

Mid Devon District Council  
Phoenix House  
Phoenix Lane  
Tiverton  
EX16 6PP

22<sup>nd</sup> June 2015

(Representations submitted by email to [planningconsultations@middevon.gov.uk](mailto:planningconsultations@middevon.gov.uk))

**Re: Tiverton and Halberton Neighbourhood Development Plan – Application for Neighbourhood Area Designation**

Dear Sir or Madam,

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

This letter provides Gladman's representations on the application made by Tiverton Town Council and Halberton Parish Council for the designation of a Neighbourhood Area, for the purposes of preparing a Neighbourhood Development Plan.

At this stage Gladman have no specific comments to make on the application for the Neighbourhood Area designation. However, as the first formal stage of preparing a Neighbourhood Plan, Gladman would like to take the opportunity to comment on the Tiverton and Halberton Neighbourhood Area application to highlight a number of key requirements to which the development of the emerging Neighbourhood Plan should have regard. Gladman wish to participate in the Neighbourhood Plan's preparation and to be notified of further developments and consultations in this regard.

Neighbourhood Plans - Guidance and Legislation

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 guidance set out in the Framework has now been supplemented by the Neighbourhood Planning Chapter contained in 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. It 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 there is a real risk that it 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.

The current development plan for Mid Devon District Council comprises of the Core Strategy (adopted July 2007), the Allocations and Infrastructure DPD (adopted October 2010) and the Development Management Policies (adopted October 2013). The Core Strategy is required to deliver approximately 6,800 dwellings over the plan period up to 2026. The Core Strategy adopts a split housing requirement of which 390 dwellings per annum are required between 2006-2016 and 290 dwellings per annum between 2016-2026. The housing requirement which supports the adopted Core Strategy was predicated on the now revoked RSS and was never an objective assessment of need as required by the Framework.

To meet the requirements of the Framework, the Council are preparing a review of the Core Strategy and consulted on the proposed Local Plan Review (LPR) submission version in April 2015. The LPR will set out the strategic policies and development management policies that will guide development in the District up to 2033. The Council propose the delivery of 7,200 dwellings over the plan period equating to an annual requirement of 360 dwellings, this figure being the low end of the 2015 Exeter Housing Market Area SHMA. Gladman note this assessment will have to be updated to take account of the 2012-based Household Projections and adverse market signals. Once this assessment has been updated in accordance with the guidance set out in the housing and economic development needs assessment chapter of the PPG, the LPR may require the delivery of additional housing than that previously identified in the most sustainable settlements, such as Tiverton, to meet housing needs.

Tiverton is identified as a market town and along with Crediton will be the secondary focus for new development over the plan period. Gladman note that the LPR is heavily reliant on the delivery of Sustainable Urban Extensions (SUEs) which will deliver a total of 4,820 dwellings over the plan period (67% of the District's total), of which 1,520 dwellings is proposed at the Tiverton Eastern Urban Extension. Gladman are concerned that the proposed spatial strategy will fail to be delivered due to the Council's over reliance of SUEs. Whilst noting the infrastructure benefits associated with such forms of development, these can often be delayed due to extensive negotiations, infrastructure requirements and long lead in times can often affect their ability to be delivered at the envisaged rate and timescales, and may not deliver the expected dwellings initially identified. The Tiverton and Halberton Neighbourhood Plan will therefore have to be flexible in order to respond to adverse market conditions i.e. where there is an undersupply of housing.

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 a 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 the work on the Neighbourhood Plan is likely to be abortive. A Neighbourhood Plan cannot be consistent with the requirements of the Framework or the meet the Neighbourhood Plan Basic Conditions if it is progressed on a development plan that is out-of-date.

Gladman recommend that further work on the Neighbourhood Plan be delayed until the emerging LPR has been submitted to the Secretary of State and has been successfully tested by an Inspector at Examination. To progress with a Neighbourhood Plan at this time when there is uncertainty over the housing requirement for the district will result in a plan that cannot be seen to be in conformity with the strategic priorities for the wider area and will jeopardise the Plan's ability to meet the Neighbourhood Plan Basic Conditions.

#### Neighbourhood Plan Policies and Proposals

In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the Framework and the wider strategic policies for the area set out in the Council's Local 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.

The Framework is clear that Neighbourhood Plans cannot introduce policies and proposals that would prevent development from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to meet the strategic development needs for the area. Policies that are clearly worded or intended to place an unjustified constraint on further sustainable development

taking place would not be consistent with the requirements of the Framework or meet the Neighbourhood Plan Basic Conditions.

Communities should not seek to include policies in Neighbourhood Plans that have no planning basis 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 should be designed to add value to policies set out in Local Plan and national guidance, as opposed to replicating their requirements. The community should liaise with the Council's planning team to seek advice on the appropriateness of the Neighbourhood Plan's proposals.

#### Sustainability Appraisal/Strategic Environmental Assessment

The preparation of a Neighbourhood Plan may fall under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) that require a Strategic Environmental Assessment (SEA) to be undertaken where a Plan's proposals would be likely to have significant environmental effects. The requirement to undertake an SEA will be dependent on a Neighbourhood Plan's proposals, but is likely to be necessary where a Plan is proposing specific allocations or site designations.

In accordance with Schedule 1 of the SEA Regulations, a Screening Assessment of a Neighbourhood Plan's proposals should be completed to assess whether an SEA must be prepared. Where an SEA is required this should be commenced at the earliest opportunity, alongside the preparation of the emerging Neighbourhood Plan, to ensure the Neighbourhood Plan's proposals have been properly considered through the SEA process, and appropriately justified against other reasonable alternatives. Where an adequate SEA has not been undertaken a Neighbourhood Plan is unlikely to meet the Neighbourhood Plan Basic Conditions.

Although Neighbourhood Plans do not require a Sustainability Appraisal (SA) of their proposals, preparing an SA can help to show how a Neighbourhood Plan will contribute to the achievement of sustainable development, a Neighbourhood Plan Basic Condition. Where an SEA is required, extending this assessment to the preparation of an SA is unlikely to require significant additional input.

The Council's planning team will be able to advise on the likely need for an SEA of the Neighbourhood Plan's proposals. To be compatible with EU obligations, further appraisals, such as a Habitats Regulations Assessment, may also be required depending on local circumstances.

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 myself or a member of the Gladman team.

Yours faithfully

John Fleming  
Gladman Developments Ltd