



CABINET REPORT

Report Title	Central Area Action Plan – Emerging Strategy Consultation Feedback and Next Steps
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	4 th November 2009
Key Decision:	NO
Listed on Forward Plan:	YES
Within Policy:	NO
Policy Document:	YES
Directorate:	Planning and Regeneration
Accountable Cabinet Member:	Councillor Richard Church
Ward(s)	Castle, Far Cotton, St Crispin

1. Purpose

- 1.1 To give an overview of the response to consultation on the Central Area Action Plan Emerging Strategy, and any associated implications for the content of the Pre-Submission Draft of the Action Plan.
- 1.2 To provide an update on progress for key parts of the 'evidence base' to support the Central Area Action Plan and the Core Strategy and apprise Cabinet of reasons for the delay in the production of the Pre-Submission Document.
- 1.3 To consider the timetable for progressing the Central Area Action Plan to enable a request to be made to the West Northamptonshire Joint Strategic Planning Committee in revising the Local Development Scheme.

2. Recommendations

- 2.1 That Cabinet note the responses to the consultation outlined on the Central Area Action Plan Emerging Strategy.
- 2.2 That Cabinet approve a delay in the timing of issuing the Central Area Action Plan Pre-Submission Draft document for consultation from that identified in the current Local Development Scheme.
- 2.3 To work with West Northamptonshire Joint Planning Unit and Government Office for the East Midlands to agree a realistic timetable for the production of the Central Area Action Plan and for this to be incorporated into a revised Local Development Scheme for West Northamptonshire.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Council is committed to produce the Central Area Action Plan for Northampton in accordance with the timetable set out within the adopted Local Development Scheme (November 2008). In association with the East Midlands Regional Plan and the West Northamptonshire Joint Core Strategy, this Area Action Plan will form the Development Plan that sets out the strategy and policies that will be used to inform decisions on planning applications within central Northampton.
- 3.1.2 Consultation took place on a Central Area Action Plan Issues and Options document in October and November 2007. This consultation, in association with additional work particularly with partners, resulted in some significant changes to the Central Area Action Plan, not least substantial amendments to the boundary of the area it covered.
- 3.1.3 In 2008 there were changes to national legislation regarding Development Plan Documents through the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. This removed the need to undertake a Preferred Options stage of consultation on Development Plan Documents. However, due to the substantial changes proposed for the Action Plan, together with the time that had elapsed since the previous consultation, the Council considered it appropriate to issue an Emerging Strategy for consultation. Cabinet approved this document on 15th July 2009. The consultation period was from 7th August until 18th September 2009.
- 3.1.4 The next stage in the production of the Area Action Plan is the Pre-Submission Document; this is a statutory requirement of the 2008 Regulations. At this stage, the expectation is that the Area Action Plan should be 'almost there' in terms of its content. The emphasis within national guidance is that there should have been a significant amount of 'front loading' of consultation and testing of the Area Action Plan before it reaches this statutory stage. Although there might be the potential for some change between Pre-Submission and the next stage of Submission to the Secretary of State, it should not be substantial.

3.2 Consultation process

- 3.2.1 Press releases and work by the Communications Team ensured that there was extensive coverage of the Emerging Strategy document within the local media. There were large positive features within the Chronicle and Echo and the Herald and Post, together with items on local radio. The Planning Policy Team has a Local Development Framework database (around 700), which includes among others: individuals who have expressed an interest to be kept informed about the progress of the Central Area Action Plan; statutory consultees and agencies, residents associations and parish councils, local businesses, community centres and local libraries. Entries on the database were informed about the start of the consultation and were sent either links to the consultation documents or provided with copies of leaflets, CD's or the detailed consultation document. The document was available via the Local Development Framework Teams consultation portal where responses could be made electronically or the documents downloaded, filled in and sent by post or electronically.
- 3.2.2 The full suite of consultation documents, including the detailed consultation document and questionnaire, Summary Leaflet (containing a questionnaire), CD's containing all the documents were available in libraries within and adjoining the Borough, the One Stop Shop and Cliftonville House. A permanent exhibition was available in the Planning Reception at Cliftonville House and at the Guildhall.
- 3.2.3 Within the boundary proposed of the Emerging Strategy for the Central Area Action Plan there is a large residential population in Spring Boroughs. Local residents in this area received a copy of the Summary Leaflet via the post.
- 3.2.4 Staffed public exhibitions were held at the Market Square (3 days), Weston Favell Shopping Centre (2 days) and Kingsthorpe Library (2 days). Posters, advertising the exhibitions, were provided at key consultee access points, namely community centres, libraries and residents associations and parish councils within the Borough. Visitors to the exhibitions could talk to staff from Planning and Regeneration about the many emerging plans for Northampton. Respondents were able to either fill in a detailed paper or on-line questionnaire, a shorter paper questionnaire or prepare their own response.

3.3 Consultation Responses

- 3.3.1 In total there were 230 people or organisations that responded to the consultation. However many people visited the exhibitions which were held, particularly in the Market Square.
- 3.3.2 The response to the Issues and Options consultation was a little disappointing given the numbers of people attending the exhibitions and the number of Summary Leaflets that were distributed – approximately 5,000. Several of the Area Action Plan exhibitions were held in association with those done by the Joint Planning Unit for the West Northamptonshire Emergent Joint Core Strategy. There may be a large number of responses made to the Joint Core Strategy consultation that raises issues related to the Central Area; this will become more apparent as consultation responses are processed by the West Northamptonshire Joint Planning Unit. Depending on the amount of time it takes the Joint Planning Unit to complete the processing of their responses, there may be the opportunity for responses related to the Central Area to be used by the Council to inform the Area Action Plan.

- 3.3.3 The majority of responses to the Area Action Plan were made on the short questionnaire contained within the Summary Leaflet; other responses came in via the long printed questionnaire which accompanies the detailed consultation document, letters, e-mails and via the consultation portal. Although the number of responses was limited, there have been some quite detailed ones submitted. At the point of producing this Cabinet Paper the responses have not yet been fully processed and therefore the results do not reflect all of the responses received.
- 3.3.4 However, the Summary Leaflet responses have been processed and the output from the quantitative element of the Summary Leaflet is referred to in the following sections with more detail being provided in Appendix 1 for reference. A short high-level summary has been made of responses received from Statutory consultees in Appendix 2. This is not a comprehensive summary but rather looks to identify key points for consideration in terms of support or omissions for the content of the Action Plan.
- 3.3.5 Overall, the response to the Emerging Strategy has been favourable. Certainly the general impression gained from feedback at the exhibitions is that there is very much a need for the Area Action Plan and that it is moving in the right direction. The following statistics are from an analysis of the Summary Leaflet feedback only. Analysis must still be carried out on the remainder of the responses. A fuller report on the consultation process, the comments made and how the Council has sought to address them in taking forward the Plan will be made in due course. This report will then be submitted to the Secretary of State as part of the evidence base for the Area Action Plan when it is complete.

The Vision and Strategic Objectives

- 3.3.6 Overall 78% strongly agreed or agreed with the overall emerging plan. There was support for the vision (81% agree or strongly agree) and the strategic objectives (77% agree or strongly agree).

Retailing

- 3.3.7 In terms of the locations identified for additional retailing 72% supported the areas shown. In terms of priorities for improving shopping the majority thought that more specialist shops were required and that they would use them if they were there (56%). When asked about priorities for shopping respondents felt that improved restaurants, cafes and sandwich bars and the Market Square as a restaurant quarter and better lifestyle shops were priorities.

Movement

- 3.3.8 There was a high level of support for there to be more pedestrian priority around the centre (73%). The proposal for a new public transport link to the south of the centre also had a high level of support (70 %). However, the idea of having buses running along Abington Street for either part or the whole of its length was not supported by 54% of respondents with the remainder either 'yes' or 'maybe'.

Waterside

- 3.3.9 Opening up and making use of the Waterside was a key theme that people who attended the exhibitions were very supportive of and regarded as an area

which could be very beneficial for the town as a whole. Nearly 80% of respondents supported the development of the waterside for leisure uses.

Employment

- 3.3.10 There was support for the locations that have been identified for additional employment uses 78% of respondents supported the locations identified for creating workplaces.

3.4 Comments from Statutory consultees that might identify potential areas of concern

- 3.4.1 Ideally the Plan will go to the submission stage with the full support of the Statutory consultees and others. Objections from Statutory consultees, although not necessarily terminal to progress of a Plan, certainly can make it difficult to get through the examination process and be regarded as sound.
- 3.4.2 Comments from most of the Statutory consultees have been positive. However, the Highways Agency has identified what it considers to be an absence of capacity assessments of the highway network and a transport evidence base to underpin the Plan.
- 3.4.3 The Environment Agency has stated that the supporting evidence base requires substantial improvement to address primary soundness concerns on certain aspects. The Agency are likely to object to allocation of development in Flood Zones 2 and 3 (up to a 1 in 100 year probability) unless fully informed and supported by an exception approach to site selection informed by Strategic Flood Risk Assessment and Water Cycle Strategy.
- 3.4.4 These issues will be satisfactorily resolved through the provision of the requisite level of evidence and continued dialogue with these agencies on these matters. Further detail on the work ongoing on the evidence base for these two areas is discussed below.

3.5 Evidence Base

- 3.5.1 In taking forward the Central Area Action Plan a substantial amount of work has been undertaken in ensuring that the approach is sound. Key to this is that it is informed by an appropriate level of evidence. This has involved research such as: technical reports, e.g. retail capacity studies and the town centre health check; master planning and development frameworks prepared by consultants; and detailed discussions with site owners / developers, e.g. Legal and General; work with delivery partners such as Northamptonshire County Council, West Northamptonshire Development Corporation and Northamptonshire Enterprise Limited; and the results of consultation feedback. Some of this technical work has been commissioned jointly with partners, or undertaken by other agencies with a view to feeding into the Plan's production.
- 3.5.2 A fundamental part of the planning process is that evidence should be gathered early in the process and used to help make informed choices on the strategy and policies within the Area Action Plan, rather than these choices being made and evidence gathered to justify them. Clearly it's unlikely that at any one time all the appropriate evidence will be gathered prior to substantial progress in the development of the Plan occurring. There has to be some pragmatism and flexibility around the timing of evidence and advice has been taken from Counsel on this matter.

- 3.5.3 In seeking to move towards the Pre-submission document there will be a need for more dialogue with all manner of stakeholders to clarify points and seek support for what is being proposed. There could also be some focussed consultation with stakeholders on certain issues, for example the extent of the primary and secondary retail frontages.

Transportation

- 3.5.4 With regards to lack of evidence there is one area where despite best endeavours there is still a deficiency of technical evidence, which is likely to have substantial consequences on the 'soundness' of the Area Action Plan. This is work on transportation. In particular transport modelling has not been of a sufficiently robust standard to take into account the significant challenges of accommodating the amount of development identified in association with the growth agenda. Therefore, at a strategic level there is no clear understanding of the transportation impact from the amounts of development proposed in West Northamptonshire, at the lower level of the Central Area as a whole, or for individual development areas within the Central Area. This also has substantial implications for the infrastructure schedule in terms of items required, their likely cost and the timing of delivery.
- 3.5.5 Work has progressed on modelling; however it is not yet at a standard where it can be used to make reasonably informed decisions of the type that need to be taken for the Central Area Action Plan to progress to the Pre-Submission Draft stage. It is anticipated that preliminary modelling work of sufficient standard will be ready towards the end of December 2009. The full model is likely to be available for more detailed analysis and site specific work towards mid 2010. Whilst the model may be ready for preliminary work in December, there will be a lag time between it being available, consideration of its outputs and any consequent changes made to the Area Action Plan.
- 3.5.6 In addition, following on from comments made by the Highways Agency, there will be a need to revisit the Car Parking Strategy for the Central Area. Consultants have undertaken a review of car parks and made recommendations on a car parking strategy for the town centre. However, the report needs more work to make it more robust.
- 3.5.7 Further related to transportation is a Rail Freight Study which has been commissioned by WNDC and Network Rail as a consequence of the redevelopment of Ransome Road sidings. The work on this has also slipped, but it should be ready by the end of November 2009. This has important consequences for the Central Area, in particular the potential future of the stretch of the former Northampton to Bedford railway which still has a safeguarded corridor from the Castle Station to Brackmills. Whilst a decision on the future of this stretch of railway is not imminent, this study will go some way to deciding whether it is appropriate for that safeguarded line to be retained. The decision on this has substantial implications for the potential public transport link identified in the Emerging Strategy, the form and capacity of development at the Avon / Nunn Mills and Ransome Road sites and associated infrastructure requirements.

Flood Risk

- 3.5.8 An additional piece of work that is important which has also been delayed beyond its anticipated production timescale is the Strategic Flood Risk Assessment Level 2 for Northampton. This has been affected by delays in the

availability of an updated breach model developed by Halcrow for the Environment Agency. It will be finished by the end of November 2009. When it has been completed further detailed work can start on assessing the appropriateness of areas that have been identified within the Emerging Strategy for development and the uses that may be appropriate. Given the Environment Agency's position as highlighted above, this work will have to be done before the document can proceed to Pre-Submission consultation stage.

3.6 Relationship with the West Northamptonshire Core Strategy and impact on the timing of consultation on the Pre-Submission Central Area Action Plan

- 3.6.1 The timing of the production of the Central Area Action Plan has sought to be complementary to that of the West Northamptonshire Joint Core Strategy. This has been on the basis of advice from Government Office who has sought to ensure that there is conformity between the various levels of planning policy from national Planning Policy Statements, through Regional Spatial Strategies, Core Strategies and then lower level Development Plan Documents.
- 3.6.2 The West Northamptonshire Core Strategy needs to be confident that the type of centre required making West Northamptonshire a successful place will be delivered within the Central Area Action Plan. For the Area Action Plan there needs to be the confidence that the Joint Core Strategy is sufficiently robust to ensure that the Central Area set out in the Action Plan vision can be delivered. There also needs to be a clear understanding of the policy relationship between the two documents, with the Action Plan not including policies that it would be more suitable to be addressed at a higher level, e.g. sustainability targets.
- 3.6.3 In taking forward the Area Action Plan there now has to be a fundamental question about whether it is appropriate to follow on from the Joint Core Strategy at least in the short term. It has become evident over the last month that the prospect of the Joint Core Strategy being produced to a schedule close to that set out in the Local Development Scheme is unlikely. Government Office has written to the Joint Planning Unit indicating that it is aware of the need to amend the timetable for production of the Joint Core Strategy Pre-Submission Document and inviting the Joint Strategic Planning Committee to do so. Government Office has identified that there is clearly a significant amount of work to do on the evidence base to move it forward to the next stage. The Joint Strategic Planning Committee will need to make decisions on the timing of the stages of the Joint Core Strategy through to adoption in due course.
- 3.6.4 Given the limited production of Development Plans related to Northampton over the last 12 years there is a planning policy vacuum on many issues. It is essential that there is a sufficiently robust planning framework in place for the future prospects of delivering the vision for central Northampton. The Central Area Action Plan will be a fundamental part of that. As a result of anticipated delays in the production of the Joint Core Strategy discussions with Government Office have taken place. These discussions have indicated that there may be flexibility over the timing of the Central Area Action Plan in relation to that of the Joint Core Strategy. It may be that the East Midlands Plan in Policy MKSM SRS Northamptonshire 3 provides a sufficient 'hook' on which to hang the Central Area Action Plan in moving to at least a Pre-

Submission Document and, depending on timing of the Joint Core Strategy, possibly beyond towards adoption.

- 3.6.5 However, Counsel has advised caution in this respect. Although not ruling out going to Pre-Submission stage in advance of the Joint Core Strategy, Counsel is of the opinion that there needs to be a thorough consideration of whether there is a sufficient strategic basis to enable this to occur. Further discussion with Government Office, the Planning Inspectorate and Counsel needs to take place before any recommendation is made by officers on whether it is appropriate to proceed with the Pre-Submission Area Action Plan in advance of the Pre-Submission version of the Joint Core Strategy.

3.7 Choices (Options)

Changes to the timetable for consultation on the Pre-Submission Central Area Action Plan and potentially later stages towards adoption

- 3.7.1 There are a number of choices available to the Council. It could either:

- Not amend the timetable;
- Amend the timetable for the Pre-Submission Document, but not to amend the timetable for later stages
- Amend the timetable for the Pre-Submission Document, and consider the possibility of the need to amend the timetable for later stages taking into account advice from Government Office, the Planning Inspectorate and Counsel.

- 3.7.2 As outlined in the report, to not amend the timetable for consultation is not considered an option. On the basis of the consultation responses and the gaps identified in the evidence base it would now not be possible to go out to consultation in November 2009. There would be objections from statutory consultees and the gaps in the evidence base are likely to make the Area Action Plan be regarded as unsound by the Secretary of State at Examination. At this stage, it is considered that reviewing the timetable for the Joint Core Strategy and the Central Area Action Plan, as set out in the current Local Development Scheme, is necessary up to the adoption of the two Development Plan Documents. Whilst it is the ambition of the Council to have a robust planning policy for the Central Area in place as soon as possible, there needs to be a clear understanding of the legal position and the risk of taking the Area Action Plan through the Statutory process in advance of those for the Joint Core Strategy.

- 3.7.3 Given the delay in the Pre-Submission timetable for the Area Action Plan it is considered that it's unlikely that a Submission date of June 2010 as set out in the current Local Development Scheme can be achieved. Taking into account the need to fully grasp all of the relevant issues it is considered that Option 3 is pursued with the aim of bringing a Pre-Submission document as soon as is reasonably practicable before Cabinet to seek approval for consultation. The Portfolio Holder will be kept informed of anticipated timetabling vis-à-vis that of the Joint Core Strategy, however it is not envisaged that a Pre-Submission document will be placed before Cabinet prior to February 2010.

4. Implications (including financial implications)

4.1 Policy

The Central Area Action Plan, along with the Regional Plan and Joint Core Strategy will be the Development Plan containing policies against which proposals for development will primarily be assessed in their determination.

4.2 Resources and Risk

Taking the Central Area Action Plan through to adoption is a resource intensive and expensive process which has been subject to Medium Term Planning for budgets. Resources to progress the work needed to get to Pre-Submission stage have been identified and are currently available. The risk of legal challenge or the Area Action Plan being found unsound is real if suitable precautions are not in place. The Council uses the Planning Advisory Service and Planning Inspectorate pro-forma to identify that appropriate mechanisms are in place to reduce the risks of the Plan being found unsound. It also has a retained 'critical friend' and Counsel to provide appropriate advice. Advice will be sought on the appropriateness of the timing of pursuing the next stages in the adoption of the Area Action Plan in advance of the Joint Core Strategy.

4.3 Legal

See above related to Policy and Resources and Risk.

4.4 Equality

The Pre-Submission Action Plan will be subject to a full Equality Impact Assessment to address issues that have already been highlighted in a screening and scoping report.

4.5 Consultees (Internal and External)

A list of external consultees that were invited to comment on the Emerging Strategy is set out in the report and there has been an input from all elements of the Council in the Emerging Strategy and progression towards the Pre-Submission Document.

4.6 How the Proposals deliver Priority Outcomes

The Central Area Action Plan will out the strategic town planning policy for the Central Area. It is consistent with and will assist in delivering all of the Council's corporate priorities.

4.7 Other Implications

None

5. Background Papers

5.1 CAAP Issues and Options Consultation Document October 2007

5.2 CAAP Emerging Strategy August 2009

5.3 Cabinet Paper 15th July 2009 CAAP Emerging Strategy

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