

Attn Mrs H Hanslip
Planning Policy and Delivery Team (Neighbourhood Plans)
Suffolk Coastal District Council
East Suffolk House
Riduna Park
Station Road
Melton
IP12 1RT
Email: suffolkcoastallocalplan@eastsoffolk.gov.uk

Introduction

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission draft version of the Melton Neighbourhood Plan (MNP) 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 MNP 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. In particular, the changes to the PPG stress the importance of considering housing reserve sites, and providing indicative delivery timetables to ensure that emerging evidence of housing needs is addressed to help minimise any potential conflicts that can arise and are not overridden by a new Local 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 regarding this, Gladman has reservations regarding the MNP's ability to meet basic condition (a); 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 adopted development plan the MNP needs to be in conformity with is the Suffolk Coastal Local Plan 2013-2027. This plan sets a target of 7,900 for the plan period. This plan was adopted with an early review clause. This review has now begun with Suffolk Coastal District Council undergoing evidence gathering for the plan making process. One of the reasons for the early review is that the Objectively Assessed Need is likely to significantly increase, therefore Gladman recommends that the MNP be worded as flexibly as possible to reduce conflicts as the Local Plan Review progresses. 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 MNP is not overridden upon adoption of the updated Local Plan following review.

Melton Neighbourhood Plan

Gladman raises concerns with several of the policies currently detailed in the plan and submits that in its current form the MNP does not meet the basic conditions of neighbourhood plans. A number of the policies are deemed to be worded in a restrictive manner, rather than reflecting paragraph 184 of the Framework which states:

'Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan... Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them.

As a further general note, Gladman would like to draw attention to PPG which 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 or rationale of the policies in the draft plan...'* It is currently unclear what evidence has been produced to support several policies within the MNP.

Policy MEL1: Physical Limits Boundaries

Gladman opposes the using physical limits boundaries if these would preclude sustainable development coming forward. 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 to growth required by the Framework and would be contrary to basic condition (a). Further, Gladman questions the use of establishing physical limits boundaries now when they will be reviewed as part of the forthcoming draft Local Plan Review.

Policy MEL3: Views from Footpaths, Cycle paths and Public Rights of Way

Gladman submits that Policy MEL3 does not currently read as a policy and instead reads as an aspiration. It is not clear how a decision maker would be expected to apply this policy and in what situations development would be approved or refused. PPG states that:

'A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be precise, concise and supported by appropriate evidence.'

Gladman submits that without including criteria for circumstances of how this policy should be applied the policy should be removed from the plan. As landscape impact is subjective in nature without sufficient clarity and evidence the policy could not be applied consistently or with confidence and is therefore contrary to basic condition (a).

Policy MEL17: Areas to be protected from development

Gladman submits that this policy is a restrictive policy that should not remain with the plan as worded. The principle objective of this policy is to restrict development coming forward, therefore it is not considered to accord with the objectives of the Framework, in significantly boosting the supply of housing. Further, Gladman contends there is currently insufficient justification for why it is considered necessary to protect these areas by 'severely restricting development' and under what circumstances development would be permitted. Gladman submits this policy is contrary to basic condition (a) and should therefore be removed from the plan.

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 have sought to clarify the relation of the SNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman are concerned that the plan in its current form does not fully comply with basic condition (a) as the plan is considered not to follow national policy and guidance as the plan contains several policies without the necessary proportionate, robust evidence to do so. It is also not clear how some of the policies included within the plan could be applied predictably and with confidence by a decision maker.

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