

Comments

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

Comment by	Mr Richard Golke (1204539)
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Consultation Point	HOU 04 - Villages with Boundaries (View)
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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

MM17: Page 37: Policy HOU 04 - Qualifying criteria numbered 1-5

NPPF 2018, para. 16d) advises that policies should be '*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*'.

The Inspector's proposed amendments to the five qualifying criteria listed under Policy HOU 04 actually introduce ambiguity and uncertainty. Thus, in the case of Criterion no. 1, the original text considered '*up to 5 dwellings*' to constitute development of '*an appropriate scale and design to the settlement*' providing very clear instruction to all parties concerned. The amended text – '*The development is of an appropriate scale and design to the settlement*' is clearly open to individual interpretation as to what might constitute an 'appropriate' number of new dwellings. This is of particular significance in small villages such as my own (Rocklands) where the maximum 5% new development limit described under Criterion no. 2 equates to a total of just 8 new dwellings to 2036 (and where we already see planning applications regularly submitted for anything up to 17 new dwellings at a time).

In this respect, the Inspector's introduction of the word 'significantly' into the text of criterion no. 2 (i.e. development '*would not lead to the number of dwellings in the settlement significantly increasing by more than 5%*') is similarly confusing. Who is supposed to ascertain how many additional new dwellings constitutes a significant amount and what criteria are they supposed to use to determine this? Again, in Rocklands, we have already seen a 12% increase in the pre-existing housing stock since the current Development Plan was adopted in December 2009; thus, we need some degree of certainty that the LPA will be provided with the necessary policy tools to keep such development under sensible control – particularly since one of the underlying intentions of HOU 04 is supposedly to restrict '*the level of new development permitted in settlements defined in the policy... consistent with the rural character of these villages and reflective of the more limited service provision and infrastructure available*'.

The Inspector is proposing to completely delete Criterion no. 3 '*Development provides a significant community benefit*' and yet the Reasoned Justification relating to this (page 49, paras. 3.22 to 3.24 inclusive) is left intact. Is it the Inspector's intention that any proposed new development must still demonstrate that '*there is clear evidence that development will provide a community benefit by meeting an identified local need, delivering community aspirations or by virtue of local support for a scheme*'? If so, then why does he consider it necessary to delete Criterion no. 3?

Do you consider the proposed modification is: Legally compliant?

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?

As highlighted in my comments above, the Inspector's amended text introduces a greater element of ambiguity and uncertainty into the application and interpretation of HOU 04. In doing so, it directly contradicts the advice provided under NPPF 201, para. 16d). As well, the amended policy text is no longer wholly consistent with the Reasoned Justifications against which it is intended to be cross-referenced.

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

The original text contained more clarity, certainty and consistency. One of the stated objectives of Policy HOU 04 is to restrict any significant new development in the identified settlements to a maximum of 5% because it is not considered appropriate to the rural character of those villages and the level of services / infrastructure available i.e. the settlements do not constitute sustainable options for development. The final policy text should not leave this open to doubt or subject to miscellaneous interpretation: It should be clear and unambiguous.

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

How would you like to be notified? By email to my email address