

By email only to: neighbourhoodplanrw@gmail.com

27th June 2019

Dear Sir/Madam,

Re: Roeclyffe and Westwick Neighbourhood Plan – Regulation 14 consultation

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft version of the Roeclyffe and Westwick Neighbourhood Plan (RWNP) under Regulation 14 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 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 paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the RWNP 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.*

National Planning Policy Framework

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. This version was itself superseded on the 19th February 2019, when MHCLG published a further revision to the NPPF (2019) which implements further changes to national policy, relating to the Government's approach for Appropriate Assessment as set out in Paragraph 177, clarification to footnote 37 and amendments to the definition of 'deliverable' in Annex 2.

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 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 plan-making and decision-taking. 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 of 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 13 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 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan 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 29 of the Framework makes clear that a neighbourhood plan must be 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

Following the publication of the NPPF (2018), 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 consider 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

¹ PPG Reference ID: 41-009-20160211

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.

Relationship to Local Plans

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 the adopted Development Plan.

The development plan that covers the Roecliffe and Westwick Neighbourhood Plan area and the development plan which the RWNP will be tested against is the Harrogate Core Strategy (2004-2024) which was formally adopted by Harrogate Borough Council (HBC) in February 2009. The Core Strategy sets out the direction and strategy for development and conservation in the District which determines the broad distribution of new homes and jobs throughout the District.

The Council are now working on a new Local Plan. The emerging Harrogate District Local Plan (2014-2035) was submitted for independent examination of 31st August 2018. The plan seeks to allocate land for new homes and jobs as well as new infrastructure provision to ensure development is sustainable. Roecliffe is identified as a Secondary Service Village in the emerging settlement hierarchy which is not currently allocated any new housing. However, there are a total of 913 dwellings provisionally allocated to Boroughbridge demonstrating its new role as a larger Local Service Centre in the emerging plan.

It is likely that the Local Plan will be adopted prior to the examination of the RWNP therefore the neighbourhood plan should be sufficiently aligned with the strategic policies of the emerging Local Plan, to avoid risk of the RWNP failing at examination. Should this not be the case, policies within the RWNP should be drafted with sufficient flexibility to ensure conflicts are minimised and ensure the RWNP is capable of being effective over the duration of its plan period and not ultimately superseded by s38(5) of the Planning and Compulsory Purchase Act 2004, which 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).”

Roecliffe and Westwick Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the RWNP 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 A1: Design and Development

Policy A1 sets out a list of 11 criteria that all development proposals are expected to adhere to in order to preserve and enhance the district rural feel of Roecliffe and the surrounding rural environment. Whilst Gladman recognise the importance of high-quality design, planning policies 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 127(c) of the 2019 NPPF which states that:

“Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.”

Policy A4: Key Views

With regards to Policy A4 which identifies 6 key 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 can be appropriately designed to take into consideration the wider landscape features of the surrounding area to provide new vistas and views.

In addition, as set out in case law, to be valued, a view would need to have some form of physical attribute. 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.

Opinions on landscape are highly subjective yet Gladman have been unable to locate any robust evidence to demonstrate why these views are considered special. The Parish Council should address the lack of evidence and reasoning to support Policy A4.

Policy B1: Small Scale Housing Development

Policy B1 states that development proposals that are small-scale major developments (less than 10 dwellings) and those that do not extend the village outside of the Roecliffe development limit will be welcomed.

Gladman do not consider the use of development boundaries to be an effective response to future development proposals if they would act to preclude the delivery of otherwise sustainable development opportunities, as indicated in the policy. The Framework is clear that development which is sustainable should go ahead without delay. The 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).

Beyond, this, Gladman consider it necessary that the policy recognises, that within the plan period, it may be necessary for greenfield development, outside the development limits, to come forward to assist with meeting local housing needs. Accordingly, Gladman recommend that the above policy is modified so that it allows for a degree of flexibility consistent with the requirements of the presumption in favour of sustainable development and allows for the consideration of sustainable development opportunities where these could assist with delivering the overall objectives of the Plan. 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:

- *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 settlement boundaries will be supported provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development.”

The PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded². Due to the proximity to Boroughbridge we would suggest that this is an important modification to ensure that the plan can be found to meet basic condition (a) and does not seek to contain future growth of Boroughbridge, instead setting out a positive approach to future development in line with Paragraph 16(b) of the NPPF (2019).

Policy C2: Non-Designated Local Heritage Assets

Policy C2 identifies 8 non-designated heritage assets which should be considered when submitting a development proposal.

Gladman are concerned that this policy is elevating the significance of locally identified non-designated heritage assets to that of designated heritage assets. For non-designated heritage assets, the policy must be reworded to reflect the guidance set out within paragraph 197 of the Framework. This states that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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 Roecliffe and Westwick Neighbourhood Plan as currently proposed with the requirements of national planning policy and the strategic policies for the wider area.

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,

Sophie Chadwick
Gladman Developments Ltd.

² Reference ID: 50-001-20160519