
Planning Policy Update

SYNOPSIS

This report provides an update on planning policy matters, including information on planning related consultations and other key planning updates.

1. Introduction

- 1.1 The purpose of this report is to update Members on planning policy matters, including updates to the CIL Regulations, consultation on the Northamptonshire Draft Rights of Way Improvement Plan, consultation on the West Northamptonshire Strategic Plan, information on the Joint Core Strategy review, changes to the Planning Practice Guidance and consultation on changes to the Building Regulations.

2. CIL Regulations

- 2.1 In June 2019 the Government published its [response to reforming developer contributions](#) along with draft amendment regulations, which are due to come into effect in September 2019. The most significant change is that the pooling restriction, whereby local authorities cannot fund an infrastructure project or type by pooling 5 or more separate section 106 contributions, will be removed. This restriction was intended to encourage local authorities to adopt CIL charging schedules; however, the removal of this restriction will allow greater flexibility to fund strategic infrastructure. Further changes look to simplify the process for putting a CIL charging schedule in place by removing the requirement for two rounds of consultation. Regulation 123 lists, which are the lists setting out projects upon which CIL funding may be spent, will be replaced with a requirement for local authorities (including those who have not implemented CIL) to provide an annual infrastructure funding statement, the first of which will need to be published by 31 December 2020. There are further changes relating to exemptions, relief and indexation that apply where there is a CIL charging schedule in place, which is not currently the case for Corby.

3. NCC Draft Rights of Way Improvement Plan 2018-2028

- 3.1 Northamptonshire County Council have published for consultation the [Draft Rights of Way Improvement Plan 2018-2028](#) which is an update to the [2007-2011 version](#) and subsequent [extension to 2017](#) of the same Plan. As with the previous version(s), the Improvement Plan addresses the requirements of the Countryside and Rights of Way Act 2000 by considering the needs of the public, the opportunities rights of way provide for open-air recreation and the accessibility of the Rights of Way network. Development of the Plan has involved consultation with Northamptonshire Parishes to reflect on the core actions identified within the previous versions of the Plan to help shape the continued maintenance and improvement of the rights of way network.

- 3.2 Officers have drafted the following response to the consultation:

Specific comments:

- Section 3.2, page 8: Rockingham Motor Speedway is no longer operational as a motor racing circuit
- Final bullet point, page 10: typo should be "accessibility". This could also refer to the potential for links to the green infrastructure networks as identified within the County's adopted and emerging Part 2 Local Plans

General comments:

- The individual Local Planning Authorities are preparing evidence to inform their respective Part 2 Local Plans to identify the green infrastructure corridor network, which has the potential to improve and extend the coverage of the Rights of Way network. Policy 19 within the adopted [North Northamptonshire Joint Core Strategy](#) seeks to maintain and enhance green infrastructure networks, which is also being carried through to the Part 2 Local Plan for Corby. Draft Policy 6 within the [Publication Draft Part 2 Local Plan for Corby](#) aims to protect and enhance the identified green infrastructure corridors, which should be reflected within the Rights of Way Improvement Plan.
- As part of the preparation of the Part 2 Local Plan for Corby, Corby Borough Council have reviewed and refined the identified green infrastructure corridors, in particular the local corridors have been strengthened and additional neighbourhood corridors included. This evidence should be used to inform the Rights of Way Improvement Plan and where possible cross reference should be made to planning policies relating to green infrastructure. Further information can be provided if necessary including mapping layers of the identified corridors where required.

4. West Northamptonshire Strategic Plan

- 4.1 The West Northamptonshire Joint Planning and Infrastructure Board are due to publish the Issues consultation for the West Northamptonshire Strategic Plan, which will run between Monday 5 August and Friday 11 October 2019. This is the first consultation for the new Strategic Plan for Daventry District, Northampton Borough and South Northamptonshire Councils, which will set out the spatial vision for the future of West Northamptonshire up to 2050. The Strategic Plan will review and where appropriate replace the strategic policies within the adopted [West Northamptonshire Joint Core Strategy](#) (2014). The Issues consultation is the first formal stage in the plan preparation process and is intended to stimulate debate at an early stage. This consultation also includes a call for sites exercise to consider sites which are strategic in scale.
- 4.2 Officers will work with partners across North Northamptonshire to review and scrutinise the plan prior to reporting a response to Members.

5. Joint Core Strategy Update

- 5.1 A [report](#) was presented to the North Northamptonshire Joint Planning Committee on 25 July 2019 outlining the work programme and timetable for updating the adopted [North Northamptonshire Joint Core Strategy](#) (JCS, 2016). The report explains the various factors influencing the review of the JCS, including:

Oxford-Cambridge Arc

- 5.2 Delays in preparing the spatial framework for the Oxford-Cambridge Arc means that the strategic context for any immediate work on updating the JCS will be unclear. This lack of clarity will make it difficult to plan for the appropriate levels of growth; however, these delays offer the opportunity for the Joint Planning & Delivery Unit, and partner North Northamptonshire authorities to feed local evidence into the process to help inform and shape the Arc. Preparatory technical work for the JCS will be undertaken to feed into the work on the Arc spatial framework.
- 5.3 The [North Northamptonshire Infrastructure Framework](#) (NNIF) has been prepared setting out measures to accelerate housing and employment delivery and identifies priorities for future funding. This provides a robust evidence base for funding bids and discussions with Government and will inform North Northamptonshire's input into the Arc and updates to the JCS.

Growth Deal

- 5.4 A letter of intent was sent to the Secretary of State in October 2018 highlighting North Northamptonshire's ambition to secure a growth deal to enable the area to contribute substantial economic and housing growth to the Arc. Latest discussions with MHCLG suggest they are now moving away from locality-based growth deals towards a more co-ordinated Arc-wide approach to securing funding and prioritising investments. It is understood that investment in the Arc will be sought through the Comprehensive Spending Review in the autumn. As such it is considered that the current uncertainty reduces the urgency of revising the JCS and that various scenarios for new housing and jobs growth should be considered when reviewing the JCS.

Local Context

- 5.5 The [National Planning Policy Framework](#) (NPPF) and [Planning Practice Guidance](#) (PPG) require strategic policies to be informed by an assessment of local housing need, conducted using the standard method set out in the PPG or an alternative approach where exceptional circumstances are justified. The standard Local Housing Need (LHN) is calculated by Government and where a plan is not updated within 5 years of adoption, so by July 2021 for the adopted JCS, then the standard LHN will supersede the JCS requirements for calculating the five year supply of deliverable housing sites. The LHN figure, at 1,813 homes per annum for North Northamptonshire, is only slightly higher than the JCS requirements for a minimum 1,750 homes per annum, so there is little justification for immediately updating the JCS; however, this may change if subsequent LHN figures are substantially higher. The timescale for the Government publishing revised figures is not currently known.
- 5.6 The North Northamptonshire authorities have passed the Government's new Housing Delivery Test, which compares the number of new homes delivered with the number of new homes that should have been built over the last three years. Similarly all North Northamptonshire Councils have demonstrated a five year supply of deliverable housing sites as published within the [2017-18 Authorities Monitoring Report](#).
- 5.7 Paragraph 9.18 of the JCS contains a monitoring trigger that refers explicitly to triggering a partial update of the JCS in the event of Sustainable Urban Extensions (SUEs) in a district/borough delivering less than 75% of projected completions in three consecutive years, when compared to the trajectory contained within Appendix 4 of the JCS. This trigger has been hit as a result of slower-than-planned development at the Wellingborough and Kettering SUEs. The SUEs in Corby have performed far better against this monitoring trigger. Legal advice, as set out in the [report](#) to Joint Planning Committee on 26 April 2018, indicates that the SUE performance trigger alone should not necessitate an immediate review of the JCS, as all four Councils can demonstrate a five year supply of housing land and a realistic trajectory for delivering the JCS housing requirements over the plan period. As such an immediate update of the JCS is not necessary, although further consideration is being given to addressing the implications of this trigger such as preparing a Housing Action Plan. Part 2 Local Plans are also making substantial progress and these will identify additional sources of housing supply on non-strategic sites to compliment the strategic sites identified within the JCS.
- 5.8 Analysis of appeal decisions, which has been undertaken by the Joint Planning & Delivery Unit indicates that the policies of the JCS are generally being supported by planning inspectors, which means the JCS remains up-to-date and effective, suggesting an update to the JCS is not urgent on this basis.
- 5.9 The establishment of the North Northamptonshire unitary authority, which is scheduled for 1 April 2021, is also an important consideration in the need to update the JCS and the timetable for doing so. The update to the JCS, which will be known as the North Northamptonshire (NN) Strategic Plan will be a key statutory document of the new unitary and should be owned and shaped by the new unitary authority from the start. The timetable for preparing the NN Strategic Plan as agreed at Joint Planning Committee on 25 July 2019 is as follows:

Stage	Date
Evidence Gathering and Scoping Member briefings and workshops	July 2019-April 2021
Unitary Authority to agree Scope and Issues	June 2012
Consultation on Scope and Issues (Regulation 18)	Summer 2021
Consultation on Options (consistent with emerging Arc Spatial Framework)	Winter 2021
Proposed Submission Consultation (Regulation 19)	Winter 2022
Submission to Secretary of State (Regulation 22)	Spring 2023
Commencement of Examination (Regulation 24)	Summer 2023
Adoption of DPD (Regulation 26)	Winter 2023

5.10 Background technical work will continue to be undertaken to fulfil NPPF and PPG requirements and to enable the update to progress quickly once the unitary authority is established. A formal 'Call for Sites' will not be undertaken at this stage as this may cause confusion with sites included within the emerging Part 2 Local Plans.

6. Planning Practice Guidance

6.1 The Government published changes to various parts of the [Planning Practice Guidance](#) (PPG) on 22 and 23 July 2019. These include, but are not limited to, updates to the sections on Plan making, housing supply and delivery, housing and economic needs assessment, healthy and safe communities, town centres and retail, housing needs of different groups and effective use of land. The updated guidance is in effect from publication, so should be considered when making relevant planning decisions and consideration will be given to whether modifications are to be forwarded to the Planning Inspector, alongside the Part 2 Local Plan when it is submitted to the Secretary of State.

7. Building Regulations

7.1 On 15 July 2019, the Government published for consultation [proposed changes](#) to the English Building Regulations 2010 requiring electric vehicle charging infrastructure in new buildings and buildings undergoing material change of use and major renovation. These proposed changes are intended help meet the aim of the Government's [Road to Zero Strategy](#) that was published last year, for all cars and vans to be effectively zero emission by 2040.

7.2 The proposed policy position, as summarised within the consultation document is provided below:

Policy position: Residential Buildings

The government proposes every new residential building with an associated car parking space to have a chargepoint. We propose this requirement applies to buildings undergoing a material change of use to create a dwelling.

The government proposes requiring every residential building undergoing major renovation with more than 10 car parking spaces to have cable routes for electric vehicle chargepoints in every car parking space.

Policy position: New Non-Residential Buildings

The government proposes every new non-residential building and every non-residential building undergoing a major renovation with more than 10 car parking spaces to have one chargepoint and cable routes for an electric vehicle chargepoint for one in five spaces.

Policy position: Existing Non-Residential Buildings

The government proposes a requirement of at least one chargepoint in existing non-residential buildings with more than 20 car parking spaces, applicable from 2025.

- 7.3 The Government has also published a [technical guidance document](#) (the 'Approved Document') alongside the consultation document and is seeking views on whether the draft Approved Document meets the intended policy aims and whether it is clear for developers and enforcement bodies.
- 7.4 The consultation closes on 7 October 2019, with regulations expected to come into force in the first half of 2020. The Government is intending to introduce a new functional requirement under Schedule 1 to the Building Regulations 2010.

8. Options to be considered (if any)

This is an information report for the Committee so there are no alternative options. The Officer comments to the Northamptonshire Draft Rights of Way Improvement Plan, which are included at paragraph 3.2 of this report, are included for information purposes; however, supplementary comments from Members can also be incorporated.

9. Issues to be taken into account:-

Policy Priorities

The various planning-related updates that are contained within this report may have implications for the statutory development plan for the Borough, which is a Policy Priority for the Council. All will be taken into consideration as part of the plan preparation process.

Financial

There are no specific financial implications arising from this update report.

Legal

All Local Planning Authorities have a statutory duty to prepare a Local Plan, within the framework set out by the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011.

Once adopted, the Local Plan will become part of the statutory Development Plan. Section 38(6) of the act requires planning decisions to be made in accordance with the plan unless material considerations indicate otherwise.

Performance Information

None directly linked to this report.

Best Value

None directly linked to this report.

Human Rights

None directly linked to this report.

Equalities and Sustainability

None directly linked to this report.

Risk Management

There are no specific risks arising from this information report.

10. Recommendation

10.1 It is recommended that Members:

- i) Note the content of the report; and
- ii) Endorse the officer response as set out in Paragraph 3.2 of this report and make any additional comments considered appropriate.

Background Papers

[Government response to reforming developer contributions](#), June 2019
[Draft Rights of Way Improvement Plan 2018-2028](#), 17 June 2019
[Rights of Way Improvement Plan 2007-11](#), 20 November 2007
[Extension of the Rights of Way Improvement Plan 2001-2011 to 2017](#), June 2015
[West Northamptonshire Joint Core Strategy](#), 15 December 2014
[North Northamptonshire Joint Planning Committee](#), 25 July 2019
[North Northamptonshire Joint Core Strategy](#), 14 July 2019
[North Northamptonshire Infrastructure Framework](#), June 2019
[Planning Practice Guidance](#), published 29 November 2016, last updated 22 July 2019
[North Northamptonshire Joint Planning Committee](#), 26 April 2018
[Electric Vehicle Charging in Residential and Non-Residential Buildings](#), 15 July 2019
[Draft technical guidance for Building Regulations requirements for EV charging](#), 15 July 2019

Officer to Contact

Bernice Turner
Senior Planning Officer
01536 463188