

By email only to: clerk@houghandchorlton.co.uk

18th March 2019

Dear Sir/Madam,

This letter provides Gladman's representations in response to the draft version of the Wybunbury Combined Neighbourhood Plan (WCNP) under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation of numerous plans across the country, it is from this experience that these representations are prepared.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the WCNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, 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.*
- (g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of part 6 of the Conservation of Habitats and Species Regulations 2017.*

Revised National Planning Policy Framework

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On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper. The Government published a revised version of the 2018 Framework on the 19th February 2019. The revision makes a handful of minor changes which provide greater clarity on housing delivery and seeks to respond to issues that have arisen since the publication of the 2018 Framework.

Paragraph 214 of the Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24th January 2019. Given the date of this consultation the submission of the WCNP will occur after this date, and therefore the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2019.

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Planning Practice Guidance

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements of the wider area as confirmed in an adopted development plan. The Framework requirements have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan. On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG, providing clarity on the measures a qualifying body should take to review the contents of a neighbourhood plan where the policy evidence base becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying body's anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded.

Relationship to Local Plan

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

The Cheshire East Local Plan Strategy (CELPS) was adopted 27th July 2017 and sets out the strategic planning policy framework for the district until 2030. The CELPS is the first part of the new Local Plan to be adopted.

The Council are currently working on its Site Allocations and Development Policies Document (SADPD) which will sit alongside the CELPS. The SADPD will allocate additional sites for development to ensure that the overall development requirements set out in the adopted CELPS are delivered in full.

The Council recently consulted on the first draft of the SADPD, to which Gladman submitted detailed representations. Given that the SADPD has yet to reach an advanced stage detailing where new growth will be accommodated to meet the needs of the area it is important that policies contained in the WCNP allow for flexibility so that they are able to respond positively to changes in circumstance that may arise over the course of the plan period. This degree of flexibility is required to ensure that the WCNP is capable of being effective over the duration of its plan period, so it is not ultimately superseded by the emerging SADPD as s38(5) of the Planning and Compulsory Purchase Act 2004 states that:

'if to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be).'

Wybunbury Combined Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the WCNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of alternative options that should be explored prior to the Plan being submitted for Independent Examination.

Policy H1 – Location of New Houses

Policy H1 states that small scale development, of up to 2 dwellings that fills a small gap, will be supported.

Gladman contend that there is no evidence to suggest why it is considered appropriate to limit development within the NPA to no more than two dwellings located within the settlement boundary. In restricting development to this maximum level the WCNP is not conforming to the positive approach of the Framework or the direction taken through the Local Plan and as such Gladman suggests this element of the policy is deleted. The use of minimum housing targets has previously been considered in examiner's reports for 'made' neighbourhood plans. For example, the examiner's report for the Slaugham Neighbourhood Plan⁵ in Mid Sussex stated that:

"Given that the strategic objective of the plan refers to "at least 130", I assume it to be a minimum. If it were to be a maximum this would not allow for the flexibility the Framework seeks in responding to changing conditions."

Policy H4 – Design

Policy H4 sets out a list of design criteria that proposals for residential development are required to adhere to.

Whilst Gladman recognise the importance of high-quality design, planning policies should not be overly prescriptive and need flexibility in order for schemes to respond to sites specifics and the character of the local area. There will not be a 'one size fits all' solution in relation to design and sites should be considered on a site by site basis with consideration given to various design principles.

Gladman therefore suggest that more flexibility is provided in the policy wording to ensure that a high quality and inclusive design is not compromised by aesthetic requirements alone. We consider that to do so could act to impact on the viability of proposed residential developments. We suggest that regard should be had to paragraph 126 of the NPPF 2019 which states that: *"To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high-quality standard of design. However, their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified."*

Policy H6 – Settlement Boundaries

Policy H6 states that development in the NPA will be focussed on sites within the built-up areas of the existing settlements.

Gladman do not consider the use of built-up boundaries to be an effective response to future development proposals if it would act to preclude the delivery of otherwise sustainable development opportunities, as indicated in the policy. The Framework is clear that development which is sustainable should go ahead without delay. The use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a).

Policy E5 – Landscape Quality, Countryside and Open Views

We submit that new development can often be located in areas without eroding the views considered to be important to the local community and can be appropriately designed to take into consideration the wider landscape features of a surrounding area to provide new vistas and views.

In addition, as set out in case law, to be valued, a view would need to have some form of physical attribute. This policy must allow a decision maker to come to a view as to whether particular locations contains physical attributes that would 'take it out of the ordinary' rather than selecting views which may not have any landscape significance and are based solely on community support.

Opinions on landscape are highly subjective, therefore, without much more robust evidence to demonstrate why these views and landscape areas are considered special, the policy in its current form will likely lead to inconsistencies in the decision-making process.

Policy GG1 – Local Green Gap

Policy GG1 seeks to introduce a Local Green Gap.

Firstly, Gladman would like to remind the Parish Councils that it is not within the remit of a neighbourhood plan to determine planning applications. As such, we suggest that the word 'permitted' is replaced with 'supported'.

This is considered a strategic policy beyond the remit of neighbourhood plans that would have the effect of imposing a blanket restriction on development around the existing settlements within the neighbourhood plan area. It would effectively offer the same level of protection as Green Belt land without undertaking the necessary exceptional circumstances test for the designation of new areas of Green Belt. As stated by PPG paragraph 074¹, a neighbourhood plan should not attempt to introduce strategic policies, such as this, which would undermine the strategic policies set out in the development plan.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. Accordingly, the CSMDP will need to be updated so that it takes into account the latest guidance issued by the Secretary of State so that it can be found in compliance with basic condition (a), (d) and (e).

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national

¹ PPG Paragraph: 074 Reference ID: 41-074-20140306

planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the WCNP as currently proposed with the requirements of national planning policy and the strategic policies for the wider area.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Megan Pashley', written in a cursive style.

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Gladman