. In my view this approach is in line with the PPG which states that Local Plans should be tailored to the needs of each area²⁶.

85. Clearly, GI, including green corridors, involves land that could theoretically be developed for housebuilding and other forms of built development. However, GI is also a strong contributory factor towards ensuring that the proposed expansion of the town through the SUEs is implemented to a high environmental standard. This is especially true in Wellingborough's case, where the town is fortunate in having extremely attractive green natural assets, such as the Nene and Ise Valleys, to enable the GI to contribute significantly towards making the policy effective.

86. The wording of policy G11 is, however, overly restrictive and modifications are required to explain that the intention of the policy is to ensure that the integrity of the GI network is not compromised, and to address the issue of where there is unavoidable need for a trade-off of existing GI assets to meet social and economic needs. Modifications **MM2-3** provide the necessary flexibility and clarity.

²⁶ PPG ID: 12-002-20140306 *What should a Local Plan contain?*

Is the approach in policy GI2, to assessing and identifying sites for Local Open Space (LOS), appropriate in relation to both the community need for LOS and the quality of the various sites?

87. The Council has undertaken a robust study of each site through independent consultants²⁷. Concerns were expressed that some of these sites have multiple designations, for example to protect wildlife. This can be appropriate where sites serve different purposes. However, to be effective it should be clarified that private garden land should not be identified as LOS and **MM4** is therefore necessary. Subject to this, the approach in policy GI2 is appropriate and justified.

Is the approach in policy GI3, to assessing and identifying sites for Local Green Space (LGS) justified?

88. The policy reflects the strategic thrust of paragraphs 76 and 77 of *the Framework*, which suggest that local communities should be able to identify for special protection green areas of particular importance to them.

89. Paragraph 77 of *the Framework* states that LGS designation is not appropriate for most forms of open space and sets out a number of criteria, i.e. where LGS is within reasonably close proximity to communities, where it is special to a local community and where it is local in character and where it is not an extensive open space. These criteria have been generally adhered to, and the Council, whilst it initially looked at over 500 sites, reduced the number to about 100, with a concentration in the town of Wellingborough where the community need is concentrated for such sites. On balance I consider that the Plan accords with national policy, and I therefore do not consider that the Council has designated too many sites.

90. Changes to LGS boundaries are warranted at the Rookery, Hardwick (LGS26) in order to remove private garden land from the designation; at land at Wellingborough East (LGS 37 and 114) as they are the subject of planning permissions; and at land off Northampton Road (LGS) to remove land occupied by the Anglian Water pumping station. These changes to the Policies Map should be addressed by the Council as explained earlier.

Is the approach to the provision of sport and recreation facilities appropriate and does the Plan contain clear delivery mechanisms?

91. Policy GI5 links in with JCS policies 7 and 10 which set the strategic framework for community services and infrastructure. Its key provisions are also included in the IDP. I therefore consider the policy is justified and realistic.

92. **MM5** provides greater clarity on management and maintenance to ensure the effective delivery the Plan's green agenda.

²⁷ The Environmental Partnership (TEP).

Issue 4 – Is the Plan effective in delivering economic prosperity and setting a realistic framework for a sustainable housing/employment balance in line with the JCS?

93. The employment strategy of the Plan is based on JCS policies 22 and 23. It ensures a sustainable balance between housing and employment, and makes provision for a wide range of sites to deliver the required employment growth. The Plan also responds to the concerns, expressed by the Wellingborough Town Centre Partnership and the Wellingborough Chamber of Commerce, over a significant shortage of small to medium sized modern business premises or sites which are immediately available and which are considered to be the lifeblood of the town²⁸.
94. Policies E1 and E2 set out a flexible approach for site improvements and changes of use at existing, established industrial estates, including establishing the requirement for clear and robust evidence of a prolonged marketing with registered commercial agents at a reasonable price to demonstrate that there is no realistic prospect for employment use. The explanatory text to policy E2 suggests a period of at least two years for this marketing to occur, which is justified.
95. In my view, the boundaries of established industrial estates are appropriately drawn. Policy E3 recognises the role of employment areas outside industrial estates and aims to promote the retention of these businesses, but with an allowance for flexibility. This policy stance seems to me to be reasonable and justified.
96. The retail policies in the Plan are based on a robust evidence base. They are also realistic, in that they reflect the impact of the nearby Rushden Lakes centre, and are consistent with the provisions of JCS policy 12, which does not identify a need for additional comparison floorspace in Wellingborough, and accord with paragraph 26 of *the Framework*.
97. The retail hierarchy is consistent with the JCS and the sequential approach set out in paragraph 24 of *the Framework*. The protection of the primary shopping areas within Wellingborough town centre in policy TC2 accords with the aim in paragraph 23 of *the Framework* to protect the vitality of town centres.
98. In conclusion, I consider that the Plan is effective in delivering economic prosperity in line with the JCS and sets a realistic framework for a sustainable housing/employment balance.

Issue 5 – Will the Plan be effective in its delivery, and in particular are the Infrastructure, Implementation and Monitoring provisions of the Plan sound?

Are there any major funding gaps and what are the main 'show-stoppers', if any?

²⁸ Examination Document CON9, paragraph 4.34.

99. The Council's infrastructure priorities are set out in the Infrastructure Delivery Programme (IDP)²⁹, which clearly identifies sources of likely funding on each project in some detail and the level of the funding gap to deliver the identified infrastructure. The majority of high priority infrastructure schemes, which are mainly transport or education based, are linked to the two SUEs.
100. Much of the finance is already secured by the Council or the scheme developers, or will be via Section 106 obligations that will 'kick in' when trigger points are reached, for example where they are linked to the delivery of a certain number of housing units on each site. These provisions are an acceptable way forward for the implementation of the major projects which are necessary to ensure the delivery of the Plan and in particular the required number of new homes and employment land.
101. The IDP points to a funding gap, but I consider from the detailed evidence presented to the Examination, that there are no 'show-stoppers' (i.e. issues critical to the overall implementation of the Plan, which if unsolved could potentially derail the Plan). Other means of funding are also set out in the IDP and are being explored, including the use of a partnership approach. For the above reasons I do not consider that there are any show-stoppers in relation to strategic infrastructure provision in the Plan.

Does the Plan provide sufficient guidance to cover aspects of development management which are not explicitly covered in the JCS or the Framework? Are there any key implementation issues, e.g. constraints, such as flood risk, contamination, access/highways, Upper Nene Gravel Pits Special Protection Area, which might affect the successful implementation of the Plan?

102. The Plan is a Part 2 Plan. On this basis I consider that there is sufficient guidance on issues that require additional local detail to that which is available in the JCS or *the Framework*, in order to facilitate the development management process in the Borough. No key implementation issues were identified in the representations. I also note that the Upper Nene Gravel Pits Special Protection Area Mitigation Strategy supports JCS policy 4 and is being successfully implemented.

Overall, does the Plan take sufficient account of uncertainties and risks? How flexible is it?

103. The Plan has an adequate and robust contingency built into it through the provision of more housing than the amount required in the JCS. The additional level of housing provision provides the Plan with sufficient flexibility to meet its OAN and to respond to the amount of slippage which could reasonably be expected to occur on the delivery of housing on certain sites.
104. Even if the housing delivery on the SUEs were to be at the level of underperformance alleged in some of the representations – which I consider is unlikely to happen for the reasons I set out under Issue 1 – there would still

²⁹ Plan for the Borough of Wellingborough Infrastructure Delivery Plan (IDP); September 2017 [Examination Document INF1].

be sufficient completions for the Plan to deliver in line with its OAN. I also note that the viability assessment supports the Council's flexible approach, which allows the Council to strike a balance between its sustainability objectives and ensuring that developments generate competitive returns.

Are the Plan's monitoring arrangements sound?

105. The monitoring provisions set out in section 12 of the Plan should be read in the context of table 9 of the JCS. Other changes to the Monitoring and Review section of the Plan to cover additional non-strategic indicators are also required for the same reason and **MM23-24** are therefore recommended.

Public Sector Equality Duty

106. In reaching the conclusions above, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010. I do not consider that my findings will impact negatively on anyone with a relevant protected characteristic in respect of the matters addressed by Section 149 of the Act, neither will any part of the Plan be a barrier to providing for inclusive design and accessible environments as required by *the Framework*, with particular reference to paragraphs 50 and 149.

Assessment of Legal Compliance

107. My examination of the legal compliance of the Plan is summarised below. I conclude that all the aspects of legal compliance are met:

- The Plan for the Borough of Wellingborough – Part 2 has been prepared in accordance with the Council's Local Development Scheme.
- Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
- Sustainability Appraisal has been carried out and is adequate.
- The Habitats Regulations Assessment Publications Stage [June 2017] and the Habitats regulations Assessment: Main Modifications [July 2018] have identified that no adverse effect on the integrity of the SPA will arise from the Plan.
- The Local Plan includes a comprehensive vision and desired outcomes which act as a basis for the policies in the Plan which are designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
- The Local Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

108. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

109. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in Appendix 1 of my report, the Plan for the Borough of Wellingborough – Part 2 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Mike Fox

Inspector

This report is accompanied by Appendix 1 containing the Main Modifications