

John King

From: Andrew Collis
Sent: 02 January 2019 13:45 Localdevelopment
To: Gotham NDP regulation 16 consultation.
Subject: Gotham NDP Reg 16.pdf
Attachments:



Dear Sir / Madam

Please see attached Gladman Developments representation in regards to the Gotham NDP regulation 16 consultation.

Kind regards,
Andrew Collis.

Andrew Collis - Graduate Researcher |

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By email only to: localdevelopment@rushcliffe.gov.uk

02nd January 2019.

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Gotham Neighbourhood Plan (GNP) 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 GNP 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 GNP's ability to meet basic condition (a) and (e) and this will be discussed in greater detail throughout this response.

Relationship to Local Plan

Adopted 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 Gotham Neighbourhood Plan area, and the development plan which the GNP will be tested against is the Rushcliffe Local Plan Part 1 (LPP1). This document was adopted in December 2014 and sets out the visions, objectives, spatial strategy and overarching policies to guide development in Rushcliffe up to 2028.

Emerging Local Plan

The Rushcliffe Local Plan has been prepared in two parts. The second element of the plan, Local Plan Part 2 (LPP2), was submitted for examination in August 2018. The Local Plan Part 2 sets out the non-strategic development allocations and further development management policies. Once adopted the LPP2, alongside the LPP1, will constitute the statutory development plan for the borough.

The LPP2 is currently at examination and has identified that it is necessary for Gotham to accommodate new housing on greenfield sites in order to meet short-term housing targets for the borough. This need to allocate sites for housing in Gotham was not originally anticipated to be necessary in the LPP2. Whilst the potential removal of sites from the green belt is contentious, the overall strategic development of the LPP2 is clear and as such the policies of the GNP will need to be drafted with sufficient flexibility to ensure that any potential conflicts are minimised. If the GNP fails to do this, the policies of the GNP may be superseded under Section 38(5) of the Planning and Compulsory Purchase Act 2004.

Gotham Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the GNP 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.

Policy GS1: Protective and Enhancement Measures for a Green Network

Criterion (c) of policy GS1 seeks to designate numerous parcels of land as Local Green Space (LGS). As it stands the status of Gotham is that of a settlement washed over by Green Belt however the LPP2 proposes to define an inset boundary for Gotham. Despite this change, the vast majority of the proposed LGS designations would lie outside of this boundary and therefore would remain designated as Green Belt. National Guidance states if the land is already protected by Green Belt policy then consideration should be given to whether any additional local benefit would be gained by the designation as Local Green Space. Gladman do not consider that any additional local benefit would be gained by designating these sites in the Green Belt as Local Green Spaces.

Furthermore, in proposing to designate the land east of Gypsum Way as LGS, the Parish Council is undermining the housing allocation (GOT5a) in the emerging LPP2. Should the LPP2 be found sound at examination, the housing proposals contained within the LPP2 would be considered as strategic elements of the Borough Councils Local Plan. Gladman therefore consider Policy GS1 is not in general conformity with the emerging Local Plan Part 2 and does not have regard to national policy and guidance, therefore failing to meet basic conditions (a) and (e).

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 GNP 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) 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,

Andrew Collis

Gladman Developments Ltd.