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Sent by email only to: [clerk@radleyvillage.org.uk](mailto:clerk@radleyvillage.org.uk)

Dear Sir/Madam,

**Re: Radley Neighbourhood Development Plan – Regulation 14 Consultation**

This letter provides the response of Gladman Developments Ltd (hereafter referred to as “Gladman”) to the current consultation held by Radley Parish Council on the pre-submission version of the Radley Neighbourhood Plan (RNP) under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

Gladman requests to be added to the Parish Council’s consultation database and to be kept informed on the progress of the emerging neighbourhood plan. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy.

Gladman would like to offer their assistance in the preparation of the neighbourhood plan for the submission version of the neighbourhood plan and invite the Parish Council to get in touch regarding this.

**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 RNP 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,*
- b) *having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,*
- c) *having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, 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, and*
- g) *prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.*

## **National Planning Policy Framework & Planning Practice Guidance**

### National Planning Policy Framework

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 and provides communities with the power to develop a shared vision for their neighbourhood and deliver sustainable development they need and to assist in the overall delivery of strategic housing 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 (OAN) for housing, with sufficient flexibility to adapt to rapid change. This requirement is also applicable to the preparation of neighbourhood plans.

Paragraph 16 of the Framework further sets out that qualifying bodies preparing neighbourhood plans should develop plans that support the strategic development needs for housing and economic development and to plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of a Local Plan.

Within the overarching roles that the planning system ought to play, the Steering Group should have regard to the core planning principles that underpin plan-making set out at paragraph 17 of the Framework. The core planning principles seek to ensure that a neighbourhood plan sets out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical policy 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 RNP's ability to meet basic condition (a) and (d) and this will be discussed in greater detail throughout this response.

## **Development Plan**

### Adopted Development Plan

The current Development Plan relevant to the preparation of the RNP consists of the Local Plan Part 1: Strategic Sites and Policies (LPP1) which was adopted by Vale of White Horse District Council (VoWHDC) on 14th December 2016. The LPP1 covers the period from 2011 to 2031 and provides the overarching spatial strategy for the District.

### Emerging Local Plan

Further the adoption of LPP1, VoWHDC are set to begin work on the Local Plan Part 2 (LPP2). The LPP2 will set out strategic policies and location for strategic housing for the agreed quantum of Oxford's unmet housing need. The approved timetable confirms that the Council expect to consult on a pre-submission version of the Local Plan in November 2017.

The Memorandum of Co-operation between the Oxfordshire authorities confirms an apportionment of 14,850 dwellings between the 5 authorities. However, South Oxfordshire District Council's failure

to sign the Growth Board Memorandum of Cooperation in relation to its apportionment of 4,950 homes of Oxford's unmet need. If, as it appears likely, South Oxfordshire is unable or unwilling to accommodate its full share of Oxford's unmet need, it will be necessary for the balance to be redistributed between the other Oxfordshire Districts including VoWDC.

As such, given that the Plan is in the early stages of preparation, there remains considerable uncertainty over what level of development that Radley may need to accommodate to assist the Council in meeting the unmet need from Oxford. Accordingly, the Plan will need to ensure that it allows for sufficient flexibility to ensure that it is able to react to changes that may arise through the emerging LPP2.

### **Radley Neighbourhood Plan**

This section highlights the key issues that Gladman would like to raise with regards to the content of the RNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance nor are they supported by the necessary evidence to justify their inclusion within the Plan. These policies significantly compromise the RNP's ability to meet the basic conditions. In response to these policies, Gladman has sought to recommend a series of alternative options that should be explored prior to submitting the Plan to VoWHDC for regulation 16 consultation.

### **Neighbourhood Plan Vision, Objectives and Policies**

#### Policy PP.3

Policy PP.3 states that development outside of the built-up area as defined by the Green Belt boundary will not be approved except in very special circumstances and the Green Belt will be protected to maintain openness and permanence.

Whilst recognising the community's ambition to preserve the existing Green Belt surrounding Radley, this is not within the remit of the Neighbourhood Plan. Once established, Green Belt boundaries can only be altered at the strategic level based on a detailed and robust understanding of whether a parcel of land meets the five purposes of Green Belt as required by paragraphs 80 and 83 of the Framework.

Gladman contend that the policy should allow for a degree of flexibility for the release of land through any subsequent Local Plan Reviews, which are required to take place every 5 years. To remain time effective, the RNP will need to take this matter into consideration, it is recommended that in instances where VoWHDC considers it necessary to release land from the Green Belt that surrounds Radley which do not meet the five purposes for its designation, the RNP should seek to support this release of land and any potential housing development in the area.

Further to this, the policy in its current wording appears to contradict policy PP.1 which seeks to allocate land for housing within the Green Belt Boundary. Therefore, at present the plan lacks clarity on what development, if any, would be considered outside the built-up-area of Radley, or indeed within the Green Belt boundary. Without clarification within the plan, inconsistencies in the decision-making process could become

problematic and contrary to paragraph 17 of the Framework. Accordingly, Gladman propose that the plan would benefit from a modification in the wording of this policy.

#### Policy PP.4

Policy PP.4 states that any housing development in the NPA should meet the guidelines and requirements set out in the Housing Requirements that were applied to the Radley Strategic Site in September 2016.

In principle, Gladman support the general thrust of this policy. However, housing mix will inevitably change over a period of time and this policy should seek to secure a greater degree of flexibility going forward so that it can positively respond to changing market conditions. The policy should therefore make reference to the 'latest Housing Requirements' available, rather than the 2016 'Housing Requirements for the Radley Strategic Sites' which will eventually become out-of-date and replaced by a future assessment of housing needs.

#### **Strategic Environmental Assessment**

The preparation of Neighbourhood Plans falls under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), that require a Strategic Environmental Assessment (SEA) to be undertaken where a Plan's proposals would likely result in significant adverse environmental effects.

Both the SEA Directive and Neighbourhood Planning sections of the PPG make clear that an SEA Screening Assessment should be undertaken at the earliest opportunity<sup>1</sup>. However, it is currently unclear from the consultation documents whether the need for SEA has been investigated at this stage.

The Environmental Assessment of Plans and Programmes 2004 makes clear at paragraph 12(2) that:

*'The report shall identify, describe and evaluate the likely significant effects on the environment of-*

*a) Implementing the plan or programme; and*

*b) Reasonable alternatives taking into account the objectives and geographical scope of the plan or programme.*

Should the need for SEA be required, it is important that the RNP be tested against a range of reasonable alternatives. Failure to ensure that this requirement is met could have significant implications for the RNP following the recent judgment in the High Court<sup>2</sup>. This is a significant decision which found that:

1. It is incumbent on plan makers, the independent Examiner and the making authority that the Plan is compliant with EU legislation.

2. The plan maker is required to undertake an objective assessment of the policies of the plan when discharging the duty above.

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<sup>1</sup> PPG Paragraph: 028 Reference ID: 11-028-20150209

<sup>2</sup> Stonegate Homes Ltd & Anor, R (On the Application of) v Horsham District Council [2016] EWHC 2512 (Admin)

3. That alternatives need to be accurately presented in order for the SA/SEA of a Plan to comply with European legislation.

4. All key policies of the plan need to be assessed against reasonable alternatives to have a EU law compliant SA/SEA.

Gladman therefore reserves the right to comment on this issue at a later date.

### **Conclusion**

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 policy and the up-to-date strategic requirements for the wider local authority area. Through this consultation response, Gladman have sought to clarify the relation of the RNP 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 fully comply with basic conditions (a) and (d) as the plan needs to further clarify its stance towards development. In this regard a series of modifications have been suggested which we consider are necessary for the Plan to meet the basic conditions.

I hope you have found this letter to be constructive. Should you require any further information please do not hesitate to contact me or a member of the Gladman team.

Yours Faithfully,

*Megan Pashley*

Megan Pashley

Gladman Developments Ltd.