

Weedon Bec Parish Council

**Weedon Bec
Neighbourhood Plan
2015 - 2029**

Independent Examiner's Report

By Ann Skippers BSc (Hons) Dip Mgmt (Open) PGC(TLHE)(Open) MRTPI FRSA AoU

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Summary

I have been appointed as the independent examiner of the Weedon Bec Neighbourhood Development Plan. The examination was carried out by written representations and I visited the Plan area on 19 October 2016.

From my examination of the Weedon Bec Neighbourhood Development Plan and its supporting documents and the representations made, it is with great regret that I have concluded that in several respects the making of this Plan would not meet the basic conditions. A neighbourhood plan meets the basic conditions if:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.

In particular the making of this Plan would not have regard to national policy and guidance, I am not satisfied that it would contribute to the achievement of sustainable development, there are elements of the Plan which are not in general conformity with the strategic policies of the development plan for the area and there is significant doubt that the Plan is compatible with EU obligations.

In several instances, clarity or credible evidence were not to be found that might have allowed me to make what often would have been very significant deletions and modifications to ensure the Plan met the basic conditions. Coupled with this, the characteristics of the Plan area and in particular its heritage assets, meant the Plan could not be supported.

I have also concluded that the Plan has been prepared and submitted by a qualifying body for an area which has been properly designated and does not cover more than one area. It specifies the time period to which it has effect. Its policies relate to the development and use of land and do not relate to any excluded development.

I recommend to Daventry District Council that the Weedon Bec Neighbourhood Development Plan should not proceed to a referendum.

Ann Skippers
Ann Skippers Planning
21 February 2017



1.0 Introduction

This is the report of the independent examiner into the Weedon Bec Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Daventry District Council (DDC) with the agreement of Weedon Bec Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The examiner is required to check¹ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

¹ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

The basic conditions² are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- The making of the neighbourhood plan is not likely to have a significant effect on a European site³ or a European offshore marine site⁴ either alone or in combination with other plans or projects.⁵

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁶

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Daventry District Council. The plan would then become part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the Plan area.

² Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

³ As defined in the Conservation of Habitats and Species Regulations 2012

⁴ As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁵ As set out in Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

⁶ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

3.0 Compliance with matters other than the basic conditions

I now check the various other matters set out in section 2.0 of this report.

Qualifying body

Weedon Bec Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is met.

Plan area

The Plan area is coterminous with the Parish administrative boundary. Daventry District Council approved the designation of the area on 5 December 2013. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on Map 1 on page 3 of the Plan.

Plan period

The Plan covers the period from 2015 – 2029. This is clearly shown on the cover of the Plan.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. Had I considered a policy or proposal to fall within this category, I would have recommended it be moved to a clearly differentiated and separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.⁷

⁷ PPG para 004 ref id 41-004-20140306

4.0 Consultation on the Neighbourhood Plan

Two separate Consultation Statements (CS) Part I and Part II have been submitted.

Part I explains that work on the Plan began in January 2014 with the establishment of a Steering Group. A website was also set up to keep the community informed of progress. A questionnaire was distributed to all households in the Summer of 2014 and contact made with local businesses and community groups. The questionnaire attracted a 25% response rate. The results and emerging themes are outlined in Part I.

This was followed by a community consultation event in September 2014. This was based around a family day with activities and attractions for children including 'build a new Weedon Bec' in giant Lego. The result was a very well attended event attracting over 250 people of all ages. A 'wishing tree' also made an appearance enabling people to make a wish for Weedon's future. Another survey was also carried out on the day with the people attending based on interactive display boards to gauge a response on policy initiatives.

A 'call for sites' was issued in November 2014. This resulted in 12 sites coming forward.

A specific consultation was undertaken in relation to venues for community use.

A photography competition was held. Young people were also asked to text three things they would like to see in Weedon with the incentive of a £20 voucher. Both attracted limited responses, but it is clear efforts have been made to engage with the community in a number of different ways.

Annual Parish meetings in April 2014 and 2015 provided further opportunities to update the community about progress of the Plan.

Pre-submission (Regulation 14) consultation took place between 8 April – 3 June 2015. The draft Plan was available from various websites and in hard copy form from various locations around the village and in Daventry library and at DDC offices. An open day event was held and opportunities to see the Plan at various club and group events. Consultation bodies and local groups and organisations were contacted by letter or email. This stage attracted some 150 responses. These responses are very generally summarised in the CS Part I. Reference is also made to Tables 1 and 2 which accompany the CS and which are presented separately. These tables give more detail on the responses to this consultation.

A second Regulation 14 consultation took place between 21 October – 2 December 2015. Again the Plan was available online, but from only two locations in the Parish. Again consultation bodies and local groups were contacted by letter or email. This attracted around 50 responses; these are detailed in Table 1 in the CS Part II. It

would seem that the second round of consultation was initiated after substantial changes to the Plan and the production of a Strategic Environmental Assessment in the intervening period.

Submission (Regulation 16) consultation was carried out between 5 February – 31 March 2016. This attracted responses from 16 separate people or organisations.

An Errata to the Strategic Environmental Assessment Environmental Report was prepared after the Regulation 16 period ended. A further six week period of consultation was carried out between 8 July – 22 August 2016. This attracted a further three responses.

I have taken account of all the representations submitted during the Regulation 16 period and the Errata consultation period.

5.0 Compliance with the basic conditions – the Plan as a whole

In this section, I discuss the Plan as a whole and the cumulative effect of its policies and proposals in relation to all the basic conditions. However, I start by outlining the context and characteristics of the Plan area.

About the Neighbourhood Plan Area

Weedon Bec lies some eight miles west of Northampton and about five miles south east of Daventry and is one of the largest villages in the south of Daventry District. The village consists of three communities of Upper and Lower Weedon and Road Weedon and the Parish extends to some 816 hectares.

Weedon Bec has an unusual history. An ordnance depot at Weedon Bec was authorised by an Act of Parliament in 1803. It provided a secure store for gunpowder, firearms and other military stores which could be transported by the nearby Grand Union Canal which runs through the village on a raised aqueduct section.

Weedon Depot originally included eight storehouses, four magazines, two lodges, accommodation for the Board of Ordnance's officials and a canal basin. Four storehouses were converted to a barracks and two into a military prison. The First World War saw several new storehouses and workshops added to the depot and the prison was closed. The Depot closed in 1965.⁸

The Depot site lies on the north-western edge of the village and extends to approximately 7.4 hectares. The West Northamptonshire Joint Core Strategy indicates the site contains a number of buildings with a potential floor space of some 18, 000 square metres. The site has significant heritage value of both local and national importance as a unique example of a planned military industrial complex. Many of the buildings are Grade II* listed and six are on Historic England's Heritage at Risk Register.

Altogether, the Parish has fifty listed buildings including a range of Grade II* listed buildings at the Weedon Depot and the Church of St. Peter and St. Paul. The Parish has a small section of the Grand Union Canal Conservation Area in it.

There are a number of community facilities and services in the village including a medical and dentist's surgeries, a nursery and a primary school, pubs, a hotel and some shops and other services. There are frequent buses to Daventry and Northampton.

The Nene Valley Way long distance footpath runs through the village and there is a network of footpaths. There are several areas of open space. The Parish has a

⁸ Information from Historic England's website

number of local wildlife sites and is located within the Upper Nene Catchment and Watford Gap Character Area.

The setting of Weedon Depot is also important in the wider landscape. As the representation from DDC explains, the site is at the top of an area of agricultural land that rises south to north from the Nene Valley. The distinctive linear form of the group of buildings spreads out along the valley. The openness of the land behind the Blast Houses forms an important backdrop to Weedon Depot.

There is a history of flooding in the area and parts of the Parish are in Flood Zones 2 and 3.

Overview of the Neighbourhood Plan

The Plan contains a vision for Weedon Bec which is underpinned by a series of objectives which all relate to the development and use of land in some way. The Plan contains 20 policies covering a wide range of issues from landscape character and views to crime, from community facilities to design and allocates seven sites for residential or mixed use development.

A neighbourhood plan must meet the basic conditions if it is to be made and these are discussed in more detail below.

Regard to national policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.⁹

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹⁰

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at planningguidance.communities.gov.uk. The planning guidance contains a wealth of information relating to neighbourhood planning.

⁹ NPPF paras 14, 16

¹⁰ *Ibid* para 184

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹¹

PPG indicates that a policy should be clear and unambiguous¹² to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.¹³

Where neighbourhood plans contain policies relevant to housing supply these policies should take account of the latest and up-to-date evidence of housing need.¹⁴

In allocating sites for development, an appraisal of options and an assessment of individual sites against clearly identified criteria should be carried out.¹⁵

National policy and guidance is therefore clear that there has to be evidence to support a particular policy notwithstanding that it may represent a well-intentioned aspiration of the local community.

PPG states that whilst there are prescribed documents that must be submitted with a neighbourhood plan, there is no 'tick box' list of evidence required. However, it continues that proportionate, robust evidence should support the choices made and the approach taken.¹⁶ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁷

The Plan as a whole does not provide a practical framework for decision-making. Many of the policies and proposals are not clear and unambiguous. Many are not concise or precise or supported by appropriate evidence.

Critically for this Plan area, bearing in mind its context and the characteristics of the Plan area, and in particular the heritage assets it contains, the Plan is not supported by appropriate evidence nor does it reflect and respond to its context and characteristics. I cannot be sure that the Plan as whole would conserve and enhance the historic environment.¹⁸

Individual policies and the cumulative effect of the policies and the issues raised by them mean that the Plan as a whole does not match the expectation in the NPPF that "neighbourhoods should...plan positively to support local development, shaping

¹¹ NPPF para 17

¹² PPG para 041 ref id 41-041-20140306

¹³ *Ibid*

¹⁴ *Ibid* para 040 ref id 41-040-20160211

¹⁵ *Ibid* para 042 ref id 41-042-20140306

¹⁶ *Ibid* para 040 ref id 41-040-20160211

¹⁷ *Ibid*

¹⁸ NPPF Section 12

and directing development that is outside the strategic elements of the Local Plan...”¹⁹

The site allocations subject of Policies WB11, WB11/1 – WB11/7 do not sufficiently take account of national policy and guidance as their selection is not underpinned by any discussion or use of the latest evidence of housing need or any persuasive justification or any proportionate or robust evidence. Whilst the sites have been appraised, there is a lack of apparent transparency in the selection of sites.

This particular concern about the site allocations is compounded by the situation with the submitted Environment Report (ER) and its Errata discussed below.

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG indicates that it is the responsibility of local planning authorities to ensure that the Plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive) when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.²⁰

Strategic Environmental Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

An Environmental Report (ER) dated February 2016 has been submitted as an earlier screening opinion of 23 June 2015 by DDC concluded that a SEA would be required.

In terms of a ‘timeline’ for SEA, I am informed that a scoping report was prepared and the statutory consultees were consulted on that between 27 July – 31 August 2015. An ER was then produced for the ‘second’ Regulation 14 stage and consultation took place between 21 October – 2 December 2015. The ER was then updated and issued to DDC on 16 February after the start of the Regulation 16 period. The Regulation 16 period was then extended from 18 – 31 March 2016 to

¹⁹ NPPF para 16

²⁰ PPG para 031 ref id 11-031-20150209

allow consultation on this for the necessary six weeks. An Errata dated July 2016 was then published and, as mentioned earlier, a further consultation on this carried out between 8 July – 22 August 2016.

A number of issues are raised with the SEA. First of all, as some representations point out, the SEA was carried out after a 'first' Regulation 14 stage. Nevertheless a 'second' Regulation 14 stage has been carried out and it is clear from the various SEA documents that it has been an iterative process even if it started somewhat late in the day.

Concern has been expressed about the SEA by a number of parties and in particular by a statutory consultee, Historic England (HE). HE is concerned about the proposed methodology for the site assessments and some of the site allocations.

Having reviewed all the correspondence from HE, it is apparent that their concern has been expressed consistently and persistently since the scoping report stage. It is the view of HE that the ER does not meet the requirements of the SEA Directive in respect of cultural heritage.²¹

The Errata was produced to seek to address the continuing concerns of HE and their response²² at Regulation 16 stage that the ER did not meet the requirements of the SEA Directive in respect of cultural heritage.

Further consultation on the Errata reveals that HE whilst recognising some changes have been made which address some of the points they raise, concerns remain in relation to the site allocations and the SEA site appraisal assessments.²³ Their response to the Errata maintains their earlier position that the ER does not meet the requirements of the SEA Directive in respect of cultural heritage. Whilst this was a late response, it does not substantively alter their earlier position and I consider it important HE responded in view of their concerns.

The hub of the outstanding concern from the statutory consultee lies in the site allocations and the site appraisal methodology. Considerable doubt has been raised over the adequacy of the SEA from HE and I share their concern.

PPG²⁴ is clear that the SEA must consider reasonable alternatives which are different but realistic options considered whilst developing the policies in the Plan. There is a lack of apparent transparency about the site options considered by the Steering Group outside the SEA process and this is reflected in the ER. The two alternatives selected are limited and relate to the same site. The reasons for selecting the preferred approach in the light of these alternatives are not clear to me. HE consider the methodology does not meet the required standard and I share their concerns.

²¹ Letter from Historic England of 20 August 2015

²² Representation from Historic England of 22 February 2016

²³ Representation from Historic England of 30 August 2016

²⁴ PPG para 038 ref id 11-038-20150209

The combination of this concern and the lack of clarity I have identified mean that there is considerable doubt about the adequacy of the SEA. I therefore do not have the certainty I need to be able to confirm that the SEA is compatible with, and does not breach, EU obligations. Whilst I can see attempts have been made to address HE's concerns, it would have been preferable in my view, to have fully responded to them to ensure that the SEA process was robust and could meet EU obligations.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole²⁵ constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.²⁶

The Plan taken as a whole will not contribute to the achievement of sustainable development. In my view, some of its policies and proposals, all be it inadvertently I feel sure, have the potential to not only not contribute to the achievement of sustainable development, but actively prevent it from occurring.

General conformity with the strategic policies in the development plan

The development plan for the area includes the West Northamptonshire Joint Core Strategy (JCS) adopted in December 2014 and the saved policies of the Daventry District Local Plan adopted in June 1997 (LP).

There is also an emerging Local Plan context; DDC consulted on the Issues and Options from 29 January – 11 March 2016 and undertook a separate consultation on the settlement hierarchy and Land Availability Assessment methodologies between 5 August – 16 September 2016. DDC inform me that it is the intention that consultation on a draft Local Plan will take place later this year.

The Basic Conditions Statement includes a table which gives the Plan policy and sets out the policies of the LP and JCS considered to be relevant. It does not include an assessment of conformity as it simply lists the relevant policies and so assesses them implicitly rather than explicitly, but this has formed part of my own assessment in any case.

DDC has indicated its objection to a number of policies and has pointed out where those policies might be regarded as contrary to LP or JCS policies. I share DDC's concerns in this respect.

²⁵ NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

²⁶ *Ibid* para 7

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identified whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²⁷ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A screening assessment to determine the need for a HRA (alongside the SEA) was undertaken by DDC on 23 June 2015.

The Plan area is some 14 km from the Upper Nene Valley Gravel Pits SPA/RAMSAR and about 51km from Rutland Water SPA/RAMSAR. The screening assessment concluded that the Plan would not result in any likely significant effects, alone or in combination, and the three statutory consultees concurred with this conclusion. I am satisfied that the Plan is not likely to have a significant effect on any European site.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in primary legislation as detailed in section 2.0 of this report. In my view, requirements relating to Habitats Regulations Assessment have been met and the Plan complies with this basic condition.

European Convention on Human Rights (ECHR)

The BCS contains a helpful statement regarding the fundamental rights and freedoms guaranteed under the ECHR and the Human Rights Act 1998. There is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it.

²⁷ PPG para 047 ref id 11-047-20150209

6.0 Compliance with the basic conditions – policy by policy appraisal

This section of my report considers each policy and my appraisal that led me to my overall conclusion. My report should however be read as a whole.

Environment

Policy WB1 Protecting and Enhancing Local Landscape Character and Views

This is a long policy with eight criteria that seeks to achieve a number of different things that go beyond the landscape design principles referred to in the policy. These range from preservation and enhancement of biodiversity to landscaping schemes, from green infrastructure to noise attenuation measures. It catches all developments, but does not explain what is sought or how a developer might comply with the policy.

DDC objects to some of the identified views not being portrayed to the correct extent with consequent implications for the achievement of sustainable development.

There are issues with clarity and the consistency of wording for example locally significant views are also referred to as special views and the objective in the 'objectives box' sitting underneath each policy does not accurately portray the one earlier in the Plan and is repeated under the next heading.

As presently worded the policy contains a number of inconsistencies and a lack of clarity and does not provide the practical framework required by the NPPF and may not result in the achievement of sustainable development. This policy would have required significant modification to enable it to meet the basic conditions.

Community Facilities

Policy WB2 Protecting and Enhancing Local Community Facilities

Policy WB2 supports the provision of new or enhanced community and health facilities. It seeks to protect existing facilities as "community assets" and it is not clear whether this means protection as assets of community value.

The policy introduces a presumption in favour of the reuse of these facilities for health, education and "community type" uses. There is little flexibility within the policy and the potential for a great deal of argument about what a "community type" use might be. Health, education and community type uses are preferred, but there is little evidence to support that preference. Whilst the NPPF promotes the retention of and development of local services and facilities, this policy does not provide the clear and practical framework sought by national policy and is not

supported by appropriate or sufficient evidence. It therefore does not meet the basic conditions.

Policy WB3 Supporting a Range of Goods and Services in the existing Village Centres and Encouraging New Retail Facilities as part of New Developments to the West of Weedon

The first element of this long titled policy supports new retail and service uses in the village centres. It particularly encourages specialist retail and independent shops and whilst I have some empathy with this aspiration, this cannot be managed through the planning system given that the Use Classes Order does not make such a distinction.

The second element of the policy resists the loss of retail premises to residential use, but accepts a change of use to a mix of office and residential. This seems to me to be without foundation in the Plan and in any case does not reflect the Use Classes Order.

Lastly, the policy encourages development to the west of Weedon to provide a “small retail facility”. There is little justification for how any such provision might be delivered in the supporting text.

The policy is not supported by appropriate evidence and little heed appears to have been paid as to how it might be implemented. It therefore does not take account of national policy and guidance and may not result in the achievement of sustainable development; as a result it does not meet the basic conditions.

Heritage

Policy WB4 Protection of Built Heritage and High Quality Design

This is another long policy with eight “design principles”. Some are nebulous such as point 3 which states “opportunities exist on former industrial land for an imaginative use of materials which reflect historic use”; this does not provide the clarity or precision national policy seeks.

Point 4 requires development to “not put pressure” on the road network within the built up area of the village and at “recognised pinch points”. One of my queries related to how those pinch points had been determined and evidenced; they are based on personal experience as local residents of Steering Group members and “informal consultation with local stakeholders”. No technical evidence seems to support this criterion and it leaves room for interpretation.

Criterion 7 refers to the area’s historic settlement pattern and seeks to protect it through small-scale developments within or adjoining the built up area. There seems to me to be no basis for restricting the scale of development per se; it may well be the case that larger scale developments are able to respect the settlement

pattern appropriately or indeed that “small-scale” development, of which there is no hint as to what this might be, would not necessarily protect the historic environment. The second part of the criterion largely repeats the first criterion. This then would not necessarily achieve sustainable development and does not provide the practical framework sought by national policy.

A number of the principles in the policy therefore do not meet the basic conditions.

Policy WB5 Designing Out Crime

This short and flexible policy seeks the incorporation of “Secured by Design” principles. It would meet the basic conditions subject to a typo (“Secured” rather than “Secure”) being addressed.

Policy WB6 Weedon Depot

Weedon Depot is an important heritage asset in the Parish of national importance. Whilst the Plan recognises a positive opportunity as the site is on Historic England’s Heritage at Risk Register, I have a number of concerns about the policy.

The first relates to the phrase “the historic fabric of the buildings should be retained as far as possible...”. A range of uses is outlined. JCS Policy BN6 deals with Weedon Depot. It is unnecessary and unwise to have two policies which potentially conflict and cause confusion. In particular whilst the JCS policy requires a conservation plan, an impact assessment in relation to the vitality and viability of the town centre and a transport assessment together with a masterplan, the neighbourhood plan policy would allow, inadvertently perhaps, but nevertheless would allow none of the heritage asset to be retained. This is clearly at odds with national policy and guidance and the policies of the JCS and would not achieve sustainable development. A representation also outlines similar concerns.

The owner refers to extant permissions for the site and expresses concern about the additional requirements set out in the policy.

The policy should be deleted as it does not meet the basic conditions.

Recreation and Leisure

Policy WB7 Supporting Investment in Recreational Facilities and Open Space

The policy supports proposals which improve open space provision and recreational facilities and seeks to improve accessibility between such areas and the residential areas. Whilst I understand what is meant, as currently worded the policy would have unintended consequences as it in effect supports any development which improves such provision and accessibility.

The policy also seeks developer contributions for such provision. No reference is made to the statutory and legal tests for seeking obligations. This is important because planning obligations may only constitute a reason for granting planning permission if they meet three tests; they are necessary to make the development acceptable in planning terms, they are directly related to the development and are fairly and reasonably related in scale and kind. The tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the NPPF. It is important that the policy recognises the tests and provides full justification and evidence for any obligations sought. To do otherwise may prevent development coming forward mainly because of viability considerations or mean that requirements are being sought when they are not assisting with the mitigation of the impact of unacceptable development.

It makes reference to “...the site lies within Flood Zones 2 and 3...”, but it is not clear which site is being referred to. A site, WB7/1, is identified as a new sports pitch with enabling development. A representation explains that the method for making the land available has yet to be considered leaving me with doubt about the proposal’s deliverability. There is further confusion as the site appears to be within three different Flood Zones. It is not clear whether alternative sites have been considered for the sports pitch.

The policy lacks clarity, precision and flexibility, is not supported by evidence either for the proposal or its delivery and may prevent the achievement of sustainable development. A representation indicates that the green corridor referred to is working farmland throwing further doubt on the content and delivery of the policy. The policy does not meet the basic conditions.

Policy WB8 Local Green Space Designation

Three areas are proposed Local Green Spaces (LGS); these are green areas of particular importance to local communities. As the effect of the designation is to rule out new development other than in very special circumstances, the NPPF states that “identifying land as Local Green Space should therefore be consistent with local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services”.²⁸ The NPPF makes it clear that this designation will not be appropriate for most green areas or open space.

The Plan includes a table that considers each space in line with the criteria for designation in the NPPF. Areas two and three (The Tethering Posts and Land between the Rail and Canal viaducts) are of historical significance and important for character, views and wildlife respectively and might arguably meet the criteria set out at paragraphs 76 and 77 of the NPPF.

However, area one, land on the southern edge of the built up area south of Newcroft/Oak Street bounded by a bridlepath from Farthingstone Road to Oak

²⁸ NPPF para 76

Street (Land at New Street), is an area on the southern edge of the village of some 7.7 hectares. I am not persuaded by the evidence put forward that this land would meet the criteria set out in the NPPF and it is an extensive tract of land on the edge of the village. It should be deleted as a proposal.

The policy itself simply designates these areas rather than dealing with LGS once they have been designated and would require significant rewording in order to meet the basic conditions.

Policy WB9 Nene Valley Corridor

The preamble to the policy states that the land bordering the River Nene is likely to be too extensive to meet the criteria in the NPPF. It is assumed this means the criteria for LGSs, but at best this is confusing. The policy seeks to protect this area from development only in very special circumstances. These circumstances are not defined in the supporting text.

I can appreciate the desire to protect this area from inappropriate development. It seems that the community wish this area, shown on Map 13, to have an equivalent status to LGS, hence the reference above. I asked how the area had been selected; the answer was that it is part of a green corridor. Again there is insufficient evidence and justification for this policy as it is presently worded.

Policy WB10 Improving Access to the Countryside and Enhancing Local Green Routes

The policy supports any proposals that improve accessibility to the countryside and the routes which link residential areas to village centre and facilities. As a result this will have unintended consequences and will not achieve sustainable development.

It goes on to refer to green routes and local green routes which are then shown as blue and green on Map 14 and routes A – D, although I am informed D has been left off the map in error. I found the issue confusing to say the least.

The owner of Weedon Depot expresses concern about the impact on financial and operational viability and safety issues. Whilst these matters may be overcome, it is perhaps surprising that such matters have not been the subject of discussion. This would have given the policy more certainty about its implementation.

The policy also seeks developer contributions for a number of items. In line with my comments on Policy WB7 it may be that such contributions are not appropriately required from all development or that it would be viable to achieve this.

For these reasons, the policy does not meet the basic conditions.

Housing

Three policies concern housing and Policy WB11 allocates seven sites which together would provide around 122 new houses. It is to be welcomed that the Plan tackles housing and has chosen to take a positive stance in proposing site allocations.

The preamble to the housing section explains that LP Policy HS22 identifies Weedon Bec as a “restricted infill village”. The JCS identifies different housing requirements across different areas of West Northamptonshire. For Daventry District this translates into three areas; Daventry Town, the rural areas and the Northampton Related Development Area. DDC inform me that the requirement for the rural areas is about 2, 360 dwellings and it is DDC’s view that the requirement has been met through completions and permissions. JCS Policy R1 allows further development to come forward in neighbourhood plans.

The Plan explains that the settlement hierarchy has not yet been determined by the emerging Daventry Settlements and Countryside Local Plan (Part 2a). However, the Plan assumes that given Weedon Bec’s facilities and services and that the level of development had been modest in comparison to other villages, it is likely to be a “primary service village” and the Plan sought to identify development options. The Plan goes into some detail about the submission Core Strategy, but as the JCS was adopted in December 2014 before the (first) Regulation 14 consultation period, this section of the Plan is both out of date and confusing.

However, both the Parish Council and DDC agree that there is no specific target number of houses. As a result the Plan takes the approach of allocating sites which garnered community support during the plan making process and supporting infill development up to five units within the built up area rather than setting any figure for housing development.

A ‘Call for Sites’ was carried out in November 2014. Twelve sites were put forward and are shown on Map 15. A Site Assessment Report dated December 2014 is available. This shows that Sites 10 and 12 with a total estimated capacity for nine dwellings scored better. The Plan explains that several larger sites scored lower, but that smaller sections of these (larger) sites may be appropriate as infill sites. The Plan explains that the Site Assessment Report recommended consideration be given to Sites 10 and 12 and smaller sections of Sites 5, 6 and 7 and a criteria based policy for other housing applications. Sites 6 and 7 were subsequently discounted. A ‘late entry’ Site 13 was also apparently assessed, but does not form part of the Site Assessment Report. Apart from those arising from the ‘Call for Sites’, no other sites appear to have been considered.

It is not clear to me following on from the Site Assessment Report produced by consultants, what the process then was for selecting the site allocations. For example it is not clear how Site 13 was assessed, how smaller sections of Sites 3, 5, 8 and 9 came to be or how Site 5 became a mixed use scheme. I therefore asked to be provided with the minutes of meetings that discussed and selected the site

allocations. Whilst I have been provided with a lot of information, none of it satisfactorily demonstrated how the site allocations had been selected.

Turning to each of those documents in turn, the Site Assessment Report systematically 'scores' each site against a list of criteria. These include location, whether greenfield or brownfield, agricultural land, access, access to drainage/water/utilities/services, accessibility to local services, flood zone and "suitability/constraints".

The Report recommended that Sites 10 and 12 with a total capacity of nine dwellings be taken forward and that consideration should be given to the inclusion of smaller sections of the three larger sites i.e. Sites 5, 6 and 7 and a criteria based policy for any housing other than on these sites. The scoring for the sites indicates that Sites 1, 3, 4, 5, 7 and 9 share the same overall score. To add to the confusion, the site numbering system has changed.

Turning now to the SEA, the Environmental Report (ER) focuses on the site allocations in the Plan. This is, in itself, acceptable as PPG indicates that the SEA "should only focus on what is needed to assess the likely significant effects of the neighbourhood plan...it does not need to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the neighbourhood plan".²⁹

At the scoping stage, Natural England and Historic England advised they were concerned, amongst other things, about the policy assessment framework and the framework relating to the site allocations. The ER indicates that the scoring system had been misinterpreted and that a more qualitative assessment is also included.

The ER assessed all the sites put forward in the 'Call for Sites'. It refers to the Site Assessment Report and indicates that the "preferred approach to the choice of sites emerged through informal discussions with local residents and wider stakeholders".³⁰

It refers to a meeting of the Steering Group in September 2015 when "it was agreed that site WB10/2 (the northern element of Site 5) was the only site with the potential to provide for a higher level of housing" and explains this provided two options with the "only variant being the extent of WB10/2".³¹ Despite my request to be given a copy of these minutes, I was only provided with them at a very late stage when finalising my report. At an earlier stage, I was provided with minutes of other meetings when site allocations were discussed. However, none of the meeting minutes explain or record any decisions on site selection; at the very least there is then a lack of transparency. This throws considerable doubt on the site selection process. It is simply not clear to me how the site allocations have come about.

²⁹ PPG para 030 ref id 11-030-20150209

³⁰ ER page 35

³¹ *Ibid*

I am also at a loss to see the relevance of the two options, the 'alternatives' assessed in the ER as they are simply a smaller or larger part of the same site.

Table 3.1 in the ER appraises each site in conjunction with the SEA framework. This includes consideration of the flood zone, whether greenfield or brownfield, agricultural land, proximity to services including schools, convenience store and amenity spaces, distance to conservation area or listed buildings, environmental designations as well as reference to indices of deprivation.

Table 3.2 presents the assessment findings in relation to the two identified options. It finds a "trade-off" between them. Option 2 ranks higher for socio-economic led objectives and option 1 for the environmental objectives. Option 1 is preferred given the heritage assets of Weedon Depot and Blast Houses and because of the uncertainty around the socio-economic effects.³²

Table 3.3 sets out the Parish Council's justification for the inclusion or exclusion of sites. The justification for each includes comments such as "deemed inappropriate by the Parish Council" and sets out those reasons. It is however difficult to follow and inadequately justified.

The ER then assesses the topics in the Plan and the individual policies. It then describes the likely effects on the framework of the site allocations. In relation to WB11/1 (Site 3), more robust wording is recommended; WB11/2 (Part Site 5) has the potential for minor negative effects on the Weedon Depot complex, but mitigation may be possible; WB11/3 (Part Site 8) recommends a heritage and landscape study to be submitted; WB11/4 (Part Site 9) is likely to have a minor negative effect; WB11/5 (Site 10) requires attention re flooding; WB11/6 (Part Site 11) may have minor negative effects; WB11/7 (Site 13?) for two houses is acceptable.

The ER concludes that, in relation to cumulative and synergistic effects, the "only potential significant effects are those to the historic environment and their setting".³³ Whilst, the ER says, the allocations avoid Weedon Depot and Policy WB1 offers a "degree of protection", some key views are impacted on. The "cumulative nature of the development...is likely to be felt most keenly as it is not just the views and their effect on the setting in isolation...but also the cumulative exposure to new development as you pass through Weedon Bec".³⁴ It concludes that these effects are likely to be negative but can be addressed through mitigation which the ER recognises Policy WB4 seeks to do. The ER suggests that a conservation/heritage strategy is produced to "provide a strategic approach to providing development and planning for mitigation in the long term",³⁵ and as far as I can tell this has not yet been actioned.

³² ER page 44

³³ ER page 61

³⁴ ER page 62

³⁵ *Ibid*

The ER is clear that “the likely significant effects of the Plan focus on the potential significant effects on the historic assets and their setting in the Neighbourhood Area’.³⁶ It goes on to identify minor negative effects of some of the sites allocated. It says that whilst “there are a number of positive effects of the Plan not least on human health, housing, economic prosperity and access to recreation”³⁷ and some policies in the Plan “should help to minimise the effects”, there is a “high level of uncertainty in the implementation of the policies in these areas”.

It recommends³⁸ the Plan includes provisions that require applicants to demonstrate proposed developments a) will not have a negative effect on the heritage assets in Weedon Bec, b) will have, as a minimum, a negligible effect and that as a preference the proposal should have a positive (or enhancing) effect on the heritage assets and their setting and that c) cumulative effects have been considered in the context of these two criteria and the wider setting of Weedon Bec.

I consider that given the heritage assets in, and the context and characteristics of Weedon Bec, there is insufficient evidence to support the choices made and the approach taken. The conclusions of the ER do little to allay these concerns.

In addition, I am mindful that Historic England has consistently and persistently expressed concern over the SEA methodology and in any case considers that the SEA does not meet the requirements of the SEA Directive in respect of cultural heritage.

Either way one looks at it, the Plan’s approach is not appropriate. It cannot be relied upon to contribute to the achievement of sustainable development or to conserve the historic environment.

I turn now to the suite of policies that are site-specific allocations.

Policy WB11 Site Allocations: New Housing Development

The policy allocates seven sites for housing or mixed use. Some of the sites have approximate housing figures, others more prescriptive “up to” figures which would not be acceptable as it introduces a maxima and has the potential to stifle sustainable development.

The policy considers that around 122 new dwellings is “an appropriate level of growth”. However, as I have stated, there is no explanation or apparent basis for this.

The last part of the policy introduces a blanket restriction on schemes of more than five units. As well as being in direct contradiction with some of the site allocations as a representation points out, this is not justified in any way and is clearly contrary to

³⁶ ER page 62

³⁷ *Ibid*

³⁸ ER page 63

the basic conditions. DDC also agrees this would be inconsistent with saved LP policies and the NPPF.

Proposals **WB11/1 – WB11/7**

Taking each proposal in turn:

WB11/1 is a site at Dodford Wharf Farm for up to 41 units. Amongst other things, it requires development to “enhance the potential impact on the setting of the Canal Conservation Area and Weedon Depot” requiring mitigation measures to secure this aim. This is to misunderstand the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to designated heritage assets and national policy in the NPPF on the historic environment.

The Act requires decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and in relation to Conservation Areas, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. Therefore, as the policy requires enhancement it goes beyond the statutory duties outlined above.

The policy in referring to mitigation measures also appears to consider mitigation is necessary; this suggests that harm might be caused as mitigation measures are usually in relation to potential adverse effects. Mitigation must also be secured.

The policy then suggests screening is provided to give the heritage assets suitable protection.

It refers to canal breaching/overtopping and mitigation in relation to this issue.

Overall this policy is worded imprecisely and confusingly and seems to be predicated on the wrong premise in relation to the conservation and enhancement of the historic environment.

WB11/2, land east of Ordnance Road, is a mixed use site for about 50 dwellings and employment uses.

A representation suggests that housing numbers are too restrictive and that the policy requires a number of unrelated and off-site requirements including on third party land and have not been justified.

Another from the adjoining occupiers, express concern about the compatibility of the residential element with a 24 hour storage and distribution use and indeed this concern would be in line with the NPPF.

DDC indicates that, in their view, the site is not a sustainable location for housing and point out that the Plan itself acknowledges “there may be a need or opportunity

for a small local convenience store due to the distance to the High Street and village centre". As a result the proposed allocation would conflict with JCS Policy R1, Spatial Strategy for the Rural Areas.

In relation to Weedon Depot, DDC consider the allocation to be contrary to the NPPF and JCS Policies BN5 and RI and consider that development and its associated link road and footpath/cycleway requirements would cause harm to the setting of the heritage assets including Weedon Depot, the Blast Houses and Grange Farm.

In addition DDC points out that the views identified in Policy WB1 and relevant to this proposal, are not indicated fully.

WB11/3, land south of Queen Street to the west of The Green muddles the principle of a site allocation by explaining that development falling outside the site allocation boundary will not be acceptable. It is prescriptive in terms of ridgelines and parking without much justification. DDC question the sustainability of the site due to its edge of village location.

WB11/4, land to the east of Farthingstone Road, for up to five houses is prescriptive without justification. It seeks a "screening/landscaping strategy to ensure any adverse effects on the setting of the Grand Union Canal Conservation Area and Weedon Depot are minimised". This almost implies that any adverse impacts can be screened away when this is not necessarily the case and this is not the positive strategy for the conservation of the historic environment or the approach to development that the NPPF sets out. The ER finds it is likely that the site would have a minor negative effect; in itself this is not a fatal blow, but no action appears to have been taken to mitigate this.

WB11/5, land off Church Street for one house. DDC objects as the site is located in Flood Zones 1, 2 and 3, the ER recommends the sequential approach to be taken. Although the site is for one unit, concern about the allocation serves to illustrate the unconvincing basis for the site allocations.

WB11/6 is a site off Bridge Street for "up to" eight units. The owner supports the allocation and confirms it is deliverable and has submitted a range of supporting information. Whilst planning permission has been dismissed on appeal for 19 units, various changes in circumstances including the delisting of Manor Farm, have occurred since that decision. DDC objects to the allocation on the basis it is contrary to JCS Policy BN5 and the effect on heritage assets. The ER considers that are likely to be minor negative effects on the Grand Union Canal Conservation Area which "could be significant dependant on the effectiveness of the mitigation strategy". There is therefore considerable concern from a number of quarters about the potential development of this site and its effect on heritage assets. Given the level and nature of the objections and uncertainties about this allocation, I do not regard this as positive planning as it seems to be a risky approach to the conservation of the historic environment.

WB11/7, land at rear of 25-27 High Street for two houses. This appears to be Site 13 which is not assessed in the Site Assessment Report.

I recognise that some representations do offer support for individual allocations. Changes were made between earlier consultation stages and the submission version of the Plan in response to comments, including the deletion of Site 6 as a proposed allocation. Another illustration of this is the inclusion of Sites 1, 4 and 7 (which overlap to make a larger site) in a previous 'second' Regulation 14 draft Plan for housing as it was recognised as a commitment site following the grant of permission on appeal (refers Policy WB11 in the Regulation 14 draft Plan). This site now appears as a proposed Local Green Space in the submission version of the Plan. Whilst I appreciate the permission was quashed and the site is the subject of on-going litigation, in plan making terms there is little explanation of the change in approach between the versions of the Plan.

I therefore find that overall the site allocation process and the site allocations subject to Policies WB11/1 – WB11/7 are not sufficiently robust or transparent and not sufficiently supported by evidence.

This is not to say that some of the sites may well be appropriate for development, it is to say that the Plan and its accompanying documents do not give me enough certainty to conclude that this suite of policies meet the basic conditions. I am particularly concerned about the conservation of the historic environment.

Policy WB12 Residential Care Home and Housing for Older Residents

This is a short policy that supports a care home facility in Weedon and encourages housing schemes to include housing for older residents. The need to provide housing for older people is critical given that the projected increase in the number of households aged 65 and over accounts for over half of new households.³⁹ This policy then would be an example of positive planning and is in line with national policy and advice and will help to achieve sustainable development.

However, it is not clear to me whether this policy is deliverable; given the policy supports a care home in Weedon village, no suitable sites seem to have been identified. National policy and guidance is clear that neighbourhood planning provides an opportunity to develop a shared vision, but the NPPF consistently refers to the delivery of the sustainable development needed. Therefore given the lack of suitable sites or evidence about the policy's delivery it does not meet the basic conditions.

³⁹ PPG para 021 ref id 2a-021-20160401

Policy WB13 Meeting Local Housing Needs

Applying to sites of five units or more, this policy seeks to ensure that schemes include housing to meet local needs. On the face of it this is a policy which ensures that provision is made for affordable and local housing.

The threshold of five units reflects JCS Policy H2 which sets out site size thresholds for affordable housing. However, PPG⁴⁰ outlines certain circumstances where contributions from affordable housing and tariff style planning obligations should not be sought from small scale development. This follows on from a Written Ministerial Statement⁴¹ that indicates contributions for affordable housing should not be sought from developments of ten units or less and which have a maximum combined floorspace of no more than 1,000 square metres. In designated rural area, a lower threshold of five units or less may apply. There is no explanation of whether this applies in this Parish and therefore no indication of why five units is an appropriate threshold.

In addition, there is no explanation of local needs housing or how this might be determined.

Given the latest Government policy on affordable housing provision detailed above, this policy does not take sufficient account of national policy and does not explain what local circumstances might justify a departure from it. As a result the policy does not meet the basic conditions.

Employment and Tourism

Policy WB14 Supporting Business Premises and Employment Opportunities

This policy supports employment-related development subject to a number of criteria. The criteria include the effect on nearby residents and transport and parking related issues which are sensible safeguards to ensure that any such development is acceptable in its location.

However, three criteria do not accord with the basic conditions. The first is that there should be no loss of open space or green infrastructure. In effect this might prevent any such development coming forward and is not clear or precise. As a result this criterion does not provide the practical framework sought by national policy or help to achieve sustainable development.

The second criterion is that such development is “located centrally within or on the edge of the settlement boundary or comprise the small scale expansion of existing sites”. There is nothing in national policy or guidance that steers development of this nature to this type of limited location. In fact the NPPF supports economic growth in rural areas through the conversion of buildings, new buildings and

⁴⁰ PPG para 031 ref id 23b-031-20161116

⁴¹ WMS of 28 November 2014

diversification.⁴² This requirement whilst again being worded imprecisely does not take account of national policy.

The third criterion is that new development “Must not threaten existing sources of local employment”. It seems odd that new sources of employment might be seen to threaten existing sources and this is not a development and use of land issue. In any case it is not clear to me how this might be interpreted or operated.

The policy then supports mixed use development and live/work units. The paragraph is worded poorly and there is no reason why such development needs to be located in close proximity to or adjacent to other residential units.

The remainder of the policy supports employment uses at Cavalry Hill, but restricts new proposals to smaller scale businesses. I saw at my site visit and indeed the Plan refers to this site as mainly occupied by distribution and haulage operators. Whilst concerns about the effect on nearby residents and access are noted, there is no rationale in the Plan for limiting the scale of uses.

Policy WB15 Supporting Tourism in Weedon Bec

The Plan explains there are significant opportunities for promoting Weedon Bec as a tourist destination. It is clear that there are natural and built assets including the Canal which would attract visitors. It then seems odd that Policy WB15 appears only to support existing tourist related development. There seems no reason at all why new tourist related facilities, attractions and accommodation could not be supported.

It is not clear to me why criteria three and four of the policy are necessary or how they meet the basic conditions, particularly in relation to national policy and the achievement of sustainable development. National policy supports the conversion of buildings and farm diversification for such projects, but it also supports new buildings. There is no requirement in national policy for such development to benefit the local community through employment opportunities or improvements to service provision although these often result from such provision.

Therefore in order to meet the basic conditions, this policy would require significant modification.

Infrastructure

The Plan refers to a document titled “Technical Guidance to the National Planning Policy Framework” of March 2012. This document was withdrawn on 7 March 2014. This section contains large chunks of text from other documents and whilst useful to refer to evidence to support the content of the Plan, the inclusion of such text makes the Plan unwieldy. Finally the section comments on the likely impacts of a specific

⁴² NPPF Section 3

proposal and there does not seem to be any technical or evidential basis for the comments.

Policy WB16 Reducing Flood Risk

Part of the policy reflects national policy and guidance, but largely because it is a direct quote from the NPPF. The second part of the policy refers to surface water drainage and restricts any development in Flood Zones 2 and 3 until “adequate” measures have been put in place. The policy would have required significant modification to enable it to meet the basic conditions.

Policy WB17 Design for Flood Resilience and Resistance

The policy seeks to ensure that development is flood resilient and resistant and is prescriptive and detailed in nature. As a result it would require considerable modification to ensure that it meets the basic conditions.

Policy WB18 Water Supply and Foul Drainage

I note that Anglian Water supports this policy and this is important given the policy indicates that developers will be expected to work with Anglian Water as some sites within the Parish may need improvements to the water supply and/or foul sewerage networks. The policy would meet the basic conditions subject to some minor amendment.

Policy WB19 Traffic Management, Improvements to Local Roads and Parking

This policy seeks to ensure that new development addresses transport issues and encourages transport by means other than the car. It introduces a requirement for a new vehicular access for developments of ten units or more although there is little evidence to support this requirement or the threshold selected. Schemes of a smaller number may also need a new or different access.

The policy then sets out a ‘blanket’ requirement for developer contributions but no account appears to have been taken of the statutory and policy tests.

Significant revision including deletion of some parts of it and rewording to others, to this policy would be needed in order for it to meet the basic conditions.

Policy WB20 Daventry Development Link Road

This policy offers conditional support for a link road between Northampton and Daventry. It can of course only apply to the part of the link road that falls within the Plan area. Whilst I appreciate the thrust of the policy which is to offer support and address concerns about landscape character, wildlife and quality of life impacts, the link road is a strategic matter and therefore it is not appropriate to include this as a policy in the Plan.

7.0 Conclusions and recommendations

I have found that too many of the Plan's policies and proposals including the site allocations, lack robust and proportionate evidence to support them. It is not clear how some of the allocations and proposals have come about and as a result the process appears to lack transparency. The Plan does not include proportionate, robust evidence to support the approach taken and the choices made.

Many of the policies lack precision and clarity in their wording. Their intent is often unclear or ambiguous and it would be difficult for the development industry to know how to accord with their requirements.

The Plan does not provide the practical framework sought by national policy and guidance.

Many of the policies are not underpinned by appropriate evidence. Given the insufficient evidence base to support many of the policies, it is impossible to be certain that the Plan will help to achieve sustainable development. In fact some policies may, however inadvertently, result in development that is not appropriate bearing in mind the context and characteristics of the Plan area nor is supported by national policy or by District level policy.

Daventry District Council has raised objections about several individual policies being contrary to the saved policies of the Local Plan and policies in the Joint Core Strategy.

A statutory consultee raises doubts about whether the methodology in the SEA is appropriate in respect of cultural heritage. I am not satisfied that the Plan is compatible with EU obligations in this regard.

The Plan contains a vast array of information, but it is difficult to work with and contains some mistakes and errors. Large passages of text need reworking.

Whilst some individual policies do meet the basic conditions and some could have been modified to accommodate minor wording changes, in several cases credible evidence is not to be found in the Plan or its supporting documents to allow me to make modifications. In particular, adequate background work on the selection of the proposed site allocations was lacking and many of the requirements contained in policies seem to be without foundation. Internal contradictions occurred. As a result I would have effectively had to rewrite much of the Plan without much basis for so doing.

Furthermore the Plan area contains a variety of heritage assets. I have considerable doubt as to whether the Plan would conserve or enhance those heritage assets.

Consequently, I have not been able to support the Plan.

I have found the Plan and its accompanying documents to be complex and difficult to use and digest. I sent a set of questions of clarification to DDC and the Parish Council and requested further publicly available information to try and seek greater clarity. My list of questions is appended to this report at Appendix 2. Whilst intending to be helpful, the responses received did not greatly assist me.

I carefully considered whether a hearing should be held. As PPG explains⁴³ the general rule of thumb is that the examination will take the form of written representations,⁴⁴ but there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Given the responses to my written queries and the issues to be addressed particularly the lack of evidence, as this would not have been forthcoming and the conclusions were clear in any case, in this instance and given the nature of this Plan and its shortcomings, a hearing would not have assisted me.

I made an unaccompanied site visit to Weedon Bec and the neighbourhood plan area on 19 October 2016. This served to reinforce rather than address my concerns about the Plan.

The NPPF explains that neighbourhood planning gives local communities "... direct power to develop a shared vision for their neighbourhood" and that it "provides a powerful set of tools for local people to ensure that they get the right types of development for their community".⁴⁵ In this case the Plan falls short of doing that.

In many ways the Plan takes an ambitious attitude to neighbourhood planning and does not shirk from dealing with some complex issues; yet its execution is not of a standard I am able to support.

I appreciate that the Plan articulates the wishes of the local community. I also appreciate that my recommendation will come as a disappointment to all those who have worked on the Plan, particularly those who took on the initiative of preparing the Plan and the time and work that has gone into it, and the local community.

However, I have, with great regret, concluded that the making of the Plan would not meet the basic conditions. I therefore recommend to Daventry District Council that the Weedon Bec Neighbourhood Development Plan should not proceed to a referendum.

Ann Skippers MRTPI

Ann Skippers Planning

21 February 2017

⁴³ PPG para ref id 41-056-20140306

⁴⁴ Schedule 4B (9) of the Town and Country Planning Act 1990

⁴⁵ NPPF paras 183, 184

Appendix 1

List of key documents specific to this examination

Draft Neighbourhood Development Plan 2015 – 2029 dated January 2016

Basic Conditions Statement undated

Consultation Statement Part 1 Summer 2015

Consultation Statement Part 2 December 2015

Strategic Environmental Assessment Screening Opinion June 2015

Strategic Environmental Assessment Scoping Report July 2015

Environmental Report February 2016

Errata to the Environmental Report July 2016

Saved Policies from the Daventry District Council Local Plan 1997

West Northamptonshire Joint Core Strategy Local Plan (Part 1)

Settlements and Countryside Local Plan (Part 2a) for Daventry District Issues and Options Consultation document

Information sent in response to my list of queries

List ends

Appendix 2 Questions of clarification from the Examiner to the Parish Council and DDC

Weedon Bec Neighbourhood Plan Examination

Questions of clarification from the Examiner to the Parish Council and DDC

Having completed an initial review of the Neighbourhood Plan (the Plan) and some of the evidence submitted in support of it, I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information.

Please ensure that your answers are as brief as possible and factual in nature. Please do not send or direct me to evidence that is not already publicly available.

1. Please provide a timeline for the Strategic Environmental Assessment (SEA).
2. Please provide me with the SEA screening opinion/decision documents.
3. Please provide me with a copy of the SEA Scoping Report.
4. Please provide me with a copy of any SEA/Environmental Report that was prepared earlier than the February 2016 version submitted with the Plan.
5. Please provide me with all correspondence relating to the Plan and SEA from Historic England.
6. Please advise me what the 'option 1 and 2' refers to in the second column of Table 3.3 in the Environmental Report in relation to each of the sites assessed in this table.
7. Two rounds of pre-submission consultation took place. The first between 8 April – 3 June 2015 and the second between 21 October – 2 December 2015. It would appear that the second round of consultation was initiated after changes were made to the Plan and the production of a SEA. Is this correct? Please let me know of any other reasons why two rounds of Regulation 14 consultation took place.
8. Please provide a copy of each of the Regulation 14 draft plans together with a short list of the changes between each of the three versions.
9. Please can DDC briefly outline the latest position in relation to the emerging Local Plan?
10. I would be grateful to have the relevant information and comments from DDC and the PC on a) the extent to which the submitted Plan has taken account of up to date evidence on housing need and b) whether it will deliver against an

objectively assessed need and c) the extent to which the District and Parish Councils have discussed and agreed (or otherwise) the relationship between the policies in the adopted local plan, the emerging local plan and the emerging neighbourhood plan.

11. With regard to the proposed site allocations, please let me know whether any other evidence or information has been used to inform the site selection process apart from the Call for Sites Assessment Report and the SEA.
12. Please provide me with the minutes of the Steering Group meeting in September 2015 which appears to have discussed and selected the site allocations (or any other meeting minutes of relevance to the site selection process).
13. Please a) inform me of, and b) if appropriate provide me with, brief details of any planning applications or appeal decisions together with a site plan which indicates the extent of the site in relation to the applications and appeals, in relation to any of the 13 sites assessed. c) Please let me know whether, and if so how, any relevant applications or appeals have been taken into account in the site selection process.
14. A representation from Network Rail (NR) indicates that the Plan includes proposals that may impact on their land or associated structures. Please let me know how NR has been engaged in the Plan preparation process by the Group and the outcome of that engagement.
15. Sites WB7/1 and WB11/6. Policy WB7/1 indicates that the site lies within Flood Zones 1, 2 and 3. Please provide me with a map that shows the location of the zones indicated.
16. Please confirm the Flood Zone(s) that Site WB11/5 falls within. The policy indicates it is Flood Zones 2 and 3, but the Site Assessment Report says it is Flood Zone 1.
17. Please confirm whether or not Manor Farm or any nearby buildings are listed.
18. A representation indicates that references to "Lovers Lane" should in fact be to "Ordnance Road". Is this correct?
19. Please provide me with a brief summary of the planning applications relating to the Weedon Depot.
20. With regard to the policy on the Weedon Depot, please let me know what evidence or supporting information or engagement with any relevant parties or organisations has been used to inform the policy.
21. Please inform me whether there are any up to date or extant policies or other information relating to Weedon Depot such as a policy at DDC level or site

appraisal, heritage statement etc. If so please provide copies of this information.

22. Please confirm whether or not the reference to Weedon Depot in Proposal WB11/1 is in error (see DDC representation).
23. Should the reference to Map 15 in WB11/3 be to Map 16 rather than Map 15?
24. Policy WB4 refers to “pinch points”. I would welcome your comments on how these have been determined and how they are evidenced.
25. Policy BN1 of the Joint Core Strategy (JCS) refers to green infrastructure connections shown on Figure 6 of the JCS. Please confirm which, if any, of the corridors fall within the Parish.
26. How has the area of Policy WB9 been selected and how does it relate to any other designations such as the green infrastructure corridors mentioned in the previous question?
27. Policy WB10 and Map 14 shows two different coloured routes. Please clarify a) what each are and the difference between them, b) whether A – C are supposed to be the new routes and c) where “D” is?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils’ websites as appropriate.

With many thanks.

Ann Skippers
9 December 2016