

Notes on a meeting of the Infrastructure Development Planning (IDP) Team held at Hayesfield, Hailey on Wednesday 30th January 2019

Present: Graham Knaggs (chair), Sue Ayres, Giles Doland, Caryl Lansley, Judith Knaggs, Martyn Clark, Monica Hester, Ann Evans

Apologies: Dawn Franklin, Calvert McGibbon

Hailey Neighbourhood Plan

Following the submission to WODC and completion of a six week Regulation 16 consultation on the plan, the plan is currently undergoing examination. The Inspector had submitted a deadline for comments is 5pm on Thursday 20th December. All of the comments are detailed on the website haileywestoxon.org under neighbourhood-planning. Comments were received from the following developers:

Barton Willmore, Gladman Developments, Persimmon Wessex, JPPC (for Paul Slater – owner of New Yatt site), Turley Associates (for North Witney Land Consortium).

AND

Historic England, Natural England and West Oxfordshire District Council (note WODC objected to all of our housing allocations)

AND from residents:

Angela Ford and John Aldous.

The Inspector is examining the Neighbourhood Plan at the moment. He has issued the following 'Clarification note' below which contains a large number of question – responses are in **RED**.

Hailey Neighbourhood Development Plan Independent Examiner's Clarification Note

This note sets out my (i.e. the Inspector's) initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process

Initial Comments

The Plan provides a very clear and distinctive vision for the neighbourhood area. In particular it addresses a series of important issues in a positive and effective fashion.

The layout and presentation of the Plan is good. The various maps add to its depth and interest. The differences between the policies and the supporting text is very clear. The combination of text, charts and maps maintains the interest of the reader throughout the document.

Points for Clarification

I have read the submitted documents and the representations made to the Plan and have visited the neighbourhood area. I am now in a position to raise issues for clarification with the Parish Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions. I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

Housing Policies and the North Witney Strategic Development Area (NWSDA)

I can see that the housing policies, and Policies HI-H3 in particular, apply generally throughout the neighbourhood area. I can also see that the NWSDA is addressed in the supporting text and Section 6 of the Plan.

I acknowledge the Parish Council's ability to address the issues that it sees as important in the submitted Plan. However, given the adopted nature of the West Oxfordshire Local Plan which includes the NWSDA:

- would it be appropriate to refer to the SDA in Policies H1 and H?

The Regulation 14 consultation version of the NP contained a number of policies directly relating to the then proposed NWSDA. Representations from WODC and the developers commented that as the emerging WODC Local Plan already included 1,400 houses, it should be removed from the NP. The Parish Council agreed. That is why most references have been removed and repositioned in Appendix J alongside WODC policies considered relevant to the SDA plus an outline of the primary community facilities deemed appropriate by the Parish Council. We have no problem including a reference but WODC may not agree..

- does Policy H4 not apply to the NWSDA?

It was not intended to as this would again 'interfere' with the NWSDA part of the Local Plan which we were warned against (see above).

Policy H1

At first glance the policy reads as a general policy seeking to achieve around 33 new dwellings in the neighbourhood area. Plainly it is more than a general policy as it identifies two allocated sites (in Figure 5.4).

I am proposing to modify the policy so that it is clear where the development will principally be achieved. Do you have any comments on this proposal?

NO

On what basis have the two allocated sites been assessed against the relevant policies in the development plan?

The key WODC housing policies are OS2 and H2. Both of the allocated sites fall into the 'Small villages, Hamlets and open countryside' section of these policies:

WODC LOCAL PLAN 2031 Policy OS2

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Small villages, hamlets and open countryside

Development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. Proposals for residential development will be considered under policy H2.

General principles

All development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality; [Both sites are within the target 15 dwellings per location and are consistent with historic developments in the villages]
- Form a logical complement to the existing scale and pattern of development and/or the character of the area; [In both cases they are logical developments that complete their respective settlements by infill. The opposite sides of the respective roads are already fully developed.]
- Avoid the coalescence and loss of identity of separate settlements;
[Rugby Club site – the relevant settlements identified in the NP are Witney, Hailey and Foxburrow. Buffer zones 1 and 2 aim to protect the gaps between Witney/Foxburrow and Hailey/Poffley End/Rugby Club. The Foxburrow settlement includes development along Foxburrow Lane as well as adjoining development north and south on both sides of the Hailey Road (B4022), including the Rugby Club. The use of the site adjacent to the Rugby Club is infill – it is a continuation of the Foxburrow/B4022 settlement and completes development on both sides of the B4022. It is not really part of the separation between Hailey and Witney.

There is no issue with the New Yatt site]

- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants; [The identified use of half of the Rugby Club sites for sporting facilities is clearly compatible with the Rugby Club. In the consultations we received 2 complaints from residents of Foxburrow Lane who will be adjacent to the development.

No other issues here.

There is no issue with the New Yatt site]

- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s; [Not an issue]

- 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; [Obviously there is loss of open space in both cases, but both are shielded by substantial trees / hedging. Neither space contributes significantly to the character of their respective areas.] .
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities; [Not an issue]
- Not be at risk of flooding or likely to increase the risk of flooding elsewhere; [Not an issue]
- Conserve and enhance the natural, historic and built environment; [Not an issue]
- Safeguard mineral resources; [Not an issue]
- In the AONB, give great weight to conserving landscape and scenic beauty and comply with national policy concerning major development; [Neither site is within or close to the Cotswold AONB - not an issue]
- In the Green Belt, comply with national policies for the Green Belt; and [Neither site is within or close to any Green Belt - not an issue]
- Be supported by all necessary infrastructure including that which is needed to enable access to superfast broadband. [Not an issue, both sites can be easily connected to infrastructure. Superfast broadband already exists adjacent to the Rugby Club site and is scheduled to arrive in New Yatt in the first half of 2019]

WODC LOCAL PLAN 2031 Policy H2

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Small villages, hamlets and open countryside

New dwellings will only be permitted in the small villages, hamlets and open countryside where they comply with the general principles set out in Policy OS2 and in the following circumstances:

- where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or to the 'rural exception site' approach for permanent affordable dwellings;
- where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
- residential development of exceptional quality or innovative design;
- new accommodation proposed in accordance with policies specifically for travelling communities; • accommodation which will remain ancillary to existing dwellings*;
- replacement dwellings on a one for one basis;
- re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met; and
- **on sites that have been allocated for housing development within an adopted (made) neighbourhood plan.**

* Proposals for extensions or alterations to an existing dwelling to create a self-contained unit of accommodation may be subject to a condition ensuring the accommodation remains ancillary to the main dwelling.

[Development here is dependent on the adoption of the Neighbourhood Plan]

Has the proposed Rugby Club site been assessed for its potential ability to erode the separation between the settlements of Hailey and Witney?

The primary and most sensitive separations between the settlements of Hailey and Witney have been identified in Buffer Zones 1 and 2 – i.e. Witney to Foxburrow and Hailey/ Poffley End to Rugby Club. The site adjacent to the Rugby Club is part of the Foxburrow settlement and its impingement on separation is regarded as minimal. Other factors are:

- Half of the site is identified for housing, the other half is to be reserved for sporting activities, which would preserve some of the gap.
- The land opposite the site, on the B4022, is fully developed by housing.
- The site is shielded along the B4022 by a double row of trees – contributing to a series of 'tree-tunnels' along the B4022. This attractive tree barrier should be retained as much as possible.
- There is an existing entry to the site which would also be retained.
- During our research and the two formal consultations, we received a couple of complaints from Foxburrow Lane residents whose properties would back onto the site but there were no complaints about the Rugby Club site eroding the gap between Witney and Hailey.

These mitigations were considered and, although there would obviously be a small loss of separation, it is estimated that the impact would be both minimal and acceptable.

Would the two sites result in sustainable development?

The NP Area benefits (or suffers from?) its proximity to Witney. Witney High Street is located approximately 2.75 kms to the south of the Rugby Club site and 3.85 kms from the New Yatt site. Witney has a range of services and facilities including supermarkets, shops, restaurants, a cinema, secondary school, doctors' surgeries and dental practices.

This proximity has contributed to the closure of a variety of village services over recent years as the dependency on Witney has increased. It has resulted in the necessity, for most residents, to own a car in order to access these services.

Within the Settlement Sustainability Report (November 2016), Table 3 lists the settlements within West Oxfordshire and the average distances travelled to work. This table identifies Hailey as having the eighth shortest average commute out of 66 settlements (including the 3 Main Service Centres and 6 Rural Service Centres) and as third out of the thirty-one villages listed (from the total of thirty-four villages listed in Table 4b of the Local Plan). Hailey is therefore one of the most sustainable settlements in terms of employment travel distance.

Rugby Club site

This site is located approximately half way between the centre of Hailey and the edge of Witney. The Rugby Club itself offers sporting facilities along with a bar and a variety of social events open to the public.

Hailey village has a number of services and facilities which include a Village Hall, sports pitches, a park, public house, a church, a primary school, a hairdresser and a chiropractor. These facilities are situated a within walking distance of the Site and are accessible via a network of footpaths.

There is a service station and convenience store located less than 1km to the south of the site (also within walking distance). Oxford is located approximately 22.5 km to the south-east and Chipping Norton some 16 km to the north. Regular bus services operate along Hailey Road and Charlbury Road providing access to Witney, Charlbury and Chipping Norton Monday to Saturday. The nearest bus stops are located approximately 50 metres from the Site on Hailey Road. The close proximity to the Site makes the bus route to and from Witney convenient and accessible for new residents. There are 8 services each way, each day, which run at approximately 1.5 - 2 hour intervals.

New Yatt site

New Yatt is a small, mainly linear settlement with limited services. The local pub is currently closed and is the subject of an Asset of Community Value order. As with most residents of the NP Area, there will be a high dependency on Witney (3.85 kms away) and North Leigh (1.7 kms to the north). North Leigh contains a village shop, church, village hall, library and three pubs – all within walking distance. The bus service through New Yatt was recently withdrawn but there is an expectation that it will be reinstated upon completion of a housing development of 110 dwellings between New Yatt and North Leigh.

Policy H2

The policy appears to overlap significantly with H1. In addition, it proposes a figure of 15 dwellings per site. This would apply to the land adjacent to the Rugby Club. However, it would not apply to the proposed allocation in New Yatt or to whatever windfall sites may come forward. Do you have any observations on these comments?

The original proposal was for three sites, each of 15 dwellings, with no windfall sites:

'Adjacent to the Rugby Club'

'South of Giernalls Road' (outline planning given for only 9 dwellings)

'Adjacent to the Hawthorns, New Yatt' – numerous objections resulted in removal and replacement by Opposite the Hollies, New Yatt – estimated 8 dwellings.

The consequential shortfall in the number of dwellings was made up by including the 10 shortfall dwellings, there being no other suitable sites available. As you point out the surrounding words did not catch up with these changes and requires rewording.

Could Policies H1 and H2 be combined?

YES!

Policy ED1

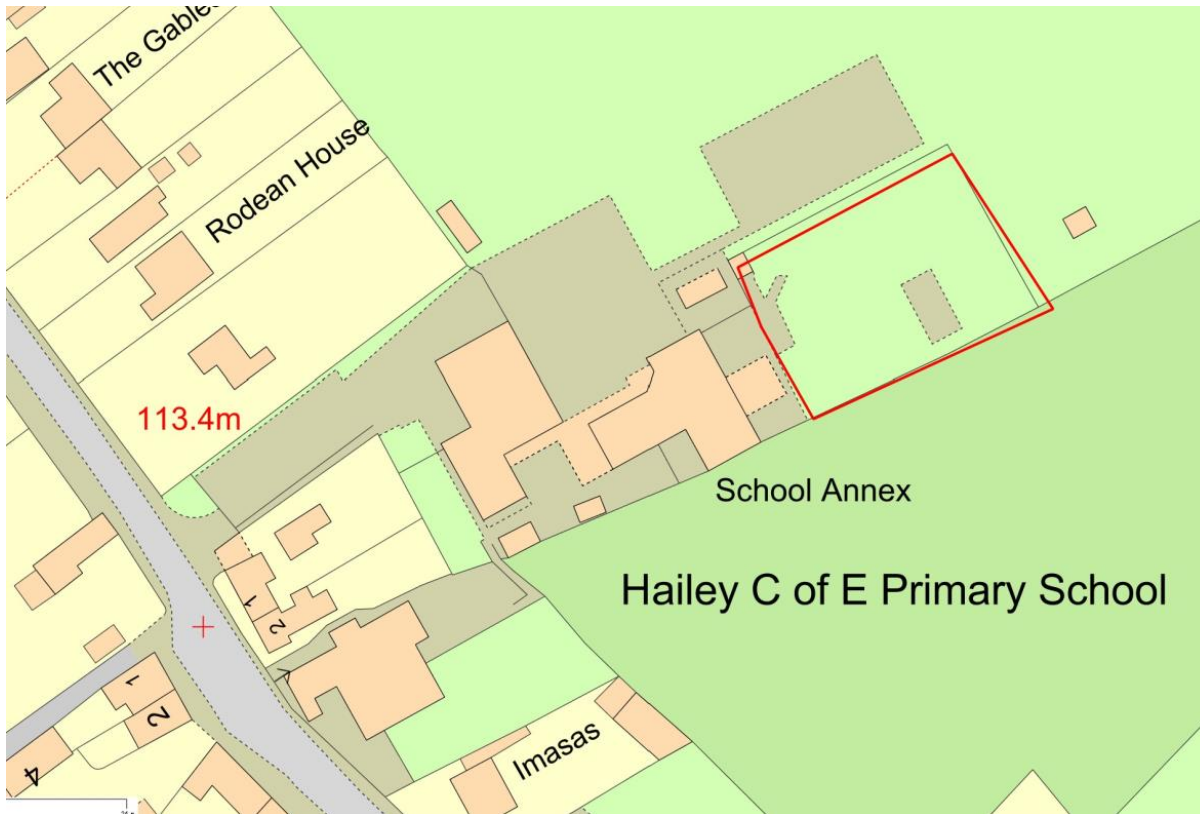
I can see the approach taken. However:

- is the single form entry school initiative in itself a land use matter?

YES, in that a couple of additional classrooms would be required

- is there a parcel of land identified for potential expansion of the school?

Any development is estimated to be a continuation of the set of buildings on the existing site – to the north east. It would not impinge on the development of any other dwellings.



Policy ED2

I suggest this is more a community aspiration than a land use policy. Do you have any observations?

It reflects an ongoing concern in the community so, yes, it is a Community aspiration and not a land use issue.

Policies T1-T9

I can see that in their different ways that the various initiatives would enhance the neighbourhood area. However, they are traffic management issues rather than land use matters. I suggest that they are more community aspirations than a land use policy.

Do you have any observations?

Yes, they are all aspirations but some impinge on the developmet or surface upgrading of existing footpaths – particularly those linking Hailey and Poffley End with the NWSDA.

Policy C1

I saw many of the community facilities when I visited the neighbourhood area. I can understand their significance within the local environment.

Nevertheless, the structure of the policy is based around ensuring that the proposed new residential developments (Policy H1 and the NWSDA) have the same access to community facilities as existing residents.

- How would this comparison be assessed and monitored?

The main metric to consider is population. At 1,400 dwellings, using WODC's metric of 2.5 residents per dwelling the NWSDA population will become 3,500. At around 540 dwellings the villages would have a population of 1,350. So, the NWSDA will be 2.6 times larger than the villages. This would clearly impact on community facilities such as allotments, childrens play areas, recreational land and the provision of a community centre. WODC strategies already cover many of these but there is no mention of a community centre in the Local Plan policy WIT2 for the NWSDA, only vague references in the more general policies.

- Is it based on distance from the facilities?

It is not about distance as the NP Area is relatively compact, it is about access. For example existing residents can obtain an allotment fairly easily (there is no waiting list) but when an additional 1,400 dwellings are occupied there will need to be an expansion in the number of allotments to facilitate the same level of service. Essentially this policy attempts to set out the combination of WODC and Hailey NP strategies and policies ahead of any S106 / CIL discussion..

The second component of the policy comments that new developments should preserve or enhance existing facilities. Is the intention of this part of the policy that the facilities listed in paragraph 10.1 are safeguarded?

Yes

The community facility policies for the NWSDA on pages 33/34 do not have policy numbers. Is this intentional? Are they designed as policies or statements of intent?

There were specific numbered policies but had to be withdrawn on the advice of WODC and the developers - See 10.3. Essentially this change converted the original policies into a wish list.

Policy E1

I understand the initial and final sections of the policy.

However, what is meant by 'every effort will be made' in the middle section? Is the 'effort' envisaged intended to be applied through the planning process?

YES

Policy E3

I looked at the proposed local green spaces when I visited the neighbourhood area. I could see that they had been well-selected.

The opening part of the policy offers considerably more scope for future development on the sites than that envisaged in paragraph 78 of the NPPF (2012).

I am proposing to recommend that the flexibility envisaged by the policy (for community and environmental works) is better represented by its relocation into the supporting text. Do you have any comments?

Fine – no problem

Policy E4

Who would establish the buffer strip envisaged by the policy?

Under what circumstances would the need for such work be triggered?

This falls within the NWSDA and we would be looking to the developer under S106/CIL to release land. The Parish Council and local organisations would become involved in the supply and planting of trees.

Policy E5

I looked at the three proposed buffer zones when I visited the neighbourhood area. I saw their different locations and characters.

To what extent are they needed beyond the application of national and local policies for the countryside?

The previous WODC Local Plan 2011 – policy NE2 – defined and protected strategic gaps/buffers around Witney. However this policy has not appeared in the new Local Plan 2031. Only limited protection is afforded by the Hailey Conservation Area. We therefore feel that the protection afforded by local and national policies falls short and does not provide adequate protection – hence the policy.

Why have they been defined in a circular fashion?

For convenience – they can be redrawn to identify plots of land if necessary.

In the case of Buffer Zone 1 how does the policy relate to the emerging proposals for the NWSDA?

Originally Buffer Zone 1 covered all land on both sides of the B4022 between the built edge of Witney and the Foxburrow settlement. However, the NWSDA will close a significant portion of this gap. Buffer Zone 1 circle, as drawn, takes account of this and does not impinge on NWSDA. It identifies the remaining gap between the NWSDA and Foxburrow built up area.

In the case of Buffer Zone 3 how does the policy add value to development plan policies for conservation areas?

Buffer zones focus on the gaps between settlements and, in the case of Buffer Zone 1, adds another level of support.

Representations

Does the Parish Council have any comments on the following representations made to the Plan?

- The North Witney consortium (Policies E4 and C1 in particular)

Turley's response:

Policy E4 Landscaped Buffer Strip

2.35 This policy dictates the following requirement:

“In order to maintain some semblance of separation here, a landscaped buffer strip of hedging and trees around 50 metres wide should be established along both sides of the Hailey Road (B4022) between the existing built edge of Witney and Downhill Lane/ Foxburrow Lane residential areas.

2.36 This requirement to provide a 50 metre buffer of hedging and trees at the point of access is considered not to be in general conformity with the Plan; the northern distributor road will require appropriate visibility splays and which the buffer will impede. As such, this requirement will impinge on the deliverability of the site.

[A compromise will be required to accommodate visibility splays at the proposed roundabout]

2.37 Furthermore, this requirement will also reduce the developable area; as such, potentially compromising the Site's ability to deliver 1,400 dwellings. The policy should be deleted and left to the Council to determine at planning application stage as there is no evidence to support it.

The original proposal for development of the site was for 1,500 houses and did not include the site to the west of the B4022 (proposed 100 dwelling). Cannot see that a 50 metre strip would seriously impinge on dwelling numbers – it would simply be a masterplan element to be considered.

The existing gap between the built edge of Witney and Foxburrow is the most sensitive gap between Witney and Hailey as most residents travel along this stretch of the B4022 at least once a day. It also benefits from a very attractive set of tree tunnels when the trees are in leaf. Mitigation of the complete closure of this gap on the east of the B4022 and partial closure on the west by the NWSDA is sought by the Landscaped Buffer strip proposed in Policy E4.

Policy C1

Within the Witney SDA, which includes Witney and surrounding areas, the population will increase from ca 28,000 currently to over 40,000 at the end of the Local Plan period (2031). Although required education and transport initiatives are specifically covered in the Local Plan (WIT2 in the case of the NWSDA), many other local infrastructure elements are not. The most glaring omission is the absence of a community building. This policy aims to signal this Local Plan policy shortfall by requiring 'equivalence' with existing availability.

This is followed more specifically in 10.3 onwards by quoting WODC strategies alongside the local infrastructure we believe should be provided.



Turley:

We therefore consider that current community facilities in Witney will be sufficient to meet the new residents' needs and as such, consider this policy in its current form should acknowledge the role of Witney in allowing future development to meet these requirements. This matter can of course be fully considered at the planning application stage.

Witney does not have the local infrastructure capacity to cope with all of the proposed developments within the Witney SDA. The NWSDA is the largest of all of the development sites within the Witney SDA. WODC, Witney Town Council and ourselves are all aware that many of the infrastructure facilities in Witney are insufficient to meet all increased demand arising from the Local Plan – e.g. playing pitches, allotments, community centres etc. etc. Their last sentence above signals what is really going on here – this is a precursor to the SI06 / CIL negotiations.

Persimmon Homes (Policy E4 in particular) Answered this already – see under North Witney consortium above.

West Oxfordshire District Council (Policy H1/allocations and Policy E5 third bullet point in particular)

Policy H1/allocations

During development of the NP our target was for 40-45 dwellings to be constructed during the plan period – consistent with the rate of previous developments

Although the NP team considered many sites across the NP Area, the vast majority we identified were either not suitable or not made available – see Appendix H. The NP identifies 33 dwellings and acknowledges a further site (9 dwellings) that has already secured outline planning permission – i.e a total of 41 dwellings.

The village of Hailey sits within a conservation area and there are no further plots of land available for development. Hence all of the 33 dwellings in NP Area fall into the 'small villages, hamlets and open countryside' category. Development is severely constrained in this category unless identified in a made Neighbourhood Plan. WODC states that there is potential for more than 10 windfall houses to come forward over the next 12 years. However we felt that the inclusion of 10 windfall houses, combined with the other housing initiatives was sufficient to hit the local housing need we identified..

Accept that it is not very feasible for masterplans to be created for small windfall sites

Policy E5 – third bullet

Buffer Zone 3 – Delly Corner to Delly Farm

Did you mean the third bullet? WODC refers to Buffer Zone 1 but does not mention Buffer Zone 3

Does the Parish Council have any comments on any of the other representations made to the Plan? **NO**

Protocol for responses

I would be grateful for comments from the Parish Council by 25 January 2019. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please could it all come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned

Andrew Ashcroft Independent Examiner

Hailey Neighbourhood Development Plan.

January 2019

Graham Knaggs – responses dated 20th Jan 2019

Hailey Infrastructure Development Plan

The latest version of the above plan was submitted for discussion at the next meeting.

Date of next meeting: 7.00 pm, Wednesday 20th March 2019 at Hayesfield