

Planning Policy,
Planning Services,
B&NES Council,
PO Box 5006,
Bath, BA1 1JG

By email only to: Neighbourhood_Planning@bathnes.gov.uk

Dear Sir/Madam,

Introduction

This letter provides Gladman Developments Ltd (Gladman) representations in response to the first draft version of the Whitchurch Neighbourhood Plan (WNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Gladman requests to be added to the Council's consultation database and to be kept informed on the progress of the emerging neighbourhood plan. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy.

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 WNP 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.*

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 in which 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 both plan-making and decision-taking. For plan-making 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 the latest 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 16 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 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans 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 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is 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 for the wider area as confirmed in an adopted development plan. The requirements of the Framework 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. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy 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 bodies 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. It is with that in mind that Gladman has reservations regarding the WNP's ability to meet basic condition (a) and this will be discussed in greater detail throughout this response.

Relationship to Local Plan

Adopted Development Plan

The current Development Plan relevant to the preparation of the WNP consists of the Bath and North-East Somerset Council (BANES) Core Strategy, adopted in 2014. This sets the overarching spatial strategy for the neighbourhood plan area.

Emerging Local Plan

BANES are currently working on the Place Making Plan, submitted for examination in 2016 and currently waiting for the Inspectors final report following consultation on main modifications. This plan allocates sites for development to implement the policies of the Core Strategy.

As well as working on the Place Making Plan the Council is undertaking work, combined with Bristol City Council, North Somerset and South Gloucestershire, on the West of England Plan. This will set out the strategic priorities for the combined authorities and whilst very much in its infancy it is important that the WNP is flexible on housing site allocations as failure to provide sufficient flexibility could lead to conflict with the emerging Joint Spatial Plan or a subsequent Core Strategy review. This is because Section 38(5) of the Planning and Compulsory Purchase Act states:

'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, approved or published (as the case may be).'

Whitchurch Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the WNP 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.

The Vision

Gladman are concerned that the aims of the plan do not set out a positive vision. Seeking for Whitchurch to remain as 'stable' does not indicate the plan will take a positive approach towards growth. This conflicts with the objectives of the Framework, which seeks to plan for growth and as such Gladman recommends deletion of the word 'stable' from the plans vision.

Policy WV 1.4- Heritage Assets and their Setting

This policy is seeking for heritage assets to be conserved and enhanced, whilst maintaining settlement separation. It is unclear why settlement separation would become an issue in the conservation and enhancement of heritage assets. Further, as Whitchurch is surrounded by Green Belt any development would have to conform to national policy towards development within the Green Belt and as such the issue of settlement separation would be dealt with using the higher level national policy designation. Gladman therefore recommend reference to settlement separation is deleted from this policy.

Policy WV. 1.6- Broadband Provision Policy

It is considered that this policy is overly prescriptive in setting out the requirements for internet provision. It is not considered appropriate for the plan to set requirements for minimum internet speeds. This policy is not a land use policy and does not need to be included in the main WNP document. It is a statement of intent which would be better suited to an appendix to the document which contains other such non-land use policies. Gladman recommend this policy is reworded and have suggested possible wording below:

'Development proposals must show through a Connectivity Statement how they will connect to the internet with the best available speed.'

Policy WV 2.1 Positive green buffer management between Whitchurch Village and Bristol

As Whitchurch is currently surrounded by Green Belt, the very purpose of which is to prevent urban sprawl/coalescence of settlements it is not clear why this policy is deemed necessary or what further detail this policy provides than which the higher-level national Green Belt designation already does. As Green Belt protection has been recently reaffirmed in the published Housing White Paper it is considered this policy is unnecessary and should be deleted. The policy does not reflect the criteria set out for development in the Green Belt from the Framework, in very special circumstances and as such may undermine this national policy designation.

Policy WV 4.1- Air Quality

As worded this policy does not make sense and could not be applied by a decision maker. Gladman kindly point out that the Parish may have meant to use the term 'deterioration' rather than 'detrition', a word with little to no relation to air quality or planning. As PPG states that policies should be clear and unambiguous, drafted with sufficient clarity that a decision maker can apply them consistently with confidence Gladman recommend the wording of this policy is changed so that it could be applied effectively by a decision maker.

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

Gladman is concerned that the plan in its current form does not comply with basic condition (a). The plan does not conform with national policy and could be seen to undermine a national policy designation. 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,

Richard Agnew


Gladman Developments Ltd.