



Horam Neighbourhood Development Plan

Regulation 16 Consultation

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1 INTRODUCTION

1.1 Context

- 1.1.1 These representations provide Gladman's response to the Horam Neighbourhood Plan (HNP) under Regulation 16 of the Neighbourhood Plan (General) Regulations 2012.
- 1.1.2 Gladman Developments Ltd specialise in the promotion of strategic land for residential development and associated community infrastructure and have considerable experience in contributing to the Development Plan preparation process having made representations on numerous planning documents throughout the UK alongside participating in many Local Plan and Neighbourhood Plan examinations.
- 1.1.3 Through these representations, Gladman provides an analysis of the HNP and the policy choices promoted within the draft Plan. Comments made by Gladman through these representations are provided in consideration of the HNP's suite of policies and its ability to fulfil the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) and supported by the Neighbourhood Plan chapter of the PPG.

2 LEGAL REQUIREMENTS, NATIONAL POLICY & GUIDANCE

2.1 Legal Requirements

- 2.1.1 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 HNP 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) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).”

2.2 National Planning Policy Framework

- 2.2.1 The National Planning Policy Framework (the Framework or NPPF) (2023) 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.

- 2.2.2 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

housing needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

- 2.2.3 The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of the most up-to-date evidence. This is so that Horam Parish council can assist Wealden District Council (WDC) in delivering sustainable development and be in accordance with basic condition (d).
- 2.2.4 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.
- 2.2.5 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.
- 2.2.6 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.
- 2.2.7 A revised NPPF was published in December 2023 and the Local Plan currently being prepared by WDC will have to be drafted in line with this updated NPPF. Therefore, the Parish Council should be mindful of this and the potential impacts to the HNP and strategic policies to which they must align with.

3 RELATIONSHIP TO LOCAL PLANS

3.1 Adopted Development Plan

- 3.1.1 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.
- 3.1.2 The adopted Development Plan relevant to the preparation of the HNP and which it will currently be tested against consists of the adopted Wealden District Core Strategy Local Plan (February 2013), the 'saved' policies of the adopted Wealden Local Plan (1998) and the Affordable Housing Delivery Local Plan (May 2016).

3.2 Emerging Development Plan

- 3.2.1 Wealden District Council are in the process of preparing a new Local Plan, however in December 2022, the Council delayed their forthcoming Regulation 18 consultation that was due to commence in January 2023. The delay resulted from confirmation that the Government was to consult on the 'Levelling-up and Regeneration Bill: reforms to national planning policy' which covered a package of proposals for the reform of the planning system in England.
- 3.2.2 The latest update on the progression of the Local Plan is that the Council are intending to consider the draft local plan at a special meeting of Full Council on 8 February 2024, with the formal Regulation 18 consultation to take place in the following weeks.
- 3.2.3 To ensure that the HNP is aligned with the strategic policies set out within the emerging Local Plan, meets guidance in the updated NPPF and basic condition e) and does not soon become out of date following the adoption of the Local Plan, it may be prudent to delay further progress of HNP to gain further clarity regarding the strategic context of the new Wealden Local Plan.

4 REGULATION 16 CONSULTATION

4.1.1 This section is in response to the HNP consultation document and its supporting evidence base.

4.2 Policy HCD4 Important Local Views

4.2.1 Policy HCD4 seeks to identify a number of 'key views'. Gladman welcome the amendments to this policy following the Regulation 14 consultation to account for new developments' ability to accommodate views and landscape considerations through the design and layout of proposals.

4.2.2 Notwithstanding this, for views 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 a pleasant sense of place.

4.2.3 At present Gladman consider that a number of the proposed important local views, including 2, 6, 16 and 28, do not meet the tests set out by case law or national policy guidance, and the supporting evidence base does not provide a robust justification for the views identified.

4.2.4 A long distance view towards open countryside which is partly or wholly screened by trees and wooded areas; views across playing fields from a car park with residential development and other buildings in the background; or glimpsed views through vegetation looking across agricultural fields and pylons are not 'out of the ordinary' and do not meet the required tests.

4.2.5 Further consideration is required in relation to whether the identified views in Policy HCD4 are justified and meet the basic conditions.

4.3 Policy HHD1 Housing Type, Size and Mix

4.3.1 Gladman support the above policy and welcome the recognition of the critical need for specialist older persons' accommodation as set out in the NPPF¹ and PPG².

4.3.2 To ensure that the policy is sufficiently flexible and that it aligns with future strategic policies the Parish Council may want to consider the following amendment to the wording (green text) of criterion 2:

An alternative mix of housing will only be supported where justified by ~~appropriate data on housing needs~~ [an up-to-date assessment of housing needs] or where the mix would result in a development wholly out of character with the setting, although it is recognised that a higher proportion of smaller homes may be appropriate for affordable housing.

4.4 Policy HCE1 Nature and Biodiversity

4.4.1 Gladman support the general thrust of this policy and welcome the changes to criterion 2.

4.5 Policy HCE4 Local Green Space Designations

4.5.1 The designation of land as Local Green Space (LGS) is a significant and restrictive policy tool. 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.

4.5.2 The Framework makes clear at paragraph 105 that the role of local communities seeking to designate land as LGS should be consistent with the local planning for sustainable development. Further guidance is provided at paragraph 106, 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:

¹ Paragraph 63

² PPG Reference 63-001

- 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."*

4.5.3 Gladman welcome the amendments to Policy HCE4 and consider that the policy and proposed local green spaces identified in the Regulation 16 draft Neighbourhood Plan meet the tests in national policy and basic conditions.

4.6 Policy HCE5 New Amenity Green Spaces

4.6.1 Gladman support the above policy which seeks ensure that new residential development delivers accessible, inclusive and meaningful green spaces and play spaces for children.

4.7 Policy HCE6 Flood Risk

4.7.1 Gladman support the principles set out in the above policy, however as previously highlighted, paragraph 16(f) of the NPPF states that plans should:

"serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."

4.7.2 In this regard, the requirements of Policy HCE6 are a duplication of guidance and requirements set out in Chapter 7 of the PPG and Chapter 14 of the NPPF and therefore it is not necessary for the Neighbourhood Plan to reiterate them.

4.7.3 The Parish Council have made amendments Policy HCE6 since the Regulation 14 consultation, however it is considered that Criterion 3c) ii) is more restrictive than national policy by seeking a reduction in peak run-off rates. As outlined previously in the policy, development proposals must simply ensure that they do not increase run-off rates. Therefore, requiring major developments to achieve a reduction in run-off rates is not appropriate.

4.7.4 The Parish Council could amend the policy wording to state:

"4. Development proposals which seek to achieve a reduction in peak run-off rates will be supported".

4.8 Policy HLE2 Employment

4.8.1 New local employment uses alongside residential growth help to retain the vitality and sustainability of local services enhancing the community in which they are located.

4.8.2 Therefore, Gladman support the proposed employment considerations within the above policy which support the retention and development of small businesses and provide design considerations for new employment proposals.

5 CONCLUSIONS

5.1 Summary

- 5.1.1 Gladman welcomes the opportunity to comment on the Regulation 16 Horam Neighbourhood Plan that is currently being explored by the Parish Council. These representations have been drafted with reference to the National Planning Policy Framework and the Planning Practice Guidance.
- 5.1.2 Gladman have provided comments on a number of the issues and policies that have been identified in the consultation material and recommend that the matters raised are carefully explored during the next stage of preparing the Neighbourhood Plan.
- 5.1.3 Nonetheless, Gladman consider that it would be prudent for the Parish Council to pause the Neighbourhood Plan preparation to allow the preparation of the new Wealden Local Plan to take place. This will provide greater certainty for the Council in preparing the Neighbourhood Plan and ensure that they are aligned with the strategic policies for Wealden, to meet the basic conditions and requirements of the NPPF.
- 5.1.4 We hope you have found these representations informative and useful towards the preparation of the Horam Neighbourhood Plan and Gladman welcome any future engagement with the Parish Council to discuss the considerations within the representations.



