

Response to Fladgate objection to the recommendations to Executive regarding the provision of Sangs

Summary of objection	Response
The report does not consider suitable alternative recommendations and priority is being given to allocated sites over prior approval applications.	<p>The report quite clearly gives suitable alternative options :</p> <ul style="list-style-type: none"> Section 4 says that the we could support the Prior Approvals but not plan-led development and we could withdraw the Supplementary Planning Document (SPD): Paragraph 5.17 clearly states that developers of Prior Approval Applications could provide their own Bespoke SANGs or buy into capacity from a third party SANG.
The Council should invest in providing further Suitable Alternative Natural Green Space (SANG) capacity.	The Council does not have the funds to buy new capacity to address this immediate issue. The Council has worked hard to facilitate new SANG opportunities and will continue to do so. For example, the Council worked with a private developer to bring forward a new Bespoke SANG at Wellers Lane, within which any Prior Approval developer is welcome to purchase capacity as stated in paragraph 5.17
The report does not provide sufficient evidence to substantiate its recommendations	There is overwhelming evidence to support the report recommendation. The three northern SANGs affected by this report have a combined capacity of minus 288 dwellings (06.06.17) which includes sites allocated in the Site Allocations Local Plan (SALP). The Council already has to find additional SANG capacity to facilitate the SALP sites to ensure the 288 dwelling deficit is provided for. The process to allocate sites for the SALP was set out in the Habitats Regulation Assessment (HRA) during the SALP examination process.
National Policy does not distinguish between the two means to achieving further housing and made the change of permitted development a permanent right in 2016	The NPPF states that a plan-led process should be followed (as stated in paragraph 6.3) which is exactly what the Council did through allocating sites in the SALP supported by a HRA. The Council also recognises the prior approval process which is why it has facilitated, and will continue to facilitate, private 3 rd party bespoke SANGs (as stated in paragraph 5.18).
Capacity in bespoke schemes and future Council SANGs can be used by schemes ready at a later date which would ensure large prior approval schemes are not at a financial disadvantage	<ul style="list-style-type: none"> The Council would not be able to plan forward for SANG capacity knowing that prior approvals could take the SANG capacity at any time. This means that any future plan-led allocation process could never be found sound as the Council could never demonstrate the certainty required for an Inspector to be able to approve the plan. Prior Approval schemes already have a financial advantage in that they do not pay for s106 obligations (other than SANG and SAMM), affordable housing or Community Infrastructure Levy (CIL) which most of the allocated sites have to provide.
The implications of the Article 4 direction to remove permitted development rights should be set out.	The Article 4 direction matter is unrelated to the need to provide SPA mitigation. It is about the loss of employment space in the borough and in any event has not yet been confirmed.
Any decision made at the meeting cannot vary the Supplementary Planning Document (SPD)	<ul style="list-style-type: none"> It is not the intention of the Executive decision to vary the SPD. The SPD was adopted prior to the Prior Approval process so it was not intended to accommodate such schemes. It should be noted that the SPD is a material consideration in the determination of planning applications. It can be used for determining Prior Approval applications but it does not have to be because Prior Approvals are decisions outside of the planning application process. An implication of not proceeding with the recommendation is that the SPD would probably need to be withdrawn (section 4) Any further SPD will be subject of due planning process, consultation and strategic environmental assessment (SEA)