

Earls Barton Neighbourhood Plan

2011-2031

Publication

Consultation Response

Gladman Developments Limited



August 2014

1 EXECUTIVE SUMMARY

1.1 Context

1.1.1 These representations are made in response to the current consultation on the publication version of the Earls Barton Neighbourhood Plan (EBNP). Gladman Developments Limited (GDL) has land interest in the village.

1.1.2 GDL have previously submitted representations to the Draft Neighbourhood Plan consultation document, held in April 2014. These representations raised concerns with the contents and policies of the Neighbourhood Plan and the ability of these to meet the basic conditions. GDL suggested alterations to the consultation document to ensure that it was intelligible, flexible, supported by evidence and in compliance with National Planning Policy requirements, and recommended that further work on the plan was delayed until work on the review of the North Northamptonshire Joint Core Strategy (NNJCS) was completed and the plan adopted. Disappointingly the publication version of the EBNP does not appear to have incorporated the representations made by GDL in that earlier consultation phase and to that extent we again rely on the observations in that document at this stage.

1.2 Neighbourhood Plan Process & Basic Conditions

1.2.1 In its current form the EBNP would not meet the Basic Conditions as set out in Paragraph 8(2), of Schedule 4B of the Town and Country Planning Act 1990.

1.2.2 In particular, Gladman consider that the EBNP would does not meet basic conditions 8(2) (a), (d), (e) and (f) of Schedule 4B of the Town and Country Planning Act 1990.

1.3 Comments on policies

1.3.1 This section of the representations provides comments on the policies contained within the Neighbourhood Plan, highlighting specific areas of the Plan which are not compliant with the basic conditions and require removal and/or significant amendment.

1.3.2 Gladman raise particular concerns with Policy EB.GD2; which is restrictive in nature and would have negative implications for the growth of Earls Barton which is one of the largest and most sustainable rural settlements in the District and a natural target for growth. The Plan cannot include policies which seek to restrict growth where there is no up-to-date strategic policy for housing within the Local Plan (paragraph 8(2)(e). Equally, the Plan fails to have regard to national policy on the provision of housing and neighbourhood plan-making (paragraph 8(2)(a)) and does

not contribute to sustainable development (paragraph 8(2)(d). There are also serious flaws in the SEA exercise that has been conducted in relation to this Policy and the Plan as a whole (paragraph 8(2)(f)).

1.4 Analysis of Earls Barton Neighbourhood Plan

1.4.1 This section of the representations provides comments on the policies contained within the publication EBNP, reiterating and building upon concerns submitted to the Draft plan consultation.

1.5 Critique of Evidence Base

1.5.1 GDL note that the EBNP has been produced in a policy vacuum where in the Planning authorities own admission there is no full or up-to-date objective assessment of housing need. The plan therefore relies on untested evidence that has been produced in the interim to define needs at the local level.

1.5.2 These representations provide a critique of the key evidence base used for the EBNP. This includes the submitted Sustainability Appraisal (explaining that the assessment does not comply with EU regulations) and details that no regard has been given to ESBC's "Objectively Assessed Housing Need", as required by §47 of the Framework.

1.6 Conclusions

1.6.1 The EBNP is predicated on trying to resist any further development taking place in Earls Barton beyond that currently committed. It is contrary to existing evidence and prejudices the NNJCS. **GDL object to the EBNP as it is fundamentally unsound and does not comply with the Framework or Planning Policy Guidance (PPG). The Neighbourhood Plan neither meets basic condition (a), (d), (e) or (f).**

1.6.2 Gladman contend that the EBNP is not sufficiently growth orientated or aspirational. GDL reiterate that the proposals through the EBNP effectively act to restrict any further growth in Earls Barton and without justification by substantial evidence. This directly contradicts the policy "imperative within paragraph 47 of the Framework which seeks to boost significantly the supply of housing (*Gallagher Homes Ltd v Solihull MBC* [2014] EWHC 1283 (Admin), 31(ii) and *Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government* [2014] EWHC 754 (Admin), [108]).

- 1.6.3 If the EBNP is submitted for examination as drafted, this document should be found non-compliant by an Examiner. Given the significant objections raised GDL would wish to participate in the relevant hearing sessions for the EBNP.

2 INTRODUCTION

- 2.1 These representations are made in response to the current consultation on the publication version of the Earls Barton Neighbourhood Plan (EBNP) 2011 – 2031. GDL have land interest in Earls Barton.
- 2.2 GDL have previously made representations to the North Northamptonshire Joint Core Strategy (NNJCS), Wellingborough Local Plan (WLP) and the Earls Barton Neighbourhood Plan (EBNP). Previous representations made to the EBNP raised significant concerns with both national policy and the processes adopted during the preparation of the plan. A copy can be found at Appendix 1.
- 2.3 These representations focus on the EBNP proposed vision, objectives and policy details, together with the plan's fulfilment of the basic conditions as established by paragraph 8(2), of Schedule 4B of the Town and Country Planning Act 1990 and supported by the Neighbourhood Plan Chapter¹ of the Planning Practice Guidance (PPG).
- 2.4 Pivotal to our submission is the lack of regard given to Earls Barton within the emerging spatial hierarchy of the NNJCS and the role and function of the settlement within the rural area. Earls Barton is the largest rural settlement in Wellingborough, and is a sustainable settlement suitable for accommodating the growth needs of the rural area, and unmet needs of the joint plan area's main urban areas. The EBNP therefore has the effect of constraining development opportunities in an identified and sustainable location contrary to the objectives of National and emerging local policy.
- 2.5 The remainder of this document is structured as follows;
- Chapter 3 - The Neighbourhood Plan Process;
 - Chapter 4 – Analysis of the Earls Barton Neighbourhood Plan
 - Chapter 5 – Sustainability Appraisal
 - Chapter 5 – Conclusions

¹ Chapter ID: 41

3 NEIGHBOURHOOD PLAN PROCESS

- 3.1 National planning policy establishes the Government's expectations as to the contents and role of Neighbourhood Plans and their relationship with wider development plan documents. §16 and §184 of the National Planning Policy Framework (the Framework) clearly underline that Neighbourhood Plans cannot be in conflict with a Local Plan's strategic policies or those contained within National Policy. GDL's position is that a neighbourhood plan that contains housing policies that seek to constrain housing delivery cannot lawfully be recommended for referendum and be "made" in advance of adoption of up-to-date strategic policies at the local plan level.
- 3.2 Paragraph 8(2), of Schedule 4B of the Town and Country Planning Act 1990 sets out that "only a draft Neighbourhood Plan that meets each of a set of basic conditions can be put to a referendum." This is also supported by Paragraph 065 of the Neighbourhood Planning chapter of Planning Practice Guidance (PPG). The basic conditions are outlined as:
- (a) Having regard to **national policies and advice** contained in guidance issued by the Secretary of State, is it appropriate to make the order;
 - (b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order;
 - (c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order;
 - (d) The making of the order contributes to the **achievement of sustainable development**;
 - (e) The making of the order is in **general conformity with the strategic policies** contained in the development plan for the area of the authority (or any part of that area);
 - (f) The making of the order does not breach, and is otherwise compatible with, **EU obligations**; and
 - (g) Prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.
- 3.3 In section 4 of this representation GDL test the Strategy and Policies proposed by the EBNP against the basic conditions listed above in order to determine whether the plan in its current

form can be considered compliant with the conditions for the purposes of the examination and subsequent referendum (and thus ultimately lawful).

- 3.3.1 To proceed with the plan in its current form would represent a waste of Parish Council and local planning authority's resources and it is GDL's view that the draft plan requires substantial amendment and reconsideration and therefore should not proceed to examination.

4 ANALYSIS OF THE EARLS BARTON NEIGHBOURHOOD PLAN

4.1 Context provided by the North Northamptonshire Joint Core Strategy and Wellingborough Local Plan

- 4.1.1 The EBNP must be in general conformity with an up-to-date, adopted version of the NNJCS, free from legal challenge, see paragraph 8(2)(e).
- 4.1.2 The current Local Plan for Wellingborough was adopted in 2008. The Joint Planning Unit (JPU) are currently in the process of revising the plan to conform with the most up-to-date evidence base and ensure compliance of the plans policies with national policy.
- 4.1.3 For the purposes of both decision-taking and plan-making the 2008 Joint Core Strategy is now regarded as being out of date by reference to National Planning Policy Framework (see §215 of the Framework). The JPU confirm this to be the case accepting that there is no up-to-date objective assessment of housing needs for the Joint Plan Area², which has resulted in the Council's adopting an interim position on housing land supply.
- 4.1.4 The JPU are currently in the process of reviewing the Core Strategy. A consultation on the pre-submission version of the plan is due in October to November of 2014 with adoption currently envisaged in October 2015. Though the JPU has made some progression towards the adoption of this document, its strategy, policies and evidence base remain untested at examination, and are subject to scrutiny and objection.
- 4.1.5 A previous consultation on the NNJCS was undertaken in 2012, however much of the contents of this document was prepared against evidence that is now outdated against more recent evidence. Though the emerging Local Plan could have some weight applied as providing a context background to the EBNP, the relevance of this document however diminishes with the publication of new evidence and new national policy (e.g. Planning Practice Guidance). Therefore the weight that the plan carries in its current format is limited.
- 4.1.6 GDL have also made representations to the scoping consultation of the Wellingborough Local Plan. This document will establish the allocations and development management policies required to deliver the spatial requirements of the revised NNJCS. As in response to the EBNP our

²See Identifying a Rural Housing Target for the Joint Core Strategy, Wellingborough Borough Council

representations to this document assert that work on the plan must follow that of the NNJCS to ensure that issues of plan deliverability can be adequately addressed.

- 4.1.7 It is also considered by GDL that the emerging NNJCS and WLP as proposed places an overreliance upon the delivery of Sustainable Urban Extensions to meet the proposed housing requirement. It is likely therefore that to ensure the deliverability of the District wide planning requirement, flexibility will be needed in the spatial strategy with further sites necessary in the rural area.
- 4.1.8 The emerging NNJCS and its evidence base has yet to be thoroughly tested by an Inspector through the examination process and as such the EBNP should not progress any further until after the adoption of the NNJCS (and an additional period to take account of legal challenge), as it cannot at present demonstrate conformity with adopted, up-to-date strategic policies.
- 4.1.9 Instead the EBNP seeks to pre-empt those planning policy judgements that have yet to be concluded or confirmed sound and recommended for adoption by the appointed Inspector. As the spatial strategy in the NNJCS has yet to be finalised, the adoption of the EBNP in its current form will act to obstruct the Local Plan rather than support it. Furthermore, the EBNP as proposed is inflexible and lacks the appropriate policy provision for rapid change that may be required in order to address any issues that may arise through the examination of the NNJCS.
- 4.1.10 Having regard to the points set out above, if submitted in its current form the EBNP would be in **conflict with basic condition 8(2) (a), (d) and (e)**, as detailed within section 3 of these representations as it would not be in general conformity with the strategic policies contained in the development plan for the area of the authority, and contrary to the terms of the Framework §16 and §184 to §185. Should EBPC wish to see the adoption of a successful plan that is not open to legal challenge GDL propose that they should await the adoption of the NNJCS before continuing with the EBNP. The production of the EBNP is therefore premature, and is in conflict with the development plan.
- 4.1.11 GDL are also currently involved in the Winslow Neighbourhood Plan Process. As is the case in Earls Barton, the Parish Council have decided to proceed with a Neighbourhood plan in advance of Aylesbury Vale District Council having an up-to-date development plan and have found the process of justifying their decisions very challenging. GDL are in the process of advancing a legal challenge against the Winslow Neighbourhood Plan.

4.2 Housing Policies

Policy EB.G1

- 4.2.1 Policy EB.G1 of the EBNP allocates land for 280 dwellings, 5.94ha of sports provision, and 0.64ha for B1 business use. The Plan outlines that the allocation, together with existing commitments and completions recorded in the village since 2011 will see approximately 400 dwellings delivered in the village within the plan period. GDL do not object to the allocation of The Grange as a site for mixed use development, but do object to the level of growth proposed by the EBNP in context of the evidence base available.
- 4.2.2 There is currently an absence of framework compliant objective evidence that is available at the local authority level on which to derive housing needs. Against this context, the Neighbourhood Plan must be established using localised data outlining parish needs. Though Planning Practice Guidance enables this approach, GDL consider that a more prudent approach would be to delay the production of the EBNP pending the outcome of the revised NNJCS examination ensuring that the strategy and policies of the EBNP do not conflict with the NNJCS enabling the plan to meet basic condition (e).
- 4.2.3 The report titled *"Earls Barton Neighbourhood Plan, Determining a Housing Target"* produced on the Parish Council's behalf by James Wilson Associates helpfully summarises the process taken by the Neighbourhood Plan body in arriving at the proposed EBNP requirement. It is apparent from this report that whilst evidence produced by the Local Planning Authority to determine a rural housing requirement for the rural areas was considered in deriving the EBNP requirement, the emerging allocation of 280 has itself been arrived at in order to viably deliver enhanced sports and leisure facilities for the village as desired by EBPC through developer contributions. Though EBPC might consider that 280 dwellings is upwards of the level of needs identified for the village, a more detailed account of the evidence base available at this level indicates a level of housing need higher than both 280 and 400 dwellings.
- 4.2.4 The paper titled *"Identifying a Rural Housing Target for the Joint Core Strategy"* identifies a number of housing requirement options for the rural settlements in the NNJCS area based six identified scenarios based on strategic policy, population, needs, natural change, a housing needs survey and past completions. The document has not been subject to the level of scrutiny expected of a district level assessment of needs, does not define the adopted or preferred strategy for the JCS and has not been publicised for public consultation. GDL do not consider the findings of the report to be sound. Nevertheless a full set of results of housing need for each scenario is set out in Table 1 overleaf.

Table 1: Table of Identified Scenarios in Rural Housing Needs Study

Scenario	Housing Need	Source
A	182	Urban focussed spatial strategy (policy led)
B	674	Proportionate requirement based on rural population size based on 2011 Census.
C	460	Rural needs based on SHMA findings
D	372	Natural Change plus own backlog based on tax returns
E	256	Housing Needs Survey Results 2012
F	220	Completions trend (2001 to 2011)

Source: Identifying a Rural Housing Target for the Joint Core Strategy, Wellingborough Borough Council

- 4.2.5 From the scenarios outlined above the Parish Council chose Scenario E as the level of housing growth that best reflects the housing growth needs of the village. No justification has been provided by the Parish Council as to why this approach was taken. In context of the outputs of the scenarios defined by the study the proposed requirement of the EBNP can only therefore be concluded to represent a policy led approach that would appear to artificially constrain the growth of the village against identified needs.
- 4.2.6 The favoured scenario (Scenario E) was derived on the basis of the results of a Housing Needs Survey that took place in 2012. The survey (produced every five years) achieved a response rate of 32.79%, and finds a need for 64 dwellings in the village over the next 5 years. The finding of a need of 256 dwellings has been arrived at by multiplying this need by 4 to cover the full plan period of the EBNP. Whilst GDL have reservations about the use of such a study to entirely justify the housing requirement, GDL consider that closer attention must be applied by the Parish Council and Local Planning Authority to the results of the survey, and the implications of these, to determine what level of housing is necessary to deliver the survey's identified needs.
- 4.2.7 A review of the 2012 Housing Needs Survey illustrates that of the 64 dwellings identified to be required in the village over the next five years, 12 of them are required to be market, 43 registered ownership and 9 shared ownership. Of the 64 dwellings identified to be required over the next five years no less than 52 dwellings are therefore classified as affordable. Should the same approach be taken to find the requirement for the neighbourhood plan period, this would illustrate a need for 208 affordable dwellings in the village alone, representing over 80% of need for the plan period. The most effective approach of securing the delivery of affordable dwellings is through market provision. Based on the Local Planning Authority's current affordable requirement

- as outlined by Policy 15 of the 2008 NNJCS - the full delivery of this need would require 693 dwellings in the plan period.

4.2.8 The report titled *“Interim Report: Rural Housing Targets for Wellingborough’s Principle Villages”* produced by BCW identifies a locally derived target of 250 dwellings for Earls Barton. The paper appears to support the basis of the plan requirement proposed by the EBNP, however an analysis of how the figure was derived uncovers that 250 dwellings is in fact sourced from a continuation of past trends seen in the village since 2001, the findings of the 2012 Housing Needs Survey, as well as consideration of the housing requirement promoted in the plan preparation stages of the EBNP. Past trends do not serve to provide a robust assessment of housing need. GDL have already provided a critique of the Housing Needs Survey and the actual implications of its findings. The paper outlines that it will eventually be complemented with a more comprehensive background paper covering the rural housing strategy for the wider NNJPU area in due. No such paper has yet been published. 250 dwellings does not therefore represent the full objective assessed needs of Earls Barton, and should not form the basis upon which to set the Neighbourhood Plan housing requirement.

4.2.9 In consideration of these findings it is clear that the plan will fail to deliver both the level and mix of housing required to meet evidenced needs. The plan is therefore in conflict with basic condition (a) as the plan is not effective, will not address affordability and will not see a significant boost to housing land supply. GDL consider that given the questionable robustness of the evidence supporting identified rural housing need informing the EBNP and the lack of an up-to-date informing development plan, the EBNP should not be submitted for examination at this time.

Settlement Boundary, Policy EB.GD1 and Policy EB.GD2

4.2.10 The EBNP establishes a settlement boundary for the village as defined by the EBNP Key Diagram. This boundary defines the approach to development taken by the Neighbourhood Plan dependent on whether the proposal is located inside or outside the defined parameters of the village built up area. Policies EB.GD1 and EB.GD2 of the EBNP set out the Neighbourhood Plans approach to development within and beyond the settlement boundary.

4.2.11 GDL are supportive of the approach taken towards new development proposals as applied by Policy EB.GD1 that enables infill development to occur subject to the fulfilment of conditions that reflect the objectives of the EBNP. GDL however object to EB.GD2 and find its inclusion in the plan to be in conflict with National Policy and inflexible to accommodate the needs of the emerging NNJCS.

- 4.2.12 Policy EB.GD2 outlines that proposals outside but adjoining the development limit must be proposed on the basis of identified needs, limiting the delivery of market dwellings to ensure that the gross costs of affordable housing are covered, and capping the size of developments to 10 dwellings.
- 4.2.13 GDL consider the approach applied by the policy to be in conflict with the presumption in favour of sustainable development as outlined by §14 of the Framework. The policy provides a barrier to sustainable schemes on account of their size, rejecting any scheme over 10 dwellings regardless of their sustainable merits. Proposed residential sites should be judged on the basis of their individual merits and in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF: *“at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan-making and decision-taking.”*
- 4.2.14 As already outlined, the identified affordable needs of the plan area outstrip affordable policy provision requirements by 50% (i.e. 80% of need against a policy requirement for 30% provision). The restrictive nature of Policy EB.GD2 as proposed will mean that affordable needs of the plan area will not be met in full by the EBNP.
- 4.2.15 Though the EBNP advises that the proposed settlement boundary will be reviewed every five years, the relative inflexibility of this review, together with the implications of Policy EB.GD2, and general negativity towards new development applied by the EBPC³ means that should needs arise through the plan preparation process/delivery of the emerging NNJCS, the prospect of these being delivered in Earls Barton would be low. This inflexibility is unsound given the role and function of Earls Barton in the rural area. The settlement is the largest, and most sustainable, and therefore one of the most appropriate areas to accommodate growth in the rural area of the borough of Wellingborough.
- 4.2.16 Gladman contend that the EBNP should not be setting a settlement boundary, as this provides no flexibility for sustainable growth and effectively restricts any development from coming forward which lies outside of this. Policy wording that equated to a settlement boundary was expressly rejected by the Examiner of the Tattenhall Neighbourhood Plan as a mechanism that would be not be compliant with the basic conditions. That conclusion was endorsed by the High Court in *R(BDW Trading Ltd) v Cheshire West and Chester Council* [2014] 1470 (Admin), [32]-[34], [72], [87]-[89].
- 4.2.17 In order to remedy our above contentions, GDL reiterate our previous submission made to the consultation on the Draft Neighbourhood, and believe that the application of the following

³ See publication version of the EBNP “Development Objective” page 14, and justification for EB.G1 page 19.

approach to new development would be more consistent with National Policy; “Development adjoining the settlement boundary will be permitted in the open countryside provided that the adverse impacts do not significantly and demonstrably outweigh the benefits of doing so.” The application of this approach through the EBNP would provide for greater flexibility should needs arise from the emerging NNJCS and allow for the settlements affordable needs to be achieved in full.

4.2.18 In consideration of the arguments set out above Gladman find Policy EB.GD2 to be in conflict with basic condition (a), (d) and (e).

4.3 General Policies

Policy EB.D1

4.3.1 Policy EB.D1 sets EBPC expectations of the design and sustainability of development proposals in Earls Barton. GDL are supportive of the inclusion of such a policy, however object to the requirement for all development to be built to level 4 of the Code for Sustainable homes ahead of the 1st January 2016. Though the policy outlines that the implementation of this requirement will be subject to viability, it is not for the developer to demonstrate viability to justify the policies implementation. Policies should be fully evidence and demonstrated to be deliverable in the plan formation process. Should a Local Development Plan include policies that are unjustified or undeliverable then they would be found unsound at examination. The same must be true therefore for the examination of a Neighbourhood Plan.

Policy EB.OS1

4.3.2 GDL are supportive of this policy.

Policy EB.LB1

4.3.3 The promotion of the vibrancy and vitality of local shops, services and businesses within Earls Barton is critical to the success of the Neighbourhood Plan. GDL support a policy that maximises the opportunities to maintain and enhance the local economy. To ensure that Policy EB.LB1 does this, GDL believe that the following changes are required;

- The Parish Council should relax its approach to retail and community provision enabling its delivery wider than the areas as defined on the proposals maps, allowing for further opportunities for needs to be met.
- It is questionable why the Parish Council would object to a change of use application particularly if the change of use would deliver a facility that would diversify the current offer of the village. The Parish Council should look to provide more clarity as to what uses

would and would not be supported by the Parish Council and which assets the Council want to retain.

- The Parish Council should reword the final bullet point of EB.LB1 to “Relocate any loss of service provision and community asset” as the current wording does not fit with the rest of the policy and to provide security to existing community assets.

4.3.4 In addition to these points, GDL believe that the EBPC should consider the benefits that would be brought to local services and the economy of enabling further housing development than that currently planned. Further development could result in direct benefits such as new community facilities, provision of retail space or local jobs. Indirect benefits would occur through securing existing shops, services and facilities through further demand and footfall ensuring that business is retained.

Policy EB.E1 and EB.E2

4.3.5 These policies set out the EBNP’s approach to the development of new employment in Earls Barton. As outlined in our response to Policy EB.LB1 above, GDL are supportive of development plan policies that promote the local economy and believe that any opportunity to promote job security and new jobs should be maximised. GDL are concerned that the basis of these policies is too outdated to secure the full economic potential of Earls Barton. Whilst GDL welcome the allocation by EB.E1 and the provision to support smaller businesses by EB.E2, the scale and capacity enabled by the plan in both the planned extent of the area allocated for employment and planned housing provision potentially constrains the economic potential of the village. An up-to-date study of employment needs is required to inform the plan in order for EBPC to fully understand the needs and potential of local employers and enterprise, and to plan accordingly. The policies as presented are not sufficiently justified by an up-to-date assessment of needs.

4.3.6 Policy EB.E1 and EB.E2 therefore do not meet basic condition (e).

Policy EB.T1

4.3.7 EBCP should ensure that this policy’s implementation does not impact on the economic and social objectives of the plan. This appears all the more likely given that both the areas of “Constrained Access” and the “Village Centre Retail/Business Area” overlap. In order to prevent conflict in this area, GDL believe that the EBNP should adopt a more flexible approach and offer to work with applicants to find solutions to possible parking problems rather than preventing otherwise beneficial planning applications.

Policy DB.DC1

- 4.3.8 GDL support the inclusion of this policy. It is questionable given the scale of development planned by the EBNP whether the projects listed can be achieved. Additional housing allocations would be beneficial in enabling their delivery.

5 STRATEGIC ENVIRONMENTAL ASSESSEMENT

- 5.1.1 GDL consider the submitted Sustainability Appraisal to be unsound in its scope and assessment made.
- 5.1.2 EBPC fail to test the impact on sustainability objectives of the delivery of any further housing requirements or policy options in Earls Barton beyond that identified by the EBNP. Though GDL question the robustness of the assessment of needs undertaken at the level there are nevertheless six options⁴ for delivery in the plan period that must be appraised to ensure the soundness of the plan against national requirements.
- 5.1.3 GDL consider that the assessments of the implications of several policies are ill-judged. For example; the impact of Policy EB.T1 may have a negative impact on skills and community should proposed schemes be determined to be in conflict with the policy. The limited nature of Policies EB.E1 and EB.E2 in supporting the employment growth of the village brings about questionable implications on the local economy.
- 5.1.4 In context of the findings above it is clear that the submitted Sustainability Appraisal does not meet basic condition (f) and must be revised to constitute a sound assessment.

1.1.1 ⁴ See Identifying a Rural Housing Target for the Joint Core Strategy, Wellingborough Borough Council

6 CONCLUSIONS

6.1.1 In conclusion GDL object to the EBNP as it is fundamentally unsound. The EBNP is predicated on restricting new development within Earls Barton. As outlined throughout this representation, the EBNP contains a number of flaws which contravene the following basic conditions:

(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,

- Gladman find that the strategy proposed towards new development by the plan is not sufficiently justified by an up-to-date and/or robust evidence base.
- The plans approach towards new development is in conflict with national policy as established by the National Planning Policy Framework and Planning Practice Guidance.

(d) The making of the order contributes to the achievement of sustainable development,

- The approach taken by EB.GD2 is overly restrictive to new development and is not supported by a sufficient evidence base. As a result the policy is contrary to the balancing exercise which is sustainable development as outlined by §7 of the Framework.

(e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),

- There is no sound or up-to-date local development plan against which the Earls Barton Neighbourhood Plan could be prepared. Production of the Neighbourhood Plan ahead of the public examination and adoption NNJCS pre-determines a strategic policy approach that is yet to be scrutinised or accepted as sound by the Inspector.

(f) The making of the order does not breach, and is otherwise compatible with, EU obligations,

- The Sustainability Appraisal attached to the publication EBNP does not comply with the Strategic Environmental Assessment Directive and the implementing UK Regulations. The SA does not identify, describe or evaluate the likely significant effects on the environment of implementing the plan and assess reasonable alternatives. This is a fundamental error of law, and for as long as the plan seeks to constrain housing in circumstances where there are no up-to-date strategic housing policies the Neighbourhood Plan cannot lawfully be examined with a recommendation that it proceed to referendum or lawfully be made.

6.1.2 Whilst “soundness” is not an express statutory requirement for the examination of neighbourhood plans, where the neighbourhood plan is intended to proceed in advance of the local plan the four tests of soundness in the National Planning Policy Framework (paragraph 182) provides the appropriate framework for consideration during preparation and at examination. The following conclusions are made:

- The EBNP is **not positively prepared**, as it is not based on a strategy which seeks to deliver the new housing in line with the full, objectively assessed needs. The EBNP is not growth orientated or aspirational and fails to grasp the significant opportunity and economic potential new development could bring. As publicised, the EBNP represents a major lost opportunity for Earls Barton and the Borough.
- The EBNP is **not justified** as it is not based on robust, up to date evidence. Despite the availability of local evidence providing an account of housing needs in the village, the Parish Council have ignored this and pursued a strategy to limit development to that already permitted. In addition the evidence used from the emerging NNJCS has yet to be tested by an inspector at examination. This approach is therefore clearly unsound. Objective decisions as to need and consequent shaping of policies should be undertaken through the local plan preparation process, and then given effect at the neighbourhood level.
- The EBNP is **not effective**, significant questions have been raised regarding the suitability and deliverability of a number of policies, and the ability of the plan to meet its identified housing needs.
- The EBNP is **not consistent with national policy**. The restriction on housing growth and a number of the policies within the Plan are contrary to the whole ethos of the Framework, which is pro-growth and seeks to “*boost significantly the supply of housing*” (paragraph 47) and the Ministerial Foreword to this which states that “*Development that is sustainable should go ahead without delay.*”

6.1.3 Progression of the EBNP to examination on the basis of untested and often out-dated evidence is unsound. The EBNP is not sufficiently growth orientated or aspirational. GDL submit that the proposals through the EBNP effectively act to restrict growth in Earls Barton. This directly contradicts the whole ethos of the Framework which seeks to boost significantly the supply of housing through sustainable development.

6.1.4 If the EBNP in its current form was progressed for Examination, GDL believe the Plan should be found to have failed to comply with the basic conditions and would not be recommended to proceed. In relation to the significant objections raised GDL would wish to participate in the relevant hearing sessions at the Examination.