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(Representations sent via email to localplan@tmbc.gov.uk)

8th August 2016

Re: West Malling Neighbourhood Development Plan – Application for Neighbourhood Area Designation

Dear Sirs,

Gladman Developments Ltd (Gladman) specialise in the promotion of strategic land for residential development and associated community infrastructure. This letter provides Gladman's response on the application made by West Malling Parish Council for the designation of a Neighbourhood Area, for the purposes of preparing a Neighbourhood Development Plan.

At this stage Gladman have no specific comments to make on the application for Neighbourhood Area designation. However, as this is the first formal stage of preparing a Neighbourhood Plan, we would like to take the opportunity to highlight a number of key requirements to which the development of the emerging Neighbourhood Plan should have regard.

Gladman would also like to assist the Parish Council in preparing the emerging Neighbourhood Plan in order to meet the community's aspirations for its development needs and invite the Parish Council to contact us in this regard.

Legal Requirements

Before a Neighbourhood Plan can proceed to referendum it must be tested against the Neighbourhood Plan Basic Conditions, set out in §8(2) of Schedule 4b of the Town and Country Planning Act 1990. These basic conditions are:

- a) *Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan*
- b) *Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order*

- c) *Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order*
- d) *The making of the neighbourhood plan contributes to the achievement of sustainable development*
- e) *The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority*
- f) *The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations*
- g) *Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan*

National Policy and 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 and the role that these Plans should take in setting out the policies relevant for their local areas. Accordingly §6 of the Framework makes clear that the purpose of the planning system is to contribute to the achievement, a neighbourhood plan basic condition. Therefore policies in paragraphs 18 to 219, taken as a whole, should be considered throughout the preparation of the neighbourhood plan as this constitutes the Government's view of what sustainable development in England means in practice for the planning system.

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 (OAN) for housing, with sufficient flexibility to adapt to rapid change. This requirement is also applicable to neighbourhood plans.

The requirements set out in the Framework are further supplemented by the advice and guidance contained in the Neighbourhood Planning chapter of the Planning Practice Guidance (PPG). These updates make clear that Neighbourhood Plans should support strategic needs and deliver against objectively assessed housing needs. Where there is uncertainty regarding what a local authority's objectively assessed need is, the neighbourhood plan should consider the allocation of housing land to meet local needs and the allocation of reserve sites to minimise any potential conflicts that can arise so that those policies contained in the Neighbourhood Plan are not ultimately overridden by the policies contained in an emerging Local Plan.

The PPG also advises that Neighbourhood Plans should not contain policies restricting sustainable development opportunities¹. Accordingly, to ensure the Plan contains sufficient flexibility we would recommend the use of criteria based policies to guide the future development of the neighbourhood plan area in order to meet the communities' wider aspirations.

Relationship with Local Plans

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, Neighbourhood Plans should be prepared to conform to the up-to-date strategic policy requirements set out in Local Plans. In this regard, the relevant development Plan consists of the Tonbridge and Malling Core Strategy that was adopted in September 2007. The adopted Development Plan was prepared in the context of a previous era in national planning policy. The Council has now decided to embark on the preparation of a new Local Plan to meet the requirements of the Framework.

¹ PPG Paragraph: 001 Reference ID: 50-001-20160519

Accordingly, the Neighbourhood Plan should ensure that it contains sufficient flexibility in the event that the future Local Plan requires West Malling to accommodate some of its objectively assessed needs for housing. It should be noted that the adopted Core Strategy makes clear that the housing target should be considered as a minimum. Accordingly, the Neighbourhood Plan should ensure that its housing policies reflect this principle so that it allows for a degree of flexibility in the event that a future Local Plan alters the housing provision expected to be delivered in the Neighbourhood Area.

Neighbourhood Plan Policies and Proposals

In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the Framework and the wider strategic policies for the area set out in the Council's Local Plan. Neighbourhood Plans should provide a policy framework that complements and supports the requirements set out in these higher-order documents, setting out further, locally-specific requirements that will be applied to development proposals coming forward.

The Neighbourhood Plan should seek to positively plan for new development in order to contribute to the delivery of sustainable growth. Therefore, the Neighbourhood Plan should seek to enable sufficient growth to take place in order to assist in delivering local housing needs and to assist the District Council in meeting the full Objectively Assessed Needs for housing.

The vision, objectives and policies contained in the Plan should be clearly worded and flexible so that they allow a decision maker to apply those policies consistently and with ease. Policies and proposals should be designed to add value to policies set out in Local Plan and national guidance, as opposed to replicating their requirements. The community should liaise with the Council's planning team to seek advice on the appropriateness of the Neighbourhood Plan's proposals.

Sustainability Appraisal/Strategic Environmental Assessment

The preparation of a Neighbourhood Plan 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 requirement to undertake an SEA will be dependent on a Neighbourhood Plan's proposals, but is likely to be necessary where a Plan is proposing specific allocations or site designations.

In accordance with Schedule 1 of the SEA Regulations, a Screening Assessment of a Neighbourhood Plan's proposals should be completed to assess whether an SEA must be prepared. Where an SEA is required this should be commenced at the earliest opportunity, alongside the preparation of the emerging Neighbourhood Plan, to ensure the Neighbourhood Plan's proposals have been properly considered through the SEA process, and appropriately justified against other reasonable alternatives. Although Neighbourhood Plans do not require a Sustainability Appraisal (SA) of their proposals, preparing an SA can help to show how a Neighbourhood Plan will contribute to the achievement of sustainable development, a Neighbourhood Plan Basic Condition. Where an SEA is required, extending this assessment to the preparation of an SA is unlikely to require significant additional input.

The Council's planning team will be able to advise on the likely need for an SEA of the Neighbourhood Plan's proposals.

Yours Faithfully

John Fleming