Comments

Site Specific Part 2 Local Plan - Publication Plan Consultation (18/12/19 to 12/02/20)

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Representation

Please use a separate form for each representation.

Which part of the Publication Plan does your representation relate to?

Sustainability Appraisal

Tests of Soundness

Do you consider the Local Plan is sound in terms of being:

Justified . No
Effective . No
Positively prepared . No
Consistent with National Policy . No

Legal and Procedural requirements

Do you consider the Local Plan has been prepared in line with legal procedural requirements? No

Duty to Cooperate

Do you consider the Local Plan to be compliant with the Duty to Cooperate? No

Reasons
Please give the reason(s) why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the statutory Duty to Cooperate.

Flexibility allowance
3.2.1 The NNJCS sets a housing requirement of 10,400 dwellings to be delivered over the plan period. Through the preparation of the SPP2 the Council has applied a 10% flexibility allowance to the housing requirements for each settlement and additional housing allocations to provide a total supply of 12,976 dwellings over the plan period. This results in an additional 1,584 dwellings above the 10% flexibility factor.

3.2.2 At paragraph 5.3.7 the SA considers that it would be unreasonable to provide a higher housing flexibility allowance than 10%. It states:

“To increase flexibility further, and prepare for beyond the plan period, the choice and amount of housing sites could be increased further beyond 10% However, this approach is considered to be unreasonable for the following reasons:- The preferred approach already provides land to accommodate an additional 1584 dwellings above a 10% flexibility allowance.- There is no evidence to suggest that higher levels of delivery are necessary to achieve the JCS targets or to secure a 5-year supply of housing.”

3.2.3 The above statement is clear that to increase flexibility further the choice and amount of housing sites could be increased further beyond the 10%. However, assessment against various percentages have not been undertaken despite the fact that additional allocations demonstrate the Council is able to deliver a higher buffer. It is unclear therefore how the Council have arrived at the decision that a higher buffer of sites is an unreasonable option when this has not been tested through the SA process.

3.2.4 Gladman consider that the Plan is jeopardising the delivery of meeting the borough's housing needs in full due to the reliance on Sustainable Urban Extensions (SUEs) to deliver the majority of the borough's housing requirement. As will be highlighted in section 5.1 of these representations, whilst Gladman do not object to the principle of development of the NNJCS allocations, it is clear that these sites have failed to come forward as previously anticipated. This trend is likely to continue and additional allocations beyond those already proposed will be necessary to ensure the deliverability of the Local Plan.

Site Assessment alternative sites
3.2.5 Gladman has significant concerns with the assessment of reasonable alternatives for the allocation of additional housing land. The Council has not considered land at Braybrooke Road as a reasonable alternative for housing. Instead, the site was considered under site ref: D7 – Land at Humphrey’s Lodge for employment use. This is despite the fact that Gladman has been promoting the site for residential development since January 2018.

3.2.6 In Ashdown Forest Economic Development LLP v Secretary of State for Communities and Local Government [2015] EWCA Civ 681 it was said:“In Heard v Broadland District Council (cited above), at paragraphs 66-71, Ouseley J held that where a preferred option – in that case, a preferred option for the location of development – emerges in the course of the plan-making process, the reasons for selecting it must be given. He held that the failure to give reasons for the selection of the preferred option was in reality a failure to give reasons why no other alternative sites were selected for assessment or comparable assessment at the relevant stage, and that this represented a breach of the SEA Directive on its express terms. He also held that although there is a case for the examination of the preferred option in greater detail, the aim of the Directive is more obviously met by, and it is best interpreted as requiring, an equal examination of the alternatives which it is reasonable to select for examination alongside whatever may be the preferred option.”

3.2.2 In this regard, we would highlight the Inspector’s note to Telford & Wrekin Council during the Examination of its Local Plan. Here, the Inspector made reference to the requirements of the site selection process:“10. Clearly, the detailed selection of sites for allocation involves an element of planning judgment. However, that judgment needs to be both explicit and transparent. In short, there needs to be a clear ‘audit trail’ that shows how the final decisions were arrived at, and what factors were taken into account in making such decisions.”
3.2.3 The SA is obliged to give adequate reasons for selection of particular options as “reasonable alternatives”, and reasons for rejecting those options it did reject. The current SA and associated Site Assessment evidence base does not do so in consideration of the current preferred options. The SA in its current form fails to explain why land off Braybrooke Road was not included as a reasonable alternative for residential development given that it was subject to a live planning application.

Proposed Actions/Changes

Please explain what changes or actions are needed to make the Local Plan legally compliant.

Gladman consider the SA should be revisited to test the Plan’s ability to deliver an increased buffer of sites.

The SA in its current form fails to explain why land off Braybrooke Road was not included as a reasonable alternative for residential development given that it was subject to a live planning application. Gladman consider that it is necessary for the housing sites within the SA to be reassessed in this regard.

Attendance at the examinations hearings

If you are seeking to change the Plan, would you like to attend the examination hearings? Yes

Notifications

Do you wish to be notified?

. When the Plan is submitted for independent examination?
. When the Inspector’s Report is published?
. When the document is adopted?