



Office of the  
Deputy Prime Minister  

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Creating sustainable communities

*Conferring Development  
Control Powers on the  
West Northamptonshire  
Development Corporation*

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*Final Regulatory Impact Assessment (RIA)*





Office of the  
Deputy Prime Minister  

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# Conferring Development Control Powers on the West Northamptonshire Development Corporation

## Final Regulatory Impact Assessment (RIA)

April 2006

Office of the Deputy Prime Minister: London

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# Purpose and Intended Effect of Measure

## Objective

The aim of the proposals is to support the growth potential of West Northamptonshire through regeneration and improvement of Northampton Town Centre, an area of strategic importance to the region.

## Background

As set out in the Sustainable Communities Plan (ODPM, February 2003 <http://www.odpm.gov.uk/index.asp?id=1139870>), Northampton and surrounding districts (Daventry and South Northamptonshire) are a key focus for accelerated growth, with significant scope for building on the area's economic success of recent decades. However, there are a number of challenges in unlocking the growth potential including:

- managing large-scale growth across administrative boundaries;
- creating a strategic focus of growth in and around Northampton, which links the regeneration of brownfield sites and the strategic development of some greenfield to create a more sustainable land use pattern;
- addressing land assembly and remediation issues and the provision of infrastructure to support development;
- attracting greater levels of private investment;
- raising skill and employment levels across the area; and
- addressing the pockets of deprivation in areas within Northampton.

Urban Development Corporations (UDCs) such as the WNDC are tasked with bringing land and buildings into effective use, encouraging the development of existing and new industry and commerce, creating an attractive environment and ensuring that housing and social facilities are available to encourage people to live and work in the area. For these purposes, a UDC may:

- acquire, hold, manage, reclaim and dispose of land and other property;
- carry out building and other operations;
- seek to ensure the provision of water, electricity, gas, sewerage and other services;

- carry on any business or undertaking for the purposes of regenerating its area; and
- generally do anything necessary or expedient for this purpose.

Government has established the WNDC following consultation with local partners to drive forward regeneration, improved infrastructure, investment and sustainable growth. As Government has indicated previously, development control powers for strategic sites and schemes will be an important element in the WNDC's drive to maximise public and private investment in infrastructure and accelerate the regeneration of brownfield and town centre sites.

The Local Government, Planning and Land Act 1980 enables the Secretary of State to provide for the UDC to be the local planning authority for the whole or any part of its area. The legislation also provides that the Secretary of State may confine the scope of the order to specified purposes of Part 3 of the Town and Country Planning Act (control over development), and to certain kinds and sizes of development. Once the Order is laid defining development thresholds above which applications will fall to the WNDC to determine, it can only be amended by a subsequent Order.

This Final Regulatory Impact Assessment accompanies the Order to confer development control powers on the West Northamptonshire Development Corporation (WNDC) in the development area, for the kinds of development set out in the Order.

## Rationale for Government intervention

The major objective for the WNDC is to maximise public and private investment and to ensure delivery of key projects in order to achieve its regeneration objectives and create more sustainable communities. Conferring development control powers will enable the Development Corporation to maximise the potential regeneration and allow a one-stop-shop approach for developers, so lessening commercial risk and delays in development and thus maximising developer contributions.

It will also ensure that the ambitious housing growth figures for the area (47,400 new homes before 2021) are delivered in a sustainable and contextually sensitive manner. Without development control powers the Development Corporation will not be able to regenerate the area and to deliver the step change in housing.

Without adequate development control powers the WNDC would be less effective and therefore the regeneration and growth potential in West Northamptonshire might not be realised and the opportunity to deliver extra housing and employment missed. This could happen through inaction, where limited development takes place, through development being taken forward in a way that fails to deliver balanced sustainable communities, or through the WNDC being unable to achieve its objectives.

The scale and intensity of the task of land assembly and site preparation in West Northamptonshire is significant and crosses administrative boundaries. If the delivery vehicle does not have the necessary planning powers or the ability to generate increased private investor confidence there is a risk that the growth potential of the area would not be achieved.

# Consultation

## Within Government

Countryside Agency  
Daventry & South Northants Primary Care Trust  
East Midlands Development Agency  
English Heritage  
English Nature  
English Partnerships  
Environment Agency  
Northants Learning and Skills Council  
Northampton Primary Care Trust  
Strategic Rail Authority

## Public consultation

The Government held consultation on proposals to bring forwards a UDC for West Northamptonshire. Part of this consultation proposed conferring development control powers to the WNDC. This proposal was broadly welcomed by the private sector, Government agencies and a number of local representatives. Other respondents were of the view that planning powers were unnecessary or undesirable.

Following establishment of the Development Corporation, the Government held a further consultation specifically on the conferring of development control powers for significant and strategic sites to the WNDC. This invited responses on the general principle of conferring powers onto the WNDC and proposed different methods by which the WNDC's powers could be limited so as to give the WNDC power to operate strategically.

Over 50 responses were received from a wide range of stakeholders. These included the local authorities and the WNDC, relevant government agencies, Parish Councils, voluntary and community groups as well as individuals. The responses broadly endorsed a threshold approach to conferring powers on the WNDC, with the most support for a medium threshold of 50 dwellings or 2500m<sup>2</sup> of floorspace. For the central area of Northampton, an alternative proposal emerged from the consultation, with the support of both the WNDC and Northampton Borough Council, for the WNDC to be conferred powers to determine development applications of much smaller scale, outside of the scope discussed in the previous consultation. A further consultation on this proposal has endorsed this approach.

# Options

The options for conferring development control powers onto the WNDC that were considered were:

## **A Do nothing**

This is the base case scenario where no changes are made to the existing development control arrangements. The WNDC would be entirely dependent on the Local Authorities to unlock the growth potential of West Northamptonshire, which would risk delays in the delivery of, and lost opportunities for, regeneration and growth in West Northamptonshire.

## **B Confer limited development control powers to the WNDC. These powers would be limited to a number of specific sites within the Urban Development Area (site-specific powers)**

This option would make the WNDC the Planning Authority for a selection of sites where there appears to be a strong good potential for growth. This would require those sites where the WNDC would take control to be identified in the Order. If, in the future, additional sites are identified to be of strategic interest a subsequent order would be required to allow the WNDC to intervene in those sites.

**Risks** – It would be very difficult to specify in the Order those sites which will become available for development over the 10 year life of the WNDC. Therefore, it is likely that limiting development control powers to specified sites will exclude the WNDC from making full use of future regeneration and growth opportunities.

## **C Confer limited development control powers to WNDC. These powers would be limited by establishing a series of development size thresholds, above which applications would be determined by the WNDC**

This option would make the WNDC the planning authority for any developments of sufficient scale to breach one of the specified thresholds. Three alternative sets of thresholds were proposed. These were:

- (i) **Threshold Option 1** A low threshold (10 homes, 1000m<sup>2</sup> business space) which would give the WNDC responsibility for all major applications, as currently defined;
- (ii) **Threshold Option 2** A medium threshold (more than 50 homes or 2,500m<sup>2</sup> business space) which would give the WNDC responsibility for the majority of strategic schemes with which it is likely to be concerned as part of its regeneration objectives;
- (iii) **Threshold Option 3** A high threshold (more than 150 homes or 7,500m<sup>2</sup> business space) which would give the WNDC responsibility only for the largest strategic schemes.

**Threshold by location approach** – A variation on the threshold approach would involve having differing thresholds in different parts of the Urban Development Area. For example a lower threshold in Northampton, where developments would often be strategically important due to their location rather than their size.

**Risks** – The major risk is that, while development control powers for only larger schemes might be appropriate throughout most of the development area, where most of the housing growth and regeneration will be achieved through the redevelopment of large brownfield and other sites, there are very few opportunities for developments larger than the Option 1 thresholds in the central area of Northampton. This would make it more difficult for the WNDC to influence the future development and regeneration of Northampton town centre, which is likely to come about mainly through the cumulative effect of small scale developments and changes. The regeneration of the town centre might not therefore be realised, with adverse effects on growth potential throughout West Northamptonshire. This could happen through inaction, where limited development takes place, or through development being taken forward in a way that fails to deliver balanced sustainable communities.

**D Northampton Central Area Proposal – Limit the WNDC development control powers by one of the above thresholds throughout most of the development area, with powers to determine most applications Northampton Town Centre.**

This option would give the WNDC the power to determine, for the Central Area of Northampton, all applications for development under Part 3 of the Town and Country Planning Act 1990, including changes of use. This would enable the WNDC to determine approximately half of the planning applications submitted for the central area (of which there are about 100 each year). They would still not determine applications for listed buildings, conservation areas, advertisements or alterations to existing dwellings. This will give them more opportunities to influence the small-scale decisions which affect the character and popularity of the town centre.

**Risks** – There is a risk that, by having lower threshold powers, the WNDC will be overwhelmed by applications for development not relevant to their strategic objectives. By limiting these powers to a small area, and by developing a protocol with Northampton Borough Council for the extensive use of their existing planning staff to process applications and make recommendations, this risk should be minimised. There is a further risk that applications will come in requiring determinations from both bodies (such as change of use of and alterations to a listed building). This could be a concern to applicants or result in incompatible determinations. The two bodies are working together on a unified protocol for dealing with listed buildings to ensure that this does not occur.

# Alternative Options Considered

## **Confer development control powers for all sizes of developments in all areas.**

This was the method used by the previous generation of UDCs and gives the WNDC extremely wide scope for intervention. However, conferring development control powers for all applications onto the WNDC has little additional value and would greatly weaken the strategic focus of the WNDC. The valuable experience of the Local Authority planning departments would be under-utilised, whilst the WNDC would be forced to consider a considerable number of non-strategic applications. Furthermore, the new generation of Urban Development Corporations are intended to work in close partnership with the Local Authorities and conferring development control powers for all applications could seriously weaken this partnership.

# Costs and Benefits

## Sectors and groups affected

The main groups directly affected by this proposal would be property developers; owners of commercial premises in Northampton town centre who are seeking to alter existing premises or build new ones; the local authorities whose planning powers would be affected; and the local community.

Local Authorities would no longer be the Planning Authority for developments that fall above the chosen thresholds. Some respondents to the consultation were concerned by the democratic deficit introduced by removing these powers from the local authorities. However, all four local authorities affected are represented on the WNDC Board.

Those submitting applications to the WNDC would have their applications processed by the same administrative staff in the same way (through a protocol agreed with the local authorities). Developers submitting applications to the WNDC would benefit from a one-stop-shop approach to planning.

Local communities would not be significantly affected by conferring development control powers onto the WNDC. Plan-making powers, which set out the location, type and scale of development, will be retained by the local authorities; whereas the volume of housing growth is established by a separate statutory process at regional level.

Local communities would not suffer the loss of any opportunities to engage with the planning system. The WNDC would have to abide by exactly the same rules on public consultation that apply to local authorities. It would need to publish its approach and procedures for consulting the community. It would need to advertise applications and it would hold its meetings in public. Applications made to the WNDC would carry the same rights of appeal and may be subject to Secretary of State Appeal and call in the same way as any other developments.

## Race equality assessment

We do not envisage any race equality impacts.

## Health impact assessment

We do not envisage any impacts on health.

## Rural considerations

There would be no direct impact on rural areas from this proposal. This proposal would help the area achieve the growth laid out in the MKSM Sub Regional Strategy (MKSM-SRS) as part of the Sustainable Communities Plan. Growth in West Northamptonshire would be focused on the urban areas of Northampton, Daventry and Towcester. Part of this growth would be accommodated through sustainable urban extensions on what is currently greenfield land.

The indirect effects of this proposal to confer development control powers onto the WNDC would be to have a positive effect on the rural area, maximising the potential of Northampton's brownfield land and so minimising the need for greenfield developments. Where greenfield development is required, the development control powers of the WNDC would ensure that those urban extensions are sustainable.

## Breakdown of costs

**For all scenarios apart from 'Do Nothing'** - There are no additional costs to business, but there could be some transitional and organisational costs for the four Local Authorities in adapting the operation of their development control procedures and handling to allow for a split of responsibilities with the WNDC. However, these costs are not expected to be significant and the issue was not raised by any of the relevant Local Authorities in their responses to the consultation. There would be only marginal differences in these costs between the different options since the Local Authority would continue to do much of the process work under the protocol they have agreed with the WNDC.

### A Do Nothing Scenario

Economic costs:

- Loss of potential developer contributions to enable the WNDC to deliver sustainable cross boundary infrastructure - Greatest cost under this scenario.
- Potential local authority reorganisation and restructuring - costs are least under this scenario.
- Opportunity cost of WNDC being significantly less effective as the lead agency of regeneration in the area - Greatest under this scenario.

Environmental costs:

- Increased likelihood of Greenfield development through under-utilisation of Brownfield land - costs are greatest under this scenario.

Social costs:

- Potential for 'democratic deficit' (resulting from conferring powers onto the WNDC): no costs under this proposal.

## **B Powers Limited to Specific Sites**

Economic costs:

- Loss of potential developer contributions to enable the WNDC to deliver sustainable cross boundary infrastructure - The costs under this scenario is less than for the 'do nothing' option, but greater than those below.
- Potential local authority reorganisation and restructuring - costs are marginally more than the do nothing scenario, but marginally less than those below.
- Opportunity cost of WNDC being significantly less effective as the lead agency of regeneration in the area - less under this scenario than the do nothing option, but more than those below.

Environmental costs:

- Increased likelihood of Greenfield development through under-utilisation of Brownfield land - costs are less that under the above scenario but greater than under those below.

Social costs:

- Democratic deficit (resulting from conferring powers onto the WNDC): potential costs are limited under this proposal as most areas will remain unaffected.

## **C (i) Powers Limited by Threshold Option 1**

Economic costs:

- Loss of potential developer contributions to enable the WNDC to deliver sustainable cross boundary infrastructure – the costs under this scenario is less than for all other scenarios, with the possible exception of the Central Area Proposal.
- Potential local authority reorganisation and restructuring – costs may be marginally more than the other scenarios with the exception of the Central Area Proposal.
- Opportunity cost of WNDC being significantly less effective as the lead agency of regeneration in the area – least under this scenario, except for in Northampton Town Centre under the Central Area Proposal.
- Opportunity cost of WNDC one-stop-shop being less efficient due to over-burdening of planning capacity – greatest under this scenario, with the possible exception of the Central Area Proposal.

Environmental costs:

- Increased likelihood of Greenfield development through under-utilisation of Brownfield land. Costs are least under this option.

Social costs:

- Democratic deficit (resulting from conferring powers onto the WNDC): Potential costs are greatest under this proposal, except for in Northampton Town Centre for the Central Area proposal.

### **C (ii) Powers Limited by Threshold Option 2**

Economic costs:

- Loss of potential developer contributions to enable the WNDC to deliver sustainable cross boundary infrastructure - the costs under this scenario are less than under all scenarios except Threshold Option 1 and the Central Area Proposal.
- Potential local authority reorganisation and restructuring - the costs under this scenario are marginally greater than under all other proposals apart from Threshold Option 1 and the Central Area Proposal.
- Opportunity cost of WNDC being less effective as the lead agency of regeneration in the area - cost is higher under this proposal than under Threshold Option 1 and the Central Area Proposal, but lower than under all other scenarios.
- Opportunity cost of WNDC one-stop-shop being less efficient due to over-burdening of planning capacity - costs are less under this scenario than under Threshold Option 1 and under the Central Area Proposal, but likely to be higher than under all other scenarios.

Environmental costs:

- Increased likelihood of Greenfield development through under-utilisation of Brownfield land - cost is higher under this proposal than under Threshold Option 1 and the Central Area Proposal, but lower than under all other scenarios.

Social costs:

- Democratic deficit (resulting from conferring powers onto the WNDC) - costs are less under this scenario than under Threshold Option 1 and the Central Area Proposal, but higher than under all other scenarios.

### **C (iii) Powers Limited by Threshold Option 3**

Economic costs:

- Loss of potential developer contributions to enable the WNDC to deliver sustainable cross boundary infrastructure - the costs under this scenario are greater than under all other scenarios apart from the 'do nothing' and 'specific sites' options.

- Potential local authority reorganisation and restructuring - the costs under this scenario may be marginally less than under all other proposals apart from the do nothing option.
- Opportunity cost of WNDC being less effective as the lead agency of regeneration in the area – likely to be higher under this proposal than under all other scenarios apart from the do nothing scenario.
- Opportunity cost of WNDC one-stop-shop being less efficient due to over-burdening of planning capacity - costs will be greater under this scenario than under the ‘do nothing’ and ‘specific sites’ options, but less than under all other scenarios.

Environmental costs:

- Increased likelihood of Greenfield development through under-utilisation of Brownfield land - cost is higher under this proposal than under all other scenarios except the Do Nothing Scenario.

Social costs:

- Democratic deficit (resulting from conferring powers onto the WNDC) - the costs under this scenario are less than under all other scenarios apart from the ‘do nothing’ and ‘specific sites’ options.

## **D Central Area Proposal – lower thresholds for Northampton Town Centre.**

Economic costs:

- Loss of potential developer contributions to enable the WNDC to deliver sustainable cross boundary infrastructure - the costs under this scenario are likely to be less than under all other options for Northampton Town Centre.
- Potential local authority reorganisation and restructuring - costs are marginally higher than all other scenarios, due to having two threshold levels in Northampton Borough.
- Opportunity cost of WNDC being significantly less effective as the lead agency of regeneration in the Central Area - less than under all other scenarios.
- Opportunity cost of WNDC one-stop-shop being less efficient due to over-burdening of planning capacity - greater under this scenario for the central area. However, small size of area means that actual number of applications will be small.

Environmental costs:

- Increased likelihood of Greenfield development through under-utilisation of Brownfield land. Costs are least under this option, as this is most likely to ensure efficient use of town centre land.

Social costs:

- Democratic deficit (resulting from conferring powers onto the WNDC) – this option has the highest cost for the central area.

## Breakdown of Benefits

### **A The Do Nothing scenario**

Economic benefits:

- WNDC: would not have to consider planning applications. However, this is likely to be financially neutral, as the WNDC would have engaged the local authority planning departments' existing staff to administer applications.
- Potential local authority reorganisation and restructuring - No requirement for the minor re-structuring of planning departments.
- Business users - no additional benefits.

Environmental benefits:

- No benefits of this scenario

Social benefits:

- No democratic deficit resulting from conferring powers onto the WNDC.

### **B Powers Limited to Specific Sites**

Economic benefits:

- Low level of access to developer contributions by WNDC - benefit is less under this scenario than all others apart from the Do Nothing and Threshold Option 3 proposals.
- Design Quality: as direct participant to planning applications, the WNDC would be able to positively influence the general quality of design. Benefit is lowest under this scenario than all others apart from the Do Nothing and Threshold Option 3 proposals.
- Business users (developers) - Benefits of the one-stop-shop approach is lowest under this scenario than all others apart from the Do Nothing and Threshold Option 3 proposals..

Environmental benefits:

- Would facilitate more brownfield development than the Do Nothing scenario

Social benefits:

- There would be no direct social benefits from this proposal.

### **C (i) Powers Limited by Threshold Option 1**

Economic benefits:

- Developer contributions: Maximum direct access for WNDC to developer contributions.
- Design Quality: as direct participant to planning applications, the WNDC would be able to positively influence the general quality of design. Benefit is highest under this scenario except for in Northampton Town Centre under the Central Area Proposal.
- Effectiveness of WNDC as planning body: fewer benefits for this scenario than for Options 2 and 3 - burden of considering a large volume of non strategic applications would negate the advantages of the one-stop-shop approach.

Environmental benefits:

- Maximum capacity for the WNDC to facilitate the sustainable development of brownfield land in West Northamptonshire - should keep greenfield development to a minimum.

Social benefits:

- There would be no direct social benefits from this proposal.

### **C (ii) Powers Limited by Threshold Option 2**

Economic benefits:

- Reasonable access to developer contributions by WNDC.
- Design Quality: as direct participant to planning applications, the WNDC would be able to positively influence the general quality of design. Benefit is highest under this scenario than all others apart from Threshold Option 1 and the Central Area Proposal.
- Business users (developers) - significant benefit to developers. Greatest advantage of the one-stop-shop approach without overburdening the WNDC with planning applications.

Environmental benefits:

- Would facilitate more Brownfield development than Threshold Option 3 and the Do Nothing scenario and in the long term, than site specific powers.

Social benefits:

- There would be no direct social benefits from this proposal.

### **C (iii) Powers Limited by Threshold Option 3**

Economic benefits:

- Low level of access to developer contributions by WNDC - benefit is less under this scenario than all others apart from the Do Nothing Option.
- Design Quality: as direct participant to planning applications, the WNDC would be able to positively influence the general quality of design. Benefit is lowest under this scenario than all others apart from the Do Nothing scenario.
- Business users (developers) - Benefit of the one-stop-shop approach is lowest under this scenario than all others apart from the Do Nothing scenario.

Environmental benefits:

- Would facilitate more Brownfield development than the Do Nothing scenario

Social benefits:

- There would be no direct social benefits from this proposal.

### **D Central Area Proposal**

Economic benefits:

- High level of access to developer contributions by WNDC - higher than all others for central area.
- Design Quality: as direct participant to planning applications, the WNDC would be able to positively influence the general quality of design. Benefit is greatest in Northampton town centre than for any other proposal.
- Business users (developers) - benefit is greatest under this scenario for Northampton Town Centre.

Environmental benefits:

- Would facilitate more Brownfield development than other scenarios in Northampton Town Centre.

Social benefits:

- There would be no direct social benefits from this proposal. However, this proposal will help to boost the regeneration and renewal of Northampton Town Centre, with consequent improvements to the quality of life of residents of West Northamptonshire.

# Small Firms' Impact Test (SFIT)

There are no perceived negative impacts on the small business community resulting from this proposal. There are no additional powers of intervention proposed; merely change of ownership of some of those already held by the Local Authorities. We have discussed this with the Small Business Service, and they concur with this position. In the Northamptonshire Chamber's submission, made on behalf of some 13,000 companies across the county, the Chamber welcomed the proposed conferring of development control powers onto the WNDC.

With development control powers, the WNDC would be able to secure much greater investment and confidence from the private sector. A key objective of the WNDC is raising employment and skills, promoting the attractiveness of the area and securing higher quality jobs and business growth. This would shape the way in which the WNDC uses its development control powers.

# Competition Assessment

It is not considered that conferring development control powers onto the WNDC would have any negative impact on competition. The reduced risk and uncertainty to applicants is likely to stimulate competition in some markets.

# Enforcement, Sanctions and Monitoring

## Enforcement

This is not relevant to this proposal.

## Sanctions

This is not relevant to this proposal.

## Monitoring and review

The WNDC has a comprehensive review after five years. This will be conducted by ODPM in consultation with the WNDC and other relevant parties to establish if the WNDC should continue its role for a further five years. The success of the development control system will be an important part of that review.

# Implementation and Delivery Plan

This is not relevant to this proposal. Upon commencement of their powers, the WNDG will take on their full responsibilities for the determination of applications for development, in accordance with the service level agreements they have negotiated with the relevant local authorities.

# Summary and Recommendation

Initially, the government was inclined towards conferring threshold option two across the entire urban development area. After consultation, the strategic importance of Northampton Town Centre to the WNDC's objectives is considered to be great enough to warrant a lower threshold in this area. The regeneration of this area is critical not only to Northampton, but to the success of the Growth agenda in the whole of the county. A mixed option gives the WNDC the best combination of powers through which it can achieve its objectives of regeneration and housing delivery. It should not over-burden the WNDC with non-strategic applications, but should allow the WNDC to intervene in Northampton Town Centre, maximise development on Brownfield land and minimise required Greenfield developments. Although there is the risk of confusion for applicants, this should be easily and effectively mitigated through clear publicity and a constructive partnership between the WNDC and the Local Authorities. A Service Level Agreement has been negotiated and aims to provide transparent thresholds, whereby design quality and other key measures of sustainability are evident either side of the threshold.

After careful consideration of the consultation responses, particularly those of the four Local Authorities and the WNDC, the Government recommends that the WNDC be given powers to determine applications above the Option 2 thresholds (in summary, 50 dwellings or 2500m<sup>2</sup> business floorspace) throughout most of the development area, with lower thresholds, encompassing all applications for development except alterations to existing dwellings, in Northampton Town Centre.

# Declaration and Publication

**I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs.**

*Signed* Kay Andrews

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**Date** 3rd March 2006

Kay Andrews, Parliamentary Under Secretary of State, ODPM

**Minister's name, title, department**

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