Comments

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

Comment ID 175
Response Date 12/02/20 11:25
Consultation Point Policy LOC1 Settlement Boundaries (View)
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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.

4.2.1 The above policy states that settlement boundaries will be used to interpret whether proposals are within or adjoining settlements for the purposes of Policies 11 and 13 of the Joint Core Strategy (JCS) and Policies RS1 and RS2 of the SPP2. Land located outside settlement boundaries will be considered open countryside.

4.2.2 Gladman are concerned with the proposed approach as it provides no flexibility for the Council to respond to changes in circumstance over the plan period e.g. unable to demonstrate a five year housing land supply. In addition, this policy adds nothing to the policies contained in the JCS nor does...
it provide sufficient clarity and consistency in how proposals outside of development boundaries will be assessed. Whilst Policy LOC1 refers to policies within the JCS and SPP2, it is unclear which policies or considerations regarding specific elements of those policies would apply.

4.2.3 Gladman consider the Council’s approach to development beyond the settlement boundary is far too restrictive and leads to conflicts with the Framework and may result in delivery problems over the course of the plan period due to the significant reliance of SUEs as identified in the NNJCS to deliver the majority of the Council’s housing needs.

4.2.4 Indeed, development outside of any defined settlement boundary will be treated as open countryside where development will generally be restricted and limited to development in only a narrow set of circumstances. Gladman consider that the Council’s approach needs to be reworded to provide a more flexible approach and the following wording is suggested which broadly reflects that of Policy HOUS5 of the Ashford Local Plan which was found sound at examination: “Proposals for residential development adjoining or close to the existing built up confines of any named settlement will be acceptable... provided that each of the following criteria is met: a) The scale of development proposed is proportionate in size of the settlement and level, type and quality of day to day service provision currently available, and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in the Local Plan and committed development in liaison with service providers;

b) The Site is within easy walking distance of basic day to day services in the nearest settlement and/or has access to sustainable methods of transport to access a range of services;

c) The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;

d) The development is located where it is possible to maximise the use of public transport, cycling and walking to access services;

e) Conserves and enhances the natural environment and preserves or enhances any heritage assets in the locality;

f) The development (and any associated infrastructure) is of a high-quality design and meets the following requirements:

i) It sits sympathetically within the wider landscape;

ii) It preserves or enhances the setting of the nearest settlement;

iii) It includes an appropriately sized and designed landscape buffer to the open countryside;

iv) It is consistent with local character and built form, including scale, bulk and the materials used;

v) It does not adversely impact on neighbouring uses or a good standard of amenity for nearby residents;

vi) It would conserve biodiversity interests on the site and/or adjoining area and not adversely affect the integrity of international and nationally protected sites in line with Policy.”

4.2.5 The scale of development would however need to be considered in the context of individual settlements and the services and facilities they contain together with the role they play with regards to the wider rural hinterland. Adoption of the policy wording outlined above would provide greater scope for windfall development in rural areas of the Borough to support the continued vitality of these areas and provide greater scope in accommodating sustainable development proposals should the SUEs fail to come forward as anticipated.

4.2.1 Indeed, a similar approach was taken in the Inspector’s Report to the South Derbyshire Local Plan Part 2 (September 2017) which recommended main modifications relating to similar issues. It stated at paragraph 21:

“Nevertheless, to ensure the effectiveness of the Plan to adapt to rapid change which might lead to a shortfall in housing land supply, main modifications are necessary to Policy BNE5 (MM36) and its explanatory text (MM37). These modifications include and justify a new criterion (iii) in the policy to allow for development outside of settlement boundaries where it would be unavoidable, such as the Council being unable to demonstrate a 5-year land supply. Such an amendment would add an appropriate degree of additional flexibility to the Plan to adapt to changing circumstances and meet the district’s development needs, in a way which would be consistent with sustainable development, without compromising the overall spatial strategy of the Plan.”

Notifications

Do you wish to be notified?