

Sent by email only to: [localplans@charnwood.gov.uk](mailto:localplans@charnwood.gov.uk)

09 September 2022

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Sileby Neighbourhood Plan Review (SNPR) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Gladman specialise in the promotion of strategic land for residential development and associated community infrastructure and have considerable experience in contributing to the Development Plan preparation process having made representations on numerous planning documents throughout the UK alongside participating in many Local Plan and Neighbourhood Plan examinations. It is based on that experience that these representations are made.

Gladman has been involved throughout the preparation of the Sileby Neighbourhood Plan (SNP) thus far having submitted representations at both the regulation 14 and 16 stage of the now 'made' Sileby Neighbourhood Plan, and at regulation 14 stage of the review in July 2022. Sileby Parish Council (SPC) and Charnwood Borough Council (CBC) are aware of Gladman's land interest in Sileby at 'Land off Barnards Drive'.

### **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 SNPR 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) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).”

### **National Planning Policy Framework**

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 housing 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. This is so that Sibley Parish council can assist Charnwood Borough Council (CBC) in delivering sustainable development and be in accordance with 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.

### **Sileby Neighbourhood Plan Review**

The Sileby Neighbourhood Plan Review submission version describes how it is considered that not all parts of the neighbourhood plan need updating, rather the review provides an opportunity for the Parish Council to ensure that the SNP remains relevant in the context of a shifting policy framework. Our response, therefore, focuses on those policies and sections that are proposed to be amended.

### Relationship to Charnwood's Local Development Framework

Chapter 3 of the SNPR details that the new Charnwood Local Plan (2021-2037) is now at examination and therefore the SNPR has taken any policy variations into account so that the Neighbourhood Plan remains up to date when the new Local Plan is adopted. This approach is supported by Gladman however, as detailed below, there are some significant discrepancies between the emerging Local Plan and the SNPR that require modification.

The new Local Plan for Charnwood includes Policy DS2 which provides a mechanism for the Plan to be reviewed following the publication of a Statement of Common Ground (SoCG) that apportions unmet housing and employment need arising from Leicester City. It is pertinent to note that as recently as mid-May 2022, the SoCG relating to Housing and Employment Land Needs was first published, along with a new Housing and Economic Needs Assessment (HENA) and an associated Sustainability Assessment (SA). The SoCG is now due to be considered formally by all the Leicestershire authorities over the coming months.

In the case of Charnwood, the SoCG establishes that the Borough will need to accommodate an additional 1,248 dwellings arising from Leicester's unmet need for the period 2020-2036. The implications of the SoCG and respective apportionment to Charnwood were the subject of rigorous debate on the first day of the Plan examination on the 28<sup>th</sup> of June. Indeed, Charnwood BC indicated at the hearing session that it would, in principle, now be willing to accommodate their apportionment of Leicester's unmet housing need in the submission Local Plan being examined, rather than addressed through the review trigger mechanism as proposed in Policy DS2. As this represents a significant change in circumstances compared with the submitted Plan, the Inspectors took the decision to adjourn the examination.

At the time of writing, there is further consultation on Leicester and Leicestershire Housing and Employment Land Needs (and associated documents) running until the end of September, with hearing sessions on this matter scheduled for October. Issue 3 of this additional consultation explores the apportionment and, inter alia, whether the proposed 1.4% cap to the redistribution of housing provision is justified as a general approach and in relation to Charnwood in particular. Whilst we do not wish to be drawn into debating the

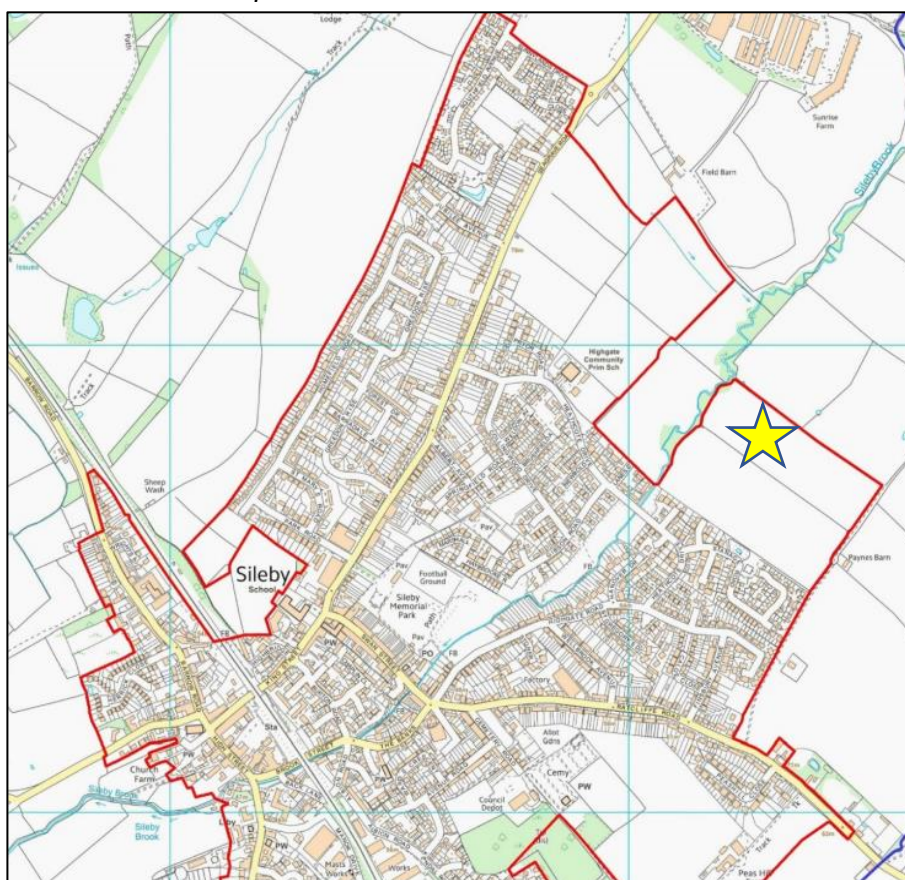
merits or otherwise of the apportionment of Leicester's unmet housing and employment needs across the county as part of this consultation, in our view the outcome of the additional consultation and hearing sessions could have a significant impact on both the apportionment of Leicester unmet need to the Borough and the overall soundness of the emerging Local Plan<sup>1</sup>.

We therefore remain of the view that it would be pertinent for the Parish Council to pause progress of the preparation of the SNPR until such a time that the Inspectors Report into the Local Plan is published, with such an approach providing enhanced certainty in terms of the plan period which the SNPR should be aligning to, the potential implications of an uplifted strategic housing requirement, and the direction of the SNPR's policies and proposals.

### Policy G1: Limits to Development

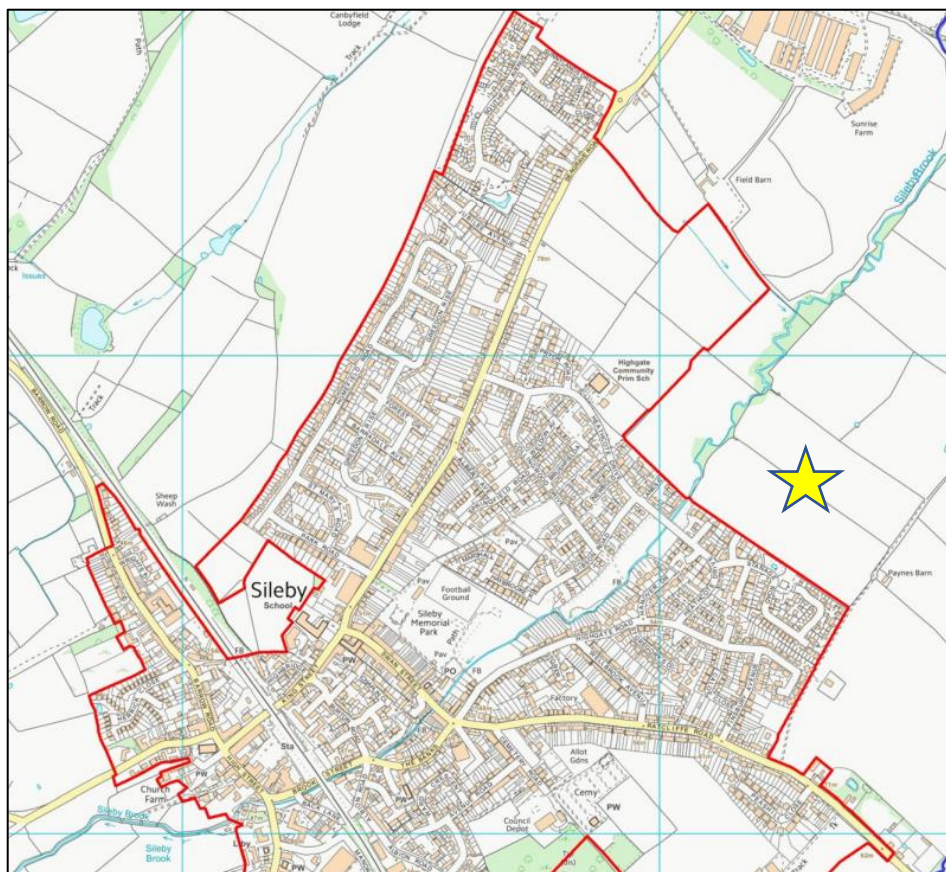
For reasons unspecified, the submission version of the SNPR has sought to amend the Limits to Development boundary from that detailed in the Regulation 14 document and now excludes the recent planning permission for Land off Barnards Drive, which secured outline planning permission subject to the signing of a S106 agreement in December 2021 (Site location plan at Appendix 1). The S106 is likely to be finalised and a Decision Notice issued imminently.

### *Regulation 14 Limits to Development*



<sup>1</sup> [https://www.charnwood.gov.uk/pages/examination\\_latest\\_news](https://www.charnwood.gov.uk/pages/examination_latest_news)

## Regulation 16 Limits to Development



No evidence has been provided to justify this regressive step. Furthermore, this approach is not consistent with the proposed settlement boundaries and housing allocations as set out in the emerging Local Plan and conflicts with the policy supporting text which clearly states *“The Neighbourhood Plan designates a Limit to Development for the village which will update and supersede the existing Settlement Limits currently used by Charnwood Borough Council, as it takes into account recent development that has taken place since the Settlement Limit was introduced and also recognises additional allocation of land for development.”* (Emphasis added).

The Limits to Development should be amended to provide consistency and approach new allocations and planning permissions in the same manner.

Notwithstanding the above, Gladman consider that the policy approach taken is not in accordance with the hierarchical requirements of national policy which sets out a presumption in favour of sustainable development and the national policy imperative which seeks to significantly boost the supply of housing. Gladman recommend that Policy G1 is modified to be consistent with the requirements of national policy to ensure flexibility and to enable the SNPR to react in changes in circumstance over the plan period. Accordingly, the following proposed wording is put forward for the Parish Council’s consideration:

**“The Sileby Neighbourhood Plan will support 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 Sileby 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 proposals adjacent to the existing settlement will be supported provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development.”**

### Policy H3: Windfall

Echoing our concerns to Policy G1 above, Gladman consider Policy H3 is too restrictive as it limits windfall development to within the defined settlement boundary. Furthermore, Gladman do not support the 9-dwelling limit which is proposed in the policy as this arbitrarily restricts otherwise sustainable development opportunities from coming forwards. The nine-dwelling limit would, if put in place, also curb the delivery of much needed affordable housing as the affordable housing policy threshold starts at 10 dwellings or more.

Annex 2 of the NPPF defines a windfall site simply as a site not specifically identified within the Development Plan. There is no limit on the size of the site. Given this, we contend that the policy should be reworded to remove the 9-dwelling limit and to implement additional text that supports sustainable growth opportunities which are well related to the existing settlement.

### Policy H5: Affordable Housing

Gladman believe that affordable housing is vital in enabling residents the choice to stay in their settlements, especially given the backdrop of rising house prices, therefore we agree with the SNPR that the provision of much needed affordable housing should be supported.

However, Paragraph 16 of the Framework states plans should avoid unnecessary duplication of policies that apply in a particular area. It is confusing and unnecessary, therefore, for the SNPR to replicate affordable housing policy which is already set out in the adopted and emerging Development Plan, particularly as Gladman note that Policy H5 does not fully align with emerging CBC Policy H4.

Gladman consider that Policy H5 is an unnecessary duplication of adopted and emerging policy. Policy H5 should therefore be deleted from the SNPR.



## Conclusion and Next Steps

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 SNPR 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.

Through this consultation response, Gladman has sought to clarify the relationship of the SNPR as currently proposed with the requirements of national planning policy and the strategic policies for the wider area. Gladman would like to take this opportunity to highlight that the above response is not a criticism of the work put into the SNPR so far.

Our principal concern is the decision to amend the Limits to Development between the regulation 14 and regulation 16 consultation. The current approach is not supported and Gladman politely request that the Limit to Development as proposed in the regulation 14 consultation is reinstated.

Yours sincerely

*Andrew Collis*

Andrew Collis.  
(Planner)