

## Part B – Please use a separate sheet for each representation

Name or Organisation:

Robert Hitchins Ltd

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

**NB: To be read in conjunction with Attachment A (a review of the Local Plan Viability Assessment Working Draft May 2021)**

1.1 The proposed wording of the first paragraph Policy CP8 includes an expectation that ‘in particular, on major sites’ ‘the range of types, tenures and sizes should reflect the housing needs identified for that Parish Cluster area’. This is in addition to taking account of the District housing needs set out in the Local Housing Needs Assessment.

- 1.2 The first issue with this expectation is that developments are being expected by the policy wording to reflect both District and Parish Cluster housing needs – these needs may not always align in terms of dwelling types, tenures and mix; it is unclear which of these housing needs profiles the policy would require to take precedence in an application proposal.
- 1.3 A second issue is that, whilst reflecting Parish ‘Cluster’ housing needs may be appropriate on a numerically small scheme, larger schemes will inevitably house households from further afield and therefore will need to reflect a broader housing requirement relating to either the District or even a wider housing market area. The policy wording does not provide clarity on this issue as the requirement to reflect the needs of the Parish Cluster appears to relate to all sites, including ‘major sites’ – whilst the latter is not defined in the Policy if the NPPF definition is applied this will include sites of 10 or more dwellings / 0.5ha or more.
- 1.4 A third issue is that whilst the Parish Clusters themselves are identified at page 9 of the emerging Stroud District Local Plan Review it is unclear how Parish Cluster needs are to be met when there is no assessment of these within the Gloucestershire Local Housing Needs Assessment September 2020 (“LHNA20”) evidence base. Furthermore, only a limited number of Neighbourhood Plans are made and the evidence base on housing needs for these (where it is available) does not provide an assessment of housing need across whole of the Parish Cluster areas. Given the lack of evidence to underpin the policy wording requirement or against which to assess proposals it is unclear how it will be applied in practice.
- 1.5 In addition, the existing viability evidence base (the May 2021 Local Plan Viability Assessment Working Draft – “WDLPVA”) does not reflect the impact of different housing mix and tenure requirements where there are to be applied at a Parish Cluster level or specifically assess viability at a sub-area level based on the extent of the Parish Cluster areas.
- 1.6 Bullet point 4 within Policy CP8 remains unchanged from the existing Stroud Local Plan. However, it should be amended through this review process. The wording itself is vague in terms of what standards development proposals are expected to be constructed to. In any event, where local authorities wish to impose standards in excess of mandatory Building Regulation requirements this needs to be applied in accordance with the

National Planning Policy Guidance on Technical Optional Standards which currently relate to Accessibility and wheelchair housing standards, Water Efficiency Standards and Internal Space Standards only. The Government has consulted on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for domestic and non-domestic buildings through the Future Homes Standard and the Future Buildings Standard (ending in April 2021) and are currently analysing feedback to this consultation. These changes are yet to be implemented, but do not support that local authorities should seek to include policies in plans covering these issues which will, instead, be set centrally through Building Regulations.

- 1.7 The 'Housing: optional technical standards' section of the NPPG confirms that the policy for the application of optional technical standards is set out in the written ministerial statement of the 25th of March 2015 to be taken into account in Plan making. This states that:

*"The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance. Neighbourhood plans should not be used to apply the new national technical standards."*

(Written Statement to Parliament, 'Planning Update March 2015')

and that:

*"From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings."*

(Written Statement to Parliament, 'Planning Update March 2015')

The Ministerial Statement withdrew the Code for Sustainable Homes and energy performance requirements are now set through Building Regulations with an optional standards being available in respect of accessibility and wheelchair

standards, water efficiency and internal space standards. For this reason bullet point 4 should be removed from the SDLPR.

(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.

The Second sentence in paragraph 1 of Core Policy CP8 should be amended as follows:

***"New developments ~~must~~ should take account of the District's housing needs, as set out in the Local Housing Needs Assessment in conjunction with other up to date local housing needs assessments and evidence. In particular, on major sites, the expectation will be that the range of types, tenures and sizes should reflect the housing needs identified for that Parish Cluster area."***

- i) **Bullet point four should be deleted from Core Policy CP8 as such matters will be set centrally, and updated from time to time, through non-optional Building Regulations.**

(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)

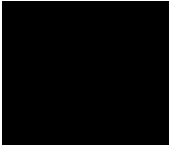
Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

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

To provide further explanation as necessary of the concerns raised above.

**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:

A rectangular box containing a solid black square, which is a redaction of a signature.

Date:

20.07.2021