

## Planning

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Jane Dymock

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19 October 2017

Dear Jane Dymock

### **Radley Neighbourhood Plan (RNP) - September 2017 Pre-Submission Consultation**

Thank you for taking the time to meet with us to discuss the progress and aspirations of your draft neighbourhood plan (NP) and for giving us the opportunity to comment on your second pre-submission draft. Our comments are in appendix one, which is attached. Please also see our comments on the previous pre-submission consultation.

Officers recognise the significant amount of volunteer time that has been spent on working towards your draft plan and also note the changes to the plan following the previous pre-submission consultation. In particular, we recognise the importance of the Radley Lakes area to the community.

We have previously discussed many aspects of your neighbourhood plan in substantial detail. We have also held meetings in the last year with planning policy, development management, and County Council officers in attendance to give informal advice and assistance during plan preparation.

Having now seen a revised draft, along with some of the evidence, we are able to offer this further informal officer advice, under our duty to support neighbourhood plans. Our response provides our key comments. It focusses on helping the plan to pass examination by meeting the basic conditions set out in legislation and national policy & guidance.

To communicate our response in a simple and positive way, we have produced a table of comments, which is in appendix one below. The table contains an identification number for each comment, a copy of the relevant section/policy of the NDP, our comments and, where possible, a recommendation.

Our comments are intended as a constructive contribution to the process and should not be interpreted as the Council's formal view about whether the draft plan meets the basic conditions. They are a summary of the key matters to be resolved with justification, rather than rehearsing each and every point in great detail.

#### Health Check

In advance of the referendum on your neighbourhood plan, there is a requirement for it to undergo examination by an independent person to check if it meets the Basic Conditions. Often the examiner will make a series of recommendations, which very often include modifications to various aspects of a neighbourhood plan. Examiners also make a recommendation on whether a neighbourhood plan should proceed to referendum.

We still very strongly recommend a 'health check' on your NP is carried out by an independent and suitably qualified person, in advance of submission to the district council. A health check is an excellent way to achieve an independent view on whether your plan is ready for examination and will meet the Basic Conditions and all other required legislation.

#### Local Plan Status

Local Plan 2031: Part 1 (referred to as the Part 1 Plan) was found sound and adopted by the Council in December 2016. Local Plan 2031: Part 2 (referred to as the Part 2 Plan) is in preparation and the Preferred Options took place from 9 March to 4 May 2017. The Publication Version and supporting evidence were recently published and remain open for consultation.

Yours sincerely,

A handwritten signature in black ink that reads "W Sparling". The signature is written in a cursive style with a large, sweeping flourish at the end.

William Sparling

Senior Planning Policy Officer (neighbourhood planning)

**Appendix One – Vale of White Horse District Council schedule of comments for the Radley Neighbourhood Plan September 2017  
Pre-submission Draft – 19 October 2017**

Comment ref	Section/Policy	Comment	Recommendation
1	General comments about getting a health check from an independent examiner/NPIERS as previously recommended	<p>Neighbourhood planning is a positive tool for communities to help shape development in their area. The area that Radley Neighbourhood Plan covers is most of the parish of Radley (albeit one strategic housing site was not included in the neighbourhood area but is within the parish), which includes the village of Radley and surrounding land. Oxford Green Belt is a notable planning designation in the neighbourhood area, with the village inset.</p> <p>Seeking independent advice from a suitably qualified professional on whether the neighbourhood plan will meet the Basic Conditions is strongly recommended. Two options that could be considered are to seek the views of an examiner or consultant or to carry out a health check on your plan.</p> <p>A health check gives valuable independent insight into whether a neighbourhood plan is expected to meet the Basic Conditions and helps to inform the final submission plan. Neighbourhood plan health checks are often available from consultants and separately an independent service that was set up by various professional bodies.</p>	A health check is still recommended for Radley neighbourhood plan and should inform the decisions taken to prepare final submission plan.
2	General requirements for neighbourhood plans: Basic Conditions	<p>Neighbourhood plans must meet the Basic Conditions. All of these can be found in paragraph 65 of national guidance: <a href="https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum">https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum</a></p> <p>One of these states that the “neighbourhood plan must be in general conformity with the strategic policies contained in the development plan”. Up to date strategic policies are set out in the local plan, which consists of the recently adopted Local Plan 2031: Part 1 (Part 1 plan) and will be followed by the emerging Local Plan 2031: Part 2 (Part 2 plan). All of the Part 1 plan is considered to be strategic, which will be</p>	It is recommended, as early as possible, to carefully consider how RNP meets the Basic Conditions and why.

Comment ref	Section/Policy	Comment	Recommendation
		<p>supplemented by strategic policies in the Part 2 plan. Development management policies will also be set out in the Part 2 plan. More information on the progress and expected timetable for the submission, examination and adoption of the Part 2 plan is set out on our website.</p> <p>To meet the housing need for the district and the agreed apportionment of Oxford City's Unmet Housing Need (Unmet Need) the local plan sets out areas where housing is most sustainable and is therefore acceptable in principle. Housing sites have been allocated in Part 1 and are proposed for Part 2 and they are considered to be strategic. With reference to Radley Neighbourhood Plan, the following strategic sites are of interest; North Abingdon, North-West Radley and South Kennington. There are currently no proposed strategic housing allocations in Radley parish in the Part 2 plan.</p> <p>A neighbourhood plan cannot prepare policies for areas – including sites – outside of the designated neighbourhood area and must be in general conformity with the requirements for those within it. 'Site requirements' are set out in Core Policy 22 (CP22), CP24 and the general and individual site templates in appendices. All of these are considered to be strategic and cover key matters for each site, with specific reference to evidence base documents, which are all available on our <a href="#">website</a>. Any neighbourhood plan must be in 'general conformity' with those site requirements, unless planning evidence can robustly demonstrate that a more suitable and viable alternative can be required in policy and delivered.</p>	
3	General requirements for neighbourhood plans: evidence base	<p>A neighbourhood plan should be supported by a proportionate (in the work required) and robust (to withstand scrutiny) planning evidence base.</p> <p>The three core evidence base documents are the Basic Conditions Statement, Consultation Statement and Environmental Report (SEA or SA report). These should be the primary method of demonstrating how</p>	Consider preparing the evidence base documents for the neighbourhood plan, with time to be amended before submission following comments from stakeholders and any health check.

Comment ref	Section/Policy	Comment	Recommendation
		<p>RNP meets requirements, to help pass the examination and ensure it can be made part of the development plan.</p> <p>Other evidence base documents may be submitted for examination where they have been prepared and lend support to RNP. The volume of these extra documents should be within reason, so as not to unnecessarily delay examination.</p> <p>It is also worth considering how these evidence base documents are referenced for clarity in the document and to support clarity in decision making. On page 45 of RNP, traffic surveys are referenced with no author, for example.</p>	
4	Front cover and general comment	A neighbourhood plan must specify the period for which it is to have effect. It is common practice to align the period of a neighbourhood plan with that of the emerging local plan for the area. The Vale of White Horse Local Plan covers the period up to 2031.	<p>To include the date for which the plan is to have effect on the front cover and, where applicable, ensure this is consistent throughout the plan.</p> <p>Using common practice, it is recommended to align the period for which the neighbourhood plan is to have effect with the district's local plan – up to 2031.</p>
5	Page 19 A geographical boundary	Although the two may coincidentally be broadly the same in practical terms, the 'built-up area' of the village and the Green Belt boundary are different. Therefore it is not appropriate to define the built-up area of the village as the area that is inset from the Green Belt. The plan is unlikely to be in general conformity with the local plan, which does not include boundaries, and therefore is unlikely to meet the Basic Conditions.	To delete the second sentence of the paragraph and any other references to defining a geographical boundary.
6	Section 4.2.3 Page 19	This policy supports development, subject to a set of criteria. Of key concern are the deliverability of the site, deliverability of the policy and Green Belt policy.	To reword the policy and supporting text to be in line with the available planning evidence base, to ensure that the Basic Conditions are met.

Comment ref	Section/Policy	Comment	Recommendation
	Planning Policy 1: Old Coal Yard Site	<p>The site may not be deliverable because of Green Belt policy and other issues, such as contamination. However, a policy that provides support for development from the community, where a planning application will address these and other issues is acceptable.</p> <p>A Basic Condition that neighbourhood plans must meet is “having regard to national policies and advice...it is appropriate to make the plan”. The National Planning Policy Framework (NPPF) sets out Green Belt policy and also the types of development that may be acceptable within Green Belt.</p> <p>Planning Policy 1 identifies the Old Coal Yard site, which is within Green Belt, as a ‘Smaller Housing Opportunity’ on page 17 and suggests a figure of 20-25 homes between that and the allotments site in the village, which is also identified in the plan.</p> <p>Aerial photography shows the majority of the site is concrete flooring bounded by concrete slabs, which would have been used to store coal and other materials. There are concrete slabs partially dividing the site, with some small outbuildings or containers and small piles of material being stored. There appears to be one barn/workshop type building with a corrugated roof to the south of the site. There is a short access road into the site from the east, just to the north of two houses. There are trees to parts of the north-eastern and parts of the southern boundaries of the site. The site is within the Oxford Green Belt.</p> <p>In general terms, Green Belt is intended to keep land permanently open, whilst also allowing some proposals to come forward in ‘very special circumstances’. In those circumstances the potential harm to the Green Belt must be demonstrably outweighed by other considerations.</p> <p>Paragraphs 89 and 90 explain that the local planning authority should regard the construction of new buildings as inappropriate in Green Belt, and where there are exceptions to this. Proposals for new</p>	<p>Additionally, the following change is required, if there is evidence:</p> <p>Replace:</p> <p>“the development should accord with a masterplan which minimises any sense of intrusion into the Green Belt”</p> <p>With</p> <p>“Evidence is provided to demonstrate the proposed development is in accordance with local and national policy on Green Belt”.</p>

Comment ref	Section/Policy	Comment	Recommendation
		<p>housing is not specifically stated as being an exception. However, it is possible that development may be acceptable where it is the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. This would need to be demonstrated by robust evidence at the planning application stage, if the neighbourhood plan is not supported by that evidence.</p> <p>Additionally, Thrupp Lane is a Byway Open to All Traffic (BOAT). In the supporting text to Planning Policy 1, the plan does not set out what is meant by 'satisfactory management of traffic'. In other sections of the neighbourhood plan the closure of Thrupp Lane is proposed and it can be inferred that this is the intention. The deliverability of this requirement is not clear and may impact the deliverability of the policy. Additionally, the views of Oxfordshire County Council (OCC) Highways on this point are not clear.</p>	
7	Section 4.2.3  Page 19  Community Action 1: Central Allotments Site	This community action may be more useful as supporting text, which will be examined in support of a planning policy, to support PP2. Any community action could be reworded to state the parish council's intention.	Recommend including the current CA1 text as supporting text for the policy.  Consider a new community action that states: Radley Parish Council will consider the redevelopment of the central allotments site with reference to the relevant neighbourhood plan requirements.
8	Section 4.2.3  Page 19  Planning Policy 2:	Allotments are protected by legislation that is not related to planning. Councils are required to provide allotments if it is considered there is demand and may only develop existing allotments if suitable alternatives can be found.	Ensure the planning policy is consistent with the legislative approach.

Comment ref	Section/Policy	Comment	Recommendation
	Central Allotments Site		
9	Section 4.2.3  Page 20  Planning Policy 3: Green Belt	Green Belt is a strategic matter and the extent of the Green Belt is set by national planning policy. Local planning authorities should establish Green Belt boundaries in their Local Plans, which set the framework for Green Belt. Currently Green Belt boundaries cannot be changed or prevented from changing by neighbourhood plan policies. Specifically Core Policy 13: The Oxford Green Belt sets the extent of the Green Belt around Radley, based on The Green Belt Review of 2014.	It is recommended that the policy is deleted along with any references in the supporting text.
10	Section 4.3.1  Planning Policy 4: Housing size and type at larger sites  Page 22	<p>This policy of the RNP does not seek to deliver allocations for homes. It seeks to ensure that Major Development proposals for homes meet the needs of those living in Radley, neighbouring areas and Oxford City. RNP also seeks to deliver housing to meet the needs of those seeking to move into Radley for jobs in the wider area. The ambition to support the needs of Radley residents and to also support economic growth is recognised. However, this policy is unlikely to be found to be in general conformity with the Local Plan, including for the reasons set out below.</p> <p>The council are developing an approach to delivering the unmet need for Oxford City in the Part 2 plan and this is a matter for examination in public, anticipated to begin later in 2018.</p> <p>Additionally, housing requirements for 'larger sites' (with reference to the strategic housing sites) within the neighbourhood area are also set out in this RNP policy – with supporting evidence in an additional paper called Housing Requirements for the Radley Strategic Sites (2016). The Part 1 plan sets out strategic requirements throughout the plan and RNP must be in general conformity with those requirements. Therefore PP4 is unlikely to meet the Basic Conditions.</p> <p>This is because Core Policy 22 adopts a flexible approach to the implementation of housing mix and requires that a mix of dwelling types and sizes are delivered according to the latest SHMA guidelines, unless an alternative approach can be demonstrated. This should be</p>	<p>Recommend:</p> <p>Revising the policy wording to say:</p> <p>Developers submitting housing development proposals are encouraged to take account of the evidence of demand from Radley residents and their families.</p> <p>--</p> <p>Consider preparing a supporting paper demonstrating those requirements that is not solely focussed on the strategic housing sites.</p>

Comment ref	Section/Policy	Comment	Recommendation
		<p>through the Housing Register or where proven to be necessary for viability reasons. The Site Development Templates also require that a suitable mix of housing is delivered in accordance with CP22 and CP24.</p> <p>Vale of White Horse District Council's Housing Team oversee the implementation of the Housing Register, are involved in the preparation of the Local Plan, and are a consultee on deciding planning applications. For the RNP policy to meet the Basic Conditions, evidence would be required in the form of a viability study prepared in accordance with CP22, to demonstrate that the alternative in PP4 is appropriate.</p> <p>A change to the policy is recommended to meet the basic conditions by removing those elements that are likely to not be in general conformity with the strategic policies of the local plan, whilst ensuring there is sufficient flexibility in decision making. It is also recommended that those aspects of the policy that repeat the Local Plan need not be included. Additionally, the choice made in the final neighbourhood plan should take account of the latest and up-to-date evidence of housing need and proportionate, yet robust evidence should be provided in support of the final policy.</p>	
	<p>Section 4.3.3</p> <p>Planning Policy 5: Self Build</p>	<p>Support for Self-build homes – defined as dwellings built or completed by (or commissioned by) an individual or association of individuals to be occupied as homes by those individuals – is welcomed.</p>	
11	<p>Section 4.4.3</p> <p>Planning Policy 6: Facilities on North-West Radley Housing Site</p>	<p>Requirements for strategic sites are set out in the Site Development Templates.</p> <p>Core Policies 8 (Spatial Strategy for Abingdon-on-Thames and Oxford Fringe Sub-Area), 15 (Spatial Strategy for South East Vale Sub-Area)</p>	

Comment ref	Section/Policy	Comment	Recommendation
	Planning Policy 7: Facilities on the South Kennington Housing Site	<p>and 20 (Spatial Strategy for Western Vale Sub-Area) explain that the strategic site allocations will be brought forward through a masterplanning process involving the community, Local Planning Authority and the developer.</p> <p>The Core Policies go on to state that the sites should meet any requirements set out in the Site Development Templates. The Site Development Templates comprise two parts; general requirements (section two) and site specific details (section three). These parts highlight the issues that should be addressed in detail at the planning application stage and should be read together. A masterplanning process will be carried out on the strategic sites.</p>	
12	Section 4.5.2 Primary Education	<p>Strategic sites are also required to contribute towards health care and leisure provision, where appropriate, in accordance with the requirements of the IDP.</p>	
	Section 4.6.3 Planning Policy 10: Radley Lakes	<p>Officers appreciate the issues in this area and the vision set out in the neighbourhood plan to tackle them. This policy has generated a significant amount of discussion between the neighbourhood planning group, the County Council and other stakeholders. The landowner has not been party to those discussions directly.</p> <p>In particular, the legal, environmental and planning constraints in this area are significant, as are the limitations of neighbourhood plans in solving them. All of which has been discussed previously.</p> <p>The policy is currently unlikely to meet the basic conditions, including the requirement to have regard to national policy and to be in general conformity with the local plan. Additionally, the legal tests for neighbourhood plans that must be met are significant.</p> <p>The recognition of these constraints and attempt to prepare a neighbourhood plan with them in mind is recognised and understood.</p>	<p>To prepare a masterplan for the area, which sets out how the area should change. This could be included as a community action.</p> <p>Elements of the draft neighbourhood plan that meet the basic conditions could still be included as policy.</p>

Comment ref	Section/Policy	Comment	Recommendation
		<p>The policy is unlikely to meet the basic conditions and the following risks are highlighted:</p> <ul style="list-style-type: none"> <li>• The neighbourhood plan appears to cover a County Matter by proposing development that may prejudice a minerals/quarry permission.</li> <li>• A review of minerals permissions (ROMP) is being carried out by the County Council and the outcome is unknown.</li> <li>• It may be possible to reword the neighbourhood plan to avoid County Matters, but this generates a further, and no less significant, risk that the development being proposed is not compatible with national and Local Green Belt policy. This includes permanent industrial development on a green field site in the Green Belt.</li> <li>• Road infrastructure is considered “not inappropriate” in the Green Belt. The neighbourhood plan should address the evidence base that would be required to demonstrate this was the case. It may be that this could include policy wording to allow this to be addressed at the planning application stage, where evidence would need to be provided.</li> <li>• There is a high-level of uncertainty about the extent of brownfield - or previously developed land - in the Radley Lakes area.</li> <li>• There are restoration conditions attached to the minerals permissions.</li> <li>• Various temporary planning permissions also exist in this area.</li> <li>• There is some uncertainty if the policy can be delivered because the legal tests to close, or ‘downgrade’, a B.O.A.T are significant and this may not be achieved. BOAT legislation is separate to planning legislation.</li> </ul> <p>The views of Oxfordshire County Council, as Highways and Minerals authority, are sought.</p>	

Comment ref	Section/Policy	Comment	Recommendation
13	Section 4.7.3 Planning Policy 11: Roads	The views of Oxfordshire County Council as the Highways Authority are sought on this matter.  We have previously recommended a wider contributions policy is developed and have suggested that Policy 4.5A in Faringdon Neighbourhood Plan is a good example that recently passed examination.	Recommend developing a contributions policy, where it can be demonstrated that this meets the Basic Conditions.
14	Section 4.7.3 Community Action 11		Reword the community action. Replace:  “the parish council will work with”  with  “the parish council will approach”.
15	Section 4.9.3 Planning Policy 13: Connectivity  Page 46	Please see comments 11 and 12 on strategic sites above.  The policy also appears to be overly restricted to strategic sites.	Recommend considering how wider development across the neighbourhood area could be encouraged to contribute to meeting the aim of the plan.
16	Section 4.10.3 Planning Policy 14: Radley Station	Please see comments 11 and 12 on strategic sites above.  The policy also appears to be overly restricted to strategic sites.	Recommend considering how wider development across the neighbourhood area could be encouraged to contribute to meeting the aim of the plan.