

Planning and Strategic Housing

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WEST OXFORDSHIRE
DISTRICT COUNCIL

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Your Ref :
Our Ref :
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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 CI, 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

