

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

#Land south of Wickwar (PS38) is proposed to be allocated to provide 50 dwellings, open space uses and strategic landscaping. This proposed allocation is supported, and it is considered that the identification and consideration of this site through the plan-making process is based on a sound and logical approach.

Core Policy CP3 (Settlement Hierarchy) classifies Kingswood as a 'Tier3a' settlement, i.e. an accessible settlement with local facilities. The Settlement Hierarchy recognises that such settlements are generally well-connected and provide a good range of local services and facilities for their communities.

It is therefore considered appropriate that the delivery strategy identifies specific allocations for development in order to support their role and function, rather than leaving this to windfall

development and restricting this to locations within defined settlement limits. In this context we support the proposed allocation of land at Kingswood (PS38).

Core Policy 4 (Place making) requires that all development proposals “shall accord” with the ‘Mini Visions’ and have ‘regard’ to the ‘Guiding Principles’ for that locality. For Kingswood the ‘Guiding Principle’ is that development will sustain and enhance Kingswood’s role, function as an ‘Accessible Settlement’ with local facilities and such an approach is supported. The PS38 allocation is consistent with this overarching Guiding Principle.

Pursuant to this proposed allocation a detailed (Ful) planning application was submitted to the District Council in April 2020 (LPA Ref: S.20/0887/FUL), with the description of development as follows:

“Residential development, 58 dwellings with supporting infrastructure an enabling works including: new vehicular access off Wickwar Road (including the demolition of 24 Wickwar Road), public open space, landscaping and drainage infrastructure.”

In response to previous iterations of the Local Plan a number of representations raised concerns that this site was not deliverable owing to the fact that PHSV did not control land required to provide vehicular access to the site. It should be made clear that PHSV control land sufficient to deliver the allocation in its entirety, including land which is necessary for the creation of safe and convenient vehicular access.

The proposed development set out in the submitted planning application includes the provision of Affordable Housing (30%) which equates to 17 units, to be secured through a Section 106 Agreement. This quantum of affordable housing is consistent with the extant policy requirement (as set out at CP9 of the District Local Plan (November 2015) and also CP9 as proposed in the Pre-Submission consultation document.

Through the submission of the planning application it is evident that PS38 provides a deliverable development opportunity, capable of providing dwellings in the short term as part of the planned housing supply for the district. This is consistent with the assessment and consideration of the site through the plan-making process.

Through the Sustainability Appraisal (SA) the assessment of this site concludes that the site is capable of being delivered in a manner which does not undermine the sustainability objectives. As shown below.

SA 1: Housing	+	Minor positive effect likely
SA 2: Health	++/-	Mixed significant positive and minor negative effects likely
SA 3: Social Inclusion	0	Negligible effect likely
SA 4: Crime	0	Negligible effect likely
SA 5: Vibrant Communities	0	Negligible effect likely
SA 6: Services and facilities	+	Minor positive effect likely
SA 7: Biodiversity / Geodiversity	+/-?	Mixed minor / likely effect uncertain
SA 8: Landscape / townscape	+/-?	Mixed minor / likely effect uncertain
SA 9: Historic environment	0	Negligible effect likely
SA 10: Air quality	-	Minor negative effect likely

SA 11: Water quality	0	Negligible effect likely
SA 12: Flooding	-	Minor negative effect likely
SA 13: Efficient land use	--?	Significant negative effect likely/likely effect uncertain
SA 14: Climate change	0	Negligible effect likely
SA 15: Waste	0	Negligible effect likely
SA 16: Employment	+	Minor positive effect likely
SA 17: Economic growth	+?	Minor positive effect likely / likely effect uncertain

The SA process provides a coherent basis upon which site options identified in the Local Plan are assessed and we have no objection to this process. This demonstrates that PS38 is a sustainable development option and this is supported. Notwithstanding this we do make the following observations on the SA assessment as it relates to PS38.

Owing to the fact that PS38 is a greenfield site, the necessary conclusion is that it is not previously developed land (brownfield) and therefore cannot support the wider strategy of maximising the use of brownfield land. This is a common theme on all greenfield sites and reflects the need for the delivery strategy to utilise appropriate greenfield locations in order to respond appropriately to identified need. The release of greenfield sites forms part of the wider delivery strategy which includes brownfield land and is therefore complementary to the overarching strategy for the district.

It is noted that in respect of SA Objective 12 (Flooding) PS38 is concluded to have a 'minor negative effect', but the reasons for this are not adequately explained. The site is located in Flood Zone 1 and is deemed at low or negligible risk of flooding from fluvial, groundwater, overland or sewer flows. Table 1 of the Technical Guidance to the NPPF sets out the appropriate uses for land in the various flood zone categories. All uses are appropriate in Flood Zone 1.

The planning application is supported by a Flood Risk Assessment which confirms that the surface water drainage strategy is to discharge development flows into a new sewer located on an adjacent field, connecting with the existing network. Foul drainage flows will be collected in an on-site adoptable sewer network and discharged into an existing adopted foul sewer.

With this in mind it is difficult to reconcile the conclusions of the SA which considers there to be a minor negative effect, with a drainage strategy prepared in support of the application which demonstrates that the proposed development is appropriate for the site location and that it is possible to drain the site in a manner compliant with the NPPF.

In response to PHSV representations to the Draft Local Plan (2020) a number of changes have been made to the supporting text to PS38 and these are supported. Notwithstanding this, in order to improve the soundness of the Policy it is considered that the following revisions to the text are necessary and appropriate.

Firstly, the PS39 text refers to "strategic landscaping". It is not clear what this is intended to require but it is noted that within paragraph 3.7.6 it states that: "*Development will retain and enhance existing trees and hedgerows to support local biodiversity and integrate development into the landscape.*" Such requirements are understood and form part of the overall strategy

and masterplan which is presented within the current planning application. However, it is not adequately explained what is meant by “strategic landscaping”. The inclusion of vague and ambiguous wording does not add any value to either the policy or the stated objectives for this specific allocation.

It is explained in the SA that the inclusion of reference to ‘Strategic’ landscaping means that: *“these more stringent requirements may help to address impacts relating to landscape character, however, impacts will be dependent upon the specific design which is unknown at this stage.”* (Page 802 – Appendix 3 to SA).

An earlier iteration of the SA (2019) also considered the justification for inclusion of ‘strategic’ landscaping as a component of the allocation requirements. In this regard the 2019 SA stated that: *It is now required that development at the site incorporates strategic landscaping in line with the Draft Local Plan Site Allocations Policy. This may potentially limit impacts in terms of the local landscape setting, however, impacts will be dependent upon the specific design with its unknown at this stage.”* (Page 609, Appendix 7)

The need for any reference to ‘strategic’ landscaping should be considered in the wider context of overarching policies set out in the Pre-Submission document. Draft Policy ES7 deals specifically with landscape character and requires development in all locations to conserve or enhance the special features and diversity of different landscape character types found within the district. Policy ES7 sets out criteria intended to support this objective. This includes the retention and management of natural features such as trees and hedgerows that contribute to the landscape character and setting of the development.

Such an approach is supported and in contrast to the express wording set out at PS38, which states that development *“will retain and enhance existing trees”*, it provides a pragmatic policy that provides sufficient scope for site specific studies and investigations to inform development schemes and their achievement of this policy objective. Accordingly, we consider that the text to PS38 should be less prescriptive and adopt an approach that is consistent with ES7. As currently drafted the requirement within PS38 to retain and enhance existing trees and hedgerow does not have regard to their condition and contribution to the landscape character or setting, and implies that any loss of existing trees or hedgerows, regardless of any associated enhancements, including additional planting etc, would result in non-compliance with this policy.

As stated in Policy ES8 (Tree, hedgerows and woodlands), which recognises that in some cases there will be loss of existing features, it states that: *Where the loss of trees and or/hedgerows is considered acceptable, adequate replacement provision will be required that utilises local and native species that are in sympathy with the character of the existing tree or hedge specifics in the locality and the site.”* It is therefore evident that the specific requirement contained in PS38 to retain existing trees and hedgerow is at odds with other policies contained within the Regulation 19 plan. Whilst it is the case that the delivery of this site is based on a strategy that seeks to retain and enhance such existing features, PS38 should be revised to adopt an approach consistent with ES7 and ES8, providing greater flexibility for this site to be delivered, whilst ensuring that the overarching objectives, in terms of protection and enhancements, in the wider context of landscape character and setting as well as biodiversity enhancements is retained and applied to this allocation.

It is also considered that the quantum of development proposed should be revised to refer to “a minimum of 50 dwellings”. For reasons explained within our response to this Regulation 19 consultation, providing sufficient flexibility in the quantitative requirements of individual allocations will add resilience to overall housing delivery, particularly where the overarching delivery strategy places a significant reliance on a new settlements to contribute to housing delivery over the plan period.

PS38: Masterplan Requirement

It is noted that changes to the supporting policy wording from the 2019 Draft Plan have removed reference to the requirement for a ‘development brief’, incorporating an indicative masterplan to be prepared and approved by the District Council. Such a change is supported. However, within the Pre-Submission draft consultation document there remains a requirement for “A Masterplan to be approved by the District Council..”

Previous references to a ‘development brief’ clearly required this to be a process which was separate to, and in advance of, the submission of any future planning applications. Although now removed, there remains the requirement for a Masterplan and it is not adequately explained within the PS38 text, when and in what form this is to be provided. This creates uncertainty and provides no explanation as to how adherence to this requirement is to be considered.

PS38 is a relatively modest allocation and the requirement for a Masterplan to be approved outside of the planning application process would be both disproportionate and unjustified. The wording to PS38 suggest that the need for a Masterplan is necessary to detail the way in which land uses and infrastructure will be developed in an integrated and co-ordinated manner. Yet there is no explanation as to why this cannot be considered through the planning application process, where the proposed development would be required to demonstrate consistency with other policies in the Local Plan. Policies which require development to be delivered in a manner which forms the basis behind the requirement for the Masterplan, policies such as CP4 (Place Making), CP6 (Infrastructure and developer contributions) and, CP8 (new housing development).

The reference to a Masterplan to be approved by the District Council should be removed as this is unnecessary and disproportionate. Instead, the extent to which development at PS38 delivers an integrated and co-ordinated pattern of development, supported by the required infrastructure, will be assessed against other Core Policies within the Local Plan.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For reasons explained in section 5, the following changes are considered appropriate and necessary to ensure the effectiveness of PS38.

- a. Reference to the requirement for a Masterplan to be approved should be removed as this is unnecessary and disproportionate for a site of this scale.
- b. Reference to 'strategic landscape' is unnecessary as development proposals at this site will be subject to other policies contained within the Local Plan which, when considered together, provide an appropriate policy framework to ensure development responds to its setting and identified constraints and opportunities.
- c. Reference to the retention of all trees and hedgerows should be removed as this predetermines the value and importance of such features and is overly prescriptive. In any event, the protection, maintenance and enhancements of such features is already subject to the requirements set out in other policies, such as ES7.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Persimmon Homes Severn Valley (PHSV) controls the land subject to the PS38 allocation and have submitted a detailed planning application for development at this site. Accordingly, PHSV will be able to assist the Examination and the debate on PS38, in terms of the suitability, achievability and deliverability of this site in accordance with the objectives of the Local Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:



Date:

21.07.21