

---

**From:** Angela Ford <  
**Sent:** 23 November 2018 16:48  
**To:** Community Development  
**Cc:** Graham Knaggs; Charles Ford  
**Subject:** Hailey Neighbourhood Plan Regulation 16 Consultation

**Importance:** High

Dear Sir/Madam

Having reviewed the revised relevant documents, my husband Charles and I would like to register our objection to the plan for 8 properties on the land opposite The Hollies in New Yatt.

We totally understand the nation's need for additional housing and would not object to maybe 4 houses on this plot but feel strongly that 8 is excessive.

Yours faithfully,

**Angela Ford**

**Tel:**  
**Email:**

Please note - This email and any attachments are confidential. If you have received it in error, I apologise. Please destroy it and notify us immediately. Thank you

## Astrid Harvey

---

**From:** John Aldous <  
**Sent:** 15 December 2018 18:05  
**To:** Community Development  
**Subject:** Hailey Neighbourhood Plan 2015 - 2031.

My comments on the Hailey Neighbourhood Plan are as follows:

### ENVIRONMENT

1. With regard to Hailey's landscape setting I would like to see a reference to the landscape which lies immediately north of Priest Hill Lane. Although not included within the designated Cotswolds Area of Outstanding Natural Beauty [ AONB ] which lies close-by it, nonetheless, exhibits all the natural characteristics of true Cotswold character. [ Ref. the geological survey which shows the emergence of oolitic limestone north of Priest Hill Lane.] This is an area of high landscape value which is much loved and cherished by residents. Although the area lies just beyond the parish boundary it's importance to Hailey's landscape setting should not be underestimated.
2. The Hailey Landscape Assessment 2007 notes a key sensitivity to resist urbanisation between Hailey and Witney, particularly given the scattered development along the B4022. The small but distinct gap between the two settlements is vulnerable to erosion. In this respect I consider the proposed Buffer Zones 1 and 2 to be of little value as they would encourage development between the two zones. Only by merging the two zones would it be possible to protect this area. If this is not possible then the text should make it clear that any development between Hailey and Witney would be strongly resisted.

### HOUSING

1. I strongly object to the proposed housing on land adjacent to Witney Rugby Club as this would severely erode the rural gap between Hailey and Witney. Reasons for objection are similar to those which applied to the application in 2016 for 9 dwellings north of Foxburrow Lane which was dismissed on appeal. Furthermore residents of such an isolated settlement would feel neither part of Hailey nor Witney.
2. On the question of affordable housing it seems to me that larger settlements of up to 15 houses are being sought specifically for the purpose of providing the requirement for affordable homes. This concerns me as settlements on this scale tend to be urban in character and are often quite unsuitable for a rural village. Perhaps we need a formula specifically to address the need for affordable homes in rural areas where smaller settlements are more appropriate.

John Aldous



Virus-free. [www.avast.com](http://www.avast.com)

## Planning and Strategic Housing

Reply to : Janice Bamsey  
Tel : 01993 861654  
Fax : 01993 861450  
Email : [janice.bamsey@westoxon.gov.uk](mailto:janice.bamsey@westoxon.gov.uk)

## Elmfield

New Yatt Road,  
WITNEY,  
Oxfordshire,  
OX28 1PB,  
Tel: 01993 861000  
[www.westoxon.gov.uk](http://www.westoxon.gov.uk)



WEST OXFORDSHIRE  
DISTRICT COUNCIL

Astrid Harvey  
Community Planning Officer  
West Oxfordshire District Council  
Elmfield  
New Yatt Road  
Witney  
OX28 1PB

Your Ref :  
Our Ref :  
Date : 20/12 /2018

Dear Astrid

### Hailey Neighbourhood Plan 2031

Thank you for the opportunity to comment on the submission draft of the Hailey Neighbourhood Plan 2031. Set out below are some general observations, followed by more specific comments. I trust these will be useful as part of the examination process.

In general, the plan is well-structured and clearly written, setting out the national and local planning context, the plan's goals and objectives and providing a good description of the parish of Hailey. A wide range of issues are addressed and a large number of generally succinct policies put forward, including the allocation of two sites for housing development.

#### Basic Conditions Statement, Neighbourhood Plan and other primary documents

With regard to the basic conditions that the plan must meet, one of these is general conformity with the strategic policies of the development plan. I note from the basic conditions statement which was produced in June 2018 that the neighbourhood plan has been assessed for conformity against the emerging draft Local Plan 2031. Similarly, the other primary documents refer to the draft Local Plan and its policies.

The West Oxfordshire Local Plan 2031 was adopted in September 2018. For the purposes of the Hailey Neighbourhood Plan, it is unlikely that this has resulted in a fundamental change that needs re-assessing. Some minor changes to policy numbering and wording, for example in Section 5 and Appendices C and J, would ensure consistency and avoid confusion. Likewise, the Neighbourhood Plan could be updated in light of the publication of the revised National Planning Policy Framework in July 2018 (for example Section 2 of the Plan).

#### Housing

The Housing section of the Plan contains five policies.

Policy H1 sets out the number of new homes within the parish (beyond North Witney) that will be supported. This figure includes the allocation of two sites for housing and an assumption on the number of homes that will come forward on windfall sites.

It is not entirely clear what the assumptions are that result in the '10 windfall houses'. The village of Hailey is a 'village' in the settlement hierarchy of the Local Plan. Local Plan Policy H2 states that new dwellings will be permitted in villages such as Hailey on allocated sites and previously developed land and undeveloped land within the built-up area and adjoining the built-up area, subject to certain provisos. There is the potential, therefore, for more than 10 dwellings to come forward over the next 12 years of the plan.

Foxburrow, Delly End and Poffley End fall within the category of 'small villages, hamlets and open countryside' in the Local Plan. In such settlements new dwellings will only be permitted in circumstances such as when there is an essential operational need, as a 'rural exception site', replacement dwellings and 'allocated for housing development within an adopted (made) neighbourhood plan'. It is this latter category into which the two allocated sites fall: land opposite The Hollies, New Yatt, and land adjacent to Hailey Rugby Club. Without being allocated, neither of these sites would comply with Policies OS2, H2 and T1 of the Local Plan.

Policy H1 identifies some requirements for inclusion in masterplans for each of the sites developed for housing. In terms of the Local Plan Strategic Development Area of North Witney, Local Plan Policy WIT2 also identifies that this comprehensive development is to be 'led by an agreed masterplan'. However, I question how feasible it will be to achieve a masterplan for small windfall sites.

Policy H2 relates to scale of development, encouraging small scale housing schemes of around 15 dwellings per site. The policy refers to form, scale, settlement pattern and character, issues that are also identified in Local Plan policies, especially Policies OS2 and OS4, and the West Oxfordshire Design Guide SPD.

Policy H2 is the policy which identifies (through Figure 5.4) and allocates the two sites for residential development. Plans of the allocation are shown in Appendix E. There would be merit in combining Policies H1 and H2, not least to make clear what land is being allocated and what form development should take.

The Council has expressed concern about the two proposed allocated sites. Whilst Local Plan Policy H2 allows for new housing on sites allocated through a Neighbourhood Plan, it expects all residential development to accord with the general principles set out in Policy OS2.

New Yatt is a small, mainly linear settlement, with very limited services and facilities. Residents here rely on Witney and other higher order settlements for their day to day need. With limited access to public transport, unlit rural road connections without pavements and distances that make walking unlikely, residents are largely dependent on the private car. Paragraph 5.14 sets out the desire for houses within the allocated sites to be initially made available to local people, particularly young and older and those that live and work in the area. This is a nice aspiration and idea but its implementation and enforcement is likely to be difficult to achieve.

Consultants have, for example, recently submitted a planning application on the New Yatt site and, as one of the potential benefits of their scheme, have suggested that larger houses in the village may be freed up by down-sizers. However, the practical aspects of how this can be achieved are not addressed. As the site is only being allocated for 8 dwellings, affordable homes (under Local Plan Policy H3) will not be provided. One potential approach could be for the new homes to be controlled by an occupancy condition linked to a 'rural exception site' approach for permanent affordable dwellings (Local Plan Policy H2).

One of the general principles of Policy OS2 is that development should form a logical complement to the existing scale and pattern of development and/or the character of the area. Although there is some adjoining housing, the allocation at Hailey Rugby Club is on a greenfield site that lies within the countryside between Witney and Hailey which is divorced from, and poorly related to, both settlements. The Neighbourhood Plan itself gives great emphasis to the need to prevent coalescence between the two settlements and to the sensitivity of this gap (for example in paragraph 11.2). Developing this land will erode the gap. In addition, as the site lies close to the Cotswolds AONB, careful consideration needs to be given to potential adverse impacts upon the AONB – there is no evidence to suggest that this assessment has been made. National and local (Policy EH1) planning policy for AONBs ensures that for proposals which would affect the setting of an AONB great weight needs to be given to conserving and enhancing the area's natural beauty, landscape and countryside.

Although not clear from the Plan, the housing allocation at the rugby club appears to also include land for sporting facilities. An assessment of the potential impact of this use is needed, including in relation to the AONB, and especially with regard to possible light and noise issues – is this proposal compatible with the proposed Neighbourhood Plan Policy E6 for Dark Skies?

Policy H3 specifically identifies criteria for acceptable infill development and generally complies with the Local Plan and NPPF but there are some differences. The interrelationship of Policy H3 with Local Plan Policies OS2 and H2 requires careful consideration because there may be circumstances where a development proposal is consistent with one and not the other. For example, criterion c) of Neighbourhood Plan Policy H3 precludes the 'outward extension of the built-up area of the villages, whereas development adjoining the built up area of Hailey may be acceptable under Local Plan Policy H2.

Policy H5 sets out the Plan's approach to affordable housing. The Local Plan has a full policy on this topic. It is important to ensure that the two policies are compatible.

#### North Witney

Section 6 of the Plan relates to the strategic site of North Witney. As this site is allocated in the Local Plan the Neighbourhood Plan does not contain a specific policy for the development but does include recommendations in the following sections of the Plan.

Local Plan Policy WIT2 provides details of the proposed development, including a commitment for the creation of a sustainable, integrated community, led by an agreed masterplan. Work on a Supplementary Planning Document (SPD) to guide the development will begin early in 2019. There will be a number of opportunities for public involvement in the SPD process, including in particular the Parish Council.

#### Education

Section 7 considers the issue of education and contains two policies: Policy ED1 concerning the potential role and expansion of Hailey Primary School and Policy ED2 about traffic and parking issues associated with the Primary School. These policies are not in conflict with the Local Plan but their implementation may be difficult (for example, where and how should land be reserved for school expansion?). Oxfordshire County Council's comments on this section of the Neighbourhood Plan will be particularly relevant.

#### Transport

Section 8 addresses a wide range of issues related to transport. There are nine policies, five of which relate to footpaths. Again, Oxfordshire County Council's comments on this section of the Neighbourhood Plan will be particularly relevant.

Whilst fully understanding the justification for many of the transport policies, are these appropriate policies for a neighbourhood plan? These specific infrastructure improvements could be identified as aspirations/recommendations, in a similar manner to those set out in Section 10 on community facilities.

In terms of specific comments, it should be emphasised that there are no current plans to extend the Northern Distributor Road (Policy T4).

In relation to the policies on public rights of way:

- the increase in local population, especially associated with the North Witney Strategic Development Area, will inevitably result in increased use of the rights of way network. Without improvements, the existing network may well deteriorate. Consideration does need to be given to the long term management and enhancement of the network, not least of which because of the health benefits of walking, cycling and riding;
- some of the routes identified in Policies T5 and T6 are bridleways, not footpaths;
- consideration should also be given to use by horse-riders;

- diverting routes to field edges can adversely impact field margins and hedgerows;
- those routes within North Witney (Policies T5 and T6) may need to be diverted as part of the masterplanning process;
- all-weather surfaces may not be appropriate in the countryside – the important aspect perhaps is to ensure that a network of public rights of way are managed to maximise accessibility and use throughout the year and by a wide variety of users.

#### Local Economy and Employment

Section 9 looks at employment-related issues within Hailey Parish. It does not contain a policy. However, paragraphs 9.5 and 9.6 appear to be policies. These could be 'up-graded' to policies and/or cross-references included to relevant Local Plan policies.

#### Community and Recreation Facilities

Section 10 gives a comprehensive summary of the community and recreation facilities and organisations in the parish. There is one policy, Policy C1, which seeks to ensure that new residents of all proposed housing developments shall have at least the same access to community facilities within the parish as existing residents and that new developments preserve or enhance existing facilities, where reasonably practical. These are worthy objectives. The policy would benefit from further clarification/explanation in the supporting text.

The remaining part of Section 10 relates to North Witney. As this Strategic Development Area is allocated through the Local Plan, the Neighbourhood Plan identifies a series of suggestions and recommendations about the development but not in the form of policies. These issues (as well as others raised in the Plan, such as the design of the NE Distributor Road) will feed into and be considered as part of the on-going work on a Supplementary Planning Document, masterplan, Infrastructure Delivery Plan and subsequent planning application(s).

#### Environment

Section 11 covers a range of environmental issues. The representations by Historic England and Natural England will be particularly relevant to this aspect of the Plan. In addition, I have the following comments on this section.

Policy E1 relates to the Hailey Conservation Area. While not conflicting with Local Plan Policy EH10 on Conservation Areas, the Neighbourhood Plan does not add anything as Policy EH10 is a more comprehensive policy. Policy E1 is the only policy for the historic environment, whereas the Local Plan has eight specific policies - Policies EH9-16.

The Plan identifies the importance of trees, hedgerows and woodland in the parish. Reference should also be given to the ancient woodlands in the area.

Policy E3 lists the sites identified as Local Green Space. These sites are likely to have value in their own right but could have greater value if considered as part of wider networks of green space which could be enhanced and linked.

LSG8 provides a valuable asset for residents of Hailey Parish, Witney and the wider area. It lies in a sensitive landscape setting, on the edge of the town with extensive views through the Windrush Valley. Any form of development within this area will need to be carefully considered and justified. The current aspirations of the Wychwood Project for a Centre here will be considered against relevant local plan policies.

Policies E4 and E5 relate to buffer zones between settlements, emphasising in particular the relationship between Witney and the rural parish. Policy E4 identifies the need for a 50m hedging/tree landscape strip either side of the B4022. Policy E5 proposes three buffer zones where development will be strictly controlled in order to avoid erosion of distinctiveness, amenity, character and/or the Hailey Conservation Area. I have a number of comments in relation to this section of the Plan:



- The aspirations and objectives behind Policies E4 and E5 are understandable and supported. The general principles of Local Plan Policy OS2 include that development should: 'avoid the coalescence and loss of identity of separate settlements'; 'as far as is reasonably possible protect or enhance the local landscape and the setting of settlement(s)'; 'not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area'; and 'conserve and enhance the natural...environment'.
- The Neighbourhood Plan attempts to specifically identify those areas within the parish that are vulnerable to development and/or change in character. These areas may best be identified through a general description, rather than shapes on a map which are likely to be interpreted as having a fixed boundary.
- The Neighbourhood Plan was produced at the time when the West Oxfordshire Local Plan 2011 was the adopted plan and, within it, Policy NE2 defined and protected strategic gaps/buffer areas around Witney and Carterton. Buffer Zone 1 of the Neighbourhood Plan lay within one of these gaps. The approach of Policy E5 is similar to that of Policy NE2. However, the newly adopted local plan has not taken a 'buffer/gap policy' forward and instead relies on a more general approach (including through Policies OS2 – Locating Development in the Right Places - and EH2 - Landscape Character). It will be a matter for the neighbourhood plan examiner to consider whether buffer zones comply with national policy which does not specify them as a policy tool.
- Clarification is needed in Policy E4 of 'here'. Alternatively delete the term.
- The gap between Witney and Hailey is generally rural in character, forming a countryside setting to the town. Highcroft Farm, Foxburrow Barn, University Farm, Windrush Farm, Witheridge Farm and Vine Farm line the B4022. The 50m hedging/tree landscape strip requirement either side of the B4022 of Policy E4 gives recognition to the rural character of this area. However, this is a very specific requirement that does not appear to be fully justified. In some locations woodland/copse planting may be more appropriate, in others achieving access visibility for example may necessitate hedge removal. The North Witney SPD and masterplanning will consider these issues in greater detail.

Policy E6 introduces a policy on dark skies and light pollution. These were issues considered by the Local Plan Inspector who concluded that Policy EH8 on Environmental Protection and other local plan policies were adequate for the purposes of the local plan and that a standalone policy on dark skies was not required. The Inspector did suggest that these issues could be considered for inclusion in a future review of the West Oxfordshire Design Guide SPD. The newly approved Cotswolds AONB Management Plan now includes a policy on dark skies. It does seem valid, therefore, for there to be a policy on dark night skies in the neighbourhood plan. It will be for the neighbourhood plan examiner to consider whether this policy is evidenced, reasonable and deliverable.

In conclusion, whilst the submission neighbourhood plan is generally well written and covers a range of topics of importance to the local communities, there are some issues that will need to be carefully considered through the examination process.

I hope these comments are useful. Should you require any additional information or clarification please let me know.

Yours sincerely



Janice Bamsey, Senior Policy Planner





Astrid Harvey  
West Oxfordshire District Council

**Communities  
County Hall**  
New Road,  
Oxford,  
OX1 1ND

BY EMAIL ONLY

**Susan Halliwell**  
**Director for Planning & Place**

**19th December 2018**

Dear Astrid,

### **Hailey Neighbourhood Plan**

Thank you for inviting Oxfordshire County Council (OCC) to view and make comments on the Hailey Neighbourhood Plan.

We believe that communities should have the freedom to develop their own plans providing they conform to the relevant local plan and they follow the process of public engagement and examination which the district council helps to administer.

Therefore, we are keen not to unnecessarily interfere in the development of Neighbourhood Plans. However, we do need to ensure the plans do not put unrealistic service or financial demands on the County Council. Hence it is important that the impacts of the developments proposed are mitigated and that any infrastructure requirements are fully funded by the developments individually or collectively.

Infrastructure requirements and aspirations identified need to be deliverable directly or indirectly through development. Other than existing developer contributions secured it is very unlikely funding, over and above that secured through future developer contributions, will be available. Therefore, we advise that early consideration should be given to how any additional infrastructure will be funded.

In general, OCC is supportive of the intention to adopt a Neighbourhood Plan and of the detail of the draft plan. Detailed comments on the policies and text from individual service areas can be found in Annex 1, including some suggestions for minor changes to the wording. It is recommended that these comments are taken into consideration and minor changes made to the text as suggested. In particular, it is recommended that an additional policy is included for the protection of the historic environment and that the transportation measures currently identified in policies are instead annexed to the Neighbourhood Plan.

The minerals and waste policy team, the protected species officer and waste management team have confirmed that they have no comments to make.

If you have any questions on the contents of this letter, please contact me.

Yours sincerely,

*M Hudson*

Mary Hudson

Principal Planning Officer

Email: [Mary.Hudson@Oxfordshire.gov.uk](mailto:Mary.Hudson@Oxfordshire.gov.uk)

Telephone: 07393 001 257

## **Annex 1 – Detailed comments from service areas**

### **A. Archaeology**

We recommend that the following environmental policy is included in the plan.

*The Historic Environment: The parish's designated historic heritage assets and their settings, both above and below ground including archaeological sites, listed buildings, scheduled monuments and conservation areas will be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place.*

*Proposals for development that affect non-designated historic assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the National Planning Policy Framework (NPPF 2018).*

### **B. Environmental Strategy**

In relation to policy E3, the Wychwood Project Centre might not be in the southern end of the site. To avoid future confusion the following wording would be preferred: 'The Wychwood Project have signalled that they may wish to utilise part of the site to create a Wychwood Project Centre for learning and operational activities.'

### **C. Property**

The following alterations to the text are suggested:

Page 33 and page 66

Sharing and integrating facilities

As there will be a new on-site primary school (2FE including nursery) on a 2.2ha site, it is recommended that ~~the school assembly / community / sports halls, playing pitches, changing facilities~~ and car parking facilities are shared ~~wherever possible if this can be agreed with the Academy Provider~~. The King's School should also be invited to share in this proposed integration of facilities.

### **D. Transport**

Transportation is the responsibility of the local highways authority, Oxfordshire County Council. Policies dealing with transportation in the parish of Hailey are set out in the Oxfordshire Local Transport Plan 2015 - 2031 (LTP4) and referenced within West Oxfordshire's Local Plan. The introduction of specific measures as set out in the below policies are not a matter that can be dealt with in a land use policy but is a matter for consideration by the Highway Authority. A 'wish list' annexed to the Neighbourhood Plan would give the opportunity to identify potential transport improvements within the village

and secure developer funding where appropriate or CIL funding (once implemented) for new schemes.

Policy T1 Traffic calming at Delly End Crossroads

Policy T2 School Crossing

Policy T3 Traffic calming at Foxburrow

Policy T4 Reservation of land for further extension of the Northern Distributor Road

Policy T5 Upgrading of Footpaths 11 & 30

Policy T6 Upgrading of Footpath 29, 30, 12 & 13

Policy T7 Upgrading of Footpath 4 & 6

Policy T8 New footpath alongside Northern Distributor Road

Policy T9 New footpath connecting Witney and New Yatt

### Specific Policy Comments

Policy T2 School Crossing – Whilst it would not be impossible to install a toucan crossing on the B4022 Hailey Road, there are a number of constraints that have not been fully taken into account.

- Street lighting would need to be installed if it is not already present.
- There would need to be 50 metres of clear visibility either side of the crossing, and the crossing point cannot be located near a bend in the road.
- The crossing would need to be at least 20 metres away from a side road.
- There would need to be an appropriate amount of footpath either side of the crossing.
- The County Council do not hold any funding which could be used towards the installation of a crossing. All costs would need to be met by another source.

The Parish Council are advised to change the wording in Policy T2 to be less specific about what type of crossing is installed. Once the Plan is published and / or money becomes available, the Parish Council can then investigate what type of crossing is achievable.

Policy T4 Reservation of land for further extension of the Northern Distributor Road - This requirement for a further road is not evidenced based on known growth nor sequentially tested against WEL2. Therefore, this is not required for this plan period. However, the County Council could investigate this as part of the review of the LTP4, which will begin early 2019.

Policy T8 New footpath alongside Northern Distributor Road – WODC as Planning Authority will be leading on the development of an SPD for the North Witney Development. All details pertaining the design of the Northern Distributor Road will be developed, in conjunction with the County Council, at that stage.

Appendix J, Page 71, WODC Policy WIT2 North Witney Strategic Development Area (1,400 homes) – The text needs to be amended to follow what is written in the recently adopted (September 2018) WODC Local Plan (sub sections a to q instead of a to n).

Date: 20 December 2018  
Our ref: 264117



West Oxfordshire District Council

**BY EMAIL ONLY**

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Sir/Madam,

### **Planning Consultation: Hailey Neighbourhood Plan- REG 16**

Thank you for your consultation on the above dated 8<sup>th</sup> November 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where our interests would be affected by the proposals made.

In our review of the Hailey Neighbourhood Plan we have a few comments to make:

Environmental policies at the neighbourhood plan level are a good opportunity to define local priorities for biodiversity conservation and enhancement, and to think about identifying key habitats, species and opportunities to improve habitat connectivity and green infrastructure. Adding environmental policies to the Hailey Neighbourhood Plan reinforces environmental commitments for new developments including the North Witney SDA (as allocated in the West Oxfordshire Local Plan 2031). Please consider adding to the neighbourhood plan:

- Policies on biodiversity net gain. We would like to draw your attention to the requirement to conserve biodiversity and provide a net gain in biodiversity through planning policy (Section 40 of the Natural Environment and Rural Communities Act 2006 and paragraphs 170 and 175 of the National Planning Policy Framework). All development proposals should maintain and enhance existing on-site biodiversity assets, and provide for wildlife needs on site, where possible. Please ensure that any development policy in your plan includes wording to ensure “all development results in a biodiversity net gain for the parish”. Where appropriate, on-site enhancements such as new roosting features for bats or nesting features for birds should be incorporated into the fabric of development. Policies around Biodiversity Net Gain should propose the use of a biodiversity measure for development proposals. Examples of calculation methods are included in Annex A;
- Policies around connected Green Infrastructure (GI) within the parish. Elements of GI such as open green space, wild green space, allotments, and green walls and roofs can all be used to create connected habitats suitable for species adaptation to climate change. Green infrastructure also provides multiple benefits for people including recreation, health and well-being, access to nature, opportunities for food growing, and resilience to climate change.

Please see Paragraph 171 of the NPPF for further reference. Annex A provides examples of Green Infrastructure;

- Policies around Connectivity in the parish. Proposals for development should provide wildlife corridors that allow wildlife to move from one area of habitat to another. Where ecologically relevant, fences and walls are encouraged to incorporate features that allow dispersal of wildlife through areas of green space and gardens. We recommend keeping green space within villages and across developments in order to maintain connectivity of wider ecological networks. Green spaces in built-up areas also help the health and wellbeing of residents. For further reference please see paragraphs 170, 171 and 174 of the NPPF.
- Policies around Priority Habitats and Species. Planning policies should promote the conservation, restoration and enhancement of priority habitats, and promote the recovery of priority species populations. Please consult Annex A for guidance on how to find priority species and habitats in the Hailey neighbourhood area. For further reference please see paragraph 174 of the NPPF.
- Cotswolds AONB: the setting of the Cotswolds AONB should be protected and enhanced. Paragraph 172 of the NPPF describes the strong protection afforded to AONBs. As Hailey parish lies in the setting of the Cotswolds AONB, it is a requirement to ensure that any application for a new development in the Parish which may affect the setting of the AONB includes a Landscape Visual Impact Assessment (LVIA). As such, we recommend an additional policy to the effect of "All new development which may affect the setting of the Cotswolds AONB will be required to submit a Landscape Visual Impact Assessment (LVIA) following the Guidelines for Landscape and Visual Impact Assessment (3<sup>rd</sup> edition) as part of an application".

The recently produced [Neighbourhood Plan for Benson](#), in South Oxfordshire provides an excellent example. We are of the opinion that the policy wording around the Environment, Green Space and Biodiversity is exemplar. We would recommend you considering this document when reviewing yours.

Annex A provides information on the natural environment and issues and opportunities for your Neighbourhood planning.

Yours sincerely

Milena Petrovic  
Sustainable Development Adviser  
Thames Team



# Annex A - Neighbourhood planning and the natural environment: information, issues and opportunities

## Natural Environment Information Sources

The [Magic](http://magic.defra.gov.uk/)<sup>1</sup> website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification**, **Ancient Woodland**, **Areas of Outstanding Natural Beauty**, **Local Nature Reserves**, **National Parks (England)**, **National Trails**, **Priority Habitat Inventory**, **public rights of way (on the Ordnance Survey base map)** and **Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)<sup>2</sup>.

**Priority habitats** are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)<sup>3</sup>. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

**National Character Areas** (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)<sup>4</sup>.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty** (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](http://magic.defra.gov.uk/)<sup>5</sup> website and also from the [LandIS website](http://www.landis.org.uk/index.cfm)<sup>6</sup>, which contains more information about obtaining soil data.

## Natural Environment Issues to Consider

The [National Planning Policy Framework](https://www.gov.uk/government/publications/national-planning-policy-framework--2)<sup>7</sup> sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/)<sup>8</sup> sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan on the natural environment and the need for any environmental assessments.

---

<sup>1</sup> <http://magic.defra.gov.uk/>

<sup>2</sup> <http://www.nbn-nfbr.org.uk/nfbr.php>

<sup>3</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>4</sup> <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

<sup>5</sup> <http://magic.defra.gov.uk/>

<sup>6</sup> <http://www.landis.org.uk/index.cfm>

<sup>7</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>8</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

## Landscape

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. Your plans may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

## Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)<sup>9</sup>), such as Sites of Special Scientific Interest or [Ancient woodland](#)<sup>10</sup>. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

## Priority and protected species and habitat

You'll also want to consider whether any proposals might affect priority species (listed [here](#)<sup>11</sup>) or protected species. Natural England has produced advice [here](#)<sup>12</sup> to help understand the impact of particular developments on protected species. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

## Ancient woodland and veteran trees-link to standing advice

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forest Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances

## Biodiversity net gain

Under section 40 of the Natural Environment and Rural Communities Act 2006 Local Planning Authorities are required to conserve and enhance biodiversity. The NPPF section 170 states “*the planning system should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity...*”. Suitable methods for calculating biodiversity net gain can include the Defra biodiversity offsetting metric<sup>13</sup> and the environment bank biodiversity impact calculator<sup>14</sup>. Natural England would expect a policy within the Neighbourhood Plan to include wording to ensure that net biodiversity gain is achieved.

---

<sup>9</sup><http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>10</sup> <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

<sup>11</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>12</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>13</sup> <https://www.gov.uk/government/collections/biodiversity-offsetting#guidance-for-offset-providers-developers-and-local-authorities-in-the-pilot-areas> Note; the 'Guidance for developers' and 'Guidance for offset providers' documents provide a calculation method.

<sup>14</sup> <http://www.environmentbank.com/impact-calculator.php> , and [http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwj7vcbI0aDQAhVMDcAKHb8IDEUQFggsMAI&url=http%3A%2F%2Fconsult.welhat.gov.uk%2Ffile%2F4184236&usq=AFQjCNFfkbJJJQ\\_UN0044Qe6rmiLffxckg](http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwj7vcbI0aDQAhVMDcAKHb8IDEUQFggsMAI&url=http%3A%2F%2Fconsult.welhat.gov.uk%2Ffile%2F4184236&usq=AFQjCNFfkbJJJQ_UN0044Qe6rmiLffxckg)

## Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework section 170. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)<sup>15</sup>.

## **Green Infrastructure, Improving Your Natural Environment.**

Inclusion of Green Infrastructure (GI) in to development plans can provide multifunctional benefits to the area. These can include opportunities for recreation, health and wellbeing and access to nature as well as providing connected habitats for wildlife.

Your plan or order can offer exciting opportunities to enhance your local environment through inclusion of GI. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained, connected, enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath with landscaping through the new development to link into existing rights of way or other green spaces.
- Restoring a neglected hedgerow or creating new ones.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Considering how lighting can be best managed to encourage wildlife.
- Adding a green roof or walls to new or existing buildings.

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#)<sup>16</sup>).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

## Green Roofs

Natural England is supportive of the inclusion of living roofs in all appropriate development. Research

---

<sup>15</sup> <http://publications.naturalengland.org.uk/publication/35012>

<sup>16</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

indicates that the benefits of green roofs include reducing run-off and thereby the risk of surface water flooding; reducing the requirement for heating and air-conditioning; and providing habitat for wildlife.

We would advise your council that some living roofs, such as sedum matting, can have limited biodiversity value in terms of the range of species that grow on them and habitats they provide. Natural England would encourage you to consider the use of bespoke solutions based on the needs of the wildlife specific to the site and adjacent area. Please refer to <http://livingroofs.org/> for a range of innovative solutions.

JPPC ref: LS/7264

Planning Policy Team  
West Oxfordshire District Council

By email

13<sup>th</sup> December 2018

Dear Sir/Madam,

**HAILEY NEIGHBOURHOOD PLAN – Regulation 16 Consultation**

Thank you for the opportunity to comment on the Hailey Neighbourhood Plan (HNP). We write to make comments on behalf of our client, Mr Paul Salter, who both lives in New Yatt and owns land in New Yatt.

We applaud the work of the Neighbourhood Plan Group in preparing their plan and welcome its positive approach seeking to distribute development throughout the HNP area. This will ensure that the smaller settlements do not become stifled allowing new residents to support existing services and facilities and contribute to a thriving community.

More specifically, it is considered that the proposed housing site at New Yatt is suitable for development as it will provide a logical compliment to the existing settlement without extending the built-up limits of the settlement any further than at present. The size of the site is such that it can provide a mix of housing types which might be suitable for both first-time buyers and downsizers which might attract new residents to the village or potentially free up larger houses in the village.

Allocating the New Yatt site within HNP will meet a number of the objectives set out in section 3 of the plan which are also highlighted below in italics along with our comments regarding the proposed New Yatt site:

- *Ensure that new housing is sympathetic to the character of the HNP Area (particularly within the Hailey Conservation Area). It should respect the form, setting and scale of the adjoining and surrounding buildings* - The proposed layout respects the form, setting and scale of development in New Yatt;
- *Provide a mix of housing types including smaller homes for elderly villagers wishing to downsize and for young singles, couples or families needing their first home* - The proposed site layout suggests a range of dwellings types and sizes including 2-bedroom dwellings;

The John Phillips Planning Consultancy

Partners:

Adrian Gould MRTPI Ltd

Neil Warner MRTPI Ltd

Henry Venners Ltd



Bagley Croft  
Hinksey Hill  
Oxford OX1 5BD  
T: 01865 326823  
E: [planning@jppc.co.uk](mailto:planning@jppc.co.uk)  
W: [www.jppc.co.uk](http://www.jppc.co.uk)

- *In order to maintain the rural and distinctive character of the villages any new developments within the rural villages should be small scale with developments being up to around 15 homes per site-* The proposed site can accommodate a small number of dwellings without having a significant impact on the existing character of the area.

We support Policy H1 – Number of New Homes and Policy H2 – Scale of New Development which seek to ensure that the HNP objectives in respect of new housing can be met. Furthermore, as indicated previously, the allocation of site HNP01 is supported. Policy H5-Affordable Housing is also supported as this aligns with affordable housing policy contained in the NPPF regarding the provision of affordable housing for residential developments that are not major developments.

Paragraph 13 of the NPPF states that, 'Neighbourhood Plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.' The HNP policies and inclusion of the New Yatt site accord with this aim.

We trust our comments will be given consideration and look forward to receiving confirmation that the New Yatt site has been allocated as part of a positive development strategy for the Hailey Neighbourhood Plan area.

We look forward to acknowledgement of receipt of these comments. If there is any additional information you require please do not hesitate to get in touch.

Yours faithfully



Lucy Smith BSc DipTP MRTPI  
Senior Planner  
Email: [lucy.smith@jppc.co.uk](mailto:lucy.smith@jppc.co.uk)



West Oxfordshire District Council  
Elmfield,  
New Yatt Road  
Witney  
OX28 1PB

By email only to: [community.development@westoxon.gov.uk](mailto: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.



Historic England

Astrid Harvey  
Community Planning Officer for West Oxfordshire  
and Cotswold District Councils  
West Oxfordshire District Council  
Elmfield  
New Yatt Road  
Witney, OX28 1PB.

Our ref: HD/P5356/  
Your ref:  
Telephone 01483 252040  
Fax

12<sup>th</sup> December 2018

Dear Ms Harvey,

### Hailey Neighbourhood Plan Regulation 16 Submission

Thank you for the e-mail of 8<sup>th</sup> November advising Historic England of the consultation on the Regulation 16 Submission Hailey Neighbourhood Plan. We have no record of having been consulted at the Regulation 14 stage but are pleased to make the following comments.

Paragraph 2.7 of the Plan states *"To deliver sustainable development the NPPF lists the following factors as desirable"*. However, the list of "factors" that follow are identified by the National Planning Policy Framework 2012 as being rather more than "desirable". Paragraph 7 of the Framework explains that there are three dimensions to sustainable development; economic, social and environmental, and paragraph 8 explains that *"to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system"*.

However, this is a moot point as paragraphs 2.3 – 2.7 will need revising to reflect the revised National Planning Policy Framework issued in July 2018. The revised Framework refers to the three former "dimensions" as "objectives" and requires them to be pursued in "mutually supportive ways". The environmental dimension/role/objective in both versions of the Framework includes contributing to *"protecting and enhancing our.....historic environment"*.

We welcome the objective to *"Protect and enhance the Hailey Conservation Area"*, although we suggest that it be reworded as *"Protect and enhance special interest, character and appearance of the Hailey Conservation Area"*. We would also like to see an objective for the protection and enhancement of the significance of the other heritage assets in the parish (the 28 listed buildings and part of a scheduled monument) e.g. *"Protect and enhance the significance of heritage assets in the Parish"* and a further objective; *"To improve access to, understanding and appreciation of heritage assets in the Parish"*. We would also like to see the related Goal to include the historic environment.



Historic England, Eastgate Court, 195-205 High Street, Guildford GU1 3EH

Telephone 01483 25 2020 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



We would welcome more about the historical development of the parish in section 4.

According to our records, neither of the two allocated housing sites identified in Figure 5.4 would be likely to affect the significance or special interest of a designated heritage asset, but they may have an impact on locally important buildings or archaeology. Have the Oxfordshire Historic Environment Record and/or the County Archaeologist been consulted on these sites ?

We suggest that Policies H1 and H2 could be combined and rationalised e.g.

*In order to deliver a minimum of 33 new homes in the rural villages as a whole planning permission will be granted for:*

- i. a minimum of 8 homes on Land opposite 'The Hollies', New Yatt Lane, New Yatt;*
- ii. a minimum of 15 homes Land adjacent to Hailey Rugby Club, Hailey Road, Hailey; and*
- iii. 10 homes on windfall sites in accordance with Policy H3*

*provided that:*

- a) a minimum of 6 affordable homes is provided as part of the development on Land adjacent to the Rugby Club; and*
- b) applications for the two allocated sites are supported by masterplans for each site providing a balanced and appropriate mix of residential accommodation to meet identified needs; and*
- c) the development would reflect the form, scale and pattern of the settlement and respects its character; and*
- d) the development would conform with other policies of this Plan and of the West Oxfordshire Local Plan.*

We are not clear who should reserve land to allow for the potential expansion of Hailey CE Primary School as required by Policy ED1. It is for the Plan to identify safeguarded land if it can be justified.

We welcome paragraphs 11.8 – 11. However, we prefer to see the term “historic environment” separated from “built environment” – clauses c) and d) of paragraphs 8 and 20 respectively of the National Planning Policy Framework 2018 refer to the natural, built and historic environment, and the Glossary to the Framework includes a specific definition of the historic environment.

We welcome the references to the 28 listed buildings and the Hailey Conservation Area. However, we would welcome some more detail about the Conservation Area e.g. what its special interest (the reason for its designation in 1992) is, whether it has been reviewed since and whether there is a Character Appraisal and/or Management Plan ? (The Hailey Conservation Area Preservation and Enhancements document) ?

(If not, the preparation of an Appraisal and Management Plan could be a community project. Historic England's Understanding Place series describes current approaches to and applications of historic characterisation in planning together with a series of case studies: <https://historicengland.org.uk/advice/planning/understanding-historic-places/>. The Oxford Character Assessment Toolkit can be used to record the features that give a settlement or part of a settlement its sense of place:





<http://www.oxford.gov.uk/PageRender/decP/CharacterAppraisalToolkit.htm>. (We would be pleased to advise further).

Is there a list of locally-important buildings and features throughout the parish ? Non-designated heritage assets, such as locally important buildings, can make an important contribution to creating a sense of place and local identity. If not, then this could usefully be another community action project to expand the evidence base for the Plan (advice on local listing is available on our website - <http://www.historicengland.org.uk/images-books/publications/good-practice-local-heritage-listing/> - and we would again be pleased to provide further assistance).

National Planning Practice Guidance states “... *where it is relevant, neighbourhood plans need to include enough information about local heritage to guide decisions and put broader strategic heritage policies from the local plan into action at a neighbourhood scale. ... In addition, and where relevant, neighbourhood plans need to include enough information about local non-designated heritage assets including sites of archaeological interest to guide decisions*”. Are there any archaeological records for Hailey on the Oxfordshire Historic Environment Record ? Has the Oxfordshire Historic Landscape Character Assessment been consulted as part of the evidence base for the Plan ?

Has there been any or is there any ongoing other loss of character in the Conservation Area (or elsewhere), e.g. through inappropriate development, inappropriate alterations to properties under permitted development rights, loss of vegetation, insensitive streetworks etc that affect local character ?

Although none of the heritage assets in the parish are currently on the Historic England Heritage at Risk Register the Register does not include Grade II listed secular buildings outside London. Has a survey of the condition of Grade II buildings in the Plan area been undertaken ? If not, this could be another community action project to add to the evidence base for the Plan.

We welcome Policy E1, although it perhaps needs recasting slightly to make it clear that planning permission will not be granted for development that would harm the special interest, character and appearance of the Conservation Area, to be consistent with clause d) of paragraph 16 of the National Planning Policy Framework; “*Plans should.....contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*”.

We note that the Plan does not contain any policy on design. Paragraph 125 of the National Planning Policy Framework requires plans to; “*at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development*”.



Historic England, Eastgate Court, 195-205 High Street, Guildford GU1 3EH

Telephone 01483 25 2020 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



We consider that Neighbourhood Development Plans should be underpinned by a thorough understanding of the character and special qualities of the area covered by the Plan to provide that “*understanding and evaluation of each area’s defining characteristics*”. Characterisation studies can also help inform locations and detailed design of proposed new development, identify possible townscape improvements and establish a baseline against which to measure change. Has any such assessment been undertaken for Hailey ?

We hope you find these comments helpful. Should you wish to discuss any points within this letter, or if there are particular issues with the historic environment in Hailey please do not hesitate to contact us.

Thank you again for consulting Historic England.

Yours faithfully,



Martin Small  
Principal Adviser, Historic Environment Planning  
(Bucks, Oxon, Berks, Hampshire, IoW, South Downs National Park and Chichester)

E-mail: [martin.small@historicengland.org.uk](mailto:martin.small@historicengland.org.uk)

Planning Policy  
West Oxfordshire District Council  
Elmfield,  
New Yatt Road  
Witney  
OX28 1PB

**BY EMAIL:** [community.development@westoxon.gov.uk](mailto:community.development@westoxon.gov.uk)

28860/A3/JS/KV/sw

20<sup>th</sup> December 2018

Dear Sir/Madam

### **HAILEY NEIGHBOURHOOD PLAN – SUBMISSION DRAFT FOR CONSULTATION**

We are instructed by our client, Sharba Homes Ltd, to submit representations to the consultation on the submission version of the Hailey Neighbourhood Plan (Regulation 16 Consultation) in relation to their interests at their site at land southwest of Charlbury Road, Hailey ('the Site' hereafter).

The Site sits outside of, but adjacent to, the designated area for Hailey Neighbourhood Plan (which encompasses only land within Hailey Parish). Although, the Site is unable to be considered as part of the Neighbourhood Plan process, the Site is closely related to the settlement of Hailey and clearly any development on this site would contribute towards meeting housing need in the village.

### **Policy H1 Number of New Homes**

Policy H1 states that planning applications will be supported for around 33 new homes in the rural villages as a whole (see figure 5.4). Masterplans for each site (plus the North Witney development) should provide balanced and appropriate mix of residential accommodation to meet identified needs, including affordable housing (where appropriate).

Although the need for the growth of the village and the need for new homes is recognised through the allocation of two sites totalling 23 dwellings and an expectation of 10 dwellings to come forward through windfall, the size of these sites does not provide opportunity to meet the extent of local housing needs (specifically affordable housing). This is expanded further under Policy H4 and H5. Furthermore, there is no evidence to explain the rationale for 33 dwellings, which is not a cap on development in any case.

Under paragraph 5.12, windfall development is defined as speculative development on sites that are not known to WODC or the Parish Council and have therefore not been assessed or allocated for housing. This fits with the definition within the newly adopted West Oxfordshire Local Plan and the NPPF.

Paragraph 5.1 also refers to Policy H2 of the Local Plan, which provides criteria/circumstances for when new dwellings will be permitted. It goes on to set out that as the windfall allocation 276



FS 29637

Registered in England  
Number: 0C342692

Barton Willmore LLP  
Registered Office:  
The Blade  
Abbey Square  
Reading  
RG1 3BE  
F/ +44 (0)118 943 0001

dwelling within the Witney sub-area has already been substantially consumed by speculative applications (a significant proportion of which have already been given planning approval). Therefore, the 33 new homes are to be delivered through infill under Policy H3 and the Neighbourhood Plan does not anticipate any further urban extension windfall approvals to be required. This is an incorrect understanding of Policy H2 of the Local Plan. The 276 dwellings to be delivered via windfall development are windfalls coming forward on unknown sites from 31<sup>st</sup> March 2017 i.e. those which were already consented prior to this date are counted as 'committed sites' and are not deducted from the windfall allowance. As such, the windfall number is far from being substantially consumed indeed only a small number of windfall developments in the sub-area have been consented post 31<sup>st</sup> March 2017. The windfall allowance is a minimum and only part of an indicative distribution that Policy H1 of the Local Plan states should not be taken as an absolute target for each sub-area or maximum ceiling to limit development. Indeed, the allocations within the Local Plan fall short of identified need, and to meet minimum need requirements further windfall will have to come forward.

The Neighbourhood Plan seeks to limit the type of windfall development that would be acceptable in Hailey and fails to incorporate the full set of criteria at Policy H2 of the Local Plan; and does not comply with National Policy. This should be amended in line with Local Plan policy.

### **Policy H2 Scale of New Development**

Policy H2 seeks to encourage small scale developments of in the region of 15 dwellings per site. Planning permission may be granted for new homes on any allocated site within the rural villages, provided the scale of development is modest in size. As discussed under Policy H4 and H5 there are local housing needs within Hailey that have been recognised through the preparation of the Neighbourhood Plan and it should be considered whether the allocated sites/sites of this size can meet this recognised need.

Figure 5.4 shows only one allocated site within the Neighbourhood Plan that is suggested as capable of providing affordable housing. It is estimated by the Neighbourhood Plan that Land adjacent to Hailey Rugby Club, Hailey Road will provide 15 dwellings (6 of which are to be affordable). Historically, sites of this size have come forward in Hailey and have then been reduced to incorporate a smaller number of units (and no affordable housing). For example, paragraph 5.14 refers to the site 'Land south of Giernalls Road' with permission granted for 9 dwellings although the site was assessed as capable of accommodating 15 dwellings. It is unlikely that this Rugby Club site will come forward with the predicted amount of, or any, affordable housing. In addition, schemes of this size would only yield 9 private dwellings, require more land and be required to make Section 106 contributions, all of which would further impact the viability.

The scale of development proposed is therefore unlikely to contribute towards or meet local affordable housing needs. Effectively therefore the NHP is planning for the delivery of 33 market dwellings and no affordable provision. This should be set against the affordable need for Hailey as identified by the Council, of 60 dwellings (as referenced in the Officers Report to Planning Committee for the Sharba Homes site in Hailey). The affordable housing need in Hailey will therefore fail to be met through planned growth.

### **Policy H3 Infill**

Policy H3 states that applications for small residential windfall developments on infill or redevelopment (brownfield) sites within the rural villages will supported subject to other relevant policies. The comments under Policy H1 and H2 provide detail on how infill windfall development alone will not enable adequate development to provide a meaningful contribution towards meeting local housing needs. Furthermore, there is no reason for windfall sites to be restricted to infill and/or brownfield sites as this definition does not accord with either Policy H2 of the WODC Adopted Local Plan or the NPPF – neither of which restrict support for windfall development to only these locations.

## **Policy H4 Tenancy Mix**

Policy H4 sets out that proposals for development will need to consider local housing need and should aim to provide a significant percentage of affordable homes for renting and shared ownership (intermediate housing) unless viability or other local factors show a robust justification for a different mix. As set out previously, the allocations as proposed will fail to deliver any affordable housing and given they will not trigger the threshold for provision as set out in the WODC Adopted Local Plan, there will be not any requirement for this to be justified.

## **Policy H5 Affordable Housing**

Policy H5 outlines that proposals for developments of greater than 10 dwellings will be expected to provide a minimum of 40% affordable housing on the site which will be fully integrated into the development unless viability or other material considerations demonstrate a robust justification for a different percentage. Sharba Homes Ltd support this requirement, which reflects the targets and thresholds set out in Policy H3 of the recently adopted Local Plan, however, remain concerned that this local housing need will not be met unless substantially larger sites are permitted. The evidence within the Neighbourhood Plan is outlined below.

Paragraph 5.24 sets out that Hailey needs more young people and families for the community to recover its age balance, but the current shortage of affordable housing denies some young people and families the opportunity to live in the village where they grew up and fails to attract other young people and families to the area.

At paragraph 5.25, it states that in June 2017 there was 60 households in the NHP area registered on WODC's waiting list as qualifying to affordable housing. However, Figure 5.4 shows that from the proposed two allocated sites and windfall sites totalling 33 units, it is estimated by the draft Neighbourhood Plan that only 6 will be affordable homes. For the reasons which have been set out above, it is simply not financial sense for a developer to deliver a scheme of 15 dwellings which would result in a scheme of 9 market dwellings and 6 affordable dwellings (and attract planning obligations based on 15 dwellings) when they could deliver a scheme of 9 market dwellings and avoid payment of planning obligations due to the size of the scheme. This has already happened in Hailey at the Giernalls Road site, and the same pattern will repeat itself.

Policy H2 of the Neighbourhood Plan sets out that the plan seeks to encourage small scale developments in the region of 15 dwellings per site. The policy refers to figure 5.4 of the plan, which establishes the source of new housing in the Neighbourhood Plan Area, comprising: land opposite 'The Hollies', New Yatt Lane, New Yatt (8 dwellings); land adjacent to Witney Rugby Club (15 dwellings, including six affordable homes); and through windfall sites (10 dwellings). As discussed above, and in light of the local needs listed above, the Neighbourhood Plan appears to be incapable of satisfactorily addressing the acute affordable housing needs of Hailey. Furthermore, the New Yatt site in particular is located in an area which has no local services or facilities and no footways which can be used to reach Hailey or Witney on foot.

## **Policy ED1 Hailey CE Primary School as a community facility**

Policy ED1 states that the Neighbourhood Plan supports the aspiration of the Governors of the school to expand Hailey CE Primary School to a single form entry school, admitting 30 pupils per year ground. However, Paragraph 7.7 recognises that insufficient housing coming forward with the catchment area or changes to government policy on viability could cause the school to close. When considering local needs, there should also be a focus on other services and facilities within the village that would benefit from growth and the provision of appropriate tenures of housing to encourage a more balanced mix of age balance and young families. It is however clear that there is a need for more development within the village to ensure that the primary school remains open and to ensure that there is a balance population profile in the village.

**Policy T1 Traffic calming at Delly End Crossroads**

Policy T1 sets out that in order to reduce traffic speeds at the junction of the B4022 with Delly End and Priest Hill Lane, available traffic calming measures such as the installation of vehicle activated signs should be considered. Traffic calming measures can be beneficial, and it is agreed that drivers should be encouraged to travel no higher than the speed limit.

This junction sits to the east of the Site and it should be noted that a review of the Crashmap website reveals that there have been no recorded injury accidents at the junction within the most recent 5-year preferred period available (2013 – 2017 inclusive). This evidence of use without a significant personal injury accident record indicates that the junction operates satisfactorily and that drivers using the junction are able to interact with each other safely. There is no evidence from either road safety data or from the Highway Authority to identify the need for these works.

**Policy C1 Community Facilities**

Policy C1 seeks to ensure that all proposed housing developments, including North Witney, shall ensure that new residents have at least the same access to community facilities within the HNP Area as existing residents and that new developments shall, as far as is reasonably practicable, preserve or enhance existing facilities.

Hailey has a number of services and facilities including Hailey Church of England Primary School, The Lamb and Flag public house, Hailey Village Hall, a playground, playing pitches, a hairdresser, a chiropractor and a church (The Church of St. John the Evangelist). Paragraph 10.1 discusses the different groups and activity that the Village hosts and also refers to the long term of the community to bring back Hailey Cricket Club to the village from their current home at West Witney recreation ground. The need for growth has been recognised and planned for through the preparation of the Neighbourhood, however, this is not far-reaching enough to provide critical mass to sustain or expand these services and facilities (including the primary school as discussed earlier).

**Policy E1 Hailey Conservation Area**

Policy E1 states that the special architectural, historic and environmental character of the Conservation Area will be conserved or enhanced. Every effort will be made to ensure that the character and appearance is not eroded by the introduction of unsympathetic development proposals either within or affecting the setting of the Conservation Area. This wording complies with Policy EH9 (Historic Environment) of the newly adopted West Oxfordshire Local Plan as well as Sections 69 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As a general comment, it should be noted that the policy references and extracts will require updating to reflect the adopted version of the West Oxfordshire Local Plan and the updated version of the NPPF published in July 2018.

We trust that the enclosed comments will be taken into consideration as part of the ongoing preparation of the Hailey Neighbourhood Plan. If you require any further information or wish to discuss the above in greater detail, then please do not hesitate to contact me or my colleague, Jodi Stokes.

Yours faithfully,



**KATHRYN VENTHAM**  
Partner



BIRMINGHAM  
BRISTOL  
CAMBRIDGE  
CARDIFF  
EBBSFLEET  
EDINBURGH  
GLASGOW  
LEEDS  
LONDON  
MANCHESTER  
NEWCASTLE  
READING  
SOUTHAMPTON

**BARTON  
WILLMORE** [bartonwillmore.co.uk](http://bartonwillmore.co.uk)  
9th Floor  
Bank House  
8 Cherry Street  
Birmingham  
B2 5AL  
T/ 0121 711 5151

Planning Policy  
West Oxfordshire District Council  
Elmfield,  
New Yatt Road  
Witney  
OX28 1PB

**BY EMAIL:** [community.development@westoxon.gov.uk](mailto:community.development@westoxon.gov.uk)

28860/A3/JS/KV/sw

20<sup>th</sup> December 2018

Dear Sir/Madam

### **HAILEY NEIGHBOURHOOD PLAN – SUBMISSION DRAFT FOR CONSULTATION**

We are instructed by our client, Sharba Homes Ltd, to submit representations to the consultation on the submission version of the Hailey Neighbourhood Plan (Regulation 16 Consultation) in relation to their interests at their site at land southwest of Charlbury Road, Hailey ('the Site' hereafter).

The Site sits outside of, but adjacent to, the designated area for Hailey Neighbourhood Plan (which encompasses only land within Hailey Parish). Although, the Site is unable to be considered as part of the Neighbourhood Plan process, the Site is closely related to the settlement of Hailey and clearly any development on this site would contribute towards meeting housing need in the village.

### **Policy H1 Number of New Homes**

Policy H1 states that planning applications will be supported for around 33 new homes in the rural villages as a whole (see figure 5.4). Masterplans for each site (plus the North Witney development) should provide balanced and appropriate mix of residential accommodation to meet identified needs, including affordable housing (where appropriate).

Although the need for the growth of the village and the need for new homes is recognised through the allocation of two sites totalling 23 dwellings and an expectation of 10 dwellings to come forward through windfall, the size of these sites does not provide opportunity to meet the extent of local housing needs (specifically affordable housing). This is expanded further under Policy H4 and H5. Furthermore, there is no evidence to explain the rationale for 33 dwellings, which is not a cap on development in any case.

Under paragraph 5.12, windfall development is defined as speculative development on sites that are not known to WODC or the Parish Council and have therefore not been assessed or allocated for housing. This fits with the definition within the newly adopted West Oxfordshire Local Plan and the NPPF.

Paragraph 5.1 also refers to Policy H2 of the Local Plan, which provides criteria/circumstances for when new dwellings will be permitted. It goes on to set out that as the windfall allocation 276



FS 29637

Registered in England  
Number: 0C342692

Barton Willmore LLP  
Registered Office:  
The Blade  
Abbey Square  
Reading  
RG1 3BE  
F/ +44 (0)118 943 0001

dwelling within the Witney sub-area has already been substantially consumed by speculative applications (a significant proportion of which have already been given planning approval). Therefore, the 33 new homes are to be delivered through infill under Policy H3 and the Neighbourhood Plan does not anticipate any further urban extension windfall approvals to be required. This is an incorrect understanding of Policy H2 of the Local Plan. The 276 dwellings to be delivered via windfall development are windfalls coming forward on unknown sites from 31<sup>st</sup> March 2017 i.e. those which were already consented prior to this date are counted as 'committed sites' and are not deducted from the windfall allowance. As such, the windfall number is far from being substantially consumed indeed only a small number of windfall developments in the sub-area have been consented post 31<sup>st</sup> March 2017. The windfall allowance is a minimum and only part of an indicative distribution that Policy H1 of the Local Plan states should not be taken as an absolute target for each sub-area or maximum ceiling to limit development. Indeed, the allocations within the Local Plan fall short of identified need, and to meet minimum need requirements further windfall will have to come forward.

The Neighbourhood Plan seeks to limit the type of windfall development that would be acceptable in Hailey and fails to incorporate the full set of criteria at Policy H2 of the Local Plan; and does not comply with National Policy. This should be amended in line with Local Plan policy.

### **Policy H2 Scale of New Development**

Policy H2 seeks to encourage small scale developments of in the region of 15 dwellings per site. Planning permission may be granted for new homes on any allocated site within the rural villages, provided the scale of development is modest in size. As discussed under Policy H4 and H5 there are local housing needs within Hailey that have been recognised through the preparation of the Neighbourhood Plan and it should be considered whether the allocated sites/sites of this size can meet this recognised need.

Figure 5.4 shows only one allocated site within the Neighbourhood Plan that is suggested as capable of providing affordable housing. It is estimated by the Neighbourhood Plan that Land adjacent to Hailey Rugby Club, Hailey Road will provide 15 dwellings (6 of which are to be affordable). Historically, sites of this size have come forward in Hailey and have then been reduced to incorporate a smaller number of units (and no affordable housing). For example, paragraph 5.14 refers to the site 'Land south of Giernalls Road' with permission granted for 9 dwellings although the site was assessed as capable of accommodating 15 dwellings. It is unlikely that this Rugby Club site will come forward with the predicted amount of, or any, affordable housing. In addition, schemes of this size would only yield 9 private dwellings, require more land and be required to make Section 106 contributions, all of which would further impact the viability.

The scale of development proposed is therefore unlikely to contribute towards or meet local affordable housing needs. Effectively therefore the NHP is planning for the delivery of 33 market dwellings and no affordable provision. This should be set against the affordable need for Hailey as identified by the Council, of 60 dwellings (as referenced in the Officers Report to Planning Committee for the Sharba Homes site in Hailey). The affordable housing need in Hailey will therefore fail to be met through planned growth.

### **Policy H3 Infill**

Policy H3 states that applications for small residential windfall developments on infill or redevelopment (brownfield) sites within the rural villages will supported subject to other relevant policies. The comments under Policy H1 and H2 provide detail on how infill windfall development alone will not enable adequate development to provide a meaningful contribution towards meeting local housing needs. Furthermore, there is no reason for windfall sites to be restricted to infill and/or brownfield sites as this definition does not accord with either Policy H2 of the WODC Adopted Local Plan or the NPPF – neither of which restrict support for windfall development to only these locations.

## **Policy H4 Tenancy Mix**

Policy H4 sets out that proposals for development will need to consider local housing need and should aim to provide a significant percentage of affordable homes for renting and shared ownership (intermediate housing) unless viability or other local factors show a robust justification for a different mix. As set out previously, the allocations as proposed will fail to deliver any affordable housing and given they will not trigger the threshold for provision as set out in the WODC Adopted Local Plan, there will be not any requirement for this to be justified.

## **Policy H5 Affordable Housing**

Policy H5 outlines that proposals for developments of greater than 10 dwellings will be expected to provide a minimum of 40% affordable housing on the site which will be fully integrated into the development unless viability or other material considerations demonstrate a robust justification for a different percentage. Sharba Homes Ltd support this requirement, which reflects the targets and thresholds set out in Policy H3 of the recently adopted Local Plan, however, remain concerned that this local housing need will not be met unless substantially larger sites are permitted. The evidence within the Neighbourhood Plan is outlined below.

Paragraph 5.24 sets out that Hailey needs more young people and families for the community to recover its age balance, but the current shortage of affordable housing denies some young people and families the opportunity to live in the village where they grew up and fails to attract other young people and families to the area.

At paragraph 5.25, it states that in June 2017 there was 60 households in the NHP area registered on WODC's waiting list as qualifying to affordable housing. However, Figure 5.4 shows that from the proposed two allocated sites and windfall sites totalling 33 units, it is estimated by the draft Neighbourhood Plan that only 6 will be affordable homes. For the reasons which have been set out above, it is simply not financial sense for a developer to deliver a scheme of 15 dwellings which would result in a scheme of 9 market dwellings and 6 affordable dwellings (and attract planning obligations based on 15 dwellings) when they could deliver a scheme of 9 market dwellings and avoid payment of planning obligations due to the size of the scheme. This has already happened in Hailey at the Giernalls Road site, and the same pattern will repeat itself.

Policy H2 of the Neighbourhood Plan sets out that the plan seeks to encourage small scale developments in the region of 15 dwellings per site. The policy refers to figure 5.4 of the plan, which establishes the source of new housing in the Neighbourhood Plan Area, comprising: land opposite 'The Hollies', New Yatt Lane, New Yatt (8 dwellings); land adjacent to Witney Rugby Club (15 dwellings, including six affordable homes); and through windfall sites (10 dwellings). As discussed above, and in light of the local needs listed above, the Neighbourhood Plan appears to be incapable of satisfactorily addressing the acute affordable housing needs of Hailey. Furthermore, the New Yatt site in particular is located in an area which has no local services or facilities and no footways which can be used to reach Hailey or Witney on foot.

## **Policy ED1 Hailey CE Primary School as a community facility**

Policy ED1 states that the Neighbourhood Plan supports the aspiration of the Governors of the school to expand Hailey CE Primary School to a single form entry school, admitting 30 pupils per year ground. However, Paragraph 7.7 recognises that insufficient housing coming forward with the catchment area or changes to government policy on viability could cause the school to close. When considering local needs, there should also be a focus on other services and facilities within the village that would benefit from growth and the provision of appropriate tenures of housing to encourage a more balanced mix of age balance and young families. It is however clear that there is a need for more development within the village to ensure that the primary school remains open and to ensure that there is a balance population profile in the village.

**Policy T1 Traffic calming at Delly End Crossroads**

Policy T1 sets out that in order to reduce traffic speeds at the junction of the B4022 with Delly End and Priest Hill Lane, available traffic calming measures such as the installation of vehicle activated signs should be considered. Traffic calming measures can be beneficial, and it is agreed that drivers should be encouraged to travel no higher than the speed limit.

This junction sits to the east of the Site and it should be noted that a review of the Crashmap website reveals that there have been no recorded injury accidents at the junction within the most recent 5-year preferred period available (2013 – 2017 inclusive). This evidence of use without a significant personal injury accident record indicates that the junction operates satisfactorily and that drivers using the junction are able to interact with each other safely. There is no evidence from either road safety data or from the Highway Authority to identify the need for these works.

**Policy C1 Community Facilities**

Policy C1 seeks to ensure that all proposed housing developments, including North Witney, shall ensure that new residents have at least the same access to community facilities within the HNP Area as existing residents and that new developments shall, as far as is reasonably practicable, preserve or enhance existing facilities.

Hailey has a number of services and facilities including Hailey Church of England Primary School, The Lamb and Flag public house, Hailey Village Hall, a playground, playing pitches, a hairdresser, a chiropractor and a church (The Church of St. John the Evangelist). Paragraph 10.1 discusses the different groups and activity that the Village hosts and also refers to the long term of the community to bring back Hailey Cricket Club to the village from their current home at West Witney recreation ground. The need for growth has been recognised and planned for through the preparation of the Neighbourhood, however, this is not far-reaching enough to provide critical mass to sustain or expand these services and facilities (including the primary school as discussed earlier).

**Policy E1 Hailey Conservation Area**

Policy E1 states that the special architectural, historic and environmental character of the Conservation Area will be conserved or enhanced. Every effort will be made to ensure that the character and appearance is not eroded by the introduction of unsympathetic development proposals either within or affecting the setting of the Conservation Area. This wording complies with Policy EH9 (Historic Environment) of the newly adopted West Oxfordshire Local Plan as well as Sections 69 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As a general comment, it should be noted that the policy references and extracts will require updating to reflect the adopted version of the West Oxfordshire Local Plan and the updated version of the NPPF published in July 2018.

We trust that the enclosed comments will be taken into consideration as part of the ongoing preparation of the Hailey Neighbourhood Plan. If you require any further information or wish to discuss the above in greater detail, then please do not hesitate to contact me or my colleague, Jodi Stokes.

Yours faithfully,



**KATHRYN VENTHAM**  
Partner



Historic England

Astrid Harvey  
Community Planning Officer for West Oxfordshire  
and Cotswold District Councils  
West Oxfordshire District Council  
Elmfield  
New Yatt Road  
Witney, OX28 1PB.

Our ref: HD/P5356/  
Your ref:  
Telephone 01483 252040  
Fax

12<sup>th</sup> December 2018

Dear Ms Harvey,

### Hailey Neighbourhood Plan Regulation 16 Submission

Thank you for the e-mail of 8<sup>th</sup> November advising Historic England of the consultation on the Regulation 16 Submission Hailey Neighbourhood Plan. We have no record of having been consulted at the Regulation 14 stage but are pleased to make the following comments.

Paragraph 2.7 of the Plan states *"To deliver sustainable development the NPPF lists the following factors as desirable"*. However, the list of "factors" that follow are identified by the National Planning Policy Framework 2012 as being rather more than "desirable". Paragraph 7 of the Framework explains that there are three dimensions to sustainable development; economic, social and environmental, and paragraph 8 explains that *"to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system"*.

However, this is a moot point as paragraphs 2.3 – 2.7 will need revising to reflect the revised National Planning Policy Framework issued in July 2018. The revised Framework refers to the three former "dimensions" as "objectives" and requires them to be pursued in "mutually supportive ways". The environmental dimension/role/objective in both versions of the Framework includes contributing to *"protecting and enhancing our.....historic environment"*.

We welcome the objective to *"Protect and enhance the Hailey Conservation Area"*, although we suggest that it be reworded as *"Protect and enhance special interest, character and appearance of the Hailey Conservation Area"*. We would also like to see an objective for the protection and enhancement of the significance of the other heritage assets in the parish (the 28 listed buildings and part of a scheduled monument) e.g. *"Protect and enhance the significance of heritage assets in the Parish"* and a further objective; *"To improve access to, understanding and appreciation of heritage assets in the Parish"*. We would also like to see the related Goal to include the historic environment.



Historic England, Eastgate Court, 195-205 High Street, Guildford GU1 3EH

Telephone 01483 25 2020 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



We would welcome more about the historical development of the parish in section 4.

According to our records, neither of the two allocated housing sites identified in Figure 5.4 would be likely to affect the significance or special interest of a designated heritage asset, but they may have an impact on locally important buildings or archaeology. Have the Oxfordshire Historic Environment Record and/or the County Archaeologist been consulted on these sites ?

We suggest that Policies H1 and H2 could be combined and rationalised e.g.

*In order to deliver a minimum of 33 new homes in the rural villages as a whole planning permission will be granted for:*

- i. a minimum of 8 homes on Land opposite 'The Hollies', New Yatt Lane, New Yatt;*
- ii. a minimum of 15 homes Land adjacent to Hailey Rugby Club, Hailey Road, Hailey; and*
- iii. 10 homes on windfall sites in accordance with Policy H3*

*provided that:*

- a) a minimum of 6 affordable homes is provided as part of the development on Land adjacent to the Rugby Club; and*
- b) applications for the two allocated sites are supported by masterplans for each site providing a balanced and appropriate mix of residential accommodation to meet identified needs; and*
- c) the development would reflect the form, scale and pattern of the settlement and respects its character; and*
- d) the development would conform with other policies of this Plan and of the West Oxfordshire Local Plan.*

We are not clear who should reserve land to allow for the potential expansion of Hailey CE Primary School as required by Policy ED1. It is for the Plan to identify safeguarded land if it can be justified.

We welcome paragraphs 11.8 – 11. However, we prefer to see the term “historic environment” separated from “built environment” – clauses c) and d) of paragraphs 8 and 20 respectively of the National Planning Policy Framework 2018 refer to the natural, built and historic environment, and the Glossary to the Framework includes a specific definition of the historic environment.

We welcome the references to the 28 listed buildings and the Hailey Conservation Area. However, we would welcome some more detail about the Conservation Area e.g. what its special interest (the reason for its designation in 1992) is, whether it has been reviewed since and whether there is a Character Appraisal and/or Management Plan ? (The Hailey Conservation Area Preservation and Enhancements document) ?

(If not, the preparation of an Appraisal and Management Plan could be a community project. Historic England's Understanding Place series describes current approaches to and applications of historic characterisation in planning together with a series of case studies: <https://historicengland.org.uk/advice/planning/understanding-historic-places/>. The Oxford Character Assessment Toolkit can be used to record the features that give a settlement or part of a settlement its sense of place:





<http://www.oxford.gov.uk/PageRender/decP/CharacterAppraisalToolkit.htm>. (We would be pleased to advise further).

Is there a list of locally-important buildings and features throughout the parish ? Non-designated heritage assets, such as locally important buildings, can make an important contribution to creating a sense of place and local identity. If not, then this could usefully be another community action project to expand the evidence base for the Plan (advice on local listing is available on our website - <http://www.historicengland.org.uk/images-books/publications/good-practice-local-heritage-listing/> - and we would again be pleased to provide further assistance).

National Planning Practice Guidance states “... *where it is relevant, neighbourhood plans need to include enough information about local heritage to guide decisions and put broader strategic heritage policies from the local plan into action at a neighbourhood scale. ... In addition, and where relevant, neighbourhood plans need to include enough information about local non-designated heritage assets including sites of archaeological interest to guide decisions*”. Are there any archaeological records for Hailey on the Oxfordshire Historic Environment Record ? Has the Oxfordshire Historic Landscape Character Assessment been consulted as part of the evidence base for the Plan ?

Has there been any or is there any ongoing other loss of character in the Conservation Area (or elsewhere), e.g. through inappropriate development, inappropriate alterations to properties under permitted development rights, loss of vegetation, insensitive streetworks etc that affect local character ?

Although none of the heritage assets in the parish are currently on the Historic England Heritage at Risk Register the Register does not include Grade II listed secular buildings outside London. Has a survey of the condition of Grade II buildings in the Plan area been undertaken ? If not, this could be another community action project to add to the evidence base for the Plan.

We welcome Policy E1, although it perhaps needs recasting slightly to make it clear that planning permission will not be granted for development that would harm the special interest, character and appearance of the Conservation Area, to be consistent with clause d) of paragraph 16 of the National Planning Policy Framework; “*Plans should.....contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*”.

We note that the Plan does not contain any policy on design. Paragraph 125 of the National Planning Policy Framework requires plans to; “*at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development*”.



Historic England, Eastgate Court, 195-205 High Street, Guildford GU1 3EH

Telephone 01483 25 2020 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



We consider that Neighbourhood Development Plans should be underpinned by a thorough understanding of the character and special qualities of the area covered by the Plan to provide that “*understanding and evaluation of each area’s defining characteristics*”. Characterisation studies can also help inform locations and detailed design of proposed new development, identify possible townscape improvements and establish a baseline against which to measure change. Has any such assessment been undertaken for Hailey ?

We hope you find these comments helpful. Should you wish to discuss any points within this letter, or if there are particular issues with the historic environment in Hailey please do not hesitate to contact us.

Thank you again for consulting Historic England.

Yours faithfully,



Martin Small  
Principal Adviser, Historic Environment Planning  
(Bucks, Oxon, Berks, Hampshire, IoW, South Downs National Park and Chichester)

E-mail: [martin.small@historicengland.org.uk](mailto:martin.small@historicengland.org.uk)



West Oxfordshire District Council  
Elmfield,  
New Yatt Road  
Witney  
OX28 1PB

By email only to: [community.development@westoxon.gov.uk](mailto: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.