

Sent by email to: localplans@charnwood.gov.uk.

Dear Neighbourhood Plan Steering Group & Charnwood Local Plans Team

28/04/2021

RE: Rearsby Neighbourhood Plan Regulation 16 consultation

These representations provide Gladman's response to the Rearsby Neighbourhood Plan (RNP) under Regulation 16 of the Neighbourhood Plan (General) Regulations 2012. Gladman specialise in the promotion of strategic land for residential development and associated community infrastructure and has considerable experience in contributing to the Neighbourhood Plan preparation process.

Through these representations, Gladman provides an analysis of the RNP and the policy choices promoted within the draft Plan. Comments made by Gladman through these representations are provided in consideration of the RNP's suite of policies and its ability to fulfil the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) and supported by the Neighbourhood Plan chapter of the PPG¹.

Gladman welcome the opportunity to comment on the draft Plan and request to be added to the Council's consultation database so that we can be kept abreast of the neighbourhood plan's progress and future consultations. Should the Examiner decide it is necessary to hold an examination in public, then Gladman respectfully request that we are afforded the opportunity to participate at the hearing session(s) to discuss the issues raised.

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 RNP 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.

¹ Section ID: 41

(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 & 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 the most up-to-date evidence of housing needs in order to assist Charnwood Borough Council in delivering sustainable development, thus delivering neighbourhood plan basic condition basic condition (d).

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 for the Future White Paper

On 6th August 2020, Government published the Planning for the Future White Paper setting out proposals for how it is seeking to 'radically reform' the planning system. The proposals are seeking to streamline and modernise the planning process.

The White Paper Consultation closed on 29th October 2020 and it is important the Parish Council keeps abreast with the proposals and implications this may in turn have on the preparation of the RNP. Timescales remain uncertain however subject to the outcomes of this process the Government has signalled its intent to make rapid progress toward this new planning system through the swift introduction of new legislation to implement the changes.

The Parish Council should be mindful of these changes and the potential impact to the RNP and the need to undertake a review of the neighbourhood plan following the Plan's adoption.

Relationship to Local Plans

Adopted Development Plan

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 adopted Development Plan relevant to the preparation of the RNP, and the Development Plan which the RNP will be tested against, is the Charnwood Local Plan Core Strategy (CLPCS) (2015) and the saved policies of the Borough of Charnwood Local Plan (BCLP) (2004). The Charnwood Local Plan Core Strategy sets out the vision, objectives, spatial strategy and overarching policies to guide development in the area up to 2028.

Emerging Development Plan

Charnwood Borough Council are currently in the process of preparing a new Local Plan that will supersede the policies of the CLPCS and BCLP once adopted. The new Local Plan is being prepared in the context of the Leicester and Leicestershire Strategic Growth Plan approved by the local authorities in 2018 and will set out the overarching planning policies and development strategy for the borough up to 2036.

Charnwood Borough Council published the Draft Charnwood Local Plan 2019-36 and an accompanying Interim Sustainability Appraisal as part of the process it is following to prepare a new local plan. This consultation closed in December 2019 and pre-submission consultation on the plan is now expected in July 2021. The Parish Council will need to ensure that the RNP allows for sufficient flexibility so that it is able to react to changes that may arise as a result of the emerging Local Plan to ensure that conflicts are minimised over the plan period and to avoid the risk of the RNP being overridden by the future Local Plan. This will help ensure that the RNP is capable of being effective over the duration of its plan period and the proposed policies are 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)."

Rearsby Neighbourhood Plan

This section highlights the key matters that Gladman would like to raise with regards to the content of the RNP 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 modifications to the Plan that should be explored through the examination process.

Policy R1: Design

This policy sets out a range of design principles which development proposals should seek to meet. While the government has shown support for development to incorporate good design principles, Gladman would note that the Framework also states:

“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.”

Whilst Gladman recognise the importance of high-quality design, in accordance with the requirements of the Framework (above), design policies should not aim to be overly prescriptive. Policies require some flexibility in order for schemes to respond to site specifics and the character of the local area. In essence, 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.

Policy R2: Area of Local Separation (ALS)

Gladman’s primary area of concern with the RNP as currently drafted is in relation to Policy R2 which seeks to extend the existing ALS designation eastwards towards the A607 bypass.

Areas of Local Separation are longstanding strategic policies in the borough, with the current boundaries established in the Charnwood Local Plan Core Strategy, adopted in 2015. Crucially, the latest draft of the emerging Local Plan for Charnwood has not sought to extend the ALS in this location, rather it has sought to maintain its current boundaries. As highlighted in the PPG, a draft Neighbourhood Plan must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic conditions². It is evident Policy R2 conforms with neither the adopted nor emerging Local Plan in this regard and therefore does not meet basic condition (e).

Furthermore, if the Neighbourhood Plan is to proceed with Policy R2 then it must be supported by robust evidence, as set out in the PPG, allowing for flexibility to assess any harm to the visual and functional separation of settlements against the benefits of a development proposal. There is, in Gladman’s opinion, an absence of any detailed landscape character and visual appearance analysis to justify either the principle of extending the area of separation or its defined boundary. Indeed, it appears that the justification relies on the Borough Council’s March 2016 study entitled ‘Green Wedges, Urban Fringe Green Infrastructure Enhancement and Areas of Local Separation. Methodology and Assessment’. This report concluded there was no opportunity to extend this specific ALS and determined it would be appropriate to retain the current designation, allowing for amendments to reflect consented residential development³. The Parish Council have put forward a two page document that seeks to justify the extension to the ALS, however the evidence contained within the document is negligible and does not clearly justify how the Parish Council have come to the conclusion to extend the boundaries of the ALS.

Considering the above, Gladman consider that Policy R2 should be removed from the RNP as it is undoubtedly a strategic matter that falls beyond the remit of a Neighbourhood Plan. This should not be interpreted as Gladman seeking to remove the ALS in its entirety, rather we believe that any amendments to ALS boundaries should be properly scrutinised through the preparation and eventual examination of the emerging Charnwood Local Plan. In the interim, the current ALS boundaries would be maintained.

² Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509

³ Charnwood Borough Council Green Wedges, Urban Fringe Green Infrastructure Enhancement Zones and Areas of Local Separation. March 2016. Page 87.

Policy R3: Promoting Effective Use of Land - Limits to Development

Policy R3 states land outside the limits to development is to be treated as open countryside, where development will be carefully controlled in line with the provisions of this Neighbourhood Plan, Local and National strategic planning policies.

Gladman object to the wording of this policy and use of limits to development as an appropriate planning tool where they would preclude otherwise sustainable development from coming forward. Indeed, the use of settlement boundaries which arbitrarily restrict suitable development on the edge of settlements does not accord with the positive approach to growth required by the Framework which is clear that development which is considered sustainable should go ahead without delay in accordance with the presumption in favour of sustainable development. As a result, this approach is also contrary to basic condition (d).

Gladman contend that this policy should be worded more flexibly in accordance with Paragraphs 11 and 16(b) of the NPPF (2019) and the requirement for policies to be sufficiently flexible to adapt to rapid change and prepared positively. It is suggested that Policy R3 should support development proposals adjacent to the limits to development provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development alongside according with other policies of the RNP and other development plan policies.

Monitoring and Review

The RNP concludes by stating that the neighbourhood plan will be reviewed on a rolling three-year basis however this is not set out within a policy, rather just stated within wider commentary. In our experience reviews of 'made' Neighbourhood Plans do not often materialise therefore, whilst we acknowledge the Parish Councils intentions, we suggest the commitment to review the RNP is reinforced as an actual policy in the neighbourhood plan. The following wording is put forward for consideration:

Policy R11: A full review of the Rearsby Neighborhood Plan will be commenced within 3 years of the date the plan is "made" part of Charnwood Borough Council's development plan, in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

This is particularly pertinent for a sustainable settlement in Leicestershire such as Rearsby as it is likely that circumstances which the Neighbourhood Plan seeks to address will change considerably in the short term. At the time of writing, a new Statement of Common Ground (SoCG) relating to housing and employment land needs in Leicestershire has been prepared by the Leicester and Leicestershire authorities to support the emerging Charnwood Local Plan⁴. Of relevance to the RNP, the SoCG outlines that Leicester City Council has an unmet housing need of approximately 17,500 dwellings (subject to change through the examination of the City of Leicester Local Plan) that will need to be accommodated in a sustainable manner across Leicestershire. Whilst the SoCG does not yet apportion this unmet need, it does set out that the emerging Charnwood Local Plan will include a trigger policy to review and update the Local Plan, if the agreed apportionment of unmet need requires it. In light of this, Gladman consider it essential that the Rearsby Neighbourhood Plan contains a policy to ensure the plan is reviewed given the possible, significant changes to local planning policy in the short to medium term.

⁴ Leicester & Leicestershire Authorities -Statement of Common Ground relating to Housing and Employment Land Needs. March 2021.

Summary

Land off Melton Road, East Goscote

The Parish Council will be aware of Gladman's land interest in East Goscote at land off Melton Road and whilst the site is in East Goscote, a small proportion falls within the Rearsby Neighbourhood Area. The site is available, suitable and achievable for residential development. Whilst Gladman previously submitted the site for consideration as a site allocation in response to the Regulation 14 consultation, the Plan does not allocate any land for residential development and we have therefore not sought to repeat our previous submissions in this regard.

Conclusion

Gladman recognises the Government's ongoing commitment to neighbourhood planning and the role that such plans have as a tool for local people to shape the development of their local community. However, it is clear from national guidance that the RNP must be consistent with national planning policy and needs to take account of up-to-date evidence. If the Plan is found not to meet the Basic Conditions at Examination, then the Plan will be unable to progress to referendum.

The Parish Council must ensure that the policies within the RNP allow for sufficient flexibility and are based on robust and justified evidence. As set out in detail above, we are concerned that the RNP as currently drafted does not meet basic conditions (d) and (e) and amendments will need to be made to the Neighbourhood Plan to meet the basic conditions.

Gladman hopes you have found these representations helpful and constructive.

Yours faithfully,

Andrew Collis

Gladman Developments Ltd.