GLADMAN
DEVELOPMENTS LIMITED

By email only to: clerk.actonpc@googlemail.com

10th April 2019

Dear Sir/Madam,

Re: Acton, Edleston and Henhull Neighbourhood Plan – Regulation 14 consultation

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft version of the Acton, Edleston and Henhull Neighbourhood Plan (AEHNP) under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation of numerous plans across the country, it is from this experience that these representations are prepared.

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 AEHNP 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.*
> *(g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of part 6 of the Conservation of Habitats and Species Regulations 2017.*

National Planning Policy Framework

On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework (NPPF 2018). This publication forms the first revision of the Framework since 2012 and implements changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft NPPF 2018 consultation. This version was itself superseded on the 19th February 2019, when MHCLG published a further revision to the NPPF (2019) which implements further changes to national policy, relating to the Government's approach for Appropriate Assessment as set out in Paragraph 177, clarification to footnote 37 and amendments to the definition of 'deliverable' in Annex 2.

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 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 plan-making and decision-taking. 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 of 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 13 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 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan 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 29 of the Framework makes clear that a neighbourhood plan must be 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 of the wider area as confirmed in an adopted development plan. The Framework requirements 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, providing clarity on the measures a qualifying body should take to review the contents of a neighbourhood plan where the policy evidence base 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 body's 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 unless their use can be supported by robust evidence.

Relationship to Local Plans

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 Cheshire East Local Plan Strategy (CELPS) was adopted 27th July 2017 and sets out the strategic planning policy framework for the district until 2030. The CELPS is the first part of the new Local Plan to be adopted. Within the plan Acton is identified as a 'Other Settlement and Rural Area' where development should be proportionate and of a scale commensurate with the function and character of the settlement. These settlements rely on larger settlements to meet much of the communities needs.

The closest Key Service Centre to Acton is Nantwich, with permitted and proposed development abutting the settlement extending in to the neighbourhood area. To accord with basic condition (a) it is important that the AEHNP does not include policies that seek to restrict further sustainable expansion of Nantwich.

The Council are currently working on its Site Allocations and Development Policies Document (SADPD) which will sit alongside the CELPS. The SADPD will allocate additional sites for development to ensure that the overall development requirements set out in the adopted CELPS are delivered in full.

Acton, Edleston and Henhull Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the AEHNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of alternative options that should be explored prior to the Plan being submitted for Independent Examination.

As a general note, we would like to remind the Parish Council that it is not within their remit to determine planning applications. Numerous references to 'permitted' throughout the AEHNP should be replaced with 'supported.'

Policy ENV1: Landscape Character and Setting

Policy ENV1 sets out the key considerations for development in the neighbourhood area before setting out that new development should be prioritised on brownfield sites and/or within the Acton infill boundary.

Gladman submit that Policy ENV1 unnecessarily restricts the likely scale of supported development proposals as there are likely to be minimal available brownfield opportunities or infill sites within the Acton boundary. This approach would unnecessarily restrict the growth of the larger settlement of Nantwich. In restricting development in this way, the AEHNP is not conforming to the positive approach of the Framework and as such Gladman suggests this element is either modified to also support development adjacent to Nantwich or that the policy is deleted.

Policy ENV2: Views

This policy seeks for new development not to significantly harm views to local landmarks, before setting out what are considered to the important views. Figure D goes on to identify significantly more views and none of the described important views across the registered battlefield of St Mary's Church and tower. Evidence will be required to demonstrate why each of the identified views is considered important. It is vital that the views identified are publicly accessible and contain physical attributes, simply protecting nice views across open countryside does not accord with the Framework.

Policy ENV4: Acton Local Green Gap

Policy ENV4 states that planning permission will not be granted for the construction of new buildings or the change of use of existing buildings if they conflict with the three criteria outlined. In stating that within the Local Green Gap Policy PG6 from CELPS will apply it is not clear what further protection and detail this policy offers than a policy already contained within the development plan for the area. Paragraph 16(f) of the Framework is clear that unnecessary duplication of policies already contained within the development plan should be avoided.

Policy ENV7: Dark Skies

Policy ENV7 states a preference for 'dark skies' over street lights. Whilst Gladman recognise the importance of minimising light pollution and energy use, some forms of lighting are necessary to support the infrastructure associated with development proposals such as lighting in relation to highway safety.

Gladman would also like to highlight that impacts associated with these issues regarding light pollution and energy use can be addressed through good design and should be expanded upon in Policy DEV1 which requires the criteria - n) *'support eco and environmentally sustainable technology and materials'*, is met in new development proposals. Therefore, Gladman suggest this policy is deleted in order to avoid the addition of an unnecessary policy.

Policy DEV1: Design for New Development

Policy DEV1 states that new development must be of high-quality design and must adhere to a list of 13 design criteria within the policy text.

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 126 of the NPPF 2019 which states that:

> *"To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high-quality standard of design. However, their level of detail and degree of prescription should be tailored to the circumstances in each place and should allow a suitable degree of variety where this would be justified."*

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 Acton, Edleston and Henhull Neighbourhood Plan as currently proposed with the requirements of national planning policy and the strategic policies for the wider area.

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.