

Planning Policy  
Wychavon District Council  
Civic Centre  
Queen Elizabeth Drive  
Pershore  
WR10 1PT

Gladman House, Alexandria Way  
Congleton Business Park  
Congleton, Cheshire  
CW12 1LB

By email only to: [policy.plans@wychavon.gov.uk](mailto:policy.plans@wychavon.gov.uk)

3<sup>rd</sup> October 2019

  
[www.gladman.co.uk](http://www.gladman.co.uk)

**Re: Honeybourne Neighbourhood Plan Submission (Reg 16) Consultation**

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft version of the Honeybourne Neighbourhood Development Plan (HNP) under Regulation 16 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 and examination 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 §8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the HNP 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**

On the 24<sup>th</sup> July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper. On 19<sup>th</sup> February 2019, MHCLG published a further revision to the NPPF (2019) and implements further changes to national policy.

§214 of the revised 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 24<sup>th</sup> January 2019. Clearly, submission of the HNP will occur after this date, and the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2018 and corrected in February 2019.

### **National Planning Policy Framework and Planning Practice Guidance**

On 24<sup>th</sup> July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework (NPPF2018). This publication forms the first revision of the Framework since 2012 and implements changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft NPPF2018 consultation. On 19<sup>th</sup> February 2019, MHCLG published a further revision to the NPPF (2019) and implements further changes to national policy.

The Revised 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 of the preparation of neighbourhood plans within which locally-prepared plans for housing and other development can be produced. Crucially, the changes to national policy reaffirm the Government's commitment to ensuring up to date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 13 states that:

**"The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies."**

Paragraph 14 further states that:

**"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:**

- a. The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;**
- b. The neighbourhood plan contains policies and allocations to meet its identified housing requirement;**
- c. The local planning authority has at least a three-year supply of deliverable housing sites (against its five-year supply requirement, including the appropriate buffer as set out in paragraph 73); and**
- d. The local planning authority's housing delivery was at least 45% of that required over the previous three years."**

The Revised Framework also sets out how neighbourhood planning provides local communities with the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development needed to meet identified

housing needs. Neighbourhood plans should not promote less development than set out in Local Plans and should not seek to undermine those strategic policies. Where the strategic policy making authority identifies a housing requirement for a neighbourhood area, the neighbourhood plan should seek to meet this figure in full as a minimum. Where it is not possible for a housing requirement figure to be provided i.e. where a neighbourhood plan has progressed following the adoption of a Local Plan, then the neighbourhood planning body should request an indicative figure to plan taking into account the latest evidence of housing need, population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

In order to proceed to referendum, the neighbourhood plan will need to be tested through independent examination in order to demonstrate that they are compliant with the basic conditions and other legal requirements before they can come into force. If the Examiner identifies that the neighbourhood plan does not meet the basic conditions as submitted, the plan may not be able to proceed to referendum.

### **Planning Practice Guidance**

Following the publication of the NPPF2018, the Government published updates to its Planning Practice Guidance (PPG) on 13<sup>th</sup> September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and give consideration to the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan<sup>1</sup>. This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.

It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward. Indeed, the PPG emphasises that;

---

<sup>1</sup> PPG Reference ID: 41-009-20160211

**“A wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlements will need to be supported by robust evidence of their appropriateness”<sup>2</sup>**

### **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. That relevant to the preparation of the HNP is the South Worcestershire Development Plan (SWDP) which was adopted 2016 and sets out the strategic planning policy framework for the district until 2030. The SWDP determined that Wychavon would be required to deliver 10,600 dwellings between 2006 and 2030, excluding the Wider Worcester Area (WWA).

In November 2018, the Council consulted on the South Worcestershire Development Plan Review Issues and options up to 2041, to which Gladman submitted detailed representations. The preferred options is due at the end of this year and adoption is expected by 2021. It is therefore important that policies contained in the HNP 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 HNP is capable of being effective over the duration of its plan period, so it is not ultimately superseded by the emerging Local Plan 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).”**

### **Honeybourne Neighbourhood Development Plan**

This section highlights the key issue that Gladman would like to raise with regards to the content of the HNP as currently proposed. It is considered the requirements of national policy and guidance are not always reflected in the plan. Gladman have sought to recommend a modification to ensure compliance with basic conditions.

### **Policy H2 – Housing Mix**

Policy H2, Housing Mix indicates a preference for smaller dwellings. The NPPF 2019 sets out that housing policies should be underpinned by relevant and up to date evidence which supports and justifies the policies concerned (para 31). The housing needs for different groups should be assessed to justify any policies on the size, type and tenure of housing including affordable housing (paras 61 & 62). However, whilst it is recognised that all households should have access to different types of dwellings to meet their housing needs, when planning for such, the focus should be on ensuring appropriate sites are allocated to meet the needs of specifically identified groups of households rather than setting a

---

<sup>2</sup> Paragraph: 009 Reference ID: 67-009-20190722

specific housing mix on individual sites. The Honeybourne Neighbourhood Plan should ensure that suitable sites are available for a range of development types across a choice of appropriate locations. It is not clear how compliance with the policy should be demonstrated. Policy H2 does not comply with national policy and is not therefore made in accordance with basic condition (a) and should be removed.

#### **Policy H4 – General Design Principles**

Policy H4 sets out a list of design principles that development proposals will be expected to adhere to.

Whilst Gladman recognise the importance of high-quality design, planning policies and the documents sitting behind them 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 Framework 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 H7 – Local Green Spaces**

Policy H7 identifies 13 tracts of land as potential Local Green Space designations. The designation of land as Local Green Space (LGS) is a significant policy designation and effectively means that once designated, they provide protection that is comparable to that for Green Belt land. As such, the Parish Council should ensure that the proposed designations are capable of meeting the requirements of national policy if they consider it necessary to seek LGS designation.

The Framework 2018 is explicit in stating at paragraph 100 that '*Local Green Space designation will not be appropriate for most green areas or open space*'. With this in mind, it is imperative that the plan makers can clearly demonstrate that the requirements for LGS designation are met. The designation of LGS should only be used:

- Where the green space is in reasonably close proximity to the community it serves;
- Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

- Where the green area concerned is local in character and is not an extensive tract of land.

Gladman further note §015 of the PPG (ID37-015) which states, '§100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate.

Gladman do not believe that HNP supporting evidence is sufficiently robust to justify the proposed allocation of 7. Fields around the church and 8. Gate Inn Field as LGS, given that they form an extensive tract of land.

The issue of whether LGS meets the criteria for designation has been explored in a number of Examiner's Reports across the country and we highlight the following decisions:

- The Sedlescombe Neighbourhood Plan Examiner's Report<sup>3</sup> recommended the deletion of an LGS measuring approximately 4.5ha as it was found to be an extensive tract of land.
- The Oakley and Deane Neighbourhood Plan Examiners Report<sup>4</sup> recommended the deletion of an LGS measuring approximately 5ha and also found this area to be not local in character. Thereby failing to meet 2 of the 3 tests for LGS designation.
- The Alrewas Neighbourhood Plan Examiner's Report<sup>5</sup> identifies both proposed LGS sites 'in relation to the overall size of the Alrewas Village' to be extensive tracts of land. The Examiner in this instance recommended the deletion of the proposed LGSs which measured approximately 2.4ha and 3.7ha.

Highlighted through a number of Examiner's Reports set out above and other 'made' neighbourhood plans, it is considered several sites have not been designated in accordance with national policy and guidance and subsequently are not in accordance with the basic conditions.

Gladman suggest that the Parish Council review the evidence supporting the proposed designations and ensure compliance with all the above requirements. Whilst the Parish Council have sought to undertake some form of evidence base it does not overcome the failure to meet the specific policy requirements set out above with regards to the scale of land to be designated, particularly in relation to '9 7. Fields around the church' and '8. Gate Inn Field' which appear to form an extensive tract of land. In terms of meeting the second test there is no evidence base to support these designated LGS being 'demonstrably special to a local community.' In relation to their beauty, they are of no particular scenic quality. The Policy has not therefore been made in accordance with basic conditions (a) and (d). Gladman recommend that the LGS Policy be revisited to ensure the designations are compliant in their entirety.

---

<sup>3</sup> <http://www.rother.gov.uk/CHttpHandler.ashx?id=22996&p=0>

<sup>4</sup> <https://www.basingstoke.gov.uk/content/doclib/1382.pdf>

<sup>5</sup> <https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Neighbourhoodplans/Downloads/Alrewas/Alrewas-Neighbourhood-Plan-Examiners-Report.pdf>

**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 HNP as currently proposed with the requirements of national planning policy and the strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic condition (a) in its conformity with national policy and guidance and is contrary to (d) the making of the order contributes to the achievement of sustainable development for the reasons set out above.

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,

Paul Emms

Gladman Developments Ltd.