



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

By email only to: policy.plans@wychavon.gov.uk

RE: Cleeve Prior Neighbourhood Plan Regulation 16 Consultation

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Cleeve Prior Neighbourhood Plan (CPNP) 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 CPNP 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 CPNP's ability to meet basic condition (a) and this will be discussed in greater detail throughout this response.

Relationship to Local Plan

The current development plan that covers the Cleeve Prior Neighbourhood Plan area and the development plan which the CPNP will be tested against is the South Worcestershire Development Plan (SWDP), jointly produced by Wychavon, Malvern Hills and Worcester City, and adopted in February 2016. The SWDP covers the period 2006 to 2030 and provides the overarching spatial strategy for Wychavon, which contains the neighbourhood plan area.

Cleeve Prior Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the CPNP 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 CP1

Gladman supports the principle of this policy and how this will support the objectives of the Framework in significantly boosting the supply of housing.

Policy CP2

Gladman suggest this policy lacks the clarity necessary to be contained within the plan and suggest further wording is added to the policy to allow the policy to be applied consistently. A blanket protection of all open spaces in the conservation area is not considered appropriate and further justification is needed. Gladman suggest including the wording 'which are necessary to preserve and enhance the setting of the conservation area.'

Policy CP3

This policy seeks to designate parcels of land as Local Green Space to be protected from development except in very special circumstances. Paragraphs 76 through to 78 set out the requirements for designating Local Green Spaces (LGS) with paragraph 77 stating:

'The Local Green Space designation will not be appropriate for most green areas or open space. The designation 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 raise concerns with some of the proposed LGS designations suggesting that they may be extensive tracts of land in proportion to the size of Cleeve Prior. Further, the justifications for the LGS designation, in the supporting text of this policy, is deemed to be insufficient as it fails to consider whether the proposed LGS parcels are extensive tracts of land. As such, Gladman recommends these parcels should be deleted due to the permanence of a LGS designation.

The issues surrounding LGS designations have been considered in a number of other Examiner's reports across the country and we highlight the following decisions:

- The Seldlescombe Neighbourhood Plan Examiner's Report¹ recommended the deletion of a LGS measuring approximately 4.5ha as it was found to be an extensive tract of land.
- The Oakley and Deane Neighbourhood Plan Examiners Report² recommended the deletion of a 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 Report³ identifies that both sites proposed as LGS in the neighbourhood plan '*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.
- The Freshford and Limpley Neighbourhood Plan Examiner's Report⁴ identified that the six LGS proposed did not meet the criteria required by the Framework either collectively or individually. Indeed, the Examiner identified that the combination of sites comprised of an extensive tract of land. The Examiner also considered that the protection of fields to 'prevent agglomeration between the settlement areas... is not the purpose of Local Green Space designation'.
- The Eastington Neighbourhood Plan Examiner's Report⁵ recommended the deletion of three LGS (16ha and 2ha) considered to be extensive tracts of land. The third proposed LGS was deleted due to the lack of evidence demonstrating its importance and significance to the local community.
- The Tattenhill and Rangemore Neighbourhood Plan Examiner's Report⁶ recommended the deletion of 2 LGS comprising of 4.3ha and 9.4ha.
- The Norley Examiner's Report⁷ identified a total of 13 parcels of land to be designated as LGS. The Examiner recommended at \$4.98 that the identification of these extensive tracts of agricultural land was contrary to NPPF policy and recommended that the policy should be deleted. The proposed LGS measured in the range of 1ha – 4.3ha.

Policy CP4

The green infrastructure policy introduces a Strategic Gap between the housing allocation of Policy CP11 and the existing settlement. By very definition a strategic policy which is beyond the remit of neighbourhood plans which is deemed unnecessary. Gladman question the necessity of inserting a gap between two parts of what will be the same settlement. Further, it is considered that this gap may contradict other elements of the plan and more specifically the site allocation of policy CP11. This would in effect set up a strategic gap between two areas of same settlement and it is therefore not considered appropriate.

There is insufficient justification for why these fields are necessary for protection. Using Policy SWDP2 as a basis for designating 'Significant Gaps', it is not considered a Significant Gap as part of the SWDP and should therefore be deleted.

Policy CP11

Whilst raising no issues with the specific allocation in this policy, Gladman raise concerns with some of the aspects of this policy. It is not considered appropriate to dictate what type of application should be submitted for the site and whilst the allocation of the site would establish the principle of development an outline application with follow up reserved matters should be considered on equal merit to a full application.

¹ <http://www.rother.gov.uk/CHttpHandler.ashx?id=22996&p=0>

² <https://www.basingstoke.gov.uk/content/doclib/1382.pdf>

³ <https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Neighbourhood-plans/Downloads/Alrewas/Alrewas-Neighbourhood-Plan-Examiners-Report.pdf>

⁴ http://www.wiltshire.gov.uk/freshford_limpley_examination_final_report.pdf

⁵ <https://www.stroud.gov.uk/media/2596/2016-04-28-eastington-examiners-report-final.pdf>

⁶ <http://www.eaststaffsbc.gov.uk/sites/default/files/docs/planning/planningpolicy/neighplanning/tattenhill/02%20Tattenhill%20Neighbourhood%20Plan%202015.pdf>

⁷ <http://consult.cheshirewestandchester.gov.uk/file/3626372>

Further, the policy is seeking contributions for local sports, leisure and community facilities in the village. Developer contributions should only be required where they are necessary to address the unacceptable planning impacts of a development and so directly related to the impacts of a proposal that it should not be permitted without them. Contributions must be based on up-to-date, robust evidence of needs and cannot be used to make up the funding gap for desirable infrastructure, or to support the provision of unrelated items. As paragraph 204 of the Framework states:

Planning obligations should only be sought where they meet all of the following tests:

- *Necessary to make the development acceptable in planning terms;*
- *Directly related to the development; and*
- *Fairly and reasonably related in scale and kind to the development.*

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 CPNP 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 conditions (a). Elements of the plan do not conform with national policy and guidance and should be modified accordingly. 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

