

# Drakes Broughton and Wadborough with Pirton Neighbourhood Development Plan

Submission Version

2015-2030



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# 1 EXECUTIVE SUMMARY

## 1.1 Context

- 1.1.1 These representations provide the response of Gladman Developments Ltd (Gladman) to the current consultation held by Wychavon District Council (WDC) on the submission version of the Drakes Broughton and Wadborough with Pirton Neighbourhood Plan (DBWPNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
- 1.1.2 Through these representations, Gladman seeks to clarify the relationship of the DBWPNP to both national and local policy requirements. This submission provides an analysis of the neighbourhood plan as currently proposed, highlighting areas in which we feel the document currently lacks clarity and would benefit from amendments to several policies to ensure the Plan accords with the provisions required by national planning policy and guidance.
- 1.1.3 Upon reviewing the submission version of the DBWPNP, it is considered that the Plan should **reconsider its position and its potential to deliver additional housing growth to meet the district's** housing needs. Whilst the South Worcestershire Development Plan is now adopted, it is the case that the Development Plan contains a mechanism to review. Accordingly, it would be prudent of the Parish Council to ensure that sufficient contingency measures are included in the Neighbourhood Plan should this review take place.
- 1.1.4 If the DBWPNP proceeds to Examination Gladman would like to participate in the relevant hearing session(s) should the Examiner consider it necessary to hold a hearing.
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## 2 LEGAL REQUIREMENTS, NATIONAL POLICY & JUDGMENTS

### 2.1 Legal Requirements

2.1.1 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 DBWPNP 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;
- 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); and
- f) The making of the order does not breach, and is otherwise compatible with, EU obligations.

### 2.2 National Planning Policy Framework

2.2.1 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 identified development needs.

2.2.2 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 (OAN) for housing, with sufficient flexibility to adapt to rapid change. This requirement is also applicable to neighbourhood plans.

2.2.3 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

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strategic development needs set out in Local Plans, including policies for housing development that plan positively to support local development.

- 2.2.4 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.
- 2.2.5 Paragraph 49 of the Framework is clear that *'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*. This applies not only to statutory development plan documents but is also **applicable to both emerging and 'made' neighbourhood plans. This has also been confirmed** in the High Court<sup>1</sup>.
- 2.2.6 Paragraph 184 of the Framework makes clear that the ambition of the neighbourhood plan should be aligned with the strategic needs and priorities of the wider area. To facilitate this, local planning authorities (LPAs) will need to set out clearly their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. Where a neighbourhood plan proceeds in advance of the adoption of a Framework-compliant Local Plan, this will create uncertainty as to whether the neighbourhood plan provides an appropriate basis for the spatial approach contained in its administrative area.

## 2.3 Planning Practice Guidance

- 2.3.1 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).
- 2.3.2 On 11<sup>th</sup> 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. In particular, the changes to the PPG stress the importance of considering housing reserve sites, and providing indicative delivery timetables to ensure that emerging evidence of housing needs is addressed to help minimise any potential conflicts that can arise and are not overridden by a new Local Plan. In this circumstance we refer to the expected review of the Local Plan that is to commence in 2019.
- 2.3.3 On 19<sup>th</sup> 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

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<sup>1</sup> Woodcock Holdings v SSCLG [2015] EWHC 1173 (Admin)

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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.

- 2.3.4 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 DBWPNP may 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).

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## 3 DEVELOPMENT PLAN

### 3.1 Adopted Development Plan

- 3.1.1 To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in an adopted Local Plan.
- 3.1.2 The current Development Plan relevant to the preparation of the DBWPNP consists of the South Worcestershire Development Plan (SWDP) adopted on 25<sup>th</sup> February 2016 and has superseded the Wychavon District Local Plan (2006).
- 3.1.3 The SWDP is required to deliver **'about' 28,400 dwellings across the plan period across the South Worcestershire plan area** (this includes Wychavon District Council, Malvern Hills District Council and **Worcester City Council**). **WDC's apportion of the housing target is approximately 10,600 dwellings.** This excludes the Wider Worcester Area requirement.
- 3.1.4 Drakes Broughton is identified as a Category 2 village and provides a range of local services and facilities that are suited to accommodating market and affordable housing needs. The SWDP does not specify the amount of growth that is suitable for Drakes Broughton. What is clear however is that a review of the SWDP is required to address the housing needs of other local planning authorities where it is established through the local plan process that those needs must be met in the SWDP area. As such, Gladman is concerned that no consideration has been given to the need for housing reserve sites that is necessary in order to minimise any potential conflict between the DBWPNP and the future Local Plan Review.
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## 4 DRAKES BROUGHTON AND WADBOROUGH WITH PIRTON NEIGHBOURHOOD DEVELOPMENT PLAN

### 4.1 Context

- 4.1.1 These representations are made in response to the current consultation on the submission version of the DBWPNP, under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This section highlights the key points that Gladman would like to raise with regard to the content of the neighbourhood plan as currently proposed.

### 4.2 Neighbourhood Plan Policies

Policy DBWP1 – New Housing In Drakes Broughton and Policy DBWP3 – New Housing in Pirton and the Wider Countryside

- 4.2.1 This policy seeks to define a tightly drawn settlement boundary around Drakes Broughton. Development will only be supported where it is located within the defined settlement boundary and consistent with the criteria attached to this policy.
- 4.2.2 Gladman reiterate the previous concerns raised in response to the pre-submission consultation. The settlement boundary portrays a tightly drawn boundary that will act to contain the physical growth of the settlement and does not allow for flexibility or contingency required by national policy and guidance to ensure that the Plan is capable of reacting to changing market conditions.
- 4.2.3 By association, Policy DBWP3 allows for development in a narrow set of circumstances limiting development to that which is needed for agriculture, forestry workers or previously developed land. This does not allow any significant degree of flexibility should the housing needs for the settlement increase through the expected Local Plan review. In light of this it is considered that a criteria based approach consistent with the requirements of §14 and §49 of the Framework and Policy SWDP 1 of the development plan would be more appropriate in order to provide the flexibility required to ensure that the Plan remains effective over its lifetime. Gladman submit that the following wording should be considered:

*'When considering development proposals, the Neighbourhood Plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.*

*Sustainable development proposals that are located adjacent to the existing settlement will be supported provided that the adverse impacts do not significantly and demonstrably outweigh the benefits of development.'*

- 4.2.4 Notwithstanding the comments raised above, given the existing commitments in the settlement these should be included within the settlement boundary to give an accurate depiction on development proposals that will eventually be built out and form part of the settlement.
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- 4.2.5 In addition, all new housing development is required to follow all of the criteria attached to this policy. **Gladman question the inclusion of criteria (b) which states ‘They do not have an adverse impact on the Parishes rural landscape.’ Should any future development come forward on the edge of Drakes Broughton it will likely alter the Parish’s rural landscape and this policy as currently proposed is open to interpretation.**

Policy DBWP7 – Landscape Character and Locally Important Views

- 4.2.6 This policy requires development proposals to incorporate the landscape design principles defined under Policy DBWP7.
- 4.2.7 As suggested in our response to the pre-submission consultation, development can often be located in areas without eroding the loss of openness, landscape character or views considered to be important to the local community. In such circumstances development proposals can be appropriately designed to take into consideration of the wider landscape features of a surrounding area.
- 4.2.8 Criteria (d) states that *‘Locally important views are considered special and development will be required to take into consideration any adverse impacts on these views through landscape appraisals and impact studies.’* **However, with the exception of the maps 3 and 4 in appendix 1** and limited comments referenced in the Consultation Statement, the DBWPNP contains no justification or reasoning why these views are of particular importance to the local communities. Noting Worcestershire County **Council’s Interactive Landscape Character Assessment**, this suggests that the surrounding landscape and biodiversity of the local area is of a moderate – low significance. Accordingly, Gladman raise concern with this policy due to the lack of evidence to demonstrate why these views are of particular importance to the local community. Policy DBWP7 as proposed provides no clarity on how the Council will interpret this policy in a consistent manner through the development management process. Opinions on landscape are highly subjective, therefore without further clarity about how these views are considered ‘special’ to the local community, this policy is likely to lead to inconsistencies in the decision making process.
- 4.2.9 It is considered that Policy DBWP7 is likely to be found contrary to basic conditions (a) and (d).
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## 5 CONCLUSIONS

### 5.1 Ability to meet the basic conditions

- 5.1.1 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 the DBWPNP must meet all of the Neighbourhood Plan Basic Conditions set out in Schedule 4b of the Town and Country Planning Act 1990 (as amended) if it is to proceed to Referendum. If the Plan is found to be inconsistent with any of the basic conditions then the Plan will be unable to progress to referendum.
- 5.1.2 Through this response, Gladman has sought to provide some constructive criticism with the plan as proposed and have recommended the need for a number of amendments to the Plan to ensure that it is able to deliver its economic, social and environmental objectives whilst not preventing the delivery of sustainable development proposals from coming forward over the plan period.
- 5.1.3 Gladman considers that the approach taken in the Neighbourhood Plan does not allow sufficient flexibility in the event that further housing in this location is required both in terms of an inflexible settlement boundary and the lack of consideration for housing reserve sites following the updates the PPG. . Whilst it is noted that the DBWPNP contains a provision to review the contents of Plan to coincide with the review of the Development Plan, there is no statutory requirement for the Steering Group to undertake such a review. This being said, it is recommended that prior to the formal examination of the Plan, the Steering Group considers the need for housing reserve sites and undertake a further consultation.
- 5.1.4 Should the need for additional housing be identified by WDC, the allocation of housing reserve site(s) will help ensure that the Plan remains effective and up-to-date until such time as a review of the neighbourhood plan takes place. This will also help minimise the potential conflict that can arise as per s38(5) of the Planning and Compulsory Purchase Act 2004.
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