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Neighbourhood Planning Officer
Stroud District Council
Ebley Mill
Ebley Wharf
Stroud
GL5 4UB

By email only to: ndp.consultation@stroud.gov.uk

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Dursley Neighbourhood Plan (DNP) 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 DNP 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.

On the 24th July 2018, the government published a revised National Planning Policy Framework. The revised Framework states at paragraph 213 that 'the policies of the previous Framework will apply for the purposes of examining plans, where those plans are submitted on or before 24 January 2019.' As such the Town Council will need to ensure that the policies contained within the DNP are consistent with the appropriate version of the NPPF. Further, the Town Council will need to be aware that the revised NPPF is considered a material consideration which will need to be taken into account in dealing with any planning applications.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the previous 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 of the previous Framework 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 previous 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 DNP'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 Dursley Neighbourhood Plan area and the development plan which the DNP will be tested against is the Stroud District Local Plan, which was adopted by Stroud District Council on 19th November 2011. The plan sets out the long-term vision for the district up until 2031.

Policy ES3: Key Views and Landscape

Policy ES3 states that development should respond sensitively to the key views and landscape character of the area.

In line with this 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.

In addition, as set out in case law, 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.

Policy H1: Housing Development

Policy H1 states that the Neighbourhood Plan supports the development of small infill and disused sites within the settlement boundary.

Whilst Gladman recognise the special circumstances that exist in relation to Dursley location adjacent to the Cotswold AONB, we consider the above unnecessarily restrictive and as such do not consider that in its current form the policy responds positively to the needs of the wider area.

Gladman do not consider the use of settlement boundaries to be an effective response to future development proposals if they 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).

Beyond, this, Gladman consider it necessary that the policy recognises, that within the plan period, it may be necessary for greenfield development, outside the settlement boundary, to come forward to assist with meeting local housing needs. As such, we recommend that sufficient flexibility is established in the policy so as to ensure that the plan can adjust to any local changes.

Policy SF2: Local Green Space Designations

Policy SF2 seeks to designate 8 parcels of land as Local Green Space.

The designation of land as Local Green Space (LGS) is a significant policy designation and effectively means that once designated, they provide protection that is comparable to that of Green Belt land. As such, the Town Council should ensure that the proposed designations are capable of meeting the requirements of national policy if they consider it necessary to seek LGS designation.

The previous Framework was 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 the 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 a 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.

Whilst Gladman acknowledge that some evidence is contained within supporting text to the policy, we do not consider it robust enough to justify the designation of all of the identified sites as Local Green Space. We suggest that the Town Council revisit this policy and ensure that sufficient evidence is provided to demonstrate consistency with the requirements of 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 DNP 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 (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 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,

[Redacted Signature]

[Redacted Name]

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Gladman Developments Ltd.