

Matter 7 / Representor 112 /
Appletree Holdings Ltd & The Joint Land Owners Group (Peter Brady)

FENLAND LOCAL PLAN CORE STRATEGY

HATCHWOODS PARK, MARCH

**REPRESENTATIONS BY APPLETREE HOLDINGS LTD AND
THE JOINT LAND OWNERS GROUP**

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1. Introduction

1.1 These representations are submitted on behalf of Appletree Holdings Ltd and the Joint Land Owners Group who together own approximately 150 acres of land west of The Avenue, March.

1.2 Representations proposing this site for major development were previously submitted on :

9.3.2006 : Core Strategy Issues and Options Document

16.11.2006 : Core Strategy and Development Policies Preferred
Options DPD

7.2.2007 : Housing Site Specific Proposals Issues and Options
Paper

22.9.2011 : Core Strategy

3.9.2012 : Further Consultation Draft (July 2012)

1.3 These representations object to the wording of Policy CS7 in relation to primary school provision and propose revised wording.

1.4 Appletree Holdings Ltd and the Joint Land Owners Group maintain their previous objections to :

(i) the requirement in Policy CS7 for an urban extension scheme to be endorsed by the Planning Committee before a planning application is submitted;

(ii) the requirement in Policy CS7q for an urban extension to include land for Gypsy, Traveller or Travelling Showpeople pitches or make a financial contribution for off-site provision; and

(iii) the requirement in Policy CS7 for a planning application for an urban extension to show how community facilities will be governed and financed.

1.5 Unless the amendments that are sought by these representations are included in the Core Strategy, the document will be unsound.

2. Education

2.1 Policy CS7 says that '*unless something in policies CS8-11 indicates otherwise for a particular area, the comprehensive scheme and subsequent planning applications for each of the urban extensions should ... (f) Incorporate pre-school and primary schools and either a secondary school, if the scale of the urban extension justifies it on-site, or, if not, a contribution to secondary school provision off-site (where required and subject to national regulations governing such contributions), in order to meet the needs generated by the urban extension. To meet the requirement of this criteria, as a minimum sufficient and appropriate land should be set aside to accommodate the school provision (including playing fields) and such land provided to the County Council at nil cost ...*'.

2.2 Although Policy CS7(f) requires all urban extensions to '*incorporate pre-school and primary schools*', West March is the only urban extension which is expressly required in Policy CS9 to provide education facilities as part of its development.

2.3 Policy CS9 expressly requires the West March development to include '*education provision*'. There is no objection by the promoters of the March West development to a requirement (i) that the development should contribute financially towards necessary improvements in education facilities or (ii) that the development should provide a serviced site for a primary school at an early stage in the development.

2.4 Policy CS7 (f) requires each urban extension to include the provision within the scheme of a primary school. That Policy wording is not limited to the provision of a serviced site, and is clearly interpreted by the County Council and others as requiring the urban extension development to fund a new primary school in its entirety. This approach runs contrary to the advice of the NPPF that works and contributions should only be required from development schemes if they are shown to be (i) necessary and directly related to the development and (ii) not likely to compromise the viability of development which is otherwise supported.

2.5 The NPPF provides that as follows :

173. *Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*

174. *Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout*

the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate available evidence.

175. *Where practical, Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan. The Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place.*

176. *Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.*

2.6 There is no indication that the District Council has carried out any form of detailed analysis to demonstrate that the urban extension can incorporate the provision of a new primary school without compromising the scheme's viability or offending against the clear principles of the NPPF.

2.7 Policy CS7 should therefore qualify a requirement for the provision within the urban extension of a new primary school in exactly the same way as the requirement to fund secondary school improvements is qualified. The extent to which the March West development should be required to contribute to the funding of a new primary school should therefore be expressly subject to the following tests to be applied according to the material considerations which prevail at the time that the planning application for the urban extension is determined :

(i) whether a new primary school is a necessary addition to the education provision within March at that stage in the light of short-term or long-

term capacity that exists or could realistically be provided in the near future;

- (ii) whether it is necessary for the whole of the primary school funding to be provided by the urban extension development, having regard to other sources of finance that may be available to the County Education Authority;
- (iii) whether a new primary school is entirely necessary in order to accommodate primary school pupils from the March West development; and
- (iv) whether the cost of a new primary school is reasonable, having regard to the other financial demands placed on the urban extension scheme and the overall viability of the development.

3. Conclusion

Policy CS7 should be re-worded as follows :

CS7(f) : Provide sufficient and appropriate land at nil cost to the County Education Authority to accommodate necessary primary provision for the development and contribute financially to improvements in primary school provision where those contributions are necessary, directly related to the development and reasonable.

Peter Brady
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22nd November 2013