

West Oxfordshire District Council
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By email only to: community.development@westoxon.gov.uk

RE: Hailey Neighbourhood Plan Regulation 16 Consultation

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Hailey Neighbourhood Plan (HNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the HNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*

Revised National Planning Policy Framework

On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper.

Paragraph 214 of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24th January 2019. Given the date of this consultation, the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2012.

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood

plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Planning Practice Guidance

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.

On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is with that in mind that Gladman has reservations regarding the HNP's ability to meet basic condition (a) and this will be discussed in greater detail throughout this response.

Relationship to Local Plan

The current adopted plan that covers the Hailey Neighbourhood Plan area and the development plan which the HNP will be tested against is the West Oxfordshire Local Plan, which was adopted in September 2018, setting out the overall planning framework for the District from 2011-2031. Hailey has been classified as a 'Village' where along with the Main Service Centre and Rural Service Centres development will be permitted on allocations, previously developed land within and adjacent to the built-up areas or on undeveloped land within or adjoining the built-up area where the proposed development is necessary to meet identified housing needs and Policies OS2 and H2 of the plan.

Hailey Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the HNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of modifications to the plan to ensure compliance with the basic conditions.

As a general note having considered the Consultation Statement and its appendices it is unclear how our Regulation 14 representations have been considered in shaping the plan and what changes if at all have been made as a result. Without demonstrating what changes have been made because of representations it cannot be considered that consultation on the HNP has been effective.

Policy H1 Number of New Homes

Gladman note that the housing target of the HNP has been amended since the Regulation 14. Having considered the supporting text and evidence base relating to this policy it is not clear where the figure of around 33 has been derived from. Noting the reference to Figure 5.2 and residents' responses to the Neighbourhood Plan Questionnaire it is not clear what evidence the options of this question was based upon. Neighbourhood plan policies should be based on proportionate robust evidence, the community's preference is not considered to be sufficient in this regard. The proposed housing target should be based on a robust assessment with this figure then being targeted as the minimum the HNP will deliver or the 'at least' figure to ensure enough flexibility that accords with the adopted Local Plan.

Policy H2 Scale of New Development

This policy seeks to limit the scale of development to around 15 dwellings per site. It appears that this is again based upon the results of the Questionnaire as opposed to being based on any evidence as to why this scale is deemed to be the most appropriate. Gladman are not sure why a single allocation to meet the housing target has not been considered. A greater proportion of affordable housing could be delivered on a single allocation rather than the current strategy of smaller developments of 15 dwellings. Reference to 15 dwellings per site should be removed from this policy with development proposals considered on a scheme by scheme basis and supported where proportionate to the settlement.

Policy E3 Local Green Space

Whilst noting the intentions of this policy to designate Local Green Spaces (LGS) in line with the requirements of paragraph 77 of the Framework Gladman suggest the evidence to support inclusion of these LGS designations could and should be taken further to ensure a more robust proportionate evidence base to support the policy. Gladman suggest that further detail is provided to demonstrate how each of the LGS designations is demonstrably special to the community and how each is not an extensive tract of land.

Buffer Policies

These policies should be deleted from the HNP as there is no reason for these policies other than to restrict development. In our Regulation 14 consultation response Gladman suggested that this policy response was revisited but this has unfortunately not been the case and the policies should not be retained. A broad circle on a map is not a sufficiently clear policy designation for a decision maker to be able to apply the policy consistently and with confidence.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the HNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic condition (a). The plan does not conform with national policy and guidance. Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,

Richard Agnew
Gladman Developments Ltd.