

Chichester District Council
East Pallant House
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Chichester
West Sussex
PO19 1TY

By email only to: neighbourhoodplanning@chichester.gov.uk

Re: Westbourne Neighbourhood Plan – Regulation 16 consultation

Dear Sir/Madam,

This letter provides the response of Gladman Developments Ltd (hereafter referred to as “Gladman”) to the current consultation held by Chichester District Council and South Downs National Park Authority on the submission version of the Westbourne Neighbourhood Plan (WNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

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.

Relationship to Local Plans

The adopted Development Plan relevant to the preparation of the WNP consists of the Chichester Local Plan Key Policies (CLPKP) and the saved policies contained in the Chichester Local Plan 1999. However it should be noted that the Inspector examining the CLPKP came to the conclusion that it was necessary for the Council to undertake a complete review of the Local Plan within five years to ensure that sufficient housing would be planned for to meet the needs of the area.

Indeed, this is reflected in paragraph 2.9.2 of the Local Plan Review Issues and Options consultation document which **states 'as the Local Plan Review moves forward, the current neighbourhood plans may each need to be reviewed to**

bring them in line with the strategic requirements of the emerging Plan Review. For most parishes, this is likely to **include the identification of land for development...**

As such, the WNP should allow for sufficient flexibility so that it able to respond positively to any changes which may be implemented through the Local Plan Review, 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, approved or published (as the case may be).'

Westbourne 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. Following a review of the WNP as submitted, it is considered that some policies do not reflect the requirements of national planning policy and guidance and we have therefore sought to recommend a series of alternative options to be considered prior to the plan being submitted for Independent Examination.

Neighbourhood Plan policies

Policy OA1: Sustainable Development

In principle, Gladman welcome the inclusion of Policy OA1 which broadly reflects the presumption in favour of sustainable development, which should be seen as the golden thread through both plan making and decision taking.

However, it is considered that policy OA1 takes a more onerous approach to sustainable development than that contained in paragraph 14 of the Framework which makes clear that development proposals that are sustainable should go ahead without delay in accordance with the presumption in favour of sustainable development. Gladman submit that the Framework does not distinguish the difference between the sustainability of a development proposal on the grounds of whether it is located within or adjacent to a settlement boundary. Accordingly, it is recommend that the Neighbourhood Plan takes a more flexible and simplified approach to development adjacent to the existing settlement and the following wording is put forward for consideration:

"When considering development proposals, the Westbourne Neighbourhood Plan will take a positive approach to new development that delivers sustainable development in accordance with the National Planning Policy Framework. Applications that accord with the policies of the Development Plan and the Westbourne Neighbourhood Plan will be supported particularly where they:

- Provide new homes including market and affordable housing; or
- Opportunities for new business facilities through new or expanded premises; or
- Infrastructure to ensure the continued vitality and viability of the neighbourhood area.

Development adjacent to the existing settlement will be permitted provided that any adverse impacts do not **significant and demonstrably outweigh the benefits of development."**

In addition, there is no need to include point 3 of the policy as these matters will be taken into account through the development management process when considering the relevant policies that may apply to a development proposal.

Policy LD1: Local Distinctiveness

Whilst recognising the importance of this policy we are concerned with the policy wording that **'requires' applicants to** follow the policies set out in the Plan and the guidance set out in the Village Design Statement (VDS). The VDS is a document which is intended to provide guidance only similar to that of an SPD. In addition, requiring development proposals to be in accordance with all policies in the Plan could result in having adverse effects on development viability. As such, **it is recommended that the word 'required' is instead replaced with 'encouraged'** in order to allow for

a degree of flexibility so as to not stifle innovation or originality when development proposals are being considered through the development management process.

Policy LD2: Important Views

This policy requires any development must maintain or enhance the local character of the landscape and not cause unacceptable loss or diminution of significant views.

Gladman submit that new development can often be located in areas without eroding the views considered to be important to the local community and in these circumstances can be appropriately and sympathetically designed to take into consideration the wider landscape features of a surrounding area to provide new vistas and views.

Whilst it is noted that the Plan is supported by some brief commentary of the views identified, Gladman consider that this matter requires further evidence to support the proposed designations. Indeed, the PPG makes clear that **'proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan.'**

In addition, Gladman consider that to be valued, a view would need to have some form of physical attributes. This policy must allow a decision maker to come to a view as to whether particular locations contains physical attributes **that would 'take it out of the ordinary' rather than selecting views which may not have any landscape significance and are based solely on community support. An area's pleasant sense of openness to the open countryside cannot on their own amount to a landscape which should be protected.**

Policy LD3 – Heritage

In principle, whilst we acknowledge the intention of this policy, the policy as currently written is not in accordance with the requirements of national planning policy. Paragraphs 132 to 134 of the Framework relate specifically to designated heritage assets and highlight that the more important the asset the greater the weight should be attached to it. This policy will need to make a distinction and recognise that there are two separate balancing exercises which need to be undertaken for designated and non-designated heritage assets.

Paragraph 135 of the Framework relates specially to non-designated heritage assets and the policy test that should be applied in these instances is that a balanced judgment should be reached having regard to the scale of any harm and the significance of the asset.

These distinctions will need to be reflected within the policy so that it can be found in accordance with basic condition (a).

Policy LD4 – Local Gaps

Gladman submit that new development can often be located in Local Gaps, without leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character. Whilst noting that a Strategic Gap was identified in the Local Plan 1999, we consider that the identification of a Local Gap policy is a strategic policy that should only be confirmed through the preparation of a Local Plan.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. Whilst we support many of the policies aims and objectives in principle, we feel that the Plan would benefit from additional modifications to the Plan to ensure that it allows for flexibility going forward and ensures the Plan is capable of reacting positively to changes that may occur over the plan period.

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,

John Fleming

Gladman Developments Ltd.