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

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

Dear Mr Twamley,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Rockbeare Neighbourhood Plan (RNP) 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 RNP 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

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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 RNP's ability to meet basic condition (a) and (d) and this will be discussed in greater detail throughout this response.

Relationship to 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 current adopted plan that covers the Rockbears Neighbourhood Plan area and the development plan which the RNP will be tested against, is the adopted East Devon Local Plan that sets out the overall vision and objectives for the District over the period to 2031. This plan was adopted in January 2016 and sets out a housing target of 17,100 new dwellings across the 20 year plan period.

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 RNP 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 RNP is not overridden upon adoption of the updated Local Plan following review.

Policy No. Rock05 – Important Views and Vistas

Policy Rock05 identifies 5 panoramas, vistas and views that are to be considered important to the Parish. The policy states that development should not compromise these 5 views.

We submit that new development can often be located in areas without eroding the 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.

Further, Gladman consider that this policy lacks sufficient evidence to demonstrate why these views are of such value to the local community. Opinions on landscape are 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 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”*.

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 No. Rock06 – Green Wedge

Policy Rock06 seeks to introduce a designated Green Wedge that will protect the agricultural character of the area.

This is considered a strategic policy beyond the remit of neighbourhood plans that would have the effect of imposing a blanket restriction on development to the north of Rockbears. It would effectively offer the same level of protection as Green Belt land without undertaking the necessary exceptional circumstances test for the designation of new areas of Green Belt. As stated by PPG paragraph 074¹, a neighbourhood plan should not attempt to introduce strategic policies, such as this, which would undermine the strategic policies set out in the development plan.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. Accordingly, the RNP will need to be updated so that it takes into account the latest guidance issued by the Secretary of State so that it can be found in compliance with basic condition (a), (d) and (e).

Policy No. Rock07 – Development Limits

Policy 1 seeks to designate a settlement boundary for Rockbears. The policy states that the settlement boundary will inform the application of open countryside policies.

Gladman do not consider the use of settlement boundaries to be an effective response to future development proposals if it would act to preclude the delivery of otherwise sustainable development opportunities, as indicated in

¹ PPG Paragraph: 074 Reference ID: 41-074-20140306

the policy. We consider that the policy lacks the details and transparency required to ensure that decision makers can make informed and consistent decisions regarding exceptional circumstances and development outside of the defined settlement boundary. The Framework is clear that development which is sustainable should go ahead without delay. The use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach required by the Framework.

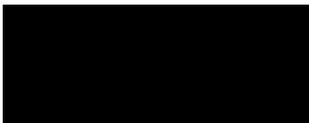
Conclusions

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 RNP 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 (d). 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 formally request to participate at the hearing session(s) should the Examiner decide it necessary to discuss these issues in a public forum.

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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Megan Pashley

A black rectangular redaction box covering contact information.

Gladman Developments Ltd.