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Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft version of the Thruxton Neighbourhood Plan (TNP) under Regulation 16 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 of numerous plans across the country, it is from this experience that these representations are 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.

Revised National Planning Policy Framework

On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper.

§214 of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24th January 2019. Submission of the TNP seems to have occurred after this date, and the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2018 and corrected in February 2019.

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 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 plan-making and decision-taking. 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 of 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. §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.

§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.

§18 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 of the wider area as confirmed in an adopted development plan. The Framework requirements 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, providing clarity on the measures a qualifying body should take to review the contents of a neighbourhood plan

where the policy evidence base 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 body's anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is with that in mind that Gladman has reservations regarding the TNP's ability to meet basic condition (a) and this will be discussed in greater detail throughout this response.

Relationship to Local Plan

To meet the requirements of the Framework and Neighbourhood Plan Basic Conditions, neighbourhood plans should conform to the strategic policy requirements set out in the adopted Development Plan. That relevant to the preparation of the TNP is the Test Valley Revised Local Plan. The Local Plan determined that Test Valley Borough would be required to deliver 10,584 homes between 2011 and 2029.

To meet the requirements of the Framework the Council is currently preparing the issues and options stage of its Local Plan Review. It is therefore important that the TNP provides flexibility to ensure that the policies contained in the TNP are not overridden upon the adoption of any future Local Plan; as section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

'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, approached, or published (as the case may be).'

Thrupton Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the TNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of modifications to the plan to ensure compliance with the basic conditions.

Policy EN3 – Protecting Views

This policy identifies 15 'important' views which the plan makers consider are important for the setting of Thrupton and, where development proposals should not adversely affect them. Gladman suggests that this is a subjective issue and the policy does not provide support for a decision maker to apply the policy predictably and with confidence.

Identified views must ensure that they demonstrate a physical attribute elevating a view's importance beyond simply being a nice view of open countryside. The evidence base to support the policy does little to indicate why these views should be protected, other than providing a nice view of the surrounding fields. Gladman consider that to be valued, a view would need to have some form of physical attribute. This policy must allow a decision maker to come to a view as to whether particular locations contain physical attributes that would 'take it out of

the ordinary' rather than selecting views which may not have any landscape significance and are based solely on community support. Gladman therefore suggest this element of the policy is deleted.

Policy EN8 – Local Green Space

This policy seeks to designate seven parcels of land as Local Green Space (LGS). In order to designate land as LGS the Parish Council must ensure that it is able to demonstrate robust evidence to meet national policy requirements as set out in the Framework. The Framework makes clear at §99 that the role of local communities seeking to designate land as LGS should be consistent with the local planning of sustainable development.

§99 states that:

'The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.'

Further guidance is provided at §100 which sets out three tests that must be met for the designation of LGS and states that:

'The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.'*

The requirements of the Framework are supplemented by the advice and guidance contained in the PPG. Gladman note §007 of the PPG8 which states,

'Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.'

Gladman further note §015 of the PPG (ID37-015) which states, '§100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.'¹

Designation of LGS should not be used as a mechanism to designate new areas of Green Belt (or similar), as the designation of Green Belt is inherently different and must meet a set of stringent tests for its allocation (§135 to 139 of the Framework).

¹ PPG §15 Reference ID: 37-015-20140306

Gladman do not believe the TNP supporting evidence is sufficiently robust to justify the proposed allocation of fields surrounding Mullen's Pond (LGS6) and land between Coach Park and the eastern footpath (LGS7) as LGS. The issue of whether LGS meets the criteria for designation has been explored in a number of Examiner's Reports across the country and we highlight the following decisions:

- The Sedlescombe Neighbourhood Plan Examiner's Report² recommended the deletion of an LGS measuring approximately 4.5ha as it was found to be an extensive tract of land.
- The Oakley and Deane Neighbourhood Plan Examiners Report³ recommended the deletion of an LGS measuring approximately 5ha and also found this area to be not local in character. Thereby failing to meet 2 of the 3 tests for LGS designation.
- The Alrewas Neighbourhood Plan Examiner's Report⁴ identifies both proposed LGS sites 'in relation to the overall size of the Alrewas Village' to be extensive tracts of land. The Examiner in this instance recommended the deletion of the proposed LGSs which measured approximately 2.4ha and 3.7ha.

Highlighted through a number of Examiner's Reports set out above and other 'made' neighbourhood plans, it is considered that land to the rear of Station Road has not been designated in accordance with national policy and guidance and subsequently is not in accordance with the basic conditions.

Whilst the Parish Council have sought to undertake some form of evidence base it does not overcome the failure to meet the specific policy requirements set out above with regards to the scale of land to be designated and therefore, in particular the 2 proposed designations of land. These are not recreational areas and have no public access, aside from PROWs at the margins. In terms of meeting the second test there is no evidence base that they are 'demonstrably special to a local community.' In relation to its beauty, it is not of any particular scenic quality. The designation of 'LGS6 and LGS7' have not been made in accordance with basic conditions (a) and (d). Gladman therefore recommend their deletion as LGS in their entirety.

Policy HD1 – New Residential Development

Policy HD1 identifies a settlement boundary for Thruxton (and part of Weyhill) and states that land outside of this defined area, will be treated as open countryside, where development will be carefully controlled.

Gladman object to the use of settlement boundaries if these preclude otherwise sustainable development from coming forward. The Framework is clear that sustainable development should proceed. Use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a).

² <http://www.rother.gov.uk/CHttpHandler.ashx?id=22996&p=0>

³ <https://www.basingstoke.gov.uk/content/doclib/1382.pdf>

⁴ <https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Neighbourhoodplans/Downloads/Alrewas/Alrewas-Neighbourhood-Plan-Examiners-Report.pdf>

As currently drafted this is considered to be an overly restrictive approach and provides no flexibility to reflect the circumstances upon which the TNP is being prepared. Greater flexibility is required in this policy and Gladman suggest that additional sites adjacent to the settlement boundary should be considered as appropriate.

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 condition (a). The plan does not conform with national policy and guidance. 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,

Paul Emms
Gladman Developments Ltd.