

Southwick Neighbourhood Development Plan

Pre-submission draft



October 2020

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1 INTRODUCTION

1.1 Context

1.1.1 Gladman Developments Ltd (hereafter referred to as "Gladman") specialise in the promotion of strategic land for residential development and associated community infrastructure. From this experience, we understand the need for the planning system to deliver the homes, jobs and thriving local places that the country needs.

1.1.2 These representations provide Gladman's response to the current consultation on the pre-submission version of the Southwick Neighbourhood Development Plan (SNDP) under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

1.1.3 Through these representations, Gladman provides an analysis of the SNDP and the policy decisions promoted within the draft Plan. Comments made by Gladman through these representations are provided in consideration of the SNDP'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.

1.1.4 These representations will focus on the following matters:

- Legal compliance;
- National Planning Policy and Guidance; and
- Neighbourhood plan policies

2 LEGAL REQUIREMENTS, NATIONAL POLICY & GUIDANCE

2.1 Legal Requirements

2.1.1 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 SNDP 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 neighbourhood plan;

¹ Section ID: 41

- b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order;
- c) Having regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order;
- d) The making of the neighbourhood plan contributes to the achievement of sustainable development;
- e) The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority; and
- f) The making of the neighbourhood plan 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.

2.2 National Planning Policy Framework, & Planning Practice Guidance

National Planning Policy Framework

- 2.2.1 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 of the preparation of Neighbourhood Plans within which locally-prepared plans for housing and other development can be produced.
- 2.2.2 In 2018, the Minister of Housing, Communities & Local Government (MHCLG) introduced the first changes to the Framework (the Revised Framework) which has since brought about fundamental changes to the planning system. Indeed, paragraph 13 of the Revised Framework clearly states:

"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."
- 2.2.3 The Revised Framework also sets out how neighbourhood planning gives communities the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development. However, neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies contained in higher order documents.

- 2.2.4 It is therefore clear from the above that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted Development Plan.
- 2.2.5 The Steering Group should also ensure that its policies and proposals are in compliance with the Planning Practice Guidance (PPG) which also makes clear that blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided. Accordingly, the neighbourhood plan should not include policies that would act to arbitrarily preclude the delivery of sustainable development coming forward within the neighbourhood area.

Planning Practice Guidance

- 2.2.1 It is clear from the requirements in the Framework that neighbourhood plan policies should be prepared in general conformity with the strategic requirements for the wider area, as confirmed in an adopted Development Plan. The requirements set out in the Framework are also supplemented by the Government's suite of Planning Practice Guidance (PPG). In relation to the preparation of the CNP, the PPG on Neighbourhood Planning is of particular relevance.
- 2.2.2 The PPG also emphasises that;
- "...blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence"
- 2.2.3 With further emphasis that;
- "... All settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence."²
- 2.2.4 Accordingly, the SNDP will need to ensure that it takes into account the latest guidance issued by the SoS so that it can be found to meet basic conditions (a) and (d).

² Paragraph: 044 Reference ID: 41-044-20160519 (Revised 19/05/2016).

3 DEVELOPMENT PLAN

3.1 Adopted Development Plan

3.1.1 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.

3.1.2 The adopted Development Plan relevant to the preparation of the SNDP, and the Development Plan which the SNDP will be tested against, consists of the Wiltshire Core Strategy, adopted in January 2015. The adopted Core Strategy sets out the vision, objectives, spatial strategy and overarching policies to guide development in Wiltshire area up to 2026. The Wiltshire Housing Sites DPD was adopted in February 2020 which supports the delivery of new housing as set out in the Core Strategy.

3.2 Emerging Development Plan

3.2.1 Wiltshire Council are working on the initial stages of the Core Strategy Review which will be recast as the Wiltshire Local Plan, extending the current plan period to 2036.

3.2.2 Given the above, it is important that policies contained in the SNDP allow for flexibility so that they are able to respond positively to changes in circumstance which might arise through the preparation of the above documents such as additional housing growth being directed towards the neighbourhood area. This degree of flexibility is required to ensure that the SNDP 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).'

4 SOUTHWICK NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

4.1 Context

4.1.1 These representations are made in response to the current consultation on the pre-submission version of the SNDP, under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. This chapter of the representation highlights the key points that Gladman raise with regard to the content of the SNDP as currently proposed.

4.2 Neighbourhood Plan Policies

4.2.1 This section of the representations provides Gladman's comments on the draft SNDP's policies. As currently proposed, Gladman believe that a number of the SNDP's policies require further modification/amendment, before they can be considered consistent with the Neighbourhood Plan Basic Conditions.

4.3 Policy 1 Landscape setting Gap

4.3.1 The above policy defines a Local Gap for the purposes of preventing the coalescence of Southwick and Trowbridge. The policy states that development within the Local Gaps will not be permitted unless it is in accordance with the Wiltshire Core Strategy.

4.3.2 Gladman submit that the identification of a Local Gap is considered to be a strategic issue that should only be confirmed in an adopted Local Plan.

4.3.3 Each development proposed within these areas should be weighted on its own merits, depending on landscape impact, especially since applications will be accompanied by a more robust evidence base in the form an LVIA.

4.3.4 The imposition of Policy 1 would effectively create a lesser form of Green Belt by the back door. Wiltshire found no justification for protecting the gaps between the settlements which are proposed in the SNDP and therefore, Policy 1 is in conflict with basic condition (e).

4.3.5 Indeed, the PPG is clear that all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development in some settlements and preventing others from expanding should be avoided unless their use can be supported by robust evidence³.

4.3.6 Gladman recommend that the above policy is deleted in its entirety.

³ PPG Reference ID: 50-001-20160519

4.4 Policy 6 Additional Housing Development

- 4.4.1 Policy 6 identifies the settlement boundary for Southwick and states that land outside of this defined area will be treated as open countryside, where development will be carefully controlled.
- 4.4.2 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).
- 4.4.3 As currently drafted, this is considered to be an overly restrictive approach and provides no flexibility to reflect the circumstances upon which the SNDP 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.

5 CONCLUSIONS

- 5.1.1 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 SNDP must be consistent with national planning policy. If the plan is found not to meet the Basic Conditions at Examination, then the plan will be unable to progress to referendum.
- 5.1.2 As detailed through these submissions, we suggest that greater flexibility must now be built into the SNDP's proposals. Should the SNDP proceed and fail to plan for this flexibility, there is a real risk that its proposals will need to be reviewed upon the emerging Local Plan's adoption, to remain an up-to-date part of the Development Plan for the parish.