



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 Monkmoor

Proof of Evidence of Simon Bowers (DDC22)

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. Introduction

- 1.1 I, Simon Paul Bowers, am Corporate Manager for Development & Property at Daventry District Council. I am a Chartered Engineer and Member of the Institutions of Civil Engineers and Highways & Transportation and of the Institute of Economic Development. I have been responsible for developing the list of infrastructure the Council believes is required to ensure that the growth of Daventry represents sustainable development.
- 1.2 The Development & Property Team is one of six into which the District Council is organised. The Team is not responsible for statutory planning functions but acts to promote development in partnership with public and private sector bodies, using a variety of mechanisms. It thus plays a part in the local authority role of “place shaping”.
- 1.3 The Council operates “alternative arrangements” within the terms of the Local Government Act 2000, with a Strategy Group of Councillors providing a policy-formulation forum and having certain specific powers such as to approve consultation responses, a Corporate Board of officers determining operational matters, and policy-making powers reserved to the full Council.
- 1.4 Note on terms:
  - 1.4.1 “West Northamptonshire” is commonly used in two ways – either as the combination of the three districts of Daventry, Northampton and South Northamptonshire, or as the Urban Development Area of the West Northamptonshire Development Corporation (“WNDC”) i.e. the three towns of Northampton, Daventry and Towcester. In this document I use “West Northamptonshire” to mean the three districts taken together; the “UDA” to mean the Urban Development Area of WNDC as a

whole, and the “Daventry UDA” to mean the part of the WNDC UDA at the town of Daventry.

- 1.4.2 The term “Daventry” standing alone means the urban area (existing or proposed) of the town of Daventry, irrespective of parish or UDA boundaries (and does not refer to Daventry District).
- 1.4.3 The “Appeals” are the appeals on the three sites (“Danetree”, “Church Fields” and “Monksmoor”) against non-determination of five planning applications, three of which are within the Daventry UDA and two of which are outside it.

## **2. *Infrastructure Needs and the ‘Tariff’ Approach***

- 2.1 The Council has been engaged in dialogue over some years with Northamptonshire County Council (“NCC”) and the West Northamptonshire Development Corporation (“WNDC”) over the infrastructure required for the sustainable growth of Daventry and Northamptonshire/West Northamptonshire area.
- 2.2 Building on this history of dialogue, on 14<sup>th</sup> February 2008 the Council’s Strategy Group considered a report outlining a list of infrastructure necessary to ensure that the growth of Daventry would result in a sustainable community (in the report this was entitled the Daventry Infrastructure Schedule, but is here referred to as the Daventry Infrastructure List (DIL) (CD3.24) to avoid confusion with the WNDC Daventry Infrastructure Studies (CD4.2)). This list was subsequently approved by the Council on 28<sup>th</sup> February 2008. The purpose of the list was to help contribute to the work on infrastructure commissioned by WNDC, and to provide an initial framework to approach the issue of planning obligations by the Council itself.

2.3 WNDC has adopted a Planning Obligations Strategy (the “POS”, CD4.3) which sets out its intended approach to the application of planning obligations. In respect of housing development this is based around a ‘tariff’ per dwelling which contributes towards the total package of infrastructure required as a result of the construction and occupation of housing. WNDC’s view is that the actual cost of infrastructure per dwelling (the “Standard Charge”) would amount to £30,500, but that a tariff above £20,000 per dwelling would unduly inhibit development. This £20,000 figure is referred to as the “Discounted Standard Charge.” It is also possible that in current market conditions, and on certain sites with abnormally high development costs, individual applicants will seek to reduce the Discounted Standard Charge. In those cases it is understood that WNDC proposes to negotiate, based on an open book development appraisal, a lower figure, but with the potential to recover sums up to the level of the Discounted Standard Charge as property prices improve. This is referred to as the “Deferred Standard Charge” arrangement.

2.4 The WNDC proposals also include:

- 2.4.1 An expectation of 25% payment of the Discounted Standard Charge on commencement of development.
- 2.4.2 Payment thereafter on a quarterly basis, based on housing completions in the preceding three months.
- 2.4.3 A proposal for a final date – for example, ten years after commencement – on which all remaining Discounted Standard Charge liabilities would be paid, irrespective of actual housing completions.
- 2.4.4 Allowing developers to (by agreement) offset the cost of providing infrastructure (including the cost of land) for purposes within the tariff from their payments of the tariff.
- 2.4.5 Indexing the value of the Discounted Standard Charge annually from April 2008 in line with the higher of BCIS Construction Cost Index or nil, applicable to the WNDC area.

- 2.4.6 The actual uses of tariff income would be determined by WNDC, after consultation, and plans for future spending would be set out in an Infrastructure Delivery Programme (IDP).
  - 2.4.7 Retaining 'traditional' negotiated planning obligations for all non-housing development (but any housing of any type or tenure, whether forming part of a mixed development or not would fall within the tariff arrangements).
  - 2.4.8 An intention to seek 35% affordable housing comprising 25% social rented and 10% intermediate tenure (based on the recent West Northamptonshire Housing Market Assessment).
- 2.5 For the most part these seemed to the Council sensible and pragmatic proposals, meeting the general policy objectives of the Government for the planning system. In particular, the Council considers that the 'tariff' arrangement provides a straightforward mechanism for the pooling of contributions for interventions made necessary by more than one development, and is thus particularly appropriate in a growth area such as West Northamptonshire. They also generally accord with the emerging policy direction in this field in the form of the Government's proposals for the Community Infrastructure Levy (CIL) (CD1.35).
- 2.6 Of course, WNDC also expects to negotiate other elements of planning obligations in a more traditional way, dealing, for example, with on-site works.
- 2.7 In response to the Appeals, the Council's Strategy Group (27<sup>th</sup> November 2008) and Planning Committee (10<sup>th</sup> December 2008) considered, and the Council adopted (11<sup>th</sup> December 2008), a more detailed approach (CD3.25) for DDC to take to the consideration of planning obligations, taking into account the WNDC POS. The position adopted by the Council generally supports the POS and proposes to apply the same approach (with some minor variations) to applications at Daventry but outside the Daventry UDA. Those areas where the Council

feels that a slightly different approach, or additional specific requirements are applicable, are as follows:

- 2.7.1 Basis of calculation of the Standard Charge, where the current DDC calculation is slightly higher overall than the WNDC one (£31,877 as opposed to £30,500). This has, however, no material effect as in either case the Standard Charge is significantly above the Discounted Standard Charge, which is the figure proposed to be collected.
  - 2.7.2 Potentially, assessment of the level of Discounted Standard Charge which does not unduly inhibit otherwise desirable development. The Council is commissioning its own assessment of this figure, and it is hoped to report on the results of this assessment during the Inquiry. Until that figure is available the DDC will use the WNDC figure of £20,000 per unit. In both cases it would be indexed annually as proposed by WNDC.
  - 2.7.3 Treatment of affordable housing. On this matter DDC shares WNDC's approach initially – based, as it is, on the current West Northamptonshire Housing Market Assessment (HMA) – but judges that for outline planning applications which are likely to take many years to fully implement a mechanism is needed to deal with the inevitable changes in housing markets. This, it is proposed, would be achieved by replacing the current HMA figures with those set out in any formal planning policy adopted by the relevant authority (presumably DDC or the West Northamptonshire Joint Strategic Planning Committee), affecting phases of development which had not, at the time the policy was adopted, received detailed planning permission.
- 2.8 There are also some issues which need to be addressed by more traditional planning obligations terms, such as affordable housing. These are detailed in Section 3, below, but do not undermine the argument for

the tariff approach towards most issues addressed by planning obligations.

2.9 The Council's overall view is that the 'tariff' arrangement parallel to the POS it proposes is the most practical way of enabling significant growth of Daventry to take place – as required by the Regional Spatial Strategy – whilst mitigating and managing the impacts caused by the growth. Daventry will nearly double in size from around 25,000 people in 2008 to something in the order of 45,000 by 2026, with a resulting need for profound change across the town to ensure that the enlarged settlement is a sustainable community. This includes change to the town centre, educational provision and employment opportunities as well as the range of amenity, transport and other facilities which might be expected to arise from smaller scales of development. A tariff-type mechanism offers a straightforward way of enabling all developments to contribute to these requirements, which collectively they give rise to.

2.10 Furthermore:

2.10.1 It is appropriate to treat housing as the 'lead' form of development – that is, the development which creates the other needs – because housing development is the most commercially attractive form of development (which is reflected in the higher land values obtained for housing as opposed to land for other forms of development), and also because housing numbers are the key policy driver in the Regional Spatial Strategy. Accordingly, if it could be argued that an impact of development arises either from housing or from other forms of development it is appropriate to consider that it arises from housing.

2.10.2 On the basis of analysis carried out to date, it appears that not all costs associated with making the planned growth sustainable can be met from planning obligations on development. Government has recognised this through the establishment of

the Growth Areas Fund and delivery arrangements including WNDC. A tariff system enables the necessary combination of planning obligation and public funding to provide the necessary infrastructure to be carried out in a straightforward way. It also makes it more reasonable for schemes which are otherwise suitable to be given planning permission because there is a greater likelihood that their total impacts will be managed and mitigated.

2.11 It is also logical, and in the public interest, for there to be a consistent arrangement either side of the (arbitrary) UDA boundary, and within Northamptonshire more generally. The tariff approach proposed by the Council, alongside that of WNDC, would achieve this.

2.12 The tariff approach as proposed by both WNDC and the Council fits well into the legal and policy framework, as set out in the following paragraphs.

#### Local Government Act 1999

2.13 Section 3 of the Local Government Act 1999 requires each best value authority to "...make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness." DDC is a best value authority and its functions include its functions as a local planning authority. Accordingly, DDC has a duty to seek continuous improvements in the operation of its planning functions, including those relating to planning obligations.

2.14 In this context, the Council should seek to ensure that planning obligations which will apply over a long period of time are capable of responding to changes in circumstances, policy and opportunities and thus most effectively, efficiently and economically mitigating the impact of development. For example, if a 'traditional' planning obligation

contained a provision for a developer to provide or fund a new secondary school, but by the time that aspect of the obligation was triggered the pattern of education had altered so that, for example, provision was better made in two colleges which had to be expanded, the obligation could not accommodate this. Under a tariff approach the necessary monies could be redirected without difficulty.

## National Planning Policies

2.15 The primary statement of relevant national policy is given in ODPM Circular 5/05 'Planning Obligations' (CD1.31), although certain other documents are also relevant (in this section, references are to Circular 5/05 unless otherwise stated).

2.16 The Government's principal objective for the planning system is to "deliver" sustainable development (B1, also an important theme in PPS1 (CD1.11)). Planning obligations and conditions can help achieve this through making development acceptable which would otherwise be unacceptable (B2, B3).

2.17 Paragraph B5 details what is often called the necessity test:

"A planning obligation must be:

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects."

2.18 Items (i) to (iv) relate essentially to the content of the proposed planning obligation, and are thus addressed below. Item (v) provides the

justification for a Discounted Standard Charge (the sum actually proposed to be paid) lower than the Standard Charge (the sum calculated to be the cost of mitigating the impact of the development), as it would be unreasonable to inhibit otherwise desirable development if there is a reasonable likelihood of other funding becoming available to bridge the gap. This is addressed in further detail in paragraph B10, which explicitly provides that in such cases “the level of contribution [shall be] that can be demonstrated as reasonable to be made.” “Reasonable” is not defined but given the residual nature of land values is taken as being that which would provide sufficient incentive for landowners to permit the development to take place compared to the land value for its existing use.

2.19 A tariff-type approach, pooling contributions across several developments and using formulaic approaches, is advocated in paragraphs B21 – B24 and B33 – B35.

2.20 Whilst the expectation in the Circular that the general levels and amounts of contributions will be set out in DPDs and SPDs is not generally the case in relation to these Appeals, this is a feature of the prematurity of the applications and does not undermine the essential logic of the approach advocated in Circular 5/05.

### Regional Spatial Strategy

2.21 Policy 1(8) of the RSS8 (CD1.1) is “to promote the prudent use of resources, in particular through patterns of development and transport that make efficient and effective use of existing infrastructure, optimise waste minimisation, reduce overall energy use and maximise the role of renewable energy generation”. These policy objectives will more easily be met if, as outlined above, the local planning authorities have the ability to adjust the ways the impact of development is mitigated and managed through a tariff-based system of planning obligations.

2.22 RSS8 Policy 1(9) is, in part, to “to take action to reduce the scale ... of future climate change...”. The ability of a tariff-type approach to facilitate this through more flexible mitigation of impacts of development is an important argument in its favour.

2.23 RSS8 Policy 27 requires, in part, that: “...unavoidable damage [to natural and cultural assets] which cannot be mitigated should be compensated for, preferably in a relevant local context and where possible in ways which also contribute to social and economic objectives; [and] overall there should be no net loss of natural and cultural assets, and opportunities should be sought to achieve a net gain across the region...”

#### Saved Structure and Local Plan Policies

2.24 Structure Plan (CD2.1) Policy GS6 provides that “Local planning authorities will use planning conditions, obligations and other powers to secure the necessary infrastructure, facilities and services to support development.”

2.25 Local Plan Policy (CD3.1) GN3 provides that “Before planning permission for any development is granted, the Council will require to be satisfied that the infrastructure, services and amenities made necessary by the development are in existence or will be provided by the developer or other agency.”

2.26 Local Plan Policy RC1 provides that “The granting of planning permission for residential development in Daventry will be dependant on contributions to the cost of recreational facilities that are, or are to be, provided to satisfy the needs arising from the development proposed.”

2.27 The Council submits that that these planning policy tests are best met, in the context of major residential-led developments such as Danetree, Church Fields and Monkmoor, through the use of a tariff-type system.

## Emerging Core Strategy

2.28 The current West Northamptonshire Local Development Scheme (LDS, CD3.18) includes a Development Plan Document entitled “Developer Contributions and Affordable Housing DPD” for commencement of work in January 2009, availability of a Pre-Submission Document in November 2009 and adoption in September 2011. This document would replace the Council’s current ‘tariff’ approach to planning obligations once adopted (the Council will argue for a similar approach to form part of the policy set out in the DPD).

2.29 Given the importance the Government attaches to a plan-led system for planning obligations in Circular 5/05 (CD1.31), the Council submits it would be preferable for the proposed developments to be considered against the new DPD when it is adopted or at least in an emergent state. This would necessitate refusing the current Appeals. However, if any of the Appeals are to be approved the tariff approach represents the best system for seeking to address the issues Circular 5/05 says should be addressed by planning obligations.

## Context – North Northamptonshire

2.30 It is worthy of note that the North Northamptonshire Core Spatial Strategy (CD2.12), which has been found to be sound<sup>1</sup>, includes proposals (paragraphs 3.51 – 3.59 and Policy 6) for a tariff type approach similar to that proposed (for their respective areas) by WNDC and the Council in West Northamptonshire. An approach which is sound in North Northamptonshire should logically also be sound in West Northamptonshire. There is also merit in consistency between the two halves of the county.

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<sup>1</sup> Report of the Examination into the North Northamptonshire Core Spatial Strategy, Eric T Searle, Planning Inspectorate, Bristol, May 2008 (CD2.12)

### **3. Non-Tariff Issues**

- 3.1 There are inevitably a number of issues which need to be addressed by planning obligations which are not appropriately addressed within a tariff system. These are largely matters of the form and functioning of development sites, such as affordable housing requirements. The Council's view of these aspects of the requirements generated by the proposed developments are set out in the following paragraphs.

#### Locality Management Companies

- 3.2 The Council would wish to see the establishment of 'locality management companies' (LMCs) to carry out management and maintenance of local public spaces and other local community facilities, with such companies:
- 3.2.1 Initially controlled by the developer of the site, but ultimately passing to control by residents of the area.
  - 3.2.2 Initially funded by the developer of the site, but ultimately funded by 'rentcharge' arrangements on all dwellings (and potentially other properties) .
- 3.3 LMCs would have a number of advantages, including ensuring long term, high quality maintenance of neighbourhood amenities, thereby making the areas concerned more attractive places to live and acquire property, and encouraging "grass roots" democracy. They would also obviate the requirement for developers to make commuted sums for "in perpetuity" maintenance of such local amenities, as is suggested in paragraph B18 of Circular 5/05 (CD1.31). (Such payments are likely to be expensive. A real long term interest rate of 2.2% is suggested in Appendix 5 (p26) of the draft of 'Committed sums for future maintenance in relation to Adoption and Transfer of Infrastructure Assets' (DDC23

Vol. 1), which would imply that a £50,000 annual maintenance bill would require a commuted sum of £2.27 million.)

- 3.4 It is understood that the developers of both Danetree and Monksmoor are either planning, or willing, to establish this type of structure. The position in relation to Church Fields is not known, however as this type of arrangement is relatively common on modern developments it is assumed it would not be contentious.

#### Affordable Housing

- 3.5 It is necessary (PSS3 (CD1.14), paragraph 29) that as far as possible affordable housing should be integrated within developments so as to create mixed communities. Accordingly the Council submits that any developments permitted should include affordable housing as part of the mix of dwellings.
- 3.6 Due to the prematurity of the applications, the local planning policy framework envisaged by PPS3 is not in place and therefore the recent West Northamptonshire Housing Market Assessment (WNHMA (CD3.20), paragraph 10.80) as the most up-to-date evidence base provides the starting point for the Council's view of the appropriate requirements. This indicates that 35% of housing provided should be affordable, and within this on large sites up to 25% should be social rented housing, leaving 10% as intermediate tenure. As far as has been ascertained, these figures do not appear to be contentious with the appellants.
- 3.7 However, the applications, particularly the Danetree and Church Fields sites, would require many years to build out. Over such periods of time it is likely that the nature of the local housing market will change significantly and this may increase or decrease the requirement for affordable housing and the appropriate split between social rented and intermediate housing. The Council therefore submits that a planning

obligation should place requirements on any developments permitted in the following form:

- 3.7.1 Initially, the WNHMA (CD3.20) figures should be the requirement, i.e. 25% social rented and 10% intermediate housing.
- 3.7.2 However, in the event (and each time) that a Local Development Document is adopted which specifies different requirements these should apply in substitution for all phases of development which are not at that time in receipt of detailed planning permission. (For the avoidance of doubt, affordable housing requirements for phases of development would be fixed on grant of that detailed planning permission, so early phases would be likely to be subject to the original requirements based on the current WNHMA.)

#### Personal Rapid Transport (PRT)

- 3.8 There is a clear legal and policy framework (including the Climate Change Act 2008, PPS1 Supplement on Climate Change (CD1.13), PPG13 (CD1.22), RSS (CD1.1) (especially policies 42(6) and 44)/emerging RSS (CD1.4) (especially Policies 1(f), 1(i), 42(6) and 42(7)), saved Structure Plan (CD2.1) policy GS5 and Local Plan (CD3.1) policy CM7 and 'Towards a Sustainable Transport System'<sup>2)</sup> requiring the environmental impacts of transport to be mitigated, and in particular the emissions of carbon dioxide to be controlled. Most recently, the Government has indicated in the 'Delivering a Sustainable Transport System' consultation<sup>3</sup> that "the overall effect of all packages must be a reduction in [global warming] emissions" (paragraph 5.17). A 'package' for these purposes is exemplified in paragraph 5.9 of the document:

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<sup>2</sup> Department for Transport, October 2007 (DDC23 Vol. 2 [now CD1.50])

<sup>3</sup> Department for Transport, November 2008 (DDC23 Vol. 3)

“...In an urban area, a ‘package’ might include public transport investment, demand management measures, promoting alternatives to the car, such as motorbikes or cycles, and land-use planning (including planning of new housing) to reduce the need to travel.”

3.9 Achieving the necessary sustainability in the case of Daventry will be challenging. The DIS (CD4.2), despite proposing transport measures for walking, cycling and buses estimated at between £44.2 and £46.7 million (Table 8-1), notes that “...the measures generated ... do not seek to achieve the mode shift required of new development and so do not represent the full extent of required infrastructure and demand management/smarter choices [needed].” (The modal shift requirement referred to is derived from NCC’s Transport Strategy for Growth (TSfG, CD2.3) and is away from car use – 5% for existing areas and 20% for new developments.)

3.10 Furthermore, there is no reason to believe that even achievement of the TSfG targets would result in an overall reduction in emissions of global warming gases from transport, either in absolute or per capita terms. The TSfG itself does not claim that this would be the case.

3.11 It can thus be concluded that a different approach is needed if the development of Daventry is to be sustainable in terms of transport.

3.12 The Council submits that the implementation of Personal Rapid Transport (PRT) has the potential to achieve what is otherwise impractical, in delivering a highly sustainable form of transport which is sufficiently attractive to users that it takes significant modal share. This is explained further below.

3.13 PRT is a new paradigm for public transport, in which modern information and communication technology is used to offer an on-demand, personal, public transport service. PRT vehicles are effectively small, automated ‘taxis’ operating on a dedicated network. Systems have been in

development for some time and are now reaching operational maturity; in addition to working test tracks in Cardiff and Uppsala (Sweden), a system for public passenger use has been constructed and is currently being commissioned at Heathrow Airport. The box below gives a 'thought journey' using a PRT system.

#### **Using PRT**

1. You walk to a stop, and use your smart card or mobile phone to identify yourself. There is probably a vehicle waiting, but if not the nearest is summoned and arrives in less than a minute.
2. The touchscreen suggests the trip you normally take at this time (if you are visually impaired, it talks to you). You accept this or decline and choose another destination.
3. The doors open automatically. You step in and when comfortable press the button which indicates you are ready to leave.
4. The vehicle enters the main guideway and proceeds non-stop to your destination. You relax and enjoy the view – or perhaps read.
5. You arrive at your destination and the doors open.
6. When you have left, the vehicle either waits for another passenger or is relocated to a stop where demand is predicted.

3.14 The main potential drawback of PRT systems is the potential for the guideway to result in pedestrian severance (if at grade) or visual intrusion (if elevated). However, careful design can obviate these concerns, as the Interim Draft Daventry Masterplan (CD3.6) shows; for example, changes in level can accommodate PRT routing and in modern commercial areas elevated guideway should be a visual asset.

3.15 The Daventry Development Transport Study (DDTS, CD3.23) was commissioned to test options for innovation in public transport to provide sustainable transport solutions for Daventry. It filtered options and determined that the best options to test were enhanced bus, enhanced bus with guideways and PRT. These were modelled using NCC's

Daventry EMME/2 and SATURN tools and, in the case of PRT, a simulation model known as PRTsim.

3.16 The results of the study are given in Chapters 7 and 9 of the report and are summarised below.

3.16.1 In terms of modal share for public transport, the 2004 base was 4%, the best bus option 17% and the PRT options varied between 22% and 33%, depending on assumptions about the “modal constant” to apply (the ends of the range representing, respectively, the assumption that ‘bus’ and ‘car’ modal penalties applied to PRT, with a 80p per-person per-trip PRT fare). As would be expected the higher public transport modal shares made a significant difference to road flows, with allied decongestion benefits.

3.16.2 The BCR (Benefit to Cost Ratio, a social-economic rather than strictly financial assessment in that it includes, for example, the value of people’s time) of the best bus option was 4.1, and for PRT was 5.3 for an 80p fare and 7.6 for a £1.60 fare.

3.16.3 By comparison to the base case:

3.16.3.1 The bus options *increased* overall transport energy use by between 2.2% and 3.0%, and overall transport carbon dioxide emissions by between 2% and 3%.

3.16.3.2 The PRT options *reduced* overall transport energy use by between 2.2% and 4.2% and overall transport carbon dioxide emissions by between 11% and 19% (which would increase to between 18% and 31% if the PRT system was powered by electricity which had been generated without net emissions of carbon dioxide).

3.16.4 The modelled PRT network also offered significant social benefits in the form of access to services and employment across the town to people without access to, or unable to use, cars. This would include people with certain disabilities (including some age-related conditions), low incomes and those too young to drive. The bus network was unable to deliver these benefits because many required trips would be too slow or unavailable such as for shift working.

3.16.5 A further detailed study – the Daventry PRT Pilot Scoping Study (DPSS, CD3.36 and CD3.27) was then commissioned. This comprised a detailed assessment of the viability of operating PRT in a UK context, followed by an appraisal against transport and regeneration/economic development criteria of a Pilot of PRT and a ‘best alternative’ (assessed, following preliminary work, as high quality bus). This concluded that:

3.16.5.1 Whilst there were risks and challenges, there were no “show stoppers” which should prevent deployment of PRT in Daventry.

3.16.5.2 PRT performed better as a Pilot than the comparable high quality bus route against transport criteria. The benefits of both bus and PRT routes were significantly less than for the whole-town networks modelled in the DDTs, as would be expected, but the BCRs still comfortably exceeded 1.0 in all cases (bus 1.7; PRT between 1.9 and 2.9 depending on the assumption regarding the modal penalty and therefore patronage).

3.16.5.3 PRT also performed much better than bus against regeneration/economic development criteria. However, to realise these benefits space would be needed to

allow associated businesses to operate from –  
tentatively described as a ‘transport technologies park’.

- 3.17 Given the potential of PRT to deliver transport, sustainability and economic development benefits, dialogue has been ongoing with relevant authorities, including the East Midlands Development Agency, Northamptonshire Enterprise and its predecessor agency (which largely funded the DPSS), WNDC and NCC. NCC, working with WNDC, has now commissioned Mott MacDonald to review the outcomes of the DDTS and DPSS. The review is likely to inform NCC’s view of whether and to what degree it will support PRT in Daventry for funding via the Regional Funding Allocation or other processes.
- 3.18 Following a report to Strategy Group held on 13<sup>th</sup> September 2007, DDC resolved to hold its land around the proposed PRT system depot in Daventry for use as a ‘transport technologies park’ associated with the PRT system. Following a subsequent report to Strategy Group, held on 14<sup>th</sup> February 2008, DDC resolved to authorise the procurement of a PRT system for Daventry, in parallel with seeking funding. This approach is necessary because of the long timescales involved in the necessary procurement processes, not least in complying with European Union directives and the general principles of European law on public procurement. A Prior Information Notice (PIN) was issued to the Official Journal of the European Union on 2<sup>nd</sup> September 2008.
- 3.19 At this time, despite the substantial progress PRT system providers have made (especially the creation of the Heathrow system) it is not appropriate to suggest that planning obligations bind developments to the use of PRT. No public authority is yet in a position to guarantee its availability in Daventry for this purpose. However, given the strong policy drivers towards a more sustainable (particularly in terms of carbon dioxide emissions) transport systems, and the other ways in which PRT in the developments would make the growth of Daventry more sustainable, the Council submits that:

3.19.1 The elements of any planning obligations which relate to transport should be worded so as to ensure that monies can be used to provide PRT instead (in whole or part) of bus measures and/or additional road capacity. Thus as PRT is proven in use the monies could be used in the most effective way.

3.19.2 Any development which is permitted should be required to accommodate PRT routing within it. Due to the small scale and physical flexibility of PRT systems this should not be an onerous requirement, but proper design at inception of development would result in more attractive and cost effective PRT networks.

### Sustainable Energy

3.20 There is a significant body of law and policy which requires that development be sustainable in terms of the energy it uses. This includes the Climate Change Act 2008, PPS1 Supplement on Climate Change (CD1.13), and RSS8 (CD1.1) policy 1(9). Specifically, RSS8 (CD1.1) Policy 40 (emerging RSS8 (CD1.4) Policy 39) calls for:

“the development of Combined Heat and Power (CHP) and district heating infrastructure necessary to achieve the regional target of 511 MWe by 2010 and 1120 MWe by 2020.”

and, albeit in the context of LDFs (but consideration is necessary here due to the prematurity of these applications):

“identify suitable sites for CHP plants well related to existing or proposed development and encourage their provision in large scale schemes...”

3.21 The Council has commissioned a study led by MWH into options for sustainable energy measures associated with the growth of Daventry.

This report is undergoing finalisation and should be available for consideration at the Inquiry if required.

3.22 At the present time the Council considers that planning obligations should be placed on developers of any developments which are permitted as follows:

3.22.1 To achieve operational carbon dioxide neutrality in the development (this is in line with Policy 3 in the original draft East Midlands Plan (CD1.2), the Inspector's Report on it (CD1.3) and the Council's response to the Secretary of State's Proposed Changes).

3.22.2 To co-operate with any other development which may be permitted, the Council, WNDC and other appropriate entities to secure the most appropriate, efficient and effective means of delivering this objective.

#### **4. *The Developers' Proposals***

4.1 The developers of the three sites have each suggested they are willing to create planning obligations by way of unilateral undertakings or enter into bilateral agreements, but do not wish to adopt a tariff type approach. Detail on their proposals is still emerging at the time of writing.

4.2 In as far as it can in the current state of knowledge, the Council has considered these suggestions on their merits and does not consider them appropriate or adequate to respond to the effects of the proposed developments (without prejudice to specific obligations which may be agreed in relation to any site prior to or during the Inquiry) because:

4.2.1 By seeking to use 'traditional' planning obligation structures, they make it impractical to manage the cumulative impacts of

development on the scale proposed for Daventry. These will be substantial as the Secretary of State's Proposed Changes to the RSS imply that in the order of 8,260 dwellings which do not currently have planning permission should be permitted in the period up to 2026. Circular 5/05 (CD1.31) states (paragraph B22) that earlier developers should not be credited with surplus capacity and accordingly the costs of infrastructure necessitated by the full 8,260 dwellings should therefore be equitably divided between all housing permitted. Examples of the problems resulting from the developers' approach include:

4.2.1.1 Provision for secondary education. Even if all three applications are approved, only one additional secondary school would be required. However, two of the three applications are proposing additional secondary schools (albeit in the Danetree case they appear to be offering to fund a little under a half a school whilst providing a site for a whole school; the stance of the developers of the other sites is not known). It would be inefficient and educationally undesirable to provide two "half" secondary schools on two different sites. Despite efforts to suggest mechanisms, traditional planning obligations make it extremely complex to arrange matters so that one developer provides the required land and the overall costs (including that of land) are fairly borne between all developers in the period to 2026; the tariff approach, on the other hand, makes this transparent and straightforward.

4.2.1.2 A similar issue arises in connection with transport, where for example the A45 southeast towards the M1 and Northampton is likely to become overloaded as a result of these developments, and logically (and in

accordance with Circular 5/05) all developers should contribute to the mitigation required. In this case there is additional complexity because (in accordance with PPG13 (CD1.22), the PPS1 Supplement on Climate Change (CD1.13), RSS8 (CD1.1) policy 42(6) and other policies) efforts should be made to use forms of mitigation which promote modal shift away from car use and reduce emissions of carbon dioxide. This in turn suggests whilst it may be necessary to plan for major road improvements as a “fall back” position, the flexibility should exist to use the monies to provide, for example, high quality public transport which ameliorates the need for these. Indeed, over the period in question the best form of mitigation might prove to be a non-transport measure such as greatly enhanced information and communication technology. All of this suggests that the best way of mitigating the impacts of the developments is via the tariff-type approach.

4.2.2 In terms of scope (leaving aside the question of the type of planning obligation), the obligations apparently suggested by the developers are inadequate in relation to the scale of change proposed in policy (and implied in the applications) for Daventry. These are matters for further information from the developers at the time of writing, and it is possible that matters may be resolved to the Council’s satisfaction prior to or during the Inquiry. However, at the present time the following general themes should be noted:

4.2.2.1 The developers all fail to respond to the need – in order for the developments which they are proposing to form part of a sustainable community – for profound changes to the town centre and other ‘central services’ for the enlarged community they will form part of. In particular,

planning obligations are needed to support the enhancement of the town centre to create a place of a scale suitable for a town which has approximately doubled in population, and which provides a correspondingly larger scope and scale of facilities. Such a town centre needs to be viable, for which reason (and because of its importance in building social cohesion) it needs to include public spaces which are attractive to be in, and which help generate civic pride and local identity. The Council's proposals to achieve this include the Daventry WaterSpace (canal arm) which will create a series of active water spaces in the town centre around which high quality development and public spaces would exist. Similarly, larger facilities for social interaction for the residents of the enlarged town as a whole would be needed. The Council's proposals to achieve this include the proposed Town Community Hall.

4.2.2.2 Similarly, the developers fail to respond to the need for profound change in transport use if their developments are not to perpetuate unsustainable patterns of behaviour. The Council's proposals to address this include extensive provision for walking and cycling, and for PRT (as described above).

4.2.3 Accordingly (without prejudice to any agreement which may be reached), the Council suggests that the applications should be refused on the grounds that the developers have failed to comply with saved policies from the Structure Plan (CD2.1) GS6 and Local Plan (CD3.1) GN3 and RC1, RSS8 (CD1.1) policies 1(8), 1(9), 27 and 42(6).

4.2.4 However, in the event that the Secretary of State is nonetheless minded to grant permission for one or more of the applications, and moreover is minded to do so without a tariff system as described in Section 2 being in place, the Council submits that planning obligations (or for certain elements potentially conditions) as outlined in the Annex would need to be in place.

## **5. Conclusion**

- 5.1 Considering the above, on the information currently available to the Council none of the proposals as they stand have offered planning obligations sufficient to address the Council's concerns, and accordingly the Council respectfully submits that the Appeals should be refused.
- 5.2 Should any of the Appellants agree to planning obligations which fully address the Council's concerns this reason for refusal would no longer apply (without prejudice to the Council's other reasons for refusal). The Council will continue to work with the Appellants to seek to secure such an outcome.

## ***Annex: Infrastructure Required in Consequence of the Proposed Developments***

General notes:

1. This Annex assumes that, contrary to the Council's submissions, planning permission is granted for one or more of the proposed developments subject to the Appeals, and moreover that it is granted without a tariff-based planning obligation system being put in place. In the event that a tariff-based approach is agreed the majority of the items below would be subsumed within it (these are marked †; in relation to open spaces, community centres and other facilities required to be located within the development sites the planning obligation will nonetheless need to require the transfer of the relevant land, but this would be valued against the developer's cash contribution – see WNDC's POS (CD4.3)).
2. The following table is based on the planning period to 2026 as per the emerging RSS8 (CD1.4). If the same proportion of dwellings are provided associated with the town (as opposed to elsewhere within the District) for the period 2021-2026 then 8,260 dwellings need to be allowed for (compared to 6,200 unallocated dwellings up to 2021). Strictly this is a matter for the LDS but an assumption needs to be made to accommodate the requirement in Circular 5/05 not to credit surplus capacity to earlier developments.
3. Requirements are generally sourced from the WNDC POS (CD4.3) with adjustments made for the specific situation in Daventry as appropriate, as set out in the 'Approach to Planning Obligations' Report (CD3.25).

<b>Obligation</b>	<b>Danetree</b>	<b>Church Fields</b>	<b>Monksmoor</b>
<p>Management Companies</p> <p>Management Companies to be established, initially funded and controlled by developers but ultimately controlled by residents and funded via rentcharge on all properties. To take on ownership, management and maintenance of local public open spaces and other neighbourhood amenities.</p>	<p>On-site – arrangements to be agreed but perhaps one company for each of the three ‘villages’</p>	<p>On-site – arrangements to be agreed but perhaps two companies, one each side of the green wedge linking Borough Hill and Daventry Country Park</p>	<p>On-site – arrangements to be agreed but presumably one company</p>
<p>Primary School (including Early Years)†</p> <p>- Flexibility to be maintained to allow either provision of site(s) and monies or by agreement provision of entire building(s) by Developer</p>	<p>On-site – 3 two-form entry schools (420 paces)</p>	<p>On-site – two-form entry 3 schools (420 paces)</p>	<p>On-site – 1 two-form entry school (420 paces)</p>

Obligation	Danetree	Church Fields	Monksmoor
<p>Secondary School†</p> <ul style="list-style-type: none"> <li>- Flexibility to be maintained as only one secondary school is required.</li> <li>- Not possible at this stage to determine which so both major sites must provide for either site and monies or by agreement provision of entire building by Developer</li> </ul>	<p>On-site – 1 school. Agreement to allow for contributions from other developers to be paid across.</p> <p>(Per dwelling £3,237 - this is based on 90.6% of POS figure to allow for existing vacant spaces)</p>	<p>On-site – 1 school. Agreement to allow for contributions from other developers to be paid across.</p> <p>(Per dwelling £3,237 - this is based on 90.6% of POS figure to allow for existing vacant spaces)</p>	<p>Off-site contribution.</p> <p>(£3,237 per dwelling – this is based on 90.6% of POS figure to allow for existing vacant spaces)</p>
<p>Community Centres†</p> <ul style="list-style-type: none"> <li>- On-site provision for all schemes</li> <li>- Facilities must be made available for hire for faith purposes on the same basis as other users</li> <li>- Facilities to be transferred to Management Company for long term maintenance</li> <li>- Scheme to be agreed providing triggers for construction, completion and transfer to Management Company</li> <li>- Commuted Sum to be agreed for exceptional cases were not transferred to Management Company</li> </ul>	<p>On-site</p>		

Obligation	Danetree	Church Fields	Monksmoor
Contribution to Town Community Hall† – central larger space to support cohesive overall community	£484 per dwelling		
Play Spaces/pitchest  - on-site provision - specifications to be agreed as per emerging PPG17 study - changing rooms to be provided where appropriate - long term maintenance to be via Management Company other than the Country Park Extensions at the Danetree, Church Fields and Monksmoor sites which will be ultimately transferred to DCC (for the avoidance of doubt, the land to be transferred to DDC to the east and north of the current Daventry Country park includes the route of the Daventry WaterSpace) - Scheme for laying out, inspection, maintenance and (in relation to sites not the responsibility of Management Companies) commuted sums to be agreed	On-site		
Fire Hydrants to be provided at all developments	On-site		

Obligation	Danetree	Church Fields	Monksmoor
<p>Transport (to include)†</p> <ul style="list-style-type: none"> <li>- Contribution to off-site requirements (including roads and on- and off-site public transport (which can be used for PRT or more traditional modes))</li> <li>- Green Travel Policies and Commitments/Modal Share targets (probably via condition)</li> <li>- Reservation of land for PRT routes and stops</li> </ul>	<p>£9,890 per dwelling</p> <p>On-site reservation of land for PRT as follows:</p> <ul style="list-style-type: none"> <li>• One-way sections 3.6m corridor at grade, in cutting or underpass. Reduces by 1.0m if alternative pedestrian exit facility available (e.g. adjacent footpath)</li> <li>• Two-ways sections 6.4m corridor at grade, in cutting or underpass. (Reduces by 1.0m for each PRT directions for which alternative pedestrian exit facility available (e.g. adjacent footpath).</li> <li>• Underpass minimum headroom sufficient for exiting passengers on foot but in any event at least 2.2m from nominal guideway surface level.</li> <li>• Maximum gradients 6.25% (1:16).</li> <li>• Stations to be agreed based on information in Beniam drawing 11824SK08 in the DPSS (CD3.26)</li> </ul> <p>(These minimum dimensions are too generous for some PRT systems but are needed at this point to ensure that there can be open competition for system provision. The pedestrian ‘exit routes’ shown in the DPSS may also not be needed.)</p>		
<p>Contribution towards provision of vocational training schemes linked to development works†</p>	<p>£97 per dwelling</p>		
<p>Contribution towards Library provision for Daventry†</p>	<p>£126 per dwelling</p>		

<b>Obligation</b>	<b>Danetree</b>	<b>Church Fields</b>	<b>Monksmoor</b>
Contribution towards support of public archive provision†	£43 per dwelling		
Contribution towards Green Infrastructure†  NB. RSS8 (CD1.1) Policy 28 sets a goal that development results in “no net loss of BAP [Biodiversity Action Plan] habitats and species and that net gain is achieved...”	£484 per dwelling		
Contribution towards improvements in Public Realm in the town centre, key routes and other places used by significant groups of people†*	£900 per dwelling		
Contribution to Cultural Investment initiatives†*  (*NB these contributions may in whole or part be combined in use to support the key cultural and public realm intervention which is the Daventry WaterSpace)	£360 per dwelling		
Contribution towards provision of Burial Grounds†	£210 per dwelling		

Obligation	Danetree	Church Fields	Monksmoor
Contribution to off-site sporting provision †	£517 per dwelling		
Contribution to policing † <ul style="list-style-type: none"> <li>• £77 towards equipping new police officers/staff</li> <li>• £363 towards provision of new police facilities</li> </ul>	£77 + £363 per dwelling		
Contribution towards provision of primary medical (general practitioner) services †	£841 per dwelling		
Contribution towards provision of dental services †	£267 per dwelling		
Contribution towards waste disposal facilities †	£409 per dwelling		
Contribution towards support of voluntary sector services †	£260 per dwelling		
Contribution towards the regeneration/redevelopment of the Marches to secure attractive connectivity (especially on foot and by cycle) to existing residential areas.	£13 million	Not applicable	

Obligation	Danetree	Church Fields	Monksmoor
Contribution to employment provision (only required if it has not been possible to secure arrangements for sufficient on-site employment provision in the early phases of development).	To be determined		
Scheme for sustainable energy measures to achieve operational neutrality in emissions of global warming gasses from buildings to be submitted and approved by LPA. Duty to co-operate with each other and public authorities (or companies owned by or operating under an agreement with public authorities) to secure most efficient and effective solutions.	On-site/collaboration		
<p>Affordable housing provision, fixed for each phase submitted for detailed approval as follows:</p> <ul style="list-style-type: none"> <li>• Initially 25% social rented and 10% intermediate.</li> <li>• If (and whenever) a Local Development Document specifies different requirements, these to apply instead.</li> </ul> <p>In exceptional cases off-site provision may be agreed by the LPA. This will require a contribution of the actual cost of making such provision (including land)</p>	On-site (contribution in exceptional cases)		