

Planning Policy
Shropshire Council
Abbey Foregate
Shrewsbury
SY2 6ND

By email only to: planning.policy@shropshire.gov.uk

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Market Drayton Neighbourhood Plan (MDNP) 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.

At the time of writing the new National Planning Policy Framework has just been published. The transitional arrangements supporting this publication state that plans submitted before 24th January 2019 should continue to be examined against the policies in the previous Framework. Whilst the new NPPF is a material consideration when dealing with applications from this day forward, it is against the previous Framework that this response has 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 paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the MDNP 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.*

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 in which 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 both plan-making and decision-taking. For plan-making 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 the latest 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 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.

Paragraph 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.

Paragraph 184 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 for the wider area as confirmed in an adopted development plan. The requirements of the Framework 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. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy 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 bodies 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 MDNP'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 Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

The current adopted plan that covers the Market Drayton Neighbourhood Plan area and the development plan which the MDNP will be tested against is the Shropshire Local Plan. The two key documents that make up the Shropshire Local Plan are the Core Strategy DPD, adopted February 2011, and the Site Allocations & Management of Development Plan (SAMDev), adopted December 2015. Together these documents provide the overarching planning policy framework for Shropshire covering the period up to 2026.

The Council are currently in the process of preparing a partial review of the Local Plan. This document is seeking to ensure that in compliance with the Framework, the Full Objectively Assessed Housing Needs will be met in the authority. This document is still in the early stages of preparation with Shropshire Council undertaking an eight-week Preferred Scale & Distribution of Development Consultation in late 2017. Gladman suggest sufficient flexibility is therefore drafted in to the policies of the MDNP to ensure that there is no conflict with the emerging Local Plan Review that could lead to these policies being superseded under Section 38(5) of the Planning Compulsory Purchase Act 2004.

Site Allocations

Gladman welcome that the MDNP is seeking to allocate additional housing sites to meet the quantum of development as set out for Market Drayton in the SAMDev and Core Strategy. However, we are concerned about the lack of evidence supporting these allocations. Planning Practice Guidance states that proportionate, robust evidence should support policies however we have not been able to find such evidence at this time. Without the evidence of a Site Assessment considering the most sustainable locations for development, it would appear that the allocations made within the MDNP are based upon personal preference.

Strategic Environmental Assessment (SEA)

The preparation of neighbourhood plans 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 SEA is a systematic process that should be undertaken at each stage of a Plan's preparation. It should assess the effects of a neighbourhood plan's proposals and whether they would be likely to have significant environmental effects and whether the Plan is capable of achieving the delivery of sustainable development when judged against all reasonable alternatives.

Our concerns regarding the lack of a Site Assessment can be exemplified by the lack of consideration of reasonable alternatives in the SEA that currently supports the MDNP. Without consideration that the policy choices carried forward are the best options when considered against the reasonable alternatives it cannot be said that the MDNP meets basic condition (f).

Gladman suggest that before the MDNP is submitted for examination the evidence base and SEA supporting the plan are revisited, with the regulation 16 consultation repeated. Failure to do so could see a real risk that the plan is not recommended to proceed to referendum by the independent examiner.

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

Gladman is concerned that the plan in its current form does not comply with basic conditions (a) and (e). 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,
Richard Agnew
Gladman Developments Ltd.