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By email to: planningpolicy@eastdevon.gov.uk

Re: Budleigh Salterton Neighbourhood Plan – Regulation 16 consultation

Dear Sir or Madam,

This letter provides the response of Gladman Developments Ltd. (hereafter referred to as “Gladman”) to the current consultation held by East Devon District Council (EDDC) on the submission version of the Budleigh Salterton Plan (BSNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Through this response, Gladman seeks to clarify the relationship of the neighbourhood plan to both national and local policy requirements highlighting areas in which we feel that the document currently lacks clarity. In this regard, we consider that the Plan would benefit from modifications to several policies to ensure that it can be found consistent with the Neighbourhood Plan Basic Conditions.

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 BSNP 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,*
- 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 special 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 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, and*
- g) *prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.*

National Planning Policy Framework & Planning Practice Guidance

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 and provides communities with the power to develop a shared vision for their neighbourhood and deliver sustainable development they need and to assist in the overall delivery of strategic housing 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 (OAN) for housing, with sufficient flexibility to adapt to rapid change. This requirement is also applicable to the preparation of neighbourhood plans.

Paragraph 16 of the Framework further sets out that qualifying bodies preparing neighbourhood plans should develop plans that support the strategic development needs for housing and economic development and to plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of a Local Plan.

Within the overarching roles that the planning system ought to play, the Steering Group should have regard to the core planning principles that underpin plan-making set out at paragraph 17 of the Framework. The core planning principles seek to ensure that a neighbourhood plan sets out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical policy 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.

Planning Practice Guidance

The Government published its final suite of Planning Practice Guidance (PPG) on 6th March 2014, clarifying how specific elements of the Framework should be interpreted when preparing Local and Neighbourhood Plans. Further updates to the PPG have been made in the intervening period. The Neighbourhood Planning chapter in particular provides a clear indication of how the Government expects qualifying bodies to take account the requirements of the Framework when preparing a neighbourhood Plan.

On 11th February 2016, the Secretary of State 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, in particular, the changes to the PPG stress the importance of considering housing reserve sites and providing indicative delivery time tables to ensure that emerging evidence of housing needs is addressed in order to help minimise any potential conflicts that can arise so that these are not overridden by a new Local Plan. In this circumstance, we refer to the emerging Site Allocations Plan.

The PPG also makes clear that up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development¹.

Furthermore, the PPG makes 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 other settlements from expanding should be avoided unless their use can be supported by robust evidence². Where a need for market and/or affordable housing is identified the neighbourhood plan should seek to deliver this need in full otherwise there is risk that the Plan will be found contrary to basic conditions (a) and (d).

Development Plan

Adopted Development Plan

The current Development Plan relevant to the preparation of the BSNP consists of the East Devon Local Plan (EDLP) which was adopted by East Devon District Council (EDDC) on 28th January 2016. The EDLP covers the period from 2013 to 2031 and provides the overarching spatial strategy for the East Devon District.

Strategy 21 of the adopted Local Plan states that in order to assist in helping EDDC meeting its full OAN, Budleigh Salterton is required to secure modest housing development.

The Inspector in his final report to EDDC, stated that the Council should be prepared to undertake an early review of the Local Plan if new homes are not delivered at the required rate, and therefore Gladman recommends that the BSNP be worded as flexibly as possible to reduce conflicts should an early review be necessary. Section 38(5) of the Planning and Compulsory Purchase Act 2004 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, approved or published (as the case may be).'

Further, PPG states that conflicts should be kept to a minimum to ensure that the hard work that has gone in to the preparation of the BSNP is not overridden upon adoption of the updated Local Plan following review.

Budleigh Salterton Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the BSNP 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 a series of alternative options that should be explored prior to the Plan being submitted for Independent Examination.

Neighbourhood Plan Policies

Policy B2 – Protection of key views and vistas

New development can often be located in areas without eroding the loss of openness, landscape character or views considered to be important to the local community and can be appropriately designed to take into consideration the wider landscape features of a surrounding area to provide new vistas and views.

Gladman consider that this policy lacks sufficient evidence to demonstrate which views are of particular importance to the local community and indeed why these views are of such value. Opinions on landscape are

¹ PPG Paragraph: 009 Reference ID: 41-009-20160211

² PPG Paragraph: 001 Reference ID: 50-001-20160519

highly subjective, therefore, without further evidence to demonstrate why these views are considered special will likely lead to inconsistencies in the decision-making process.

The Neighbourhood Plan does not set out justification or reasoning as to which or indeed why these said views are of particular importance to the local community and the basis of how these views were selected. The Guidance states that “Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.

Accordingly, Gladman consider that this matter should be investigated and based on appropriate evidence prior to the Plan being submitted for Examination.

In addition, Gladman consider that 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. An area’s pleasant sense of openness to open countryside cannot on their own amount to a landscape which should be protected.

Policy NE2 – Local Green Space

This policy seeks to allocate land as Local Green Space (LGS). The designation of land as LGS is a significant policy designation and effectively means that once designated, they provide protection that is comparable to that for Green Belt land. As such, the Plan should ensure that the proposed designations are capable of meeting the requirements of national policy.

The Framework is explicit in stating at paragraph 77 that ‘Local Green Space designation will not be appropriate for most green areas or open space.’ With this in mind, it is imperative that plan-makers can clearly demonstrate that the requirements for LGS designation are met. The designation of LGS should only be used:

- Where the green space is in reasonably close proximity to the community it serves;
- Where the green area is demonstrably special to the local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- Where the green area concerned is local in character and is not an extensive tract of land.

For the policy to be considered in accordance with the Framework it should state the circumstances upon which development of these sites would be permitted, as it does not there is not enough information for a decision maker to be able to apply the policy to a full extent and it should be deleted from the plan.

Conclusion

Gladman recognise 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 policy and the up-to-date strategic requirements for the wider local authority area.

Through this consultation response, Gladman have sought to clarify the relationship of the BSNP as currently proposed with the requirements of national planning policy and the wider development needs and strategic policies set out in the strategic policies for the wider area.

In order to meet the Neighbourhood Plan Basic Conditions, Gladman have suggested several policy modifications to the Plan for the Steering Group’s consideration. These modifications are considered necessary to ensure that the BSNP meets the basic conditions when the Plan is submitted for Independent Examination.

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,

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Gladman Developments Ltd

A solid black rectangular box used to redact contact information, likely a phone number or email address.