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Dear Sir/Madam,

**Re: Baginton and Bubbenhall Neighbourhood Plan – Regulation 16 consultation**

This letter provides the response of Gladman Developments Ltd. (hereafter referred to as “Gladman”) to the current consultation held by Warwick District Council (WDC) on the submission version of the Baginton and Bubbenhall Neighbourhood Plan (BBNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Gladman would like to take this opportunity to highlight some specific issues may need to be amended to ensure that the plan can be found compliant with the Neighbourhood Plan Basic Conditions to which the Plan will be tested against.

**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 BBNP 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.*

**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 in which 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 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, 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 the latest 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 16 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 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans 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 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is 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 for the wider area as confirmed in an adopted development plan. The requirements of the Framework 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. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy 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 bodies anticipated timescales in this regard.

## **Relationship to Local Plan**

### Adopted Development Plan

The current development plan relevant to the preparation of the BBNP is the Warwick Local Plan adopted on 21<sup>st</sup> September 2007 and covered the period 1996 – 2011.

The strategic policies contained in the adopted Development Plan are considered out of date against the requirements of national policy as they pre-date the approach to plan making required by the Framework which requires relevant assessments on housing needs and land availability.

### Emerging Documents

The Council is currently progressing its new Local Plan. Although a draft neighbourhood plan is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the emerging Local Plan process is likely to be relevant to the consideration of the basic conditions against which the neighbourhood plan will be tested against<sup>1</sup>. Whilst we support the BBNP in seeking to align itself with the emerging Local Plan it is important that the BBNP allows for flexibility so that the Plan is not superseded by the provisions of s38(5) of the Planning and Compulsory Purchase Act 2004 which states that:

*'If to any extent a policy contained 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).'*

## **Baginton and Bubbenhall Neighbourhood Plan**

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

### Objective 3. Green Belt and Landscape Character and Natural Environment

Whilst noting the importance of the Green Belt, the Plan should not set an objective which seeks to retain and protect the current Green Belt boundary over the duration of the plan period. Whilst it is noted that the objective refers to the fact that this can be amended by the emerging Local Plan as necessary, this is presumably referring to the current Local Plan which at the time of writing is currently subject to examination. As such we recommend that this objective is slightly modified to reflect the fact that Green Belt designation can be amended by WDC through any subsequent Local Plan Reviews rather than specifically referring to the current emerging Local Plan.

It is important to note that the recent Housing White Paper recommends that Local Plans should be reviewed every 5 years which in turn may result in the redrawing of Green Belt boundaries to meet future development needs where these locations no longer fulfil the five purposes of Green Belt.

Whilst it is not the place of the neighbourhood plan to redraw any Green Belt boundaries as this will be undertaken by WDC following any decision to release land from the Green Belt through any subsequent Local Plan Review, it is important that the Neighbourhood Plan does not undermine this potential need in the future.

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<sup>1</sup> PPG Reference ID: 41-009-20160211

### Policy G1 – Protecting and Enhancing Local Landscape Character

Gladman consider that policy G1 in its current form is not in accordance with national policy and as such may lead to inconsistencies in the decision making process. This policy should ensure that development proposals 'recognise' the landscape setting of an area rather than setting a blanket 'protection' policy as is currently the case.

Whilst noting that the majority of the area is covered by Green Belt, landscape is highly subjective, it is therefore crucial that this policy is worded in such a way that does not seek to prevent sustainable development opportunities in the area, but instead encourages mitigation through appropriate design measures and allows for landscape impacts to be balanced against the economic, social and environmental benefits of the proposal.

### Policy G2 – Protecting and Enhancing Local Biodiversity

Gladman generally support the Parish Council's ambition to improve the biodiversity of the neighbourhood plan area. Whilst some species may be protected, it should not prevent the delivery of sustainable development opportunities where these provide new or enhanced wildlife corridors and landscaping features which will benefit existing biodiversity assets. The loss of some features may be necessary (where it is consistent with the principles of development in the green belt) to ensure the overall deliverability of a development proposal and in these instances it is quite often the case that these features will be replaced as part of the development proposal.

### Conclusion

Gladman recognises the Government's ongoing commitment to neighbourhood planning and the role that such plans have as a tool for local people to shape the development of their local community. However, it is important that this plan allows for sufficient flexibility and takes account of the requirements in national policy to ensure the delivery of sustainable development over the course of the plan period.

I hope you have found this representation to be constructive.

Yours faithfully,

John Fleming