

Planning Policy
Charnwood Borough Council
Southfield Road
Loughborough
LE11 2TN

By email only to: localplans@charnwood.gov.uk

26th November 2018

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Quorn Neighbourhood Plan (QNP) 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 QNP 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.*

Revised National Planning Policy Framework

On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper.

Paragraph 214¹ 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. Given the date of this consultation, the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2012.

National Planning Policy Framework (2012) 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

¹ National Planning Policy Framework, paragraph 214

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 QNP's ability to meet basic condition (a), (d) and (e) and this will be discussed in greater detail throughout this response.

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.

The adopted Development Plan relevant to the preparation of the QNP is the Charnwood Local Plan 2011 to 2028 Core Strategy, which was adopted on 9th November 2015. Within this plan, Quorn is identified as a 'Service Centre' and along with 7 other settlements, is collectively expected to provide for at least 3,000 new homes over the plan period.

It is important to note that Charnwood Borough Council are progressing with a new Local Plan Review. The Council published a discussion paper 'Towards a Local Plan for Charnwood in Spring 2018. The paper explored the scale of development needed in the Borough, the key issues and opportunities that need to be taken into account and considered the options for an overall strategy for delivering the growth needed. It is important that the QNP allows for flexibility and adaptability, so it can positively respond to changes in circumstance which may arise over the duration of the plan period. This degree of flexibility is required to ensure that the QNP 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).'

Quorn Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the QNP as currently presented. It is considered that some policies do not reflect the requirements of national policy and guidance and as such Gladman have sought to recommend a series of alternative options that should be explored.

Gladman would like to make a general comment regarding the overall wording of the proposed policies of the QNP. Where reference in the plan is made to development being permitted or not be permitted, we suggest amending so it reads that development will be supported or not supported. It is Charnwood Borough Council as the local planning authority who is the decision maker, not the Parish Council, and consequently the QNP should not be suggesting that planning permission will not be permitted.

Policy S1: Settlement Boundary

Policy S1 defines an updated settlement boundary around Quorn and states that land outside of the defined boundary will be treated as open countryside, where development will be carefully controlled.

Gladman would like to reiterate our comments made at regulation 14 stage. We object to the use of rigid settlement boundaries if these would preclude otherwise sustainable development from coming forward. The Framework is clear that development which is sustainable should go ahead without delay. The use of a settlement boundary 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)

Therefore, for the settlement boundary policy to be appropriate Gladman encourage the Parish Council to amend this policy to allow for development adjacent to existing settlement boundary of a scale commensurate to the settlement. This would ensure the plan allows for a degree of flexibility with regards to potential changes in circumstances in the authority. Gladman note that the supporting text to policy S1 states the settlement boundary will ensure that any development is focused in **or adjacent** to the built-up form of Quorn. We suggest this is reflected directly in policy S1.

The issue regarding settlement boundary designations have been considered in numerous Examiner's reports, we highlight the Examiners Report in to the Godmanchester Neighbourhood Plan² which states;

'limiting new development to "within the settlement boundary" could prevent new housing development, even of a moderate or minor scale'

Consequently, the Inspector concluded the following;

'Nevertheless, in my opinion, Policy GMC1 should be modified to state that "Development...shall be focussed within or adjoining the settlement boundary as identified in the plan'

Policy S2: Design Guidance

Gladman are concerned that policy S2 remains overtly prescriptive. We suggest the policy is amended to read "New development should pay close regard to the guidance in the current Quorn Village Design Statement". This

² Godmanchester NP Inspectors Report

degree of flexibility in the policy wording is required to ensure that a high quality and inclusive design is not compromised by aesthetic requirements alone.

Policy ENV1: Areas of Separation

Policy ENV1 seeks to introduce an area of separation between Quorn and Mountsorrel and Quorn and Loughborough and Woodthorpe.

This is considered a strategic policy beyond the remit of neighbourhood plans that would have the effect of imposing a blanket restriction on development to the north west and south east of Quorn. It would effectively offer the same level of protection as Green Belt land without undertaking the necessary exceptional circumstances test for the designation of new areas of Green Belt. As stated by PPG paragraph 074, a neighbourhood plan should not attempt to introduce strategic policies, such as this, which would undermine the strategic policies set out in the development plan.

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 QNP will 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).

Gladman recommend that this policy is deleted.

Policy ENV8: Protection of Important Views

Policy ENV8 seeks to protect the identified key views from the adverse impacts of development.

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 therefore the Parish Council must ensure the evidence contained within the QNP is robust enough to demonstrate why these views and landscapes are considered special.

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 QNP 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), (d) and (e). The plan does not conform with national policy and guidance and in its current form does not contribute to the achievement of sustainable development.

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,

A handwritten signature in black ink, appearing to read 'A. Collis', written in a cursive style.

Andrew Collis

a.collis@gladman.co.uk

Gladman Developments Ltd.