

Comments

Main Modifications to the Local Plan (18/02/19 to 01/04/19)

Comment by	Blue Oak Development (Blue Oak Development Ltd - 1205916)
Comment ID	88
Response Date	29/03/19 12:08
Consultation Point	Table 13.1 (View)
Status	Processed
Submission Type	Web
Version	0.1

To which proposed Main Modification does your representation relate? Please state the relevant reference number that you are commenting on from the Schedule of Proposed Main Modifications e.g. MM1

Appendix 5

Do you consider the proposed modification is: . Sound?
(please mark the appropriate box)

If you consider the proposed Main Modification to be UNSOUND, please identify which test of soundness your representation relates to?

- . Is it positively prepared?
- . Is it justified?
- . Is it effective?
- . Is it consistent with national policy?

Please give us details as to why you think the Local Plan with proposed modifications is NOT legally compliant or sound?

We strongly object however to the new inclusion of Appendix 5 which provides a table setting out a baseline number of existing dwellings within the defined boundaries of each settlement in order to determine what it describes as the maximum number of dwellings which could be permitted within the plan period following a 5% increase.

The Homework & Modifications September 2018 (Examination document EX.108A, published 28th September 2018), confirmed that the Inspector would formally write to the Council with regards to any recommended modifications to HOU 04. In a letter dated 6th November 2018 (Examination document EX.113) the Inspector specifically requested that the Council draft modifications to Policy HOU 04 only in so far as to remove the 5 dwelling limit as well as criterion 3. There was no request from the Inspector for such methodology to be included as now currently proposed in Appendix 5.

The inclusion of the methodology at Appendix 5, as drafted, has served to render the policy even more onerous than before in setting an absolute target for the level of housing which could be accommodated in each settlement over the Plan period. This contradicts and confuses the proposed modification to criteria 2 supported above to allow some flexibility to the 5% increase.

The inclusion in the table of existing and permitted dwelling numbers for each settlement being restricted to within the settlement boundary only is entirely unjustified. A settlement boundary is a line that is drawn on a plan around a village which essentially reflects its built form. It is considered that dwellings which form part of the wider Parish of a settlement should be included in the figure as these clearly form an integral part of a settlement and its function, without necessarily needing to be within its defined boundary.

Appendix B of the Sustainability Appraisal of the Main Modifications (Examination Document EX127, published 18th February 2019) states that there are no potential significant effects requiring further consideration as the 'proposed main modification does not set the 5% increase limit; it provides information of how many units that would be based

on current data.' This is unhelpful and raises uncertainty as to whether the figure in the table under '5% growth – Number of dwellings to be built over the plan period to 2036' is indeed fixed and an absolute or whether this would change. Indeed, the proposed modifications do not make clear whether if any new dwellings have or will be approved after the stated date of 31/03/2018, these would need to be taken into account in the 5% calculation. This adds further uncertainty and restriction to the policy and on this basis the figures contained in the policy would be immediately out of date upon adoption of the Plan.

The unjustified inclusion of Appendix 5 adds to the overly restrictive nature of Policy HOU 04 which we maintain will artificially restrict development coming forward, precluding the delivery of otherwise sustainable development on the edge of settlements in appropriate circumstances in rural areas contrary to Paragraph 78 of the NPPF and does not include the necessary degree of flexibility to respond to change. Should any of the settlements identified by HOU 04 not meet their 'target' within the Plan period in order to contribute to the overall Plan housing number of 234 for the Villages with Boundaries, there is currently no flexibility to allow those settlements which have reached their identified limit to be able to accommodate this shortfall. Accordingly, the policy would result in further uncertainty and the Council would fail to fulfil the national objective of boosting significantly the supply of housing to address objectively assessed needs over the plan period (NPPF Paragraphs 23 and 59).

On the above basis the main modification proposed in the form of Appendix 5 is inconsistent with national planning policy, has not been positively prepared, is unjustified and fails to provide an effective strategy to meet the area's objectively assessed needs over the plan period. As a result of the main modifications proposed, the policy is therefore **unsound**.

Please set out what changes you consider necessary to make the proposed main modifications to the Local Plan legally compliant or sound.

Appendix 5 should be deleted in its entirety and the policy should instead set a framework whereby proposals would be judged on their individual merits, as is the established approach in planning decisions, rather than the overly restrictive blanket approach applied.

Alternatively, as a minimum, given the clear contradiction between the two and in order to provide flexibility over the Plan period, Appendix 5 should be amended from its current form in setting an absolute target for the level of housing to be accommodated to better reflect the new wording in Policy HOU 04. This serves to acknowledge that there is some flexibility in that the number of dwellings in the settlement should not increase 'significantly' above the 5% limit. The figures in the Appendix should therefore identified as being a minimum and schemes should be assessed on their merits as they come forward having regard to material planning considerations and prevailing local circumstances at the time of the application. This approach would be consistent with the findings of the Main Modifications Sustainability Appraisal which confirms that the Appendix 'does not set the 5% increase limit.' In addition, the Appendix should be amended to refer to the baseline number of dwellings as being within the wider Parish rather than the defined settlement boundary.

It is also noted that supporting paragraph 3.22 – 3.24 which relate to the deleted criteria 3 in respect of proposals providing a community benefit have not been deleted as part of the main modification. For completeness, these paragraphs should be deleted.

Would you like to be notified of future stages of the Local Plan? Yes

How would you like to be notified? . By post to my agent's address

Comment by Blue Oak Development (Blue Oak Development Ltd - 1205916)

Comment ID 87

Response Date 29/03/19 12:04

Consultation Point HOU 04 - Villages with Boundaries ([View](#))

Status Processed

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Policy HOU 04

Policy HOU 04 and supporting text to HOU 04 (para. 3.18)

Do you consider the proposed modification is: . Sound?
(please mark the appropriate box)

If you consider the proposed Main Modification to be UNSOUND, please identify which test of soundness your representation relates to? . Is it positively prepared?
. Is it justified?
. Is it effective?
. Is it consistent with national policy?

Please give us details as to why you think the Local Plan with proposed modifications is NOT legally compliant or sound?

Previous representations made on behalf of Blue Oak Developments Ltd have raised concerns regarding the overly onerous nature of the criteria within Policy HOU 04 and therefore its failure to meet the tests of soundness set out in Paragraph 35 of the NPPF.

In the context of our previous objections, we welcome the main modification to amend criteria 1 of the policy to remove the specific reference to 'up to 5 dwellings' and the deletion of criteria 3 which required proposed developments to 'provide a significant community benefit.'

Whilst maintaining our objection to the arbitrary 5% limit which remains unchanged in the policy, we nonetheless support the modification to criteria 2 to recognise that the number of dwellings in the settlement should not increase 'significantly' above this 5% limit. This will provide an element of flexibility to what remains an excessively rigid policy.

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