



Town and Country Planning Act 1990

The Town and Country Planning (Inquiries Procedure)
(England) Rules 2000

Appeal relating to land known as Danetree, Church Fields and Monksmoor

Daventry District Council Position Statement on Planning Conditions and Obligations,
19 June 2009

DDC33

Planning Inspectorate Ref. APP/M9570/A/08/2071505, APP/M9570/A/08/2083327
and APP/M9570/A/08/2082894

Daventry District Council LPA Ref. DA/2007/0450, DA/2007/0200 and WNDC LPA
Ref: 07/0161/OUTWND

1. Overview

- 1.1 DDC has been pursuing negotiation of planning conditions and obligations with the appellants, having regard to the guidance in Circulars 11/95 and 5/05, seeking to make the appeal proposals as close as possible to acceptable in planning terms. Given the number of parties involved and the scale of the proposals, this has been – and remains – a complex process.
- 1.2 DDC is not a local planning authority for the purposes of planning obligations for any of the Monksmoor site, the bulk of the Church Fields site or around half of the Danetree site. It is however a principal local authority for the area, with a range of statutory functions and is a constituent authority of the West Northamptonshire Joint Strategic Planning Committee. It is also expected in some cases to accept long term responsibility for facilities created as a result of the developments. It has thus been necessary for DDC to engage fully in consideration of these issues.

2. General Issues

- 2.1 An issue which is general to all three appeal sites, although applying in somewhat different ways to them, is the question of strategic highway infrastructure mitigation. The questions of contributions by way of planning obligations is considered below, but this interacts with the questions raised by the Inspectors in ID6, which may be addressed through refusals, conditions, obligations or a combination of these. Work is ongoing to address these matters.

3. Planning Conditions

- 3.1 DDC has had an input to the discussions regarding the condition set initially drafted by WNDC for each of the three appeal sites and in general terms, is content to support the approach being adopted by WNDC. However, revised sets of conditions have been circulated recently and DDC is considering the current drafts and will comment as soon as possible.

3.2 Separate from the general condition sets in circulation, DDC is proposing to put forward two conditions in relation to Monksmoor that reflect specific aspects of the Council's evidence that was presented earlier in the Inquiry. Drafts of these conditions have been provided to the Monksmoor appellants and comments have been received. It is acknowledged that these are not positive. It would be the intention of DDC to continue discussions with the Monksmoor appellants, in order to clarify certain matters, and in order to see if any agreement can be reached. It would be the intention of DDC to present specific draft conditions to the Inquiry in due course, following those discussions.

4. **Planning Obligations**

4.1 In negotiations in relationship to planning obligations, the Council had a preference (as set out in Mr Bowers' infrastructure evidence) for a 'tariff' type system. However, the appellants did not wish to follow this approach and accordingly traditional forms of planning obligation have been negotiated. The majority of the wording for these appears now to be agreed, but a number of substantive (and in some cases highly significant) issues remain to be agreed, or appear likely not to be agreed, at this point. These are set out below.

4.2 In relation to Monksmoor, the major outstanding issues appear to be highways and transportation contributions, and public realm contributions. In both cases the offer made is well below the level DDC and, it is understood, WNDC and in the case of highways/transportation matters, NCC, regards as acceptable to mitigate the impacts of the development. It currently seems likely that these issues will be explored in Inquiry sessions, but the Council would still encourage the appellant to respond positively. In this case the major conceptual issue (in relation to both headings) appears to be an unwillingness on the part of the appellant to recognise that their proposal is part of a larger expansion of Daventry, which will have cumulative impacts which need to be managed and mitigated.

- 4.3 In relation to Church Fields, the major outstanding issues are similar. Conceptually, whilst not expressed quite as clearly as has been the case for Monksmoor, the appellant does not appear to recognise the scale of the impacts on the town generated by its proposed development, particularly when considered as part of the overall growth of the town. This is particularly acute an issue in relation to highways and transportation, and public realm issues. As with Monksmoor, it seems likely that these issues will need to be explored in Inquiry sessions.
- 4.4 In relation to Danetree, the major outstanding issues are most difficult to define as a meeting is scheduled for June 22nd when the draft documentation is to be discussed. However, public realm, the need for regeneration of the Marches and provision of playing pitches appear to be current problems. The position in relation to highways and transportation is more complex, in that the appellant has made offers at broadly acceptable levels, but included a proposals for forward-funding the Flore/Weedon bypass which raises issues of its own. These matters will be subject to further discussion and may or may not need to be explored in Inquiry sessions. In any event, the Council would of course respect the principle clearly enunciated in Circular 5/05 that planning permission may be neither bought or sold.
- 4.5 In relation to all three sites various other matters do remain to be resolved, but it is hoped these will not need to be raised at Inquiry sessions. Revised drafting is being considered by the parties on all three appeals on a regular basis and we would update the Inspectors as matters progress