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27<sup>th</sup> February 2020

Dear Sir/Madam,

**Re: Ickford Neighbourhood Plan – Regulation 16 consultation**

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft submission version of the Ickford Neighbourhood Plan (INP) 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 and examination 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 paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the INP 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**

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. Paragraph 13 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 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan 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 29 of the Framework makes clear that a neighbourhood plan must be 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**

Following the publication of the NPPF (2018), 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 consider 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.

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

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.

### **Relationship to Local Plans**

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

Ickford falls within the administrative area of Aylesbury Vale District Council (AVDC) with land development and policy framework provided by the Aylesbury Vale District Local Plan which was adopted in 2004. The plan guided development until 2011, and the policies were 'saved' by the Secretary of State since 2007.

AVDC submitted a new Local Plan for independent examination in 2018 and following hearing sessions into the Vale of Aylesbury Local Plan (VALP) and the Inspector's findings, the Council prepared a number of main Modifications to the Plan to make VALP 'sound'. These modifications were agreed with the Inspector and were put forward for public consultation which closed on the 17 December. At a cabinet meeting on the 5<sup>th</sup> February 2020 it was noted that the VALP would not be found sound before the new Buckinghamshire Council came into being in April. The emerging VALP will set out the long-term vision and strategic context for managing and accommodating growth within the district until 2033. Within the VALP main modifications document, Ickford is identified as Tier 4 Medium Village which are moderately sustainable location for development, with Ickford specifically allocated 30 dwellings at D-ICK004 Land off Turnfields.

Furthermore, in April 2020 Buckinghamshire Council will replace the five existing Authorities of Aylesbury Vale, Wycombe, Chiltern and South Buck District Councils alongside Buckinghamshire County Council.

It is more than likely that the VALP will be adopted prior to the Ickford Neighbourhood Plan. Therefore, the Parish Council should ensure that policies within the INP are designed as flexibly as possible to minimise any potential conflicts with the Local Plan Review. A failure to include enough flexibility may affect the longevity of the INP as conflicts will be superseded by any subsequent Local Plan. This degree of flexibility is required to ensure that the INP is capable of being effective over the duration of its plan period and not ultimately superseded by the provisions set out in s38(5) of the Planning and Compulsory Purchase Act 2004, which states that:

*"if to any extent, a policy, 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)."*

### **Ickford Neighbourhood Plan**

This section highlights the key issues that Gladman would like to raise with regards to the content of the INP as currently proposed. Whilst Gladman support the fact that the Parish Council has amended the INP in light of our previous representations, Gladman still consider that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend modifications to the Plan that should be explored through the examination process.

### **Policy NE1: Landscape, Views and Dark Skies**

Policy NE1 discusses the impact of development on local character, open and key views, and street lighting. This policy proposes that development should not 'block' key views, which are detailed on the policies map. To pass such a high bar any such views should be clearly identified, including on an updated policy map, with the key characteristics and attributes detailed. This is essential to conform with national policy and guidance and case law regarding key views and valued landscapes.

Although the Background Evidence Report<sup>2</sup>, published in December 2019, provides information on views and landscape within the neighbourhood area, it does no more than describe the wider countryside and reference a Landscape Character Assessment published in 2008. For a view to be identified for protection there should be demonstrable physical attributes that elevate its importance out of the ordinary, rather than seeking to protect views of the open countryside due to their pleasant sense of place.

This was confirmed in the Shrivenham Neighbourhood Plan Examiner's Report<sup>3</sup>, which states:

***"It is not clear how all the views have been identified and refined. Although the landscape character assessment identifies views in general terms, it does not necessarily specify that they are valuable..."***

The evidence base to support the policy does little to indicate why these views should be protected, other than protecting a valued part of the village. Gladman consider that to be valued, a view would need to have some form of physical attribute. Gladman Developments also contends that new development can often be located in areas without eroding the views considered to be important to the local community and can be appropriately designed to take into consideration the wider landscape features of the surrounding area to provide new views and vistas. Therefore, it is recommended that this aspect of the policy is deleted.

### **Policy NE23: Green Infrastructure & Biodiversity**

As submitted, this policy is more restrictive than national policy and guidance regarding biodiversity and European-protected habitats, as it does not allow for mitigation or compensatory measures to counteract impacts on the natural environment. Gladman suggest amendments are made to the wording of the policy to accord with Paragraph 175 of the Framework which seeks for impacts on biodiversity to be minimised.

Furthermore, the policy should recognise that new development offers the ability to improve existing biodiversity on site through new landscaping features which often result in betterment to biodiversity values of the local area.

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<sup>2</sup>Background Evidence Paper  
[https://www.aylesburyvaldc.gov.uk/sites/default/files/page\\_downloads/IckfordBackground%20Evidence%20ReportDEC2019.pdf](https://www.aylesburyvaldc.gov.uk/sites/default/files/page_downloads/IckfordBackground%20Evidence%20ReportDEC2019.pdf)

<sup>3</sup>Shrivenham Neighbourhood Plan Examiner's Report <http://www.whitehorsedc.gov.uk/sites/default/files/2020-01-06%20Shrivenham%20Neighbourhood%20Development%20Plan%20-%20Examiner's%20Report%20Final.pdf>

## **Policy ND2: Settlement Boundary**

Gladman do not consider the use of development limits to be appropriate planning tool if they would limit the ability of sustainable development opportunities from coming forward.

This is of further importance due to the status of the emerging Local Plan and that no settlement boundary has been detailed for Ickford in the Main Modifications VALP.

The need for flexibility is essential to ensure the Plan is responsive to changes in circumstance which may occur over the plan period (e.g. a Local Plan Review). Indeed, the need for flexibility was considered in the examination of the Godmanchester Neighbourhood Plan. Paragraph 4.12 of the Examiner's Report states:

**"...Policy GMC1 should be modified to state that "Development...shall be focused within or adjoining the settlement boundary as identified in the plan." It should be made clear that any new development should be either infill or minor or moderate scale, so that the local distinctiveness of the settlement is not compromised. PM2 should be made to achieve this flexibility and ensure regard is had to the NPPF and the promotion of sustainable development."**

Therefore, Gladman suggest the wording of Policy ND1 is amended to state:

***"Within the Settlement Boundary, proposals for new development will be supported where they 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 the Neighbourhood Plan will be supported particularly where they:***

- ***Represent an appropriate scale, design and character to the village;***
- ***Contribute to the village's local distinctiveness;***
- ***Do not cause unacceptable harm to neighbouring occupiers.***

***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 ND3: New Housing Development / Policy ND2: High Quality Design**

The above policies set out a range of design principles which development proposals should seek to meet. While the government has shown support for development to incorporate good design principles, Gladman would note that the Framework also states:

*“To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high-quality standard of design. However, their level of detail and degree of prescription should be tailored to the circumstances in each place and should allow a suitable degree of variety where this would be justified.”<sup>4</sup>*

Whilst Gladman recognise the importance of high-quality design, in accordance with the requirements of the Framework above, design policies should not aim to be overly prescriptive and require some flexibility in order for schemes to respond to site specifics and the character of the local area. In essence. There will not be a ‘one size fits all’ solution in relation to design and sites should be considered on a site by site basis with consideration given to various design principles.

## **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 INP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

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,

Josh Plant  
Gladman Developments Ltd.