

Loxwood Parish Council

**Loxwood Neighbourhood
Development Plan Re-Submission
Document - Regulation 16
Consultation**

Representations submitted on behalf of:

Landlinx Estates

December 2014



1.0 INTRODUCTION AND SCOPE OF REPRESENTATIONS

A Introduction

- 1.1 These representations on the Loxwood Re-Submission Neighbourhood Plan have been prepared on behalf of Landlinx Estates. The representations duplicate those previously submitted to the last Submission Plan before it was made the subject of a high court challenge in respect of the District Council's failure to carry out a screening opinion for a Strategic Environmental Assessment of the Plan.
- 1.2 The company has a controlling interest in land at the Nursery Site (Ref LX0855) allocated for a minimum of 43 dwellings including 30% affordable with retail development and other community facilities in **Policy 5**. The allocated site will contribute towards the overall provision of housing at Loxwood specified in **Policy 1** as minimum of 60 dwellings.

B Scope of Representations

- 1.3 Landlinx Estates note that the Inspector who held an Examination into the last Submission Plan raised no objection to the minimum allocation of 43 dwellings including affordable housing, retail and community facilities at the Nursery in **Policy 5** of the Neighbourhood Plan. Landlinx is also pleased that the site area of 2.1 ha and the site boundary as shown on the site layout plan being contiguous with the existing access road to Loxwood House were both accepted.
- 1.4 The allocated site is not subject to any environmental designation such as AONB, National Park, Conservation Area or SSSI. It is not at risk of flood and no significant effects will arise from the allocation in terms of biodiversity, population, human health, flora, fauna, soil, air, climatic factors, material assets, cultural heritage or landscape. The requirement for the Council to carry out a screening opinion for a Strategic Environmental Assessment of the Plan will not therefore change the status of the allocation and it should therefore be confirmed in the Re- Submission Neighbourhood Plan with the same site area, minimum number of dwellings and proposed mix of uses as specified in **Policy 5**.
- 1.5 The representations which follow **duplicate** the comments originally made at Submission stage with reference the findings of the Loxwood Neighbourhood Plan Examiners Report (April 2014) where relevant.

2.0 POLICY CONSIDERATIONS FOR THE DRAFT NEIGHBOURHOOD PLAN

A The Basic Conditions

2.1 The Localism Act 2011 inserts provisions into the Town and Country Planning Act 1990 (“the Act”) in relation to neighbourhood development orders and into the Planning and Compulsory Purchase Act 2004 in relation to neighbourhood development plans. Paragraph 8(2) of Schedule 4B of the 1990 Act sets out the basic conditions a Neighbourhood Plan must meet and which an examiner must consider. To meet the basic conditions a Plan must:

- Have regards to national policies and advice contained in guidance issued by the Secretary of State
- Contribute to the achievement of sustainable development
- Be in general conformity with the strategic policies of the development plan for the area
- Be compatible with the European Union (EU) and European convention on human rights (ECHR) obligations

i) National Policy and Contributing to Sustainable Development

2.2 The National Planning Policy Framework (NPPF) (paragraph 14) defines sustainable development. For plan making it states that this means meeting the objectively assessed needs of an area with sufficient flexibility to adapt to rapid change unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

2.3 Paragraph 173 of the Framework advises that pursuing sustainable development requires careful attention to viability and costs in plan making and decision taking. Therefore Plans have to be deliverable and sites and the scale of development they identify should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

2.4 In our view therefore to meet the first 2 basic tests, policies of the Loxwood Neighbourhood Plan must be flexible in terms of meeting objectively assessed housing need and pay regard to overall viability.

ii) Conformity with the Development Plan

- 2.5 Paragraph 184 of the NPPF restates the basic condition that a Neighbourhood Plan must be in general conformity with the strategic priorities of the Local Plan. Chichester District Council is responsible for the Development Plan for the area. Unfortunately the Council's replacement Core Strategy was found 'unsound' in 2007 and the emerging draft Local Plan has not yet been adopted and is still at Examination. In this case we understand the Examiner must therefore consider whether the draft Neighbourhood Plan is in general conformity with the strategic policies in the saved Local Plan.
- 2.6 To meet the other basic condition that it must contribute to the achievement of sustainable development, we also believe the Examiner must have regard to policy in the emerging Chichester Local Plan. This is because the Local Plan contains policies that are intended to meet the future strategic development needs of the area; and in supporting those strategic development needs the Neighbourhood Plan will be fully consistent with advice at paragraph 16 of the NPPF.
- 2.7 Our view is that the Neighbourhood Plan is in conformity with the strategic saved policies of the Development Plan, and we would expressly refer the Inspector to section 2 e) of the Basic Conditions Statement prepared by the Loxwood Steering Committee which confirms this point.
- 2.8 However, to meet the other basic condition that the Neighbourhood Plan contributes to the achievement of sustainable development and supports the strategic development needs set out in Local Plans it must also reflect policy in the emerging Chichester Local Plan.
- 2.9 Our view is that the Loxwood Neighbourhood Plan is in general conformity with emerging Local Plan policy because:
- Both the emerging Local Plan and the Loxwood Neighbourhood Plan cover the same period to 2029.
 - The Neighbourhood Plan's Vision coincides with the Local Plan Vision for the north area which (Local Plan paragraphs 3.12-3.14) is to maintain the rural character of the villages, with new housing and employment at the larger villages.
 - Local Plan policy 2 proposes Loxwood as a larger service village in the settlement hierarchy and Local Plan policy 5 proposes 60 dwellings at Kirdford as an indicative target with no proposed phasing programme. 60 dwellings with unrestricted phasing are also proposed for Loxwood in Neighbourhood Plan policy 1. The sites allocated for housing in the Neighbourhood Plan are also unrestricted by phasing which we welcome

as this will ensure the Plan will be flexible to changing circumstances and deliver housing to meet local need.

- Local Plan Policy 25 states that Neighbourhood Plans are intended to provide the main mechanism for identifying sites and bringing forward local facilities and this has been achieved in the Neighbourhood Plan.

Inspectors Findings to the Loxwood Neighbourhood Plan

The Examiner's Report into the Submission Loxwood Neighbourhood Plan accepted the need for its policies to be expressed in flexible terms and the housing allocations in policy 1 and 5 have therefore been amended to be expressed as minimums.

3.0 LOXWOOD NEIGHBOURHOOD PLAN POLICY COMMENTS

A Neighbourhood Plan Policies

i) Policy 1

3.1 This policy requires the Neighbourhood Plan to allocate 60 houses on new sites within the settlement boundary.

Comment

3.2 Since the Neighbourhood Plan site allocations in policy 4 and 5 both already refer to ‘an indicative number of dwellings’ we believe Policy 1 should be amended to state the Neighbourhood Plan will allocate sites for **at least** 60 dwellings subject to layout considerations and identified housing need from the emerging Local Plan. This new wording would introduce more flexibility in the Plan in meeting housing need and in contributing to sustainable development as required by the NPPF (paragraph 14).

This was supported by the Loxwood Neighbourhood Plan Examiner in amended policy 1.

ii) **Policy 5**

3.3 Land at The Nursery Site is allocated for an indicative number of 43 dwellings, retail and community facilities on 2.1 ha.

Comment

3.4 The site allocation for Policy 5 is supported as the site is deliverable with no landownership or infrastructure constraints to its immediate development. However the western boundary of the site allocation requires a slight amendment so it is contiguous with the access road to Loxwood House as shown on the site layout plan accompanying these representations. Otherwise the boundary would appear arbitrary and fail to reflect the natural site boundaries on the ground. The slight boundary change should apply to figure 6, figure 7 and Appendix 1. The number of dwellings (43) should be expressed as a minimum with no upper limit. We support the retail and business development options on the site subject to overall viability.

3.5 We support the phasing of the site within the first 5 years of the Plan (paragraph 17.5.5) and suggest that the Policy wording itself is amended to confirm this phasing timescale.

The Examiner raised no objection to the allocation in principle, the mix of uses or site area. The need to express the number of houses (43 dwellings) in the policy as a minimum and the need for the associated retail and business development to be subject to overall viability were supported by the Loxwood Neighbourhood Plan Examiner in amended policy 5.

iii) **Policy 8**

3.6 Policy 8 states that unless needed for road safety new roads built as a housing development should not feature road lighting.

Comment

3.7 We would request that this is investigated further as street lighting might be condition of road adoption by the County Council as highway authority. The allocated site 5 at the Nursery is too large for a private management Co to take responsibility for the road, and adoption would be the likely outcome.

The above amendment to policy 8 was supported by the Loxwood Neighbourhood Plan Examiner who recommended that unless it is required to mitigate a potential road safety hazard or other requirement of the highway authority, all new roads built as part of a housing development should not feature street lighting.

iv) **Policy 18**

- 3.8 This states that all housing developments shall meet as a minimum code 4 or code 5 in the Code for Sustainable Homes from 2016.

Comment

- 3.9 The policy needs to be amended so it is expressed as a preference rather than an absolute requirement as it will be dependent on overall scheme viability as stated at paragraph 173 of the NPPF.

The above amendment to policy 18 was supported by the Loxwood Neighbourhood Plan Examiner who recommended that the requirement will be subject to viability and deliverability.