

Matter 9 – Allocation Sites for Housing and Other Development and Settlement Boundaries

Supplementary submission by Stoke by Nayland Parish Council

The site we are referring to is LS01(23), land North of B1068, 8 dwellings (also referred to as SS0465 in SHELAA documents)

9.1 Are the sites allocated for housing and other development in policies LS01(1-90) and LA001 – LA119 soundly-based; are the criteria and requirements set out in the relevant policies justified and effective; and is there evidence that the development of the allocations is viable and deliverable in the timescales indicated in the Housing Trajectory set out at Appendix 01 of the plan?

The allocation of site LS01(23) is not soundly-based, being in conflict with the criteria and requirements set out in the relevant policies. Specifically, when measured against the Site Suitability Assessment Criteria set out in the Joint Local Plan (JLP), as documented in detail in our submission of December 2020:-

There is no possibility of creating suitable access to the site: it faces on to a single-track road sunk between two hedges.

The site has a poor relationship to wider transport networks: there are no public transport services in the village and the B1068 is too narrow to install footpaths.

The site has poor access to core services and facilities.

Development of the site would have a detrimental impact on sensitive or other landscapes which cannot be mitigated.

Development of the site would have a detrimental impact on sensitive or other townscapes which cannot be mitigated.

SbN PC assumes these considerations explained why the site was omitted from the Draft SHELAA of July 2019.

Furthermore, individual habitats site appraisals for LS01 sites have not been undertaken, as required by The Habitats Regulations. The HRA report only covers land parcels with references LA001 – 109, completely ignoring all the LS01 allocations.

The Sustainability Appraisal and the Planning Authority's Statement of Common Ground with Natural England, page 5, show that the site is entirely comprised of a priority habitat (deciduous woodland) where loss is unavoidable; however, according to para 179.2 of the new NPPF, Plans should promote the conservation, restoration and enhancement of such sites. The SHELAA report also refers to protected species on the site.

We believe it is both fundamentally unreasonable and flawed for LA*** sites to be assessed for sustainability on an individual basis, but for all the LS01 allocations to be assessed collectively at the **average score across 90 disparate sites**. This lack of consistency has resulted in individual sites with overwhelmingly negative scores being treated as marginal, but nevertheless, included in the JLP.

The draft JLP provides no evidence of reasonable alternatives to the site in question having been considered by the Planning Authority. The emerging Neighbourhood Plan has identified more than enough individual sites within the parish to replace the allocations proposed in LS01(23), while still meeting the total allocated to the parish. We have attempted to discuss alternatives with the Planning Authority, since Par 01.19 states that the Plan will have regard to emerging Neighbourhood Plans. Instead, we have been informed by the Authority that, rather than demonstrating a general conformity with the JLP as required, the Neighbourhood Plan **must completely conform to it** or it will not pass inspection.

Policy LS01 is by definition a non-strategic policy (paras 01.12 to 01.14 on page 6 of the Plan) but paras 29-30 of the new NPPF state that Neighbourhood Plan policies take precedence over existing non-strategic policies, where they are in conflict. We are concerned that in the time between the JLP being adopted and the Neighbourhood Plan being brought into force, a planning application will be lodged for the aforementioned site, which will be impossible for the Authority to decline.

9.2 Do the sites allocated for housing and other development in policies LS01 (1-90) and LA001 - LA119 give great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB) in line with paragraph 176 of the NPPF?

The allocation of site LS01(23) is simply incompatible with giving due regard, never mind great weight, to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. This is documented in our submission of December 2020, citing the analysis and conclusions of the Parish Landscape Appraisal from Alison Farmer.

In particular, the Landscape Appraisal analyses the effect of developing the site in question on the setting of heritage assets especially two Grade 1 churches.

We can only conclude that whoever drafted the LSA report had not actually visited the site, as the landscape mitigation proposed bears no scrutiny. It would be impossible to “retain existing woodland boundaries, particularly along the B1068” and at the same time develop this site. This could only be achieved by access from the rear of the site through farmland (owned by the same developer) needing a new road and a junction on Rectory Hill, forever damaging one of the prime views of Stoke by Nayland church, and destroying the rural feel of this important gateway into the village Conservation Area. This would also involve development outside the village envelope and hasten attempts to build on the whole (and much larger) field behind the site.

9.4 Are the precise dwelling numbers listed in policy LS01 justified and effective? Would approximate figures be more appropriate?

Earlier drafts of the plan only referred to minimum numbers expected from areas developing neighbourhood plans, leaving site allocations to be decided later. We feel this approach would be more effective in producing the number and mix of properties required in the parish. As before, it appears to be a case of “What sites have been lodged via the SHELAA process?” and using them all to achieve the desired number rather than a discussion with local representatives.

9.6 Are the settlement boundaries as shown on the policies map justified and effective?

The settlement boundary shown for LS01(23) has no justification. As can be seen from the map, the settlement boundary is everywhere drawn tightly round the boundaries of individual plots, even to the point of excluding the listed buildings on the corner of Park Street and Scotland Street, except in the case of sites LS01(23) and LS01(24). It is significant that the 2019 draft of the Local Plan showed those sites to be outside the settlement boundary.

Policy SP03 Paras 3 & 4.c state that allocations will (a) only be included within settlement boundaries and (b) only permitted where hedgerows and treelines important to the wider context are protected, particularly in edge-of-settlement locations. These considerations are all matters that apply to LS01(23) and are individually grounds for excluding this site from the JLP.

It is hard to avoid the conclusion that instead of the site allocation being decided by the settlement boundary, the settlement boundary was instead determined by the site allocation.