

Harvington Submitted Neighbourhood Plan Consultation

RESPONSE FORM

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, Harvington Parish Council has submitted its Neighbourhood Plan to Wychavon District Council. In accordance with Regulation 16, Wychavon District Council would like to invite comments from individuals and organisations on the submitted Neighbourhood Plan.

This consultation runs from 9am Wednesday 24 October to 5pm Wednesday 5 December 2018.

All comments will be made publicly available and identifiable by name and organisation (where applicable). The personal information you provide on this form will be held and processed in accordance with the requirements of Data Protection Legislation. More information on how we will hold your data can be found at: <https://www.wychavon.gov.uk/privacy-policy>

Please fill in your details in the boxes below:

Full Name: Andrew Muir

Organisation (if applicable):

Address (including postcode):

Telephone number:

Email address:

Please state which part of the Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

Please see attached

Please use the space below to make comments on this part of the Neighbourhood Plan.

Please see attached

Please use a separate form for each representation.

Please state whether you would like to be notified of the Council's decision on the Neighbourhood Plan proposal:

Yes No

Please email this form to policy.plans@wychavon.gov.uk or post it to Planning Policy, Wychavon District Council, Civic Centre, Queen Elizabeth Drive, Pershore, WR10 1PT.

This representation is an **objection** to the Development Boundary and Policies IH1 and IH5 of the Harvington Neighbourhood Plan. The development boundary proposes the inclusion of land off Village Street within the settlement boundary to accommodate a housing allocation. Policy IH1 purports to provide the justification for the allocation of residential development whilst IH5 identifies a specific site.

I have to say that there is much in the plan that I support and I applaud those who have invested considerable effort and skill in its evolution.

That said my objection to the allocation is on a number of grounds which fall under the following headings:

Need;

General Conformity;

Definition of future requirement; and

Site Evaluation Process

Need

The recently adopted South Worcestershire Development Plan sets out the strategic framework for the amount and location of development over the period from 2016 to 2030. It is therefore current and up to date. In relation to housing supply the Plan is based on a defensible objectively assessed need. To satisfy this need sustainably the Plan allocates the majority of development to the main urban settlements. Harvington is identified in the Plan as a Category 3 settlement. To meet the objectively assessed housing need of the settlement over the plan period the Plan allocated a site with a capacity of 9 dwellings. This approach is entirely consistent with the current NPPF as demonstrated by the following extracts from the SWDP Inspectors report:

73. National planning policy includes the National Planning Policy Framework (The Framework). The Framework sets out a number of fundamental issues that need to be taken into account during the preparation of local plans, which include the following requirements: a. To set out a clear economic vision and strategy for the area, which positively and proactively encourages sustainable economic growth. b. To use a robust and up-to-date evidence base to ensure that the local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework(1), including identifying key sites that are critical to the delivery of the housing strategy over the plan period.

35. The Plan uses development boundaries to define the extent of settlements, within which development is acceptable in general terms in accordance with SWDP 2 F. These boundaries include any contiguous development sites allocated in the Plan. It is difficult to see how effect could be given in development management decisions to the settlement hierarchy or to the national policy quoted in

the previous paragraph, without defining development boundaries. They provide necessary certainty so that users of the Plan can understand what is likely to be permissible in any given location.

36. NPPF paragraph 55 advises that housing should be located where it will enhance or maintain the vitality of rural communities. Related guidance in the PPG states that blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence¹². As indicated above, I consider the Plan's settlement hierarchy to be robustly evidence based. The amount of development allocated by the Plan to each settlement, 11 See also MM15/13B. 12 ID 50-001-20140306. South Worcestershire Development Plan, Inspector's Report February 2016 - 10 - including the villages, and the way in which windfall proposals in each tier of the settlement hierarchy will be assessed, reflect the relative capacity of the settlements to support new development. In particular, they take account of the availability of infrastructure and services.

*37. This approach is entirely consistent with the achievement of sustainable development. The Plan's policies do not place a "blanket" ban on development in any defined settlement. To the extent that they promote more development in some settlements than in others, **that is a rational stance supported by sound evidence.**(my emphasis)*

In making the allocation in the Neighbourhood Plan (NP) the Council has confused need with supply. The questions in the village survey asked residents what level of development they would tolerate but that is not the same as need.

The 2017 Brief for Consultants states that: 'The SG's overall conclusion on housing stock, so far, is that an additional 30 units would represent the growth rate **that most villagers wish to see.**' That is not an objectively assessed identification of need supported by sound evidence.

The NP at page 33 (Evidence, Reasoning and Justification) provides the following:

'The Housing Need survey, as summarised in section 3.4 above, found no evidence for any growth need occasioned by people with an existing connection to the village needing new housing.'

In fact, it is not possible to find any evidence of need in the NP or in the 2016 Housing Needs Survey. In contrast the SWDP is based on a housing need survey which the Inspector found to be sound evidence for the Plan's settlement hierarchy and the amount of development allocated to each settlement.

General Conformity

Does the NP satisfy the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004?

The tests that a decision maker will need to apply in answering that question are:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with

- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach

SWDP 2 states that a number of sites of an appropriate scale have been identified in Category 1,2 and 3 settlement to meet the need for housing and to support local services. The proposed allocation site IH1 exceeds the appropriate scale required to meet the needs of Harvington for the Plan period and as a consequence the NP cannot be regarded as being in general conformity with the strategic policies for the area.

Given the scale of development proposed the degree of conflict with the adopted strategic policies for the area is significant. No reasoned justification has been provided to support such a major departure from the spatial policies of the SWDP. There is nothing in the NP to allow one to conclude that the circumstances in Harvington are such that an additional level of development, beyond that provide for in the SWDP, is required.

In the Evidence and Justification section of the NP the policies of the SWDP are quoted in part with the highlighted sections omitted.

SWDP 2F: Development proposals should be of an appropriate scale and type with regard to the size of the settlement... local landscape character (see SWDP 25), location and the availability of infrastructure.

SWDP 2H: The SWDP is supportive of development proposals that are promoted through neighbourhood planning mechanisms... where these proposals do not compromise the delivery of the plan's strategic policies and proposals.

These are important omission and go to the heart of why the allocation is inappropriate and without justification.

In determining an appeal in respect of land at Crest Hill, Harvington (APP/H1840/W/15/3140480) the Inspector stated that:

8. *Policy SWDP2 sets out a number of principles for the South Worcestershire development strategy and settlement hierarchy, including the delivery of sufficient housing to meet objectively assessed needs (OAN) to 2030, focus most development on the urban areas and safeguard the open countryside, which is defined as land beyond any development boundary and where development will be strictly controlled. The proposed development would clearly be contrary to this Policy.(my emphasis)*

And continued

20. *The above material considerations raised by the appellants do not justify such a major housing development outside the development boundary of a village in the District, which has a very recently adopted local plan that delivers the area's OAN including a 5YHLS in a sustainable way without requiring this site. For these reasons I conclude that the proposed development would not be in an acceptable location in terms of extant planning policy.(my emphasis)*

Planning Practice Guidance (issued in March 2014) provides the following guidance:

*Can a neighbourhood plan allocate additional or alternative sites to those in a Local Plan? A neighbourhood plan can allocate additional sites to those in a Local Plan **where this is supported by evidence to demonstrate need above that identified in the Local Plan**. A neighbourhood plan can propose allocating alternative sites to those in a Local Plan, but a qualifying body should discuss with the local planning authority why it considers the Local Plan allocations no longer appropriate. The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies. Nor should it be used to constrain the delivery of a strategic site allocated for development in the Local Plan. Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.(my emphasis)*

The Basic Conditions Statement submitted with the NP sets out material which purports to demonstrate how the NP contributes to the objectives of sustainability in the NPPF. The material is contained in a table within section 2.10 on page 6 of the Basic Conditions Statement. In respect of IH1 and IH5 the material acknowledges that the Plan allocates more development than is required by the SDWP strategic requirement for the village but provided no support for that increase or explains how that additional allocation will achieve sustainability objectives.

In addition, I have not seen evidence to suggest that the Parish Council, as qualifying body, has provided evidence or had discussions with the local planning authority as to why it considers the local plan allocation no longer appropriate.

It is my submission that there is nothing in the NP by way of evidence to support the proposed allocation and as a consequence the housing allocation policy of NP must fail. As a consequence, the NP must also fail to satisfy the basic conditions required by legislation.

Definition of Future Requirement

The plan proposes to allocate a development site to accommodate growth based on the response of residents to a question in the 2015 village survey. Question 54 of the survey asked:

Q54 Over the next 15 years do you think Harvington should:

Responses: 254

Response type: Single Selection Count

154 60% Continue to grow at roughly the same rate as it has done over the last 15 years,

93 36% Stay roughly the same size as it is now,

7 2% Grow faster, to become a much bigger village with more facilities

Section 4.5 of the Evidence, Justification and Reasoning paper provides a calculation which concludes that during the Plan period a total of 51 dwellings will be required and that due to existing commitments an allocation of around 40 would be appropriate.

In this context it is worth noting the response of the owner of the allocated site to the Regulation 16 consultation. They state that:

‘6. The explanation to the policy may also benefit from an indication that the estimate of the contribution of windfall development to the overall provision of around 40 dwellings above the 35 unit allocation is an estimate only and that development within the development boundary that resulted in excess of ‘around 40 dwellings’ would not be prevented if it accorded in all other respects with the policies of the plan. This would help emphasise that “around 40 dwellings” is not a target.’(my emphasis)

This suggests that the land owner has aspirations beyond the 40 dwellings which would put the plan well out of kilter with strategic spatial policy. Indeed, the Parish Council’s consultant’s assessment suggests 43 dwellings based on a fairly conservative density.

My submission is that the logic behind the proposed allocation is flawed for a number of reasons. These are as follows:

- only 25% of households in the Parish responded to the survey and on that basis it cannot be regarded as representative of the desires of the majority of the community;
- the question posed does not provide the respondent with an indication of the growth rate over the past 15 years on which to base their response;
- to reach the proposed allocation the calculation, at section 4.5, takes a period of 23 years (1992 - 2015) rather than 15 years. The growth rate over the 15 year period may be significantly different. This is a significant departure from the question that was posed to the community and upon which the allocation is premised;
- The baseline period includes the development of former employment sites within the village such as Black and White and Beoley Accessories. These sites provided significant numbers of dwellings but such opportunities no longer exist in the village and a realistic baseline would have omitted these sites and produced less growth;
- The baseline for the calculation is 1992 but only an estimate of the number of dwellings existing at that time is provided. Again, this figure could have been significantly different which would result in a different allocation being calculated;

- Windfall sites are omitted from the calculation without justification. These developments are fundamental to the type of growth that the settlement has experienced in recent years and may have influenced the response to question 254;
- In arriving at the allocation requirement, a windfall figure of 4 dwellings is assumed for the 15-year plan period. This is completely unrealistic as Appendix 8 of the SWDP (Wychavon Windfall Calculations) indicates that in the period 2006 – 2018 there were 24 windfall developments. This gives a rate of 2 per annum or 30 over the plan period;
- The calculation states that: ‘The historic growth of the village of the 25 years from 1992 to 2015 was 78 houses.’. However, the period from 1992 to 2015 is 23 years. If the calculation has used 25 years then it is fundamentally flawed and cannot be relied upon.

Site Evaluation Process

In 2017 a brief was prepared to enable consultants to be appointed to undertake an independent evaluation of sites identified by the NP Steering Group in 2015. The brief states that:

‘In January 2016 the SG issued a call for sites, through the medium of the monthly Village News. There were two direct responses. Rooftop (the local provider of social housing) also approached the Parish Council with an outline for a development on a third site. The SG took over communications with Rooftop, which resulted in an offer of that site by the direct representatives of the owners.

The SG undertook an initial assessment of these three sites, taking into account villagers’ views on them, the past results of planning applications and assessing their capability to host the required 30 units.

One site appears to meet our requirements.’

In this context it is not clear what ‘offer’ was made to whom, but the fact that there had been engagement with a landowner and in drafting the brief the SG expressed a preference for a site, may have coloured the impartiality of the consultant’s assessment.

The consultants Aecom were engaged to undertake the assessment and their final report is dated 22 December 2017. It is difficult to have confidence in the conclusions reached in the report for a number of reasons. These are:

- In respect of site B an amber rating is given despite the site being rejected on appeal two years prior to the final draft of the report. On that basis the site should be rated red;
- Site D has a similar assessment wording as Site A i.e. there are minor constraints that could be addressed through the development management process but despite it being rated as suitable for development it is rated amber rather than green
- Sites E-H are rejected on the basis that they were previously rejected in the SWDP SHLAA which raises a question about why they were brought into the assessment process;

- Flooding is cited as a reason for rejecting a number of the sites but the sites do not appear in the Environment Agency Flood Map for planning which suggest that they may be prone to surface water impacts which can be mitigated by design.

On these grounds I do not feel that, were there a need for further development, that the site allocated could be regarded as the most suitable based on the evaluation provided.

Conclusion

Based on the information set out above it is my conclusion that the Neighbourhood Plan cannot be adopted in its current form. The site for a residential allocation on land off Village Street is not supported by evidence of need above that allocated in the Local Plan and is therefore inconsistent with policy and guidance. Finally, the calculations used to derive the allocation – the supply – are flawed and cannot be used to support the level of development proposed. As a consequence, to allocate the proposed amount of development in Harvington for the plan period would undermine the objectives of sustainability set out in planning policy at all levels but crucially in the recently adopted SWDP.

The consequence of this is that the NP is not in general conformity with the Development Plan and fails the legal test.