

## Appendix 1a – General Section

<b>Section Title – General</b>
<b>Number of responses - 13</b>
<b>Summary of main points</b>
Total number of Objections - 0 Total number in Support - 1 Total number of neither Object nor Support - 12
<b>Statutory Consultees</b>
<b>NCC Education</b> - It is noted however that there are currently no specific policies or site allocations included within the draft SSP2 relating to Education infrastructure, as required to support the demands of growth resulting from new housing development. The next version of the SSP2 should positively establish the requirements for delivery of supporting education infrastructure necessary to meet its aims of its vision. This should be supported through the identification of site specific allocations for new and expanded school/education facilities and associated infrastructure which is closely aligned with North Northamptonshire IDP schemes. NCC Education would like to be engaged in all potential future site allocation discussions at an early stage, so the potential impact on local education infrastructure can be considered and examine how this translates to the need for additional education provision (1). (Id 545)
Future versions of the SSP2 should reflect NCC’s strategic priorities for ensuring sufficiency of pupil places in the assessment and determination of planning applications and in securing planning obligations, including through S106 contributions. NCC remain committed to working closely with interested parties to ensure capacity across the area is monitored/delivered to meet statutory obligations. It is recommended that KBC works closely with NCC to ensure a continued awareness of the latest evidence base, including updated NCC pupil forecast methodology, to ensure sufficient clarity on the approach to securing developer contributions, including the relationship between S106 supporting delivery of education, signposting to NCC’s policy where appropriate. NCC also propose that KBC include a policy (either within the SSP2 or separate SPD) which positively establishes the requirement for developer contributions to ensure that the impact of additional development can be effectively mitigated through supporting delivery of additional infrastructure (where appropriate). (Id 551)
<b>Education &amp; Skills Funding Agency</b> – General comments on the Local Plan Approach to New Schools. The SSP2 document states that “ <i>Most of the infrastructure required to deliver growth in Kettering Borough to 2031 is included in the IDP, however site specific infrastructure requirements which are needed to deliver development at a local level will be identified in the SSP2</i> ” (para 13.3). Question 6 of the SSP2 asks “ <i>Are there any infrastructure requirements which should be included in the SSP2?</i> ”
In this context, and taking into account that Kettering is classified as a

## Appendix 1a – General Section

Category 5 'Achieving Excellent Area' (due to relatively low scores on educational standards and ability to improve), the ESFA notes that no policies or site allocations in the SSP2 refer to the provision of new schools to support growth and/or boost educational attainment. It would be useful if the council could clarify if an assessment has been completed to forecast what growth at the non-strategic sites allocated in SSP2 (in combination with wider growth) will mean for education capacity, including any consequent need for school expansions or new schools (e.g. in relation to the circa 900 additional homes proposed at Kettering).

Such an assessment will be important for informing the next version of the North Northamptonshire Infrastructure Delivery Plan (IDP), which is usefully signposted from the infrastructure policy in the JCS (policy 10). Given that the current IDP dates from 2015, the ESFA recommends that this is fully updated, taking into account the infrastructure required to support the non-strategic site allocations, and made available alongside the next version of the SSP2. The ESFA would be particularly interested in responding to any update to the IDP or review of education infrastructure requirements.

### Site Allocations

Ensuring there is an adequate supply of sites for schools is essential and will enable Kettering to swiftly and flexibly respond to the existing and future need for school places to meet the needs of the borough over the plan period.

The next version of the SSP2 should seek to identify specific sites (existing or new) which can deliver the school places needed to support growth, where required, based on the latest evidence of identified need and demand in the updated Infrastructure Delivery Plan. The site allocations or associated safeguarding policies should also seek to clarify requirements for the delivery of new schools, including when they should be delivered to support housing growth, the minimum site area required, any preferred site characteristics, and any requirements for safeguarding additional land for future expansion of schools where need and demand indicates this might be necessary. For an example of the latter, see draft policy CC7 in Milton Keynes's Plan:MK Preferred Option draft from March 20172.

While it is important to provide clarity and certainty to developers, retaining a degree of flexibility about site specific requirements for schools is also necessary given that the need for school places can vary over time due to the many variables affecting it. The EFSA therefore recommend the Council consider highlighting in the next version of the Local Plan that:

- specific requirements for developer contributions to enlargements to existing schools and the provision of new schools for any particular site will be confirmed at application stage to ensure the latest data on identified need informs delivery; and that
- requirements to deliver schools on some sites could change in future if it were demonstrated and agreed that the site had become surplus to

## Appendix 1a – General Section

requirements, and is therefore no longer required for school use.

The local planning authority should note that there are two routes available for establishing a new school. Firstly, where a local authority thinks a new school needs to be established, section 6A of EIA 2006 places the local authority under a duty to seek proposals from new school proposers (academy trusts) to establish an academy (free school) and to specify a date by which proposals must be submitted to the local authority. In this ‘local authority presumption route’ the local authority is responsible for finding the site, providing the capital and pre-/post-opening funding and managing the build process. Secondly, an academy trust can apply directly to the Department for Education during an application round or ‘wave’ to set up a free school. Note that Wave 13 is currently open for applications. The local authority is less involved in this route but may support groups in pre-opening and/or may provide a site for basic need. For further details please see:

<https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption>

### Developer Contributions

One of the tests of soundness is that a Local Plan is ‘effective’ i.e. the plan should be deliverable over its period. In this context and with specific regard to planning for schools, there is a need to ensure that education contributions made by developers are sufficient to deliver the additional school places required to meet the increase in demand generated by new developments. The ESFA note that Northamptonshire County Council’s “Creating Sustainable Communities: Planning Obligations Framework and Guidance Document” sets out a clear approach towards securing section 106 planning obligations towards schools. The ESFA support this approach to ensuring developer contributions address the impacts arising from growth.

Local authorities have sometimes experienced challenges in funding schools via section 106 planning obligations due to the pooling constraints. However, recent proposals consulted on by MHCLG indicate that these may be relaxed in certain specified circumstances. The advantage of using s106 relative to CIL for funding schools is that it is very clear and transparent to all stakeholders what value of contribution is being allocated by which development to which schools, thereby increasing certainty. (Id 467)

**Environment Agency** – The proposed allocations in the Plan should be underpinned by an up to date SFRA. Evidence that the flood risk sequential test has been applied should be included in the Plan for each of the proposed sites. As appropriate, the Plan should be clearly linked to relevant Policies in the adopted Joint Core Strategy for North Northamptonshire, and a revised policy is proposed which states “*Be supported by a site specific Flood Risk Assessment (FRA), which considers all sources of flood risk and demonstrates that there is no increased risk of flooding to the development site and existing surrounding properties, and where possible should seek to reduce flood risk*”

## Appendix 1a – General Section

In regard to the protection of controlled waters, the SSPLDD fails to address:

4. How sites were screened with regard to land contamination.
5. How the Plan contributes to Outcome 3 of the Joint Core Strategy in terms of Policy 6 – Development of Brownfield Land & land affected by contamination.

As per Policy 10, the developers will need to work with Anglian Water Services on a site by site basis when planning permission is sought in order to ensure that any required upgrades of the Water Recycling Centre and the sewerage collection system are agreed and are put in place prior to the development taking place (1) (Id 426)

**National Grid** – No comment. (Id 96)

**NCC Public Health** – The *Northamptonshire Joint Health and Wellbeing Strategy 2016-2020: Supporting Northamptonshire to Flourish* acknowledges the role that planning and the environment can play in influencing health.

Section 1.12 of the draft plan refers to an evidence base/background papers, but it is unclear whether there is background evidence on health and wellbeing in Kettering Borough which has been used to inform the Local Plan. Information about health and wellbeing of Kettering's population should be identified and inform/finalise the Local Plan. Section 1.18 refers to a sustainability appraisal process, which should include health and wellbeing impacts.

Section 2.12 of the draft plan includes a reference to healthy lifestyles within the vision statement, but the link is limited to health lifestyles and the provision of green space. A broader approach which identifies the role that planning policy can play through mechanisms such as influencing physical activity; open spaces, providing space to grow healthy foods, neighbourhood design/social infrastructure, built environment, supporting economic prosperity for all sections of the community.

A specific health and wellbeing policy would ideally be included in the Local Plan covering: design of new development to support/encourage healthy lifestyles/promote wellbeing; Include healthcare infrastructure in new developments; consider health impact assessments for relevant development.

Policies should ensure new development contributes to health and wellbeing including through design which supports and encourages healthy and active lifestyles.

Section 2.28 should be re-worded to say '*Locally this will mean ensuring new developments are well connected to settlements and that opportunities to improve pedestrian, cycling and motor transport connectivity are identified and delivered*'.

Section 2.31 should be re-worded to '*Locally this will mean identifying*

## Appendix 1a – General Section

*development sites in locations which are accessible by a range of sustainable transport modes and ensuring that opportunities to enhance links as a result of development are identified and delivered'.*

Active travel infrastructure can contribute to health and wellbeing by improving access to facilities/employment, reducing air/noise pollution, and encouraging physical activity.

Section 2.38 should identify a wider range of contributory health and wellbeing issues including: influencing physical activity; open space/play/recreation; providing healthy food growing spaces; neighbourhood design/social infrastructure; built environment which supports health/wellbeing; supporting economic prosperity; air pollution.

It is requested that KBC considers the role of planning in creating a healthy food environment, including the restriction of unhealthy food businesses in the proximity of schools. The policy approach to meeting national space standards is supported, based on the contribution internal home space can have on health and wellbeing. (Id 379)

**Natural England** – No Habitats Regulations Assessment (HRA) or Sustainability Appraisal is provided with the consultation, and will need to be carried out. Natural England's comments/advice may therefore need to be updated accordingly. A small section of the borough is within 3km of the Upper Nene Valley Gravel Pits Special Protection Area (SPA) which will be adversely affected by new residential development located in this area as set out in paragraphs 3.40 – 3.42 (policy 4) of the NNJCS, unless avoidance and mitigation measures are in place. Although there are no allocations within 3Km of the SPA, there may be issues which require a HRA, e.g. water/air related impacts. (Id 403)

**KBC Environmental Health** – The document does not have consistent wording with respect of the assessment and mitigation of contaminated land. There is preference for the document to be worded to include reference to mitigation such as *'Be supported by a contaminated land investigation and appropriate mitigation scheme to address any identified contamination, ensuring that there are no unacceptable risks to human health'* (1). (Id 426)

There is little mention of sustainable forms of travel, e.g. green travel planning, electric vehicle charging, etc (1).

More content on environmental health issues such as air quality and reducing noise pollution is desirable (1). (Id 423)

### **Other comments**

The plan overall is supported (1)

We fully endorse the importance that is given to meeting spiritual needs in the Joint Core Strategy. We also endorse the view to include places of worship in the list of non-housing, retail or employment uses in the draft plan, as what

## Appendix 1a – General Section

happens in some Local Plans elsewhere. Providing for places of worship has wider community benefits in addition to sustaining communities and promoting self-reliance, by allowing church communities to show their faith in action by service to those in need. Given the importance attached to places of worship by local people, and the context of statements included in the NPPF and existing elements of the Local Plan, the proposal for specific policy on places of worship in the Local Plan is endorsed (1) (Id 432)

Relevant parts of the NPPF which support development for places of worship are highlighted, together with JCS, and KTCAAP policies. The draft SSP2 refers to places of worship in policy TCE6 as a type of protected local service, although general reference to services/facilities or local issues are also located within paragraph 2.12, 2.13 and 7.18. It is suggested that outcomes 1, 4, and 9 (JCS) are expanded to include meeting local needs for places of worship together with reference to the new policy; paragraph 7.18 should also make explicit reference to places of worship among the list of facilities to meeting existing/future needs; a new policy within the Natural Environment and Heritage section which states “*proposals for new places of worship and associated community facilities will be supported provided that such development would not have any significant adverse effect on residential amenity*” (similar to a policy within the Croydon Local Plan). (Id 433)

Neutral comment received from a strategic land promoter, setting out the current housing crisis, referring to a number of documents including the Housing White Paper, The Autumn Budget, Revised NPPF, Industrial Strategy White Paper, and that the SSP2 Local Plan needs to address issues raised through, and accord with these documents (1). (Id 552)

### **Implications of New National Planning Policy Framework**

Health- Section 8 of the NPPF requires planning policies to aim to achieve healthy places which enable and support healthy lifestyles, especially where these would address identified local health and well-being needs.

Education - Paragraph 94 of the NPPF highlights the importance of ensuring sufficient school places are available and requires local authorities to take a proactive, positive and collaborative approach to meeting this requirement.

Flood Risk - Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 156 requires strategic policies to be informed by a strategic flood risk assessment and Paragraph 157 states that all plans should provide a sequential, risk-based approach to the location of development. Paragraphs 158 to 161 set out the sequential and exceptions tests.

Ground conditions and pollution - Paragraph 178 of the NPPF requires planning policies to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 180 requires that planning policies ensure that new

## Appendix 1a – General Section

development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.

Sustainable Transport - Section 9 of the NPPF promotes sustainable travel opportunities. Paragraph 110 states that applications for development should....be designed to enable charging of plug-in and other ultra-low emission vehicles on safe, accessible and convenient locations.

Community Facilities - Paragraph 92 of the NPPF requires planning policies to plan positively for the provision of community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship).

### **Summary of officer comments**

A Habitat Regulations Assessment and Sustainability Appraisal will accompany the Pre-submission plan.

A background paper will be prepared setting out how the sequential and/ or exception tests have been applied. Policy wording related to flood risk assessment requirements will be reviewed and amended to ensure that a consistent approach is taken. The Council will ensure that the plan is supported by an update to the SFRA.

Information relating to how sites were screened in relation to contamination is included in the Housing Allocations Background Paper; the policies in the plan also set out whether any further assessment or mitigation is required.

Policy wording relating to land contamination will be reviewed to ensure a consistent approach,

Health and wellbeing and relevant policies around this will be reviewed to strengthen its emphasis in the plan.

Air quality and noise and pollution are covered by Policy 8 of the North Northamptonshire Joint Core Strategy, however further discussions will take place with Environmental Health officers to determine whether further detail needs to be provided in the SSP2 in relation to these issues.

Policies 8, 15 and 16 of the JCS cover sustainable transport. Further consideration will be given to the need to include reference to electric vehicle charging.

Policy 7 of the JCS and proposed Policy TCE6 of the SSP2 provide policies relating to community facilities. The wording of policy TCE6 will be reviewed to provide further detail in relation to new community facilities, including places of worship, in the SSP2.

The Council has worked with NCC during the preparation of the SSP2 and will

## Appendix 1a – General Section

continue to do so as the document progresses. There are currently no allocations for education within the plan. Planned new schools are located within SUE's and sites which have planning permission, therefore at this stage there is no need for the SSP2 to make allocations in relation to these proposed schools. If further need for schools is identified the Council would be happy to work with NCC to identify suitable locations.

### Next steps

- Preparation of a background paper setting out how the sequential and/or exception tests have been applied.
- Update to SFRA
- Review policy wording related to flood risk assessment requirements to ensure these are consistent
- Review policy wording related to contamination to ensure a consistent approach
- Review vision to consider including a wider definition of healthy lifestyles
- Review objectives to consider inclusion of wider range of issues relating to health and well-being
- Review the need for the inclusion of a health and wellbeing policy.
- Liaise with Environmental Health officers to determine whether further detail needs to be included in relation to air quality, noise and pollution.
- Further research will be undertaken on the need for the document to make reference to electric vehicle charging.
- Policy on community facilities will be reviewed to provide further detail in relation to new community facilities, including places of worship.
- Continue discussions with NCC Education regarding provision for education.