

By email only to: [turveyneighbourhoodplan@btinternet.com](mailto:turveyneighbourhoodplan@btinternet.com)

Dear Sir or Madam,

**Re: Turvey Neighbourhood Plan – Regulation 14 consultation**

This letter provides Gladman's representations in response to the draft pre-submission version of the Turvey Neighbourhood Plan (TNP) under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the Plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation and examination of numerous plans across England, it is from this experience that these representations have been prepared.

**Legal Requirements**

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in §8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the TNP 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.
- (g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

**National Planning Policy Framework and Planning Practice Guidance**

On 24<sup>th</sup> July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework (NPPF2018). This publication forms the first revision of the Framework since 2012 and implements changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft NPPF2018 consultation. On 19<sup>th</sup> February 2019, MHCLG published a further revision to the NPPF (2019) and implements further changes to national policy.

The Revised 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 of the preparation of neighbourhood plans within which locally-prepared plans for housing and other development can be produced. Crucially, the changes to national policy reaffirm the Government's commitment to ensuring up to date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 13 states that:

**“The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”**

Paragraph 14 further states that:

**“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:**

- a. The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;**
- b. The neighbourhood plan contains policies and allocations to meet its identified housing requirement;**
- c. The local planning authority has at least a three-year supply of deliverable housing sites (against its five-year supply requirement, including the appropriate buffer as set out in paragraph 73); and**
- d. The local planning authority's housing delivery was at least 45% of that required over the previous three years.”**

The Revised Framework also sets out how neighbourhood planning provides local communities with the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development needed to meet identified housing needs. Neighbourhood plans should not promote less development than set out in Local Plans and should not seek to undermine those strategic policies. Where the strategic policy making authority identifies a housing requirement for a neighbourhood area, the neighbourhood plan should seek to meet this figure in full as a minimum. Where it is not possible for a housing requirement figure to be provided i.e. where a neighbourhood plan has progressed following the adoption of a Local Plan, then the neighbourhood planning body should request an indicative figure to plan to take into account the latest evidence of housing need, population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

In order to proceed to referendum, the neighbourhood plan will need to be tested through independent examination in order to demonstrate that they are compliant with the basic conditions and other legal requirements before they can come into force. If the Examiner identifies that the neighbourhood plan does not meet the basic conditions as submitted, the plan may not be able to proceed to referendum.

### **Planning Practice Guidance**

Following the publication of the NPPF2018, the Government published updates to its Planning Practice Guidance (PPG) on 13<sup>th</sup> September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and give consideration to the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan<sup>1</sup>. This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.

It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward. Indeed, the PPG emphasises that;

**“A wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlements will need to be supported by robust evidence of their appropriateness”<sup>2</sup>**

### **Relationship to Local Plan**

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should conform to the strategic policy requirements as set out in the adopted Development Plan. That relevant to the preparation

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

<sup>2</sup> PPG Reference ID: 67-009-20190722

of the TNP is set out in the Bedford Core Strategy & Rural Issues (2008) and Allocations and Designations Local Plan (2013). The Parish Council will also need to have regard to the approach contained in the emerging Local Plan. Bedford Borough Council received the Inspector's Report on 20<sup>th</sup> December 2019 which found the Local Plan sound subject to modifications. The Council's Executive considered the Inspector's Report on 8<sup>th</sup> January 2020. No further information has been published concerning the adoption of the Local Plan, but it is assumed that this will happen imminently.

It is important to note that the Local Plan Inspector identified a need for the Local Plan to respond appropriately to longer term development requirements, and in particular the Arc, as soon as possible. Consequently it was considered modification was required to ensure a review of the Plan is submitted for examination within three years of adoption of the Local Plan. It is therefore vital that policies contained in the emerging Neighbourhood Plan are flexibly worded to account for changes in circumstance which may occur over the plan period e.g. the preparation of a new Local Plan. The need for flexibility is particularly important given the fact that section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that any conflict between two development plan documents must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

### **Turvey Neighbourhood Plan**

This section highlights the key issue that Gladman would like to raise with regards to the content of the TNP as currently proposed. It is considered that the requirements of national policy and guidance are not always reflected in the plan. Gladman have sought to recommend a modification to ensure compliance with basic conditions.

### Policy T1: New Housing Growth

In principle, Gladman support the Parish Council's decision to allocate land for residential development. However, the Parish Council will need to be mindful that the emerging Local Plan will be subject to review to account for long term housing needs which will likely increase the housing requirement and require Bedford Borough Council to identify additional housing land for residential development. Accordingly, Gladman has concerns with the proposed approach contained in Policy T1 as it only allows for development in a narrow set of circumstances.

Indeed, Gladman note that the policy seeks to direct development to within the Settlement Policy Area, yet it is silent on what forms of development would be considered acceptable beyond this boundary. Gladman would be concerned if the SPA precluded the delivery of sustainable growth opportunities beyond an arbitrary line. Such an approach would not be consistent with the requirements of national policy and the presumption in favour of sustainable development. Accordingly, Gladman recommend that this policy is modified, and the following wording is put forward for consideration:

**“When considering development proposals, the Neighbourhood Plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Applications that accord with the policies of the Development Plan and this Neighbourhood Plan will be supported particularly where they:**

- **Provide new homes including market and affordable housing; or**

- **Opportunities for new business facilities through new or expanded premises; or**
- **Infrastructure to ensure the continued vitality and viability of the neighbourhood area.**

**Development adjacent to the existing settlement will be supported provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development.”**

#### Policy T2: Housing Mix and Standards

In principle, Gladman support the inclusion of the above policy which seeks to include a mix of house sizes and types to meet the housing needs of the local community. However, we would question why the policy requires the provision of 1-2 bedroom homes when the supporting text at paragraph 5.27 highlights a need for 2-3 bed houses.

In addition, it is noted that the policy requires regard to be made to the Nationally Described Space Standard (NDSS) or any standard replacing that document. Gladman take this opportunity to inform the Parish Council that the Written Ministerial Statement (2015) makes clear that technical standards relating to the construction internal layout or performance of new dwellings can only be progressed through a Local Plan based on up-to-date evidence of need and viability and specifically states that these standards should not be progressed through neighbourhood plans. The implementation of NDSS should therefore be removed from the policy wording.

#### Policy T3: Natural Environment

Gladman note that this policy states new development must have no significant adverse impact on a number of features including landscape setting and character of the local area. Gladman consider that the above policy is too onerous as it seeks to protect the existing landscape features of the village without regard to the approach to national policy. It is recommended that this policy is modified so that it requires development proposals to recognise existing landscape areas and that these features are incorporated within development proposals where possible.

#### Policy T5: Development and Local Green Space

The designation of land as Local Green Space (LGS) is a significant policy designation and effectively means that once designated, they provide protection that is comparable to that of land located within the Green Belt. As such, the Parish Council should ensure that the proposed designations are capable of meeting all the requirements of national policy if seeking to designate land as LGS.

Policy T5 is not considered to be in accordance with national policy and guidance as it states that development shall not encroach on LGS and development flanking these designations must preserve or enhance the safety, amenity and accessibility of the space. This goes beyond the requirements of national policy as the designation of LGS only relates to the land which is designated and not adjacent land which has no significance. Gladman recommend that this element of the policy is deleted.

#### Policy T9: Heritage Assets and Settings

Policy T9 does not have regard to the requirements of national policy with regard to non-designated heritage assets. The above policy should be modified so that it reflects the guidance set out within paragraph 197 of the Framework in respect of the two separate balancing exercises in relation to designated and non-designated heritage assets. Paragraph 197 states:

**“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”** (emphasis added)

#### Policy T10: Broadband

Whilst supporting the policy in principle, Gladman remind the Parish Council that it is not the responsibility of developers to provide broadband connectivity within the site. This is solely the responsibility of infrastructure providers and not developers who are only required to mitigate the adverse impacts of development.

#### Policy T11: Transport

The above policy requires development proposals to include connections for electrical charging facilities for electric vehicles. Whilst this is an admirable aim, the requirement for electric vehicle charging facilities will need to be balanced against the practical ability of the local grid to supply a sufficient baseload. Before any such policy is pursued, the Parish Council will need to engage with the main energy providers in order to determine network capacity to accommodate any adverse impacts if a proportion of, or all individual residential plots would be required to have an electric charging facility. Gladman’s concerns relate to the fact that if charging demand became excessive then there may be constraints to increasing the electric loading in the area because of the limited size and capacity of existing cables and new sub-station infrastructure may be necessary, the cost of which will likely have significant implications on development viability.

It is therefore recommended that this element of the policy is modified to allow for greater flexibility and the following wording is put forward for consideration:

**“Development proposals that include electric charging facilities for electric vehicles will be supported.”**

In addition, it is noted that the policy states “new development must have no significant adverse impact on traffic safety...”. It is suggested that this element of the policy is reviewed in light of the requirements of paragraph 109 of the Framework.

#### Policy T13: Footway and Cycleway Route

The above policy seeks to protect the route between Turvey Village Centre and Station End from development. Gladman note that improvements to this route is only an aspiration and is therefore not a land use policy and should be removed from the main body of the TNP and included as an appendix document which outlines other aspirational policies.

Notwithstanding the above, this policy should not be used to limit the ability of development opportunities from coming forward or improvements to the road network which can be provided by way of financial contribution to ensure the delivery of the footpath/cycleway in order to deliver this aspiration. It is recommended that this policy is revisited to allow for flexibility.

### **Conclusions**

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the TNP as currently proposed with the requirements of national planning policy and the strategic policies for the wider area. Gladman is concerned that the plan in its current form does not comply with basic conditions in its current form and modifications are therefore required.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,

John Fleming

Gladman Developments Ltd.