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**RE: Malvern Neighbourhood Plan Regulation 16 Consultation**

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Malvern Neighbourhood Plan (MNP) 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. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation of numerous plans across the country, it is from this experience that these representations are 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 MNP 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.*

**Revised National Planning Policy Framework**

On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper.

Paragraph 214 of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24th January 2019. Given the date of this consultation, the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2012.

## **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 MNP's ability to meet basic condition (a) and this will be discussed in greater detail throughout this response.

### **Relationship to Local Plan**

The current adopted plan that covers the Malvern Neighbourhood Plan area and the development plan which the MNP will be tested against is the South Worcestershire Development Plan (SWDP) adopted in February 2016. This joint plan covers the authorities of Malvern Hills District, Worcester City and Wychavon District setting the overarching strategic policies for these authorities. Within this plan Malvern is classified as the main town where growth will be focussed to the north of the town in a sustainable urban extension. The MNP should seek to support this development accordingly and not seek to incorporate policies which could affect the delivery of this development.

Work has commenced on a review of the SWDP and as such the policies of the MNP will need to be drafted with sufficient flexibility to ensure that any potential conflicts are minimised. Otherwise policies of the MNP may be superseded under Section 38(5) of the Planning and Compulsory Purchase Act 2004. A number of the changes Gladman have suggested to the MNP are in this regard.

### **Malvern Neighbourhood Plan**

This section highlights the key issues that Gladman would like to raise with regards to the content of the MNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of modifications to enable the plan could meet the basic conditions

#### **Policy MSD1: Promoting and achieving sustainable development**

Gladman support the inclusion this policy however suggest that the wording of the policy is modified slightly to ensure that the policy will support the implementation of objectives of the Framework. This would ensure the plan takes a positive stance towards sustainable development meeting basic condition (a), taking the policy further than simply reflecting the Framework. Suggested wording is included below:

*'When considering development proposals, the Plan will take a positive approach towards sustainable development.'*

#### **Policy MG2: Neighbourhood Open Space**

Having considered the wording of the policy Gladman consider that there is a contradiction between parts A1 and A2. If it was determined there was a surplus of open space provision in the area it is unclear why development would be expected to provide an equivalent or better provision in terms of quantity. This could easily be remedied with the inclusion of the word 'or' between relevant parts of the policy.

#### **Policy MT4: Electric Vehicle Charging Points**

Gladman objects to this policy and considers that before pursuing such a policy requirement the Town Council should engage with the main energy suppliers in order to determine network capacity to accommodate any adverse impacts if a proportion of, or all dwellings are required to have an electric charging facility. If charging demand became excessive there may be constraints to increasing the electric loading in an area because of the limited size and capacity

of existing cables and new sub-station infrastructure may be necessary. The cost of such infrastructure may adversely impact on housing delivery. If electric vehicles are to be encouraged by the Government then a national standardised approach implemented through the Building Regulations would be more appropriate.

### **Policy MH3: New Residential Development beyond the Development Boundary**

Gladman are concerned with the restrictive nature of this policy regarding development beyond the existing development boundary and suggestion this policy is modified to allow more flexibility to any future development proposals. Gladman suggest that demonstrably sustainable development adjacent to the existing development boundary should also be considered as this would allow the MNP to respond flexibly to any changing needs over the plan period or should any issues arise with the sites allocated within the SWDP. This would also help to support the longevity of the plan following the work that has gone in to creating the plan.

### **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 MNP 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 condition (a). 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.