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By email only to: [localplan@selby.gov.uk](mailto:localplan@selby.gov.uk)

30<sup>th</sup> April 2020

**Re: Tadcaster Neighbourhood Area Designation- Regulation 6 consultation**

Dear Sir/Madam,

This letter provides the response of Gladman on the application made by Tadcaster Town Council for the designation of a neighbourhood area, for the purposes of preparing a neighbourhood development plan.

Gladman specialise in the promotion of strategic land for residential development and associated community infrastructure. From this experience, we understand the need for the planning system to deliver the homes, jobs and thriving local places that the country needs. 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 the guidance that follows has been prepared.

As this is the first formal stage of preparing a neighbourhood plan, Gladman would like to take this opportunity to comment on the Tadcaster Neighbourhood Area application to highlight a number of key requirements to which the development of the emerging neighbourhood area should have regard to.

Gladman wish to participate in the neighbourhood plan's preparation and to be notified of further developments and consultations in this regard and request to be added to the consultation database. We would also like to offer our assistance in the preparation of neighbourhood plan and are willing to provide the Steering Group with any guidance they may find useful, from the development industries perspective. We invite the Steering Group to contact us in this regard.

**Legal requirements**

Before a neighbourhood plan can proceed to referendum it must be tested against a set of Neighbourhood Plan Basic Councils as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended by section 28a of the Planning and Compulsory Purchase Act 2004). The Basic Conditions which the Neighbourhood Plan must be found in compliance with 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 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 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; and
- f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of the Conservation of Habitats and Species Regulations 2017.

Through the preparation of the Neighbourhood Plan it is important for the Steering Group to ensure that the policies contained in the Plan are in accordance with the Basic Conditions as set out above. If regard has not been given to the basic conditions through the drafting of policies that are to be contained in the neighbourhood plan then there is a real risk that the policies will be found inconsistent with the basic conditions when it reaches independent examination and may be unable to proceed to referendum.

### **National Planning Policy Framework**

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 of the preparation of Neighbourhood Plans within which locally prepared plans for housing and other development can be produced.

In 2018, the Minister of Housing, Communities & Local Government (MHCLG) introduced the first changes to the Framework (the Revised Framework) which has since brought about fundamental changes to the planning system, with further changes made in February 2019. Indeed, paragraph 13 of the Revised Framework clearly states:

*"The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies."*

The Revised Framework also provides further clarification on the Written Ministerial Statement. Paragraph 14 states that:

*"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:*

- a. *The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b. *The neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c. *The local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and*
- d. *The local planning authority's housing delivery was at least 45% of that required over the previous three years."*

The Revised Framework also sets out how neighbourhood planning gives communities the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development. However, neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies contained in higher order documents.

It is therefore clear from the above that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted Development Plan.

The Steering Group should also ensure that its policies and proposals are in compliance with the Neighbourhood Planning Chapter of the Planning Practice Guidance (PPG).

### **Relationship to Local Plans**

To meet the requirements of the Revised Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan. Where an up-to-date Local Plan has been adopted and is in place for the wider authority area, it is the strategic policy requirements set out in this document that a neighbourhood plan should seek to support and meet.

When a Local Plan is emerging, or is yet to be found sound at Examination, there will be a lack of certainty over what scale of development a community must accommodate or the direction the policies in the neighbourhood plan should take. In these instances, the Steering Group should seek to engage with the Local Planning Authority at an early stage in the plan preparation process and request an indicative housing figure which takes into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority. Furthermore, policies in the neighbourhood plan should be drafted as flexibly as possible to ensure that they remain effective over the course of the plan period.

The adopted Development Plan relevant to the preparation of the Tadcaster Neighbourhood Plan is the Selby District Core Strategy, adopted in October 2013, with a number of policies 'saved' from the Local Plan 2005. The NPPF and PPG require plans to be kept up to date with local planning authorities required to review local plan at least once every 5 years<sup>1</sup>. In this case, the Selby Core Strategy is now

In this regard, Selby District are in the early stages of preparing a new Local Plan which will cover the period from 2020 up to 2040. This will be the key planning document that will shape, plan and manage growth over the next 20 years, with the Issues and Options consultation on the new Local Plan closing on the 6<sup>th</sup> March 2020. The Parish Council should have regard to the approach which emerges in the new Selby Local Plan. However, it is important that policies in the Neighbourhood Plan allow for flexibility so that they are able to respond positively to changes in circumstance which might arise over the plan period. This degree of flexibility is required to ensure that the neighbourhood plan is capable of being effective over the duration of its plan period and not ultimately superseded by, for example, a Local Plan Review.

### **Neighbourhood Plan Policies and Proposals**

In accordance with the Neighbourhood Plan Basic Conditions, neighbourhood plan policies should align with the requirements of the Revised 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 the higher-tier development plan documents, setting out further, locally specific requirements that will be applied to development proposals coming forward.

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<sup>1</sup> PPG Paragraph: 062 Reference ID: 61-062-20190315

The Revised Framework is clear that neighbourhood plans cannot introduce policies and proposals that would prevent sustainable development from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to assist in meeting the strategic development needs for the area. Policies that are not clearly worded or intended to place an unjustified constraint on further sustainable growth opportunities taking place would not be consistent with the requirements of the Revised Framework or meet the Neighbourhood Plan Basic Conditions.

Communities should not seek to include policies in neighbourhood plans that have no planning basis or are inconsistent with national and local policy obligations. Proposals should be justified by the findings of a supporting evidence base and must be sufficiently clear to be capable of being interpreted by applications and decision makers. 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 and interested parties such as those who have land interests in the neighbourhood area to seek advice on the appropriateness of the neighbourhood plan's proposals.

### **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 adverse 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 commence 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. Where an adequate SEA has not been undertaken a neighbourhood plan is unlikely to meet the Neighbourhood Plan Basic Conditions.

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. To be compatible with EU obligations, further appraisals, such as a Habitats Regulations Assessment, may also be required depending on local circumstances.

### **Conclusion**

Gladman appreciate the opportunity to comment on the Area Designation of the Tadcaster Neighbourhood Plan Area. It is evident that the need for housing in Tadcaster is significant, which will likely be a key factor during the preparation of the neighbourhood plan. In this regard, as the Council is aware, Gladman is promoting Land at Kelcbar Lane, Tadcaster for allocation through the emerging Local Plan which provides the opportunity to develop a strong and obvious boundary to the Green Belt and represents an attractive and deliverable location for housing in Tadcaster in close proximity to the town and its services.

Gladman would welcome the opportunity to work and engage with the Town Council in relation to the Land at Kelcbar Lane and the Neighbourhood Plan preparation process.

Should you require any further information about the contents of this response or would like to arrange a meeting with a representative from Gladman then please do not hesitate to contact.

Yours faithfully,

Josh Plant  
Gladman Developments