

Town Hall
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Ivybridge
Devon
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(Representations submitted via email to townclerk@ivybridge.gov.uk)

Introduction

Gladman Developments Ltd (Gladman) specialise in the promotion of strategic land for residential development and associated community infrastructure. From this experience, we understand the need for planning to deliver the homes, jobs and thriving local places that the country needs. Every effort should be made to delivering the housing and economic needs of an area, whilst responding positively to the wider opportunities for growth.

These representations are made in response to the current consultation on the pre-submission version of the Ivybridge Neighbourhood Plan (INP) under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. Through these representations, Gladman provide an analysis of the INP's vision, objectives and suite of policies as proposed, highlighting areas in which we feel that the Plan lacks clarity or there is insufficient justification for the policies the plan seeks to adopt.

National Planning Policy and 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 requirements for the preparation of Neighbourhood Plans and the role these should take in setting out policies for the local area. The requirements set out in the Framework have now been supplemented by the Neighbourhood Planning Chapter contained in the Planning Practice Guidance (PPG).

Paragraph 16 of the Framework sets out the positive role that Neighbourhood Plans should play in meeting the development needs of the local area. Its states that:

"The application of the Presumption (In Favour of Sustainable Development, set out in paragraph 14 of Framework) will have implications for how communities engage in neighbourhood planning. Critically it will mean that neighbourhoods should:

- *Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *Plan positively to support local development, shaping and directing development in their area that is outside of the strategic elements of the Local Plan"*

Further guidance on the relationship between Neighbourhood Plans and strategic policies for the wider area set out in a Council's Local Plan is included in paragraph 184 of the Framework:

"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 plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood Plans...should not promote less development than set out in the Local Plan or undermine its strategic policies".

Before a Neighbourhood Plan can proceed to referendum it must be tested against the Neighbourhood Plan Basic Conditions, set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 and further detailed in paragraph 065 of the Neighbourhood Plan PPG. These Basic Conditions are:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan
- b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order
- c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order
- d) The making of the neighbourhood plan contributes to the achievement of sustainable development
- e) The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority
- f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations
- g) Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan

If a Neighbourhood Plan is not developed in accordance with the Neighbourhood Plan Basic Conditions then there is a real risk that the Plan will fail when it reaches Independent Examination.

Relationship with Local Plans

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, Neighbourhood Plans should be prepared to conform to up-to-date strategic policy requirements set out in Local Plans. Where an up-to-date Local Plan has been adopted and is in place for the wider authority area, it is the strategic policy requirements set out in this document that a Neighbourhood Plan should seek to support and meet. When a Local Plan is emerging or is yet to be found sound at Examination, there will be lack of certainty over what scale of development a community must accommodate or the direction the policies in the Neighbourhood Plan should take.

South Hams District Council adopted its Core Strategy and Development Management Policies in December 2006. The Core Strategy required the delivery of approximately 8,350 dwellings over the plan period up to 2016. The draft South West RSS required the delivery of approximately 11,000 dwellings over the plan period up to 2026. The RSS housing requirements have since been abolished.

It is clear from the above that the adopted Core Strategy was never based on an objective assessment of housing needs as required by the Framework. The Council has since commenced work on preparing its new Local Plan having consulted on its Issues and Options which ended in June 2014. The Council anticipate consulting on its draft Local Plan in November 2015. Gladman therefore question the Town Council's ability to progress with a Neighbourhood Plan at this time as there is no up-to-date adopted Development Plan in place to which the Neighbourhood Plan can be based or tested against.

Although the Neighbourhood Plan PPG indicates that Neighbourhood Plans can be advanced before an up-to-date Local Plan is in place, Gladman would strongly question the ability to progress the Neighbourhood Plan on this basis. If a Neighbourhood Plan is progressed prior to an up-to-date Local Plan being prepared, or the strategic policies and development requirements set out in an emerging Local Plan change, then work on the Neighbourhood Plan is likely to be abortive representing both a

waste of Town Council and local planning authorities' time and resources. A Neighbourhood Plan cannot be consistent with the requirements of the Framework or meet the Neighbourhood Plan Basic Conditions if it is progressed on a development plan that is out-of-date.

Gladman consider that the INP in its current form fails to comply with various key paragraphs of the Framework and PPG as well as failing to meet basic conditions (a), (d), (e) and (f) which will be addressed throughout this representation. If the Town Council fails to heed this advice and attempts to progress the Neighbourhood Plan to examination it will likely be found unable to meet the basic conditions and will not be able to proceed to referendum. It is Gladman's view that the INP is fundamentally flawed and requires substantial amendment, redrafting and the removal of several policies before progressing any further.

Ivybridge Neighbourhood Plan

Gladman contend that the vision for Ivybridge provides a limited vision and is not sufficiently growth orientated in line with the requirements of the Framework or the PPG. The objectives of the INP seek to enhance existing community assets and the provision of new infrastructure and services.

However, upon reviewing the INP we question how these objectives will be delivered when the plan is not sufficiently growth orientated enough to secure the necessary financial contributions needed to deliver these objectives and the wider plan proposals. Whilst noting that the Plan focuses the majority of growth towards the existing town centre, it is clear that the Plan contains limited proposals that will address town-wide issues and may endanger the viability of the town.

Town Centre Policies

Policies INP1, INP2 and INP3 relate to the Neighbourhood Plan's Town Centre regeneration initiatives. Gladman support these policies as the INP should plan positively to support the town centre in generating local employment and competition that will help to create attractive and diverse places. However these policies seek to secure a number of planning obligations or financial contributions to ensure these policies are delivered with no robust evidence to suggest whether these are compliant with the requirements of paragraphs 173 and 204 of the Framework.

The INP as a whole is not sufficiently growth orientated to secure the necessary financial contributions required to the deliver the plan and its wider policy objectives. In this regard we believe that it is of paramount importance that the INP allocates additional housing land which will secure these contributions (where necessary) and help deliver housing to meet the district's needs.

Town-wide Policies

Policy INP5: Community Facilities

The above policy states that new development will be required to contribute towards the provision or enhancement of community facilities for the town. The policy further states that contributions either be as part of a development proposal or in the form of a financial contribution.

Financial contributions can only be made in accordance with paragraph 204 of the Framework which states, *'Planning obligations should only be sought where they meet all of the following tests:*

- *Necessary to make the development acceptable in planning terms;*
- *Directly related to the development; and*
- *Fairly and reasonably related in scale and kind to the development.*

The Town Council should therefore test all the policies contained in the Neighbourhood Plan for the effects on development viability. Contributions must be based on up-to-date, robust evidence of needs and cannot be used to make up the funding for desirable infrastructure, or to support the provision of unrelated items. To do so would be inconsistent with the requirements of paragraph 173 of the Framework which makes clear that new development should not be subject to such a scale of

obligations and policy burdens that their ability to be developed viably is threatened and would therefore result in the INP being found inconsistent with Neighbourhood Plans (a), (d) and (e).

Policy INP6: Housing and Employment

The above policy states that developments of 10 or more dwellings should include provision for employment and offices, affordable homes and lifetime homes at least to meet adopted policy. All development should at least meet and strive to surpass the latest adopted government housing standards.

Policy INP6 requires development should at least meet and exceed the latest government housing standards, this approach goes over and above what is required by Neighbourhood Plan's and should therefore be removed from the INP. Gladman take this opportunity to inform the Town Council that the Deregulation Act 2015 obtained Royal Assent on 30th March 2015. The written statement to parliament (dated 27th March 2015) makes clear that qualifying bodies preparing Neighbourhood Plans that the optional new national technical standards should only be undertaken through new Local Plan policies based on a clear up-to-date assessment of need. Neighbourhood Plans should not be used to apply the new national technical standards.

Any reference to housing technical standards should be deleted from the INP. If this requirement is progressed it will be found inconsistent with basic conditions (a), (d) and (e) and may subject the INP to judicial review proceedings.

Policy INP8: Historic and Natural Environment

The above policy seeks to protect and enhance the town's historic features and natural biodiversity assets.

Gladman recognise the importance of biodiversity assets and submit that new development can often enhance existing green infrastructure, where necessary, through good quality design. New development often offers the opportunity to integrate existing biodiversity assets into development proposals which helps maintain their role as both the local and wider areas biodiversity network.

This policy will need to ensure sufficient flexibility i.e. for access to ensure the delivery of a wider scheme and the benefits associated to its development.

Strategic Environmental Assessment/Sustainability Appraisal

The requirement to prepare a Strategic Environmental Assessment/Sustainability Appraisal (SEA/SA) goes to the core compliance of basic condition (f) which requires strict adherence to the Strategic Environmental Assessment Directive and implementing UK Regulations. Where an adequate SEA/SA has not been undertaken the Neighbourhood Plan it is unlikely to meet this Basic Condition.

The local planning authority, as part of its duty to advise and assist, should put in place processes to determine whether the proposed neighbourhood plan will require an SEA, this has not been carried out.

Whilst Gladman note that the Town Council has produced its own Scoping Report and Sustainability Appraisal, this has not been in accordance with the requirements of the PPG or the SEA directive as required by Regulations 9 (2)(b). It appears that no attempt has been made to consult with the relevant statutory bodies whether an SEA is required. This significantly compromises this consultation and its legal compliance.

The Town Council should ensure that it consults with the relevant statutory bodies. The Town Council should revisit its SEA/SA to demonstrate the proposals contained within the plan will contribute to the achievement of sustainable development, a Neighbourhood Plan Basic Condition, and the guidance on the Sustainability Appraisal of Local Plans should be referred to (Reference ID 11-026). The PPG makes clear at paragraph 007 (Reference ID: 11-007) that an SA should meet all of the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004.

Legislation from the Environmental Assessment of Plans and Programmes Regulations 2004 makes clear at paragraph 12 (2) *'The report shall identify, describe and evaluate the likely significant effects on the environment of – (a) Implementing the plan or programme; and (b) reasonable alternatives taking account the objectives and geographical scope of the plan or programme (our emphasis).'*

The Town Council has not assessed any reasonable alternatives and therefore the SEA/SA does not meet the requirements set out above. Gladman submit that there is critical need to review the SA and that it should be tested with significant SEA-level scrutiny. This assessment should include testing all reasonable alternatives, including whether INP is capable of delivering a pro-growth scenario in line with the requirements of the Framework. If it is found that a higher level of growth can be delivered it should be this figure that the INP seeks to deliver.

Conclusion

Gladman recognises the role of Neighbourhood Plans to shape the development of their local communities. However, it is clear from national guidance that Neighbourhood Plan's must be consistent with national planning policy and the up-to-date strategic priorities for the wider area.

Through these representations, Gladman have highlighted a number of significant concerns with the INP as proposed. To progress with a Neighbourhood Plan when the strategic priorities for the wider area have yet to be identified or successfully tested at Examination will result in a Plan which cannot be considered to support the strategic priorities for the wider area as it will effectively act to pre-empt the requirements set out in its parent document. The INP is therefore inconsistent with basic conditions (a), (d) and (e).

Gladman do not consider that the INP proposes a sufficiently robust or growth orientated strategy. Instead the INP seeks the provision of financial contributions to deliver a variety of infrastructure and new facilities, yet fails to identify any land for residential or economic development. This approach will result in Ivybridge receiving limited financial funding. The INP in this regard is inconsistent with basic conditions (a) and (d).

The Town Council have produced a flawed SA assessment and have failed to consult the relevant statutory bodies, the SA therefore fails to meet the requirements of basic condition (f). Gladman contend that the INP should be tested with significant SEA-level scrutiny and should test all reasonable alternatives.

I hope you have found this letter to be constructive. Should you have any queries in relation to our response please do not hesitate to contact me.

Yours faithfully

John Fleming
Gladman Developments Ltd