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4th October 2019

Re: Edenthorpe 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 Edenthorpe Neighbourhood Development Plan (ENP) 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 ENP 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 24th 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 19th 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 24th January 2019. Clearly, submission of the ENP occurred 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 24th 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 19th 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 13th 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 Plan¹. 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;

¹ 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”²

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 ENP is the Doncaster LDF Core Strategy which was adopted in 2012 and sets out the strategic planning policy framework for the district until 2028. The Core Strategy determined that Doncaster would be required to deliver 15,640 (920 dpa) dwellings between 2011 and 2028. The housing requirement was originally set at 20,910 (1,230 dpa), as per the RSS but, this was found to be non-NPPF compliant as it was not objectively assessed.

The Council has recently ended consultation on the Publication Version of the Local Plan that will guide development in the borough until 2035, to which Gladman have submitted detailed representations. It is therefore important that policies contained in the ENP 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 ENP 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).”

Edenthorpe Neighbourhood Development Plan

This section highlights the key issue that Gladman would like to raise with regards to the content of the ENP 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 1: New Residential Development

Policy 1 identifies a settlement boundary for Edenthorpe and states that land outside of this defined area, will be treated as open countryside, where development will be carefully controlled. Gladman object to the use of settlement boundaries if these preclude otherwise sustainable development from coming forward. The Framework is clear that sustainable development should proceed. Use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a).

² Paragraph: 009 Reference ID: 67-009-20190722

As currently drafted, this is considered to be an overly restrictive approach and provides no flexibility to reflect the circumstances upon which the ENP is being prepared. Greater flexibility is required in this policy and Gladman suggest that additional sites adjacent to the settlement boundary should be considered as appropriate. Gladman recommend that the above policy is modified so that it allows for a degree of flexibility. The following wording is put forward for consideration:

“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. Applications that accord with the policies of the Development Plan and the 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 significantly and demonstrably outweigh the benefits of development.”

Indeed, this approach was taken in the examination of the Godmanchester Neighbourhood Plan. Paragraph 4.12 of the Examiner’s Report states:

“...Policy GMC1 should be modified to state that “Development ...shall be focused within or adjoining the settlement boundary as identified in the plan.” It should be made clear that any new development should be either infill or of a minor or moderate scale, so that the local distinctiveness of the settlement is not compromised. PM2 should be made to achieve this flexibility and ensure regard is had to the NPPF and the promotion of sustainable development. PM2 is also needed to ensure that the GNP will be in general conformity with the aims for new housing development in the Core Strategy and align with similar aims in the emerging Local Plan.”

Policy 3: Housing Type and Mix

Whilst Gladman note the ambitious housing balance proposed through this policy to accommodate a range of groups, particularly the elderly and the young, it should be recognised that housing needs do change over time. We suggest wording is added to the policy to allow flexibility for changing needs to ensure the Plan is able to respond positively to changes in circumstance which may arise over the plan period. Gladman suggest adding the wording ‘This should be evidenced through an up to date assessment’ to this policy.

Policy 5: General Development Principles

Policy 5 sets out a list of Masterplanning 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 7 – Local Green Space

Policy 7 identifies 10 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 Plan authors 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 2019 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 ENP supporting evidence is sufficiently robust to justify the proposed allocation of Long Plantation as LGS, given that it forms 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 Report³ 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 Report⁴ 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 Report⁵ 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 Long Plantation which appears 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.

Conclusions

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

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

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

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 ENP 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.