

Colchester Borough Council
Planning Policy Team
Colchester
Essex
CO1 1ZE

By email only to: planning.policy@colchester.gov.uk

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Wivenhoe Neighbourhood Plan (WNP) 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 WNP 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 WNP'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 Wivenhoe Neighbourhood Plan area and the development plan which the WNP will be tested against consists of the Colchester Core Strategy which was adopted in December 2008 covering the plan period up to 2021. The Council undertook a focused review of the Core Strategy in July 2014. However, this review only assessed certain aspects of the Development Plan.

To meet the requirements of the Framework, the Council has commenced work on a new Local Plan. Part 1 of the emerging Local Plan has been prepared jointly with Braintree and Tendring Districts Councils, and provides strategic policies for the North Essex Area. Part 2 of the Local Plan, deals specifically with local policies for the Colchester Borough. Within the emerging Plan, Wivenhoe is identified as a sustainable settlement and expected to accommodate at least 250 new dwellings over the plan period.

On 9th October 2017 the Councils submitted the Local Plan and its accompanying documents to the Planning Inspectorate. Part 1 Examination in Public began on the 16th January 2018, with additional hearing sessions scheduled for May 2018. Part 2 Examination is yet to commence. As such, given that the Plan is still undergoing formal examination, there remains considerable uncertainty over what level of development that Wivenhoe may need to accommodate to assist the Council in meeting its OAN for housing. Accordingly, the Plan will need to ensure that it allows for sufficient flexibility to ensure that it is able to react to changes that may arise through the emerging Local Plan Examination.

Gladman note that the plan period for the emerging 2 part Local Plan is 2017 through to 2033. The WNP plan period ends in 2032. We recommend that the WNP seeks to amend the plan period to be in full conformity with the emerging Local Plan.

Policy WIV 1: Wivenhoe Town Settlement Boundary

Policy WIV 1 seeks to define a settlement boundary for the town of Wivenhoe. Development outside the settlement boundary is to be restricted to that which demonstrates a specific need.

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 the policy. 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 is contrary to basic condition (a).

Policy WIV 2: Development within the Wivenhoe Neighbourhood Plan area to the north of the A133

Policy WIV 2 states that within the area to the north of the A133, development proposals must provide adequate school, health and community facilities. The policy further sets out that these amenities must be provided at an early stage of development.

Gladman are concerned that there is not sufficient flexibility built into this policy to deal with potential viability issues that might arise. We refer to paragraph 173 and 174 of the Framework in this respect. Paragraph 173 states:

“Plans should be deliverable. Therefore, the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirement likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of normal costs of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.”

Policy WIV 3: Settlement Coalescence

Policy WIV 3 states that all development proposals should seek to retain the physical separation of the Wivenhoe settlement area from the University of Essex campus. In line with this policy, the proposals map identifies a ‘Coalescence break’, between the two areas.

This is considered a strategic policy beyond the remit of neighbourhood plans that would have the effect of imposing a near blanket restriction on development to the north of Wivenhoe. 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.

Gladman have been unable to identify any specific evidence to support the inclusion of this policy in the Neighbourhood Plan. It is vital that all of the evidence that underpins policies within the plan are available for review by anyone wishing to comment on the consultation.

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 WDP 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 WIV 27: Design and Access

Policy WIV 27 requires that all developments determined to require a Design and Access Statement, adhere to a list of 10 defined principles.

Whilst Gladman recognise the importance of high quality design, planning policies should not be overly prescriptive and need flexibility in order for schemes to respond to sites specifics and the character of the local area. There will not be a 'one size fits all' solution in relation to design and sites should be considered on a site by site basis with consideration given to various design principles.

Gladman therefore suggest that more flexibility is provided in the policy wording to ensure that a high quality and inclusive design is not compromised by aesthetic requirements alone. We consider that to do so could act to impact on the viability of proposed residential developments. We suggest that regard should be had to paragraph 60 of the NPPF which states that: "*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles*".

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 WNP 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

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

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,

A handwritten signature in black ink, appearing to be 'Megan Pashley', written in a cursive style.

Megan Pashley

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Gladman Developments Ltd.