

Planning Policy Section,
East Devon District Council,
The Knowle,
Sidmouth,
EX10 8HL

By email only to: planningpolicy@eastdevon.gov.uk

RE: Ottery St Mary and West Hill Neighbourhood Plan Regulation 16 Consultation

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Ottery St Mary and West Hill Neighbourhood Plan (OSMWHNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. 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 OSMWHNP 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.*

National Planning Policy Framework 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 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 OSMWHNP's ability to meet basic condition (a) and this will be discussed in greater detail throughout this response.

Relationship to Local Plan

The current development plan that covers the Ottery St Mary and West Hill Neighbourhood Plan area and the development plan which the OSMWHNP will be tested against is the East Devon Local Plan, adopted in January 2016. This plan sets out the overarching spatial policies covering the period 2013 to 2031.

Whilst Ottery St Mary has currently met the housing provision as set out in the Local Plan this is a minimum figure and sufficient flexibility should be drafted in the wording of the OSMWHNP policies to ensure longevity of the plans policies and enable the plans ability to respond to any changing market conditions such as a further need for housing in the neighbourhood plan area during the plan period.

Ottery St Mary and West Hill Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the OSMWHNP as currently presented. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman has therefore sought to recommend a series of alternative options that should be explored prior to the Plan being submitted for Independent Examination.

Policy NP1: Development in the Countryside

This policy seeks to resist development in the countryside except in exceptional circumstances, effectively elevating the importance of the countryside to that of Green Belt. This does not accord with the Framework which does not seek to restrict development in the countryside in such a manner with one of the core planning principles stating that the intrinsic character and beauty of the countryside should be recognised.

Further, this policy is more restrictive than the adopted Local Plan Strategy regarding development in the countryside where development would be considered where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located. To accord with the Framework and the EDLP, Gladman suggest the wording of this policy is modified to take a more flexible approach to any future development proposals.

Policy NP4: Settlement Containment

This policy seeks to define an area between Ottery St Mary and West Hill where development would not be permitted. Gladman consider this to be the designation of a strategic gap, a strategic policy beyond the remit of neighbourhood plans. The EDLP contains a Green Wedge policy, to prevent settlement coalescence in the identified wedges however between Ottery St Mary and West Hill no such wedge was identified. Gladman submit that new development can often be located in such gaps without leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character. In such circumstances, we would question the purpose of such a policy if this would prevent the development of otherwise sustainable and deliverable housing sites coming forward and as such suggest this policy is deleted.

Policy NP5: Local Green Spaces

This policy seeks to designate 24 parcels of land as Local Green Space (LGS). In order to designate land as LGS the town council must ensure that it is able to demonstrate robust evidence to meet the national policy requirements set out in the Framework. The Framework makes clear at paragraph 76 that the role of communities seeking to designate land as LGS should be consistent with the local planning of sustainable development for the wider area. Paragraph 76 states that:

'Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.'

Further guidance is provided at paragraph 77 which sets out three tests that must be met for the designation of LGS and states that:

'The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- *Where the green space is reasonably close proximity to the community it serves;*
- *Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreation 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.'*

The Town Council should therefore only be designating LGS where all of the above requirements are met. Gladman note that three of the proposed LGS designations currently have approved applications on, which are under construction. It is therefore inappropriate to designate LGS on these sites as it is not possible to determine the extent of the LGS designation at this time, it would also be difficult to determine how future open space currently as part of a development proposal is demonstrably special to the local community. Gladman also note that a number of school playing fields are to be designated as LGS which may prejudice any future expansion of the schools in the neighbourhood area to meet future capacity needs.

Policy NP6: Valued Views

Whilst noting the intentions of this policy to protect the publicly valued views identified, Gladman are concerned with the extent of evidence provided to support these views. Paragraph 109 of the Framework states that *'the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes...'* without defining what is considered to be a 'valued landscape'. Numerous appeals have sought to bring clarity to this term and the consensus suggests that for a landscape to be considered as valued it must exhibit some demonstrable physical attributes which elevate its importance above simply being a nice area of undeveloped countryside.

Gladman note the map provided shows extensive coverage of these valued views and suggest that this would act as a blanket restriction to development in the neighbourhood plan area and having considered the evidence base suggest this does not demonstrate why several of the views should be afforded such a level of protection.

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 OSMWHNP 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 condition (a) and as the Plan does not conform with national policy and guidance. 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,

Richard Agnew
Gladman Developments Ltd.