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(Representations submitted by email to info@welford.org.uk)

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Re: Welford on Avon Draft Neighbourhood Plan

Introduction

Gladman Developments specialise in promotion of strategic land for residential development with associated community infrastructure. Based on our experience we understand the requirement for the planning system to deliver the homes, jobs and thriving local places that the country needs. Every effort should be made to meet the housing and business needs of an area, and respond positively to wider opportunities for growth.

This letter provides Gladman's representations on the Draft Welford on Avon Neighbourhood Plan, on which we understand the Neighbourhood Plan (NP) Steering Committee is currently seeking comments. Through our response we have sought to clarify the relationship of the Neighbourhood Plan to wider national and local planning policies, and highlighted areas where the document currently lacks clarity or there is insufficient justification for proposals. Importantly we consider that that it may now be more appropriate to delay work on the document until the emerging Stratford on Avon Core Strategy has been tested at Examination. If the Neighbourhood Plan is to be successful and proceed to referendum it is important that these issues are addressed.

Role of Neighbourhood Plans

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 requirements for the preparation of neighbourhood plans and the role they must play in meeting the development needs of the local area. The guidance set out in the Framework has now been supplemented by the recently published Planning Practice Guidance (PPG) on Neighbourhood Plans.

Paragraph 16 of the Framework specifically sets out the positive role that Neighbourhood Plans should play in meeting the development needs of the local area. Its states that:

“The application of the Presumption (In Favour of Sustainable Development, set out in paragraph 14 of Framework) will have implications for how communities engage in neighbourhood planning. Critically it will mean that neighbourhoods should:

- *Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *Plan positively to support local development, shaping and directing development in their area that is outside of the strategic elements of the Local Plan”*

Further guidance on the relationship between Neighbourhood Plans and the strategic policies for the wider area set out in a Council’s Local Plan is included in paragraph 184 of the Framework:

“The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them”.

Before a Neighbourhood Plan can proceed to referendum it must be tested against the Neighbourhood Plan Basic Conditions, set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended by section 38A of the Planning and Compulsory Purchase Act 2004) and detailed in paragraph 065 of the Neighbourhood Plan PPG. These Basic Conditions are:

- *Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan*
- *The making of the neighbourhood plan contributes to the achievement of sustainable development*
- *The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority*
- *The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations*
- *Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan*

It is clear from the above requirements that Neighbourhood Plans must conform to national planning guidance and up-to-date strategic policy requirements set out in Local Plans. Neighbourhood Plans must take a positive approach to new development and should not be used to prevent growth from going ahead.

Stratford on Avon Core Strategy

Stratford on Avon District Council are currently in the process of preparing their emerging Core Strategy that once adopted will provide a suite of up-to-date strategic policy and development requirements for the district area. Most recently the Council undertook a focussed consultation on the Core Strategy plan period, housing requirements and strategic site options in February and March 2014. The Core Strategy has yet to undergo Examination or be found sound by an Inspector.

In our response to the Core Strategy Focussed Review consultation Gladman submitted that the overall housing requirements proposed for the district were too low. Based on our concerns we commissioned an independent assessment of the district’s housing needs, with the results of this

work revealing a requirement for between 18,360-19,100 new homes in the authority over the Core Strategy period. Meeting this higher level of housing need is likely to affect the overall distribution and amount of housing land that is required in the district. We have previously objected to the scale of development directed to the district's Local Service Villages.

Given the current status of the Stratford on Avon Core Strategy and the uncertainty over the final policies it will set for the district, Gladman question the ability of the Welford on Avon Neighbourhood Plan to be progressed at this time, informed by the Core Strategy's emerging housing requirements. It cannot be certain that the Neighbourhood Plan will adhere to up-to-date strategic policies and development requirements for the authority when the Council's Core Strategy is yet to be finalised or tested at Examination. There is currently no certainty on what level of development the village must accommodate or the direction the policies in the Neighbourhood Plan need to take.

Although the Neighbourhood Plan PPG indicates that Neighbourhood Plans can be advanced before an up-to-date Local Plan, Gladman strongly submit that it would now be appropriate for Welford on Avon to postpone work on the Neighbourhood Plan until the Stratford on Avon Core Strategy has been tested at Examination. If the Neighbourhood Plan is advanced in its current form and the strategic policies and development requirements for the village change, then the work on the Neighbourhood Plan is likely to be abortive. The Neighbourhood Plan cannot be consistent with the requirements of the Framework or meet the Neighbourhood Plan Basic Conditions if it is progressed on a development plan that is out-of-date.

Neighbourhood Plan Policies

Gladman have reviewed the suite of policies proposed through the draft Neighbourhood Plan. In this regard we note that there are a number of instances where supporting text or policy justification has yet to be provided for the Plan's proposals. The document would also benefit from a proposals map setting out its proposed designations - the SHLAA map currently provided is not formal adopted policy. Recognising these details are likely to be provided in a subsequent version of the document, we reserve the right to comment on these aspects again in the future.

In their current form a number of the draft Neighbourhood Plan's policies do not appear to be supported by national or local policies, are not be justified by evidence, lack clarity or appear to replicate national guidance and local policy requirements. We would therefore strongly question the inclusion of these policies within the document, and recommend that further guidance is sought from the Council's planning team on these matters. Gladman's specific comments on the draft Neighbourhood Plan's policies are set out below.

ENV1 – Local Green Spaces

The Framework provides the ability for local communities to identify special protection green areas of importance through neighbourhood plans. Given their ability to prevent new development other than in very special circumstances, the Framework sets out that such designations should be consistent with the local planning of sustainable development and complement sufficient homes, jobs and other essential services. Paragraph 77 of the Framework sets out specific criteria for when a local green space designation can be used.

Gladman note that there is no evidence or justification provided to show how the proposed areas fulfil the purpose of a Local Green Space designation. This must be provided for these and any other designations that are subsequently proposed. We further query how Local Green Spaces can be defined when there is uncertainty over how these designations will be consistent with the local planning of sustainable development and the development requirements for the area, which are yet to be finalised.

ENV2 – Green Areas of Separation

Policy ENV2 identifies two areas of separation around Welford on Avon – GC1, land from the Four Alls through to Weston on Avon, and GC2, land bordered by Milcote Lane, Weston Lane, the settlement boundary and the border of GC1. The Neighbourhood Plan sets out that these areas will be considered sacrosanct, within which development would not be permitted so as to prevent the merging of settlements and preserve the immediate natural environment.

Reviewing the policy, Gladman strongly question the basis for the proposed Green Areas of Separation, which do not appear to be supported by robust evidence or justification. We would particularly query the purpose of the area of separation to the north of Milcote Road and whether this is necessary to prevent to merging of Welford and Weston on Avon. We submit that development could be sustainably accommodated within this area without eroding the gap between Welford and Weston on Avon and maintain the village’s relationship with its surrounding environment.

Gladman submit that the Green Areas of Separation appear to be solely a tool to prevent new development, contrary to the whole tone of the Framework that requires Neighbourhood Plans to plan positively for sustainable development. Further it is not possible to determine how these designations will sit alongside the need to meet the wider development needs for the district in the finalised Stratford on Avon Core Strategy. The Neighbourhood Plan should not pre-empt strategic decisions on development requirements.

ENV4 – Tree Preservation and Planting

Policy ENV4 sets out provisions for removing and providing trees through development, stating that where a tree is to be removed, replacement trees will be required to be planted on sites provided by the developer, or at the parish council’s discretion. It sets out that substantial tree planting schemes should be considered a pre-requisite for all new build development, and maintained for a period of five years by the developer.

Gladman query the clarity and justification for these requirements. Requiring all new build developments to provide sufficient land for substantial tree planting and associated maintenance arrangements provides no indication as to what scale of development this will apply to, and what constitutes ‘substantial’. The requirements of this policy are considered to be overly onerous and would need to be fully justified.

ENV5 – Natural Habitats

Policy ENV5 sets out that natural habitats of wild flora and fauna will be protected and no development on, or so close as to adversely affect these assets will be allowed. In this regard Gladman refer the NP Steering Committee to the advice on natural habitats set out in Section 11 of the Framework, which sets out how proposals should conserve and enhance biodiversity. The Neighbourhood Plan should be consistent with this guidance.

ENV6 – Development within the Flood Plain

Gladman refer the NP Steering Committee to the guidance set out the NPPF on development and flood risk, to which the Neighbourhood Plan should conform.

INF1 – Dark Skies

Impacts from light pollution can be addressed through good design. Some forms of lighting are likely to be necessary in proposals, for example lighting in relation to highway safety.

INF2 – Infrastructure

Policy INF2 sets out that where infrastructure problems already exist developers will be required to provide a solution to alleviate existing problems at the same time as building work commences. It states that funding must be provided by developers through CIL or S106 contributions where in the opinion of the Parish Council a material degradation to existing parishioner's core services is anticipated, and that failure to provide appropriate mitigation from construction could result in the failure of planning applications.

Gladman refer the NP Steering Committee to national requirements on the role of planning obligations in relation to this policy. Planning obligations can only be sought where they are necessary to address the unacceptable impacts of a proposal and so directly related to the impacts of a proposal that it ought not to be permitted without them. Planning obligations cannot be used to fund desirable items of infrastructure. Once a CIL for Stratford on Avon has been adopted the community can benefit from a percentage of the CIL revenue that arises from development taking place within its area.

HLU1 – Phased Housing Requirement

Policy HLU1 states that all new housing development will be phased across the Plan period as described in the Stratford on Avon Housing Trajectory, with 30 dwellings provided in the first three years of the plan, 20 over the next five years, and 25 in the remaining seven years.

Until the Stratford on Avon Core Strategy has been finalised Gladman submit that it will not be possible to ascertain how much housing Welford on Avon will need to accommodate through the Neighbourhood Plan. Phasing policies would only be appropriate where they are robustly justified by to match the provision of housing to supporting infrastructure. They should not be used to prevent sustainable development from going ahead.

HLU2 – Housing Allocations

Policy HLU2 sets out that the site allocation process in Welford on Avon will be led by Stratford on Avon's Site Allocations DPD, with the intention of the community being to work with the Council on this process to ensure a sustainable site allocation. Gladman reserve the right to comment on this policy of the draft Neighbourhood Plan again in the future and any amendments to its provisions.

HLU4 – Housing Mix

Policy HLU4 states that developments of market housing will be supported where they reflect the parish's preferred housing mix. Gladman would object to the restrictive use of these requirements, which are overly prescriptive. Housing mix should take account of up to date information on the needs of the local area.

HLU5 – Windfall Developments

Gladman again submit that until the Stratford on Avon Core Strategy has been finalised it will not be possible to set the requirements of this policy. Gladman submit that it would be more appropriate for this policy to support windfall developments where they are consistent with achieving sustainable development and reflect the character of their location. Restricting new development to the existing built up area of the village would not be supported if this would preclude otherwise sustainable development from going ahead.

HLU8 – Primary School Places

Whilst supporting the principle of sustainable development, the Neighbourhood Plan cannot control where primary school pupils will be educated. Where relevant, developer contributions are an appropriate mechanism to address capacity issues arising from new development in relation to the local Primary School.

HLU13 – Building for Life/Lifetime Homes

Gladman support the principle of good design but would be opposed any onerous use of prescriptive design guidance. Whilst recognising the purpose of Building for Life and Lifetime Homes guidelines, meeting these standards is not a mandatory policy requirement.

HLU14 – Gypsy and Traveller Pitches

Gladman query whether the requirements of this policy are consistent with human rights obligations, to which the Neighbourhood Plan must conform to meet the Basic Conditions and proceed to referendum. Whilst brownfield development can be supported, it cannot be prioritised over other sustainable locations.

Conclusions

Gladman recognise the role of Neighbourhood Plans as tool for local people to shape the development of their local community, however it clear from national guidance that these must be consistent with national policy and the up-to-date strategic requirements of the wider local authority area. If a Neighbourhood Plan does not meet the Neighbourhood Plan Basic Conditions there is a real risk that the Plan will fail at Examination.

Gladman have highlighted a number of concerns with the Draft Welford on Avon Neighbourhood Plan in its current form. In a number of instances the Neighbourhood Plan's policies appear to be inconsistent with national and local policy requirements and could act to unnecessarily prevent sustainable development from going ahead. Some of the Neighbourhood Plan's proposals lack clarity or supporting justification. We therefore question the ability of the Neighbourhood Plan to meet the Basic Conditions in its current form.

It is the case that Stratford on Avon District Council are currently in the process of preparing their emerging Core Strategy. In the case of Welford on Avon's Neighbourhood Plan, until the Core Strategy has undergone Examination and been found sound it is unclear how the Neighbourhood Plan can support the strategic planning policies and development requirements for the area. If the Neighbourhood Plan is progressed ahead of the Core Strategy and alternative strategic policies and growth targets for the village are proposed, work on the Neighbourhood Plan will be abortive, and the document will need to be reviewed. We therefore suggest that that it may now sensible to postpone work on the Neighbourhood Plan until there is greater certainty on the strategic policy framework for the wider area.

I hope you have found these representations constructive, if you require any further information or wish to meet with one of the Gladman team then please do not hesitate to contact me.

Yours faithfully

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Gladman Developments