

Broughton
Neighbourhood Development Plan
Submission Version



November 2017

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1 INTRODUCTION

1.1 Context

- 1.1.1 These representations are made by Gladman Developments Ltd. (hereafter referred to as "Gladman"). Gladman specialise in the promotion of strategic land for residential development with associated community infrastructure.
- 1.1.2 Gladman has considerable experience in the development industry across a number of sectors, including residential and employment development. From that experience, we understand the need for the planning system to provide local communities with the homes and jobs that are needed to ensure residents have access to the homes and employment opportunities that are required to meet future development needs of the area and contribute towards sustainable economic development.
- 1.1.3 Gladman has been involved in contributing to the plan preparation process of the Broughton Neighbourhood Plan (BNP) having previously submitted representations to the Regulation 14 consultation. These representations provide Gladman's response to the current consultation held by Kettering Borough Council (KBC) on the submission version of the BNP under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
- 1.1.4 Through these representations, Gladman provides an analysis of the BNP and the policy decisions promoted within the Plan. Comments made by Gladman through these representations are provided in consideration of the BNP's vision, objectives, suite of policies and its ability to fulfil the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) and supported by the Neighbourhood Plan chapter of the PPG¹.
- 1.1.5 In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the National Planning Policy Framework (the Framework) and the wider strategic policies for the area set out in the Council's adopted Development Plan. Neighbourhood Plans should provide a policy framework that complements and supports the requirements set out in these higher-order documents, setting out further, locally-specific requirements that will be applied to development proposals coming forward.
- 1.1.6 The BNP should only be progressed if it meets the Neighbourhood Plan Basic Conditions, is supported by a robust and proportionate evidence base and allows for sufficient flexibility as required by national policy.

¹ Section ID: 41

- 1.1.7 The Framework is clear that Neighbourhood Plans cannot introduce policies and proposals that would prevent sustainable development opportunities from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to meet the development needs for the area and to assist local authorities in delivering full objectively assessed needs (OAN) for housing. Policies that are not clearly worded or intended to place an unjustified constraint on further sustainable development are not consistent with the requirements of the Framework or the Neighbourhood Plan Basic Conditions.
- 1.1.8 The BNP should not seek to include policies in Neighbourhood Plans that have no planning basis, no supporting technical evidence base or are inconsistent with national and local policy obligations. Proposals should be appropriately justified by the findings of a supporting evidence base and must be sufficiently clear to be capable of being interpreted by applicants and decision makers. Policies and proposals contained in the BNP should also be designed to add value to existing policies and national guidance, as opposed to replicating (or contradicting) their requirements.
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2 LEGAL REQUIREMENTS, NATIONAL POLICY & JUDGEMENTS

2.1 Legal Requirements

2.1.1 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 BNP 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.

2.2 National Planning Policy Framework, & Planning Practice Guidance

National Planning Policy Framework

2.2.1 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 provides guidance on the requirement for the preparation of neighbourhood plans to be in general conformity with the strategic priorities for the wider area and defines the role which neighbourhood plans can play in delivering sustainable development.

2.2.2 At the heart of the Framework, is a "*presumption in favour of sustainable development*" which, as outlined in paragraph 14, should be seen as a golden thread running 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 (OAN) for housing, with sufficient flexibility to adapt to rapid change. This requirement is also applicable to neighbourhood plans.

2.2.3 Paragraph 16 of the Framework makes clear that the presumption in favour has implications for how communities engage in neighbourhood planning, stating that neighbourhoods should;

- **"Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;**
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- **Plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and**
- **Identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed. "**

2.2.4 Furthermore, paragraph 17 sets out that neighbourhood plans should define a succinct and positive vision for the future of the area and that neighbourhood plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. In addition, 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.

2.2.5 Further guidance for groups involved with the production of neighbourhood plans is specified at paragraph 184;

"Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. 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 Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies."

2.2.6 This makes clear that the ambition of the neighbourhood plan should be aligned with the strategic needs and priorities of the wider area as confirmed in the adopted Development Plan. It is therefore important that sufficient flexibility is included within the Plan so that it is able to respond positively to changing circumstances which can arise through the preparation of any future emerging Local Plan.

Planning Practice Guidance

2.2.7 It is clear from the requirements in the Framework that neighbourhood plan policies should be prepared in general conformity with the strategic requirements for the wider areas, as confirmed in an adopted Development Plan. The requirements set out in the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

2.2.8 The PPG is clear that:

".... All settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence."²

2.2.9 Accordingly, the BNP will need to ensure that it takes into account the latest guidance issued by the SoS so that it can be found to meet basic condition (a).

3 DEVELOPMENT PLAN

3.1 Adopted Development Plan

- 3.1.1 To meet the requirements of the Framework and 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 relevant to the preparation of the BNP consists of the North Northamptonshire Joint Core Strategy (Local Plan Part 1) and the saved policies from the 1995 Local Plan.

3.2 Emerging Site Allocations Local Plan

- 3.2.1 The Council is progressing the Site Specific Part 2 Local Plan, once adopted this will form part of the North Northamptonshire Local Plan. This document will explore the allocation of land for housing, employment, retail, leisure and community facilities. The preparation of the part 2 plan is still in its infancy and the current LDS anticipated a consultation for November – December 2017. This consultation has been delayed and a new programme of dates taking the plan forward has not yet been agreed. It is now expected that a draft plan will be available for consultation in Spring 2018.

- 3.2.2 In light of the above, the BNP will need to ensure that it allows for a sufficient degree of flexibility and adaptability so that it can fully react to changes in the market. This degree of flexibility will be required to ensure that the Plan is capable of enduring over its plan period and not ultimately superseded by s38(5) of the Planning and Compulsory Purchase Act 2004, which states that:

“If to any extent a policy 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)”

4 BROUGHTON NEIGHBOURHOOD PLAN

4.1 Context

4.1.1 These representations are made in response to the current consultation on the submission version of the BNP, under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This chapter of the submission highlights the key points that Gladman raise with regard to the content of the BNP as currently proposed.

4.2 Neighbourhood Plan Policies

4.2.1 This section of Gladman's representations is made in response to those policies which need to be addressed and amended through modification and/or deleted to allow a more flexible and positive approach consistent with the requirements of national policy and guidance.

4.3 Village Boundary Policy 1

4.3.1 This policy seeks to define a tightly drawn settlement boundary for the plan period to 2031 to enable the delivery of infill development.

4.3.2 Gladman are concerned that the policy in its current form is too prescriptive and fails to identify what forms of development are considered suitable beyond this artificial limit. Gladman would be opposed to the use of a settlement boundary if this would act to preclude the delivery of sustainable development opportunities. The Framework is clear in its approach to ensuring the delivery of sustainable development to meet identified housing needs and the government generally, who are seeking to boost significantly the supply of housing.

4.3.3 The use of a settlement boundary as currently proposed will act to inhibit the delivery of sustainable growth and does not accord with the requirements of the Framework or the basic conditions.

4.3.4 It is also important to note that the neighbourhood plan area boundary extends to the edge of Kettering, as such, the policy would also effect the any potential delivery of the new development opportunities on the edge of Kettering. In this regard, the PPG makes clear that:

"... All settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing

*other settlements from expanding should be avoided unless their use can be supported by robust evidence.*¹³

4.3.5 Accordingly, Gladman consider that policy 1 should be modified to ensure a consistent approach to the presumption in favour of sustainable development, which is seen as the golden thread through both plan making and decision taking. The following wording is put forward for consideration:

“When considering development proposals, the Broughton Neighbourhood Plan will take a positive approach to new development that seeks to deliver sustainable development. Applications that accord with the policies of the Development Plan and the Broughton Neighbourhood Plan will be supported particularly where they provide:

- New homes including market and affordable housing to meet identified housing needs;
or
- Opportunities for new business facilities through new or expanded premises; or
- Opportunities to ensure the continued vitality and viability of the neighbourhood area.

Development adjacent to the existing settlement will be permitted provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development.”

4.4 Sustainability Policy 2

4.4.1 In principle, Gladman recognise the importance of the above policy which seeks to ensure the building of a type and level of housing required to meet housing needs. However, this requirement is based on the Parish Council undertaking an assessment of local need to which there is no requirement to do so and may not be fully representative of housing needs of the area. Gladman believe that this policy is removed and replaced with ‘most up-to-date evidence on housing needs’ as KBC is more likely to undertake an OAN assessment on a more regular basis. This modification ensures that the Plan can remain up-to-date over the duration of the plan period.

4.5 Development Policy 4

4.5.1 Gladman reiterate the comments made in response to policy 1 above. The policy only provides some limited form of development in the form of agricultural buildings and rural exception sites both of which are sufficiently dealt with through the requirements of the Framework. Further, whilst recognising the importance of delivering affordable housing to meet identified housing needs. A rural exception site can be difficult to deliver if they are to provide 100%

³ Paragraph: 044 Reference ID: 41-044-20160519 (Revised 19/05/2016).

affordable housing, as such, a landowner's willingness to promote such a scheme is unlikely as it is doubtful that it will achieve the most optimum value of land that could be secured. Instead a degree of flexibility should be built into this element of this policy in order to allow for a percentage of market housing units on site to reduce the risk of rendering a development proposal unviable.

- 4.5.2 In addition, it is a concern that the Plan 'allocates' a number of sites that have previously secured planning consent and should not be considered allocations promoted by the neighbourhood plan.

4.6 Strategic Policy 5 and Windfall Policy 6

- 4.6.1 Whilst recognising that the Plan seeks to support infill development, the delivery of such small scale sites is unlikely to make any significant contribution to the wider objectives of the BNP such as the provision of affordable housing. Furthermore, it is a concern that policy 6 seeks to limit the delivery of windfall development to less than 4 dwellings. Limiting sustainable growth opportunities would not accord with the provisions required by national policy and therefore this policy is not in accord with basic condition (a) and (d).
- 4.6.2 Furthermore, this policy seeks to safeguard land between the bypass and the village boundary from development but does not provide any justification for the appropriateness of the above policy. Gladman would be opposed to the proposed area of separation if this would only serve to act as an arbitrary tool to prevent the delivery of sustainable growth. In this regard, we submit that new development can often be located in gaps without leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character. Gladman recommend that the above policy is deleted.
- 4.6.3 Notwithstanding the above, if the principle is to be retained then it should be altered to allow for a balancing exercise to be undertaken which assesses any harm to the visual or functional separation of settlements against the benefits of the proposal.
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5 CONCLUSIONS

- 5.1.1 Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. Whilst we support many of the policy aims and objectives in principle, Gladman feel that the Plan would benefit from additional modifications to the plan to ensure that it allows for flexibility going forward and ensures that the Plan is capable of reacting positively to changes in circumstance that may occur over the duration of the plan period.
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