

Radley Neighbourhood Plan, 2018–2031

Regulation 15 Consultation Statement

**RADLEY PARISH COUNCIL:  
JANUARY 2018**



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## INTRODUCTION

1. Regulation 14 of the Neighbourhood Plan (General) Regulations 2012 places a responsibility on parish councils to publicise and consult on draft Neighbourhood Plan proposals before submitting them to the local planning authority. Regulation 15 requires that a consultation statement is submitted alongside the proposals, and defines the consultation statement as a document which —

- (a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- (b) explains how they were consulted;
- (c) summarises the main issues and concerns raised by the persons consulted; and
- (d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.

2. This statement is submitted by Radley Parish Council (RPC) under Regulation 15 to support the draft Radley Neighbourhood Plan 2018-31. It is arranged as follows.

Overview and continuing activities (paragraphs 3 – 5)

Non-statutory consultation – May 2016 (paragraphs 6 – 9)

First pre-submission consultation – December 2016 (paragraphs 10 – 13)

Second pre-submission consultation – September 2017 (paragraphs 14 – 20)

## OVERVIEW AND CONTINUING ACTIVITIES

3. The development of proposals for the Radley Neighbourhood Plan started in earnest in July 2015 when the Radley Neighbourhood Plan area was designated by the local planning authority, the Vale of White Horse District Council (VWHDC). The proposals were finalised for formal submission to VWHDC in December 2017.

4. Plan development and consultation fell into four main phases following the designation of the Neighbourhood Plan area in July 2015. These were as follows.

**Phase 1. Initial work and topic groups.** After some initial scoping work, an open meeting was held in October 2015 attended by over 40 people. Drawing on ideas discussed at the meeting, 4 topic groups were established to develop ideas and make recommendations. The groups worked over the winter of 2015/16. Their ideas were fed into the May 2016 consultation exercise described below.

**Phase 2. May 2016 non-statutory consultation.** This was a major consultation exercise designed to explore the views of local residents on plan-related matters. It involved the publication of draft policies for discussion, a survey involving the door-to-door hand delivery and collection of questionnaires to every household in the parish, and a public exhibition run over two days in late May. It is described in more detail in the relevant section below.

**Phase 3. First pre-submission consultation - December 2016.** The responses to the May consultation were analysed, draft policies were reviewed and a draft Neighbourhood Plan was drawn up and discussed with the local planning authority over the late summer and autumn of 2016. The draft was published on 16 December and publicised and distributed in accordance with the Regulation 14 requirements for pre-submission consultation. The procedures followed and outcome of that consultation are reported in more detail in the relevant section below.

**Phase 4. Second pre-submission consultation – September 2017.** The local planning authority formally notified RPC in April 2017 that some of the policies in the December 2016 draft sparked the requirement under European legislation for a strategic environmental assessment (SEA). An SEA was duly commissioned and completed in August 2017. Other comments received in response to the December 2016 draft were considered and appropriate amendments made to the draft Plan over the same period. A revised draft Plan was published in September 2017 and again publicised and distributed in accordance with the Regulation 14 requirements. That stage of consultation is also reported in the relevant section below.

5. Across the whole period covered by these four phases of work, a range of mechanisms were used to bring key issues to the attention of local people and organisations, to encourage their participation in the process and to keep them informed of progress. These were as follows.

- i. **Radley News.** Monthly reports were provided in the parish magazine, Radley News. This is distributed to around 240 households and available for purchase in the village shop.
- ii. **Email updates.** Updates were circulated by email to around 450 addressees on RPC's development database, again at approximately monthly intervals.
- iii. **Website.** A comprehensive library of Neighbourhood Plan and development-related documents was created and maintained on the village website. Events and key developments were announced and reported individually on the website as and when they occurred.
- iv. **Web Forum.** A Forum was set up on the Radley village website in April 2016 and remains available for anyone wanting to use it. Unfortunately, it has generated only very limited numbers of comments.
- v. **Stakeholder meetings.** Discussions were held with 23 different local stakeholders, many of them involving more than one meeting and further written exchanges of views. There were ongoing discussions across the whole period with two key stakeholders, VWHDC and local landowners, Radley College. Stakeholder meeting notes and statements can be found on the website.

## NON-STATUTORY CONSULTATION – MAY 2016

### The process

6. The May 2016 consultation was designed to inform Radley residents about developing thinking on the Neighbourhood Plan, and to seek views and information on a range of issues. It comprised:

- i. Publication of a consultation document: "Developing Radley's Neighbourhood Plan. Our thinking to date and draft policies for consultation."
- ii. An exhibition in the village hall over the week-end of 21/22 May which illustrated the ideas in the consultation document.
- iii. A questionnaire survey of all households in Radley.

7. Every Radley household was hand-delivered a copy of the questionnaire together with a 4-page covering explanatory leaflet. The questionnaire was also made available to be completed online using Survey Monkey. The leaflet drew attention to the consultation document, which was made available free of charge from the Parish Clerk, Radley Village Shop, the site office at Pebble Hill mobile home park and at the exhibition. The leaflet also publicised the exhibition. The material and events were also publicised through Radley News, email database alerts, the village website and posters around the village. Volunteers called on every household to encourage completion of forms, and to collect them.

8. 457 households - 45% of the total number in Radley - completed and returned the questionnaire either in hard copy or online. There were some 400 visitors to the exhibition over the two days, many of whom left written comments. About 250 copies of the draft policies document were distributed.

## The outcome

9. The questionnaire explored views on six particular topics and also invited views generally. Responses are reported in detail in the RPC document *Report on Neighbourhood Plan consultation – May 2016* submitted with this statement. The main views expressed and how they were addressed in the draft Neighbourhood Plan are summarised below.

### i. Location of the village hall and sports field

Local land-owners Radley College have put forward proposals to develop housing on the site of the existing village hall and playing fields at Gooseacre and to provide new facilities on a greenfield site at the north end of Radley village. This scheme was first discussed in 2007 and has provoked mixed views in the village across the years. The questionnaire invited households to say whether or not they supported the proposed move. 37% of respondents were in favour, 32% against, and 31% expressed no strong views either way.

RPC carefully considered all the arguments for and against the move, and decided that the Neighbourhood Plan should not support the proposal to move the facilities to the new site. The decisive consideration was that both the existing site and the proposed new site for the facilities are in Green Belt, and the proposition would involve building on both. While those in favour of the move represented the largest single group of questionnaire respondents, they were a minority overall. The level of support was considered insufficient to amount to the ‘very special circumstances’ required to justify development in the Green Belt.

### ii. Developing the central allotment site

RPC owns a small site in the centre of the village currently occupied by allotments. Households were asked whether they favoured the development of this site for community benefit if a suitable alternative allotment site was identified. 44% were in favour of this proposition, 27% against and 29% undecided. The main concern expressed was that the existing allotment holders should not be disadvantaged.

Taking account of this response, the policy in the draft Neighbourhood Plan is to support development of the site only if a suitable replacement allotment site can be found located at reasonable convenience for the community and if certain other conditions are met.

### iii. The community shop

Radley benefits from a community shop which celebrated its 10th anniversary in 2017. Ideally, it would like more space than is available at its current location. Households were asked about how much they used and valued the shop, their views on its location, and whether they would welcome its replacement with a commercial enterprise. 90% of those responding wanted the shop to continue as it is, or to expand. Frequent users said they were less likely to use the shop if it moved away from its current very central location.

RPC is strongly supportive of the continuing success of Radley Village Shop. Taking account of the views expressed, RPC concluded that it should remain at or near to its current central location. The draft Neighbourhood Plan contains a Community Action to further explore the use of the central allotment site as a location for a larger shop, in consultation with the shop management committee.

### iv. The Radley Lakes area and the old coal yard

The consultation sought people’s views on proposals to develop the Radley Lakes area to the south of the parish as an area of quiet recreation and nature conservation for the benefit of local people, and to seek an alternative access route for minerals and commercial traffic. 78% of respondents said that they supported the proposals, while 8% were against and 14% had no firm view. In view of the high level of support, the proposals were developed for inclusion in the draft Plan.

Households were also asked whether they supported the development of the former coal yard site adjacent to Thrupp Lane, which is an unremediated brown field site in the Green Belt. The replies on this were more nuanced, with a number of respondents expressing concerns about loss of Green Belt land and the erosion of the gap between Radley and Abingdon. However, 65% of respondents were in favour of the proposition. RPC decided that development of the site should be supported in the Neighbourhood Plan provided certain conditions, including on the minimisation of intrusion into the Green Belt, were met.

**v. South Kennington facilities**

The questionnaire sought the views of Radley parishioners living in the north of the parish about the facilities they would like to see developed as part of the proposed South Kennington housing development. 58% of those responding said that they would use a shop if one was provided, and there was support also for play areas and a café.

Reflecting this response, the draft Neighbourhood Plan proposed that a site for retail premises should be provided as part of the proposed South Kennington strategic housing development and also proposed the provision of a play area.

**vi. Housing requirements**

The questionnaire invited households to state whether they would currently like to move to a different home in Radley, and whether members of their family were looking for a home in Radley. They were also asked to specify what type of housing they were looking for, and whether they planned to buy or rent.

The responses were analysed to form an overview of the housing requirements of Radley residents and their families, which was in turn used to develop policies in the Neighbourhood Plan designed to influence the mix of housing developed in Radley.

**vii. Other policies**

The questionnaire responses and exhibition comments also offered views on issues not specifically explored in the questionnaire. A very large number expressed outright opposition to the large-scale development proposed in the parish under the Local Plan and/or concern to protect the Green Belt. There were comments also on the importance of maintaining natural green space and habitats. There were also a large number of comments on Radley infrastructure, including many concerned to see improvements to meet the needs of both the existing and new populations. Issues raised included roads and traffic, schools, station parking, sewers and drainage, primary health services, cycle provision and station access.

Some of the issues raised were beyond the scope of the Neighbourhood Plan and others were already covered in the draft policies document. These policies were refined and added to in the light of the consultation responses to form the infrastructure policies set out in the December 2016 version of the draft Plan.

## FIRST PRE-SUBMISSION CONSULTATION – DECEMBER 2016

### The process

10. *The Radley Neighbourhood Plan: Consultation Draft December 2016* was published on 16 December 2016. Individual copies of the draft Plan were sent to local landowners, businesses and interest groups and to statutory consultees. The letter inviting comments and list of consultees is included in Annex 1. The bodies consulted included: all bodies listed in sub-paragraphs (a) to (l) of paragraph 1 of Schedule 1 of the Neighbourhood Planning Regulations 2012 with the exception of national bodies with no responsibilities in Radley; all businesses, clubs, charities and voluntary organisations based in Radley; and all bodies which are based outside Radley but which are known to the parish council to have a special focus on representing the interests of disabled people in Radley, businesses operating in the area, and different racial, ethnic and religious groups in Radley. In addition, a four-page summary was distributed by hand to every household in Radley with a simple response form on which to return comments. The consultation was publicised in the Radley News, through an email bulletin and on the village website, and a press notice was sent to the local press. Paper notices of the publication were posted around the village. Free paper copies of the draft were made available at the village shop. An 8-week consultation response period was allowed, longer than the 6-week minimum required to allow for the intervention of Christmas.

11. Presentations of the proposals were held in the village hall on the evening of Wednesday 18th January and afternoon of Sunday 22nd January, attended by 63 and 77 people respectively. Written responses were received from 25 organisations and 36 individuals.

### The outcome

12. All responses to the consultation were considered carefully and changes to the draft Plan made where appropriate. Each comment made is recorded in the response spreadsheet<sup>1</sup> submitted with this statement. RPC's response to the comment is recorded in the final column.

13. The main issues raised and how they were addressed in the Second Consultation Draft, September 2017 are summarised below.

#### i. Objectives

Oxfordshire County Council (OCC) made the point that, while the Plan included many aspirations and policies directed towards the health and well-being of the community, there was no overt reference to health and well-being in the text on vision and objectives. OCC also pointed out that this section omitted any reference to biodiversity notwithstanding the coverage of these matters in later sections of the report.

RPC agreed with these comments and amended the text accordingly.

#### ii. Additional housing site allocation.

The owners of a large site in South Radley and their agents both challenged the Plan on the grounds that it allocated insufficient housing land to make an appropriate contribution to meeting identified local housing needs.

RPC noted that some 900 new dwellings were allocated to Radley Parish under the Local Plan Part 1 and considered that any more would impose an unacceptable strain on local infrastructure and the community's capacity to accommodate growth. This view was supported in the draft Local Plan Part 2 which allocates no more housing sites in the parish. The site is in Green Belt and RPC is opposed to its development for that reason also. The case for additional allocations was rejected for these reasons.

<sup>1</sup> Radley Neighbourhood Plan Consultation Draft December 2016. Analysis of comments received and RPC's responses.

**iii. Old coal yard.**

The draft Plan supported the development of a small number of houses on the old coal yard site, a brownfield site on Green Belt land to the west of Thrupp Lane. Twelve residents commented supporting the policy while two objected and two raised reservations, with those against making the point that there was enough development proposed for Radley already. The Environment Agency (EA) raised concerns about sewerage provision and Historic England was concerned for adequate protection for the adjacent Scheduled Monument.

The policy to support development on this site was retained given the balance of views expressed by members of the community. The wording was amended to reflect points raised by the EA and HE.

**iv. The allotment site.**

The draft Plan supported the development of the allotment site in central Radley provided suitable replacement allotments were provided, contamination and stability issues were addressed and the community shop was given an option to occupy part of the site. Nine residents broadly supported this policy while six either opposed it outright or pointed to problems or alternatives. The Radley Village Shop Management Committee asked for it to be made clear that a range of conditions would need to be met before they could contemplate any move to the site.

Given the balance of comments in favour, this policy was retained with some refinements to the wording to take account of points raised. It should be noted that this site is owned by RPC who will not take development forward unless there is clear evidence of community support and benefit.

**v. Housing mix and tenure**

The draft Plan proposed that the mix of housing tenure and size on housing sites should take appropriate account of RPC's evidence of local demand, derived from the May 2016 questionnaire. This policy was strongly supported by the Benefice Housing Group and by most residents who commented. The District Council sought clarity on the size of development to which the policy was supposed to relate, and the relationship with the Local Plan policy to deliver housing in line with the Strategic Housing Market Assessment (SHMA) guidelines. The strategic site developers also questioned the relationship between this policy and the SHMA. One of them also questioned the robustness of the evidence produced by RPC, arguing that 'the weight that can be attached to it is entirely questionable'.

RPC carefully considered all the arguments on this matter and concluded that the wording of the policy should be revised to clarify the intention that local evidence should be taken into account alongside, rather than in place of, the SHMA. This is compatible with the recommendations in the NPPF and the SHMA itself. The policy was also amended to clarify that it was intended to apply only to major applications.

RPC rejects the suggestion that its local housing evidence is not robust. It is drawn from a rigorously designed and analysed series of questions in a survey of all Radley households which achieved a 45% response rate.

**vi. Location of village hall and playing fields**

The draft Plan included a community action indicating that the village hall and playing fields should stay in their current location, and that RPC should work with others to secure their improvement. Of 20 local residents responding on this matter, 8 supported the policy, 3 opposed the policy on the grounds that they would prefer a move to the Church Road location, 2 said that they would have preferred the Church Road location but understood the reasons for the decision and 7 made a variety of comments not clearly favouring one location or the other. Radley College and their advisers, who have a vested interest in the development

of housing on the existing site, argued that there was insufficient space at Gooseacre for improved facilities and the RPC survey of community views on the matter was flawed.

RPC's conclusion was that the views expressed in response to this consultation did not justify a change in policy. If anything, they showed a slight shift in local opinion towards leaving the facilities where they are. Following discussion within the Steering Group, the wording of the community action was revised so as not to completely rule out any different options for the siting of the village hall and playing fields that might emerge.

**vii. Radley Lakes.**

The draft Plan included planning policies precluding further development in the Radley Lakes area in advance of progress towards a solution for safe cycling and walking, and indicating potential support for the permanent development of the John Curtis industrial site (JCSL site) if an alternative access route was created. A community action provided that a master plan should be prepared for the detailed management of the area for quiet recreation and nature conservation.

There was overwhelming support for these proposals from local residents and broad support also from the Friends of Radley Lakes and English Nature. Whilst in most cases expressing support for the objectives of the policy, technical issues were raised by the county council, the district council, and the Environment Agency. These suggested that (a) the expression of conditional support for the development of a road and buildings on land in flood zone 2/3 was not acceptable; (b) the identification of circumstances in which development would not be supported was in conflict with the principle of sustainable development; (c) the JCSL site is subject to a minerals planning condition for restoration and the future of the site is thus a county matter outside the scope of the Neighbourhood Plan; (d) the NP should not include proposals for roads which are not likely to be capable of achievement given the powers of the planning authorities.

These concerns were discussed in detail with county and district officers and in a written exchange with the Environment Agency. The policies were revised in the light of these discussions to require suitable flood risk investigation and mitigation to be undertaken before any development is permitted, to delete references to circumstances in which development will not be supported, and to make it clear that the policies do not over-ride extant minerals planning permissions and conditions. A number of more detailed adjustments were also made to the policies and supporting text in response to other points raised.

**viii. Roads and cycling policies**

There were comments on these policies from a fair number of individuals, the two strategic site developers and the county council. There have been subsequent discussions between RPC, the county and district authorities and the developers on these matters in the context of the three strategic site planning applications, and views were fed into these discussions. Some immediate changes were made to the policies in the light of the responses to this consultation (eg the reference to smoothing the bends in White's Lane was removed). Other changes have been made to take account of the outcome of discussions.

**ix. Heritage**

Historic England drew attention to the scheduled monuments (archaeological sites) in the south of the Plan area and queried what had been done as part of the plan making to take account of these. RPC agreed that these are an important local asset and added a new policy identifying steps that developers must take to investigate and protect heritage assets in advance of development. These requirements are drawn from the NPPF.

## SECOND PRE-SUBMISSION CONSULTATION – SEPTEMBER 2017

### The process

14. *The Radley Neighbourhood Plan: Second Consultation Draft September 2017* was published on 6 September 2017. The consultation was publicised in the Radley News, through an email bulletin and on the village website. Paper notices of the consultation were posted around the village. Electronic copies of the revised draft Plan were sent with an invitation to comment to the same set of consultees as identified for the December 2016 consultation, with the addition of three bodies who responded to the earlier consultation (see Annex 1 for the consultation letter and full list of consultees). Free paper copies were made available in the village shop and from the Clerk.

15. Responses were received from 17 organisations and only 1 individual. The 17 bodies comprised the county and district local authorities and 6 other statutory consultees, 3 local bodies, 5 developers/strategic site owners and one other landowner.

16. *The Strategic Environmental Assessment of the Radley Neighbourhood Plan. September 2017* was circulated alongside the Second Consultation Draft. No comments were received on it.

### The outcome

17. All responses to the consultation were considered carefully and changes to the draft Plan made where it was judged appropriate. Each comment received is recorded in the response spreadsheet<sup>2</sup> submitted with this statement and a note of RPC's response is included in the final column.

18. Further comments were received from VWHDC's consultants, Bluestone Planning, on 22 November. These are reported in Annex 2 to this document, again with RPC's response in the final column.

19. As this was the second round of formal consultation on a largely unchanged set of policies, few major new points were made. The revisions from earlier drafts were largely welcomed. The majority of the more critical comments were about the technical requirements for neighbourhood planning rather than the substance of the proposals. A number of amendments were made to the draft Plan in the light of the comments received to clarify the policies and to make minor updates and corrections. However, no major changes to the policies were made and there were none with significant effects on the impacts assessed in the Strategic Environmental Assessment, September 2017.

20. Several of the comments from the strategic site developers related to their development proposals which were at that time being considered through the development management process. The consultation draft had been deliberately cast so as to allow some latitude for development proposals (eg on junction design) which met the objectives of the Plan even if differing in detail. In such cases there was generally no need to amend the Plan further, but some small adjustments were made. These issues are being pursued through the development management process and are not addressed in detail here.

21. Turning to specific points, the main new issues raised and RPC's response to them are summarised below.

**i. Policies dealing with the strategic sites: relationship with master-planning (PPs 6, 7, 13)**

VWHDC and some of the strategic site developers argued that some policies which relate to the strategic sites should be subject to master planning. Some developers went further than this and suggested that policies that impact on the strategic sites have no place in the Neighbourhood Plan at all. RPC does not accept these views, noting that the policies concerned have been carefully constructed to conform with strategic policies set out in Local Plan Core Policy 8, the Site Development Templates and the VWHDC Infrastructure Delivery Plan. Our reasoning is explained in more detail in Annex 3. No changes were made.

<sup>2</sup> Radley Neighbourhood Plan Consultation Draft September 2017. Analysis of comments received and RPC's response.

**ii. Role of Neighbourhood Planning in relation to developer funding (PPs 9, 11, 12, 14)**

One of the developers stated that they would make ‘the appropriate contributions in accordance with the Vale’s adopted CIL Charging Schedule, Planning Obligations SPD and in consultation with the District Council’, by implication suggesting that the Neighbourhood Plan has no role in setting policies for developer contributions. Again, RPC rejects this view. We consider that policies may usefully complement strategic funding policies in the Local Plan provided they do not conflict with them. For example, on s 106, it is noted that VWHDC documents are completely silent on the implications of development for Radley station (perhaps reflecting the fact that it is the only station in the district). On CIL items, RPC’s view is that a statement of its priorities for funding can only be helpful. RPC’s approach to these issues had been explained in some detail in Part 5 of the draft plan, which attracted remarkably little comment. Minor drafting changes were made to clarify RPC’s position.

**iii. South Radley site and site allocations (PPs 1 & 2).**

The promoters of the development of a large site in south Radley again argued for the allocation of that site, pointing to a number of advantages that the development could bring to the village. The point had been considered at an earlier stage and RPC’s view remained unchanged. The promoters also argued that policies dealing with the old coal yard and central allotment sites amount to ‘allocations’ requiring the investigation of ‘reasonable alternatives’. This argument was rejected on the grounds that the VWHDC Screening Opinion issued in April 2017 expressly advised to the contrary. No changes were made.

**iv. Green Belt (PP 3).**

VWHDC pointed out that the Green Belt ‘inset’ area is not the same as the built-up area and that the policy was confusing. They also advised (again) that the policy was unnecessary insofar as it simply echoed Local Plan Core Policy 13. RPC decided to stick with its earlier decision to retain the policy in the Plan given its great importance for local people. However, the reference to the built-up area was agreed to be confusing and was removed from the policy and supporting text.

**v. Policies on housing mix (PP 4)**

VWHDC officers and one of the developers again questioned whether the policy on market housing mix was in general conformity with the strategic policy on the Local Plan, and the developer again questioned the relevance of RPC’s survey of housing need and of the Oxford City SHMA. RPC was not persuaded by these arguments for reasons set out in Annex 3. We were also conscious of the strong support for this policy in the local community. No policy changes were made.

**vi. Radley Lakes (PP10)**

Despite substantial work on the previous version of this policy to take account of discussions with VWHDC and OCC, RPC was disappointed that both bodies raised continuing queries about the compliance with legal requirements of the revised policy for this area. These concerns are tackled point by point in Annex 4 to this statement, which concludes that the policy can be seen as compliant. Late drafting suggestions from Bluestone Planning on behalf of VWHDC (see para 17) have for the most part been incorporated in the policy, and suggest that VWHDC concerns may have been largely resolved.

Welcome support for the policy was received from RWE Generation, who own a significant part of the area as well as having a licence to restore other parts in different ownership.

**vii. Natural and historic environments**

Natural England and Historic England both welcomed changes that had been made to the draft Plan to reflect their comments from the earlier round of consultation but both also suggested additional coverage of their areas of concern. Natural England wanted to see (among other things) a stand-alone planning policy relating to the protection and enhancement of biodiversity, replacing the existing community action committing RPC to work to support the Local Plan strategic policies on these matters. Historic England pressed for further work to assess the impact of possible development on the historic environment and proposed two new community actions to explore aspects of local history. RPC were sympathetic to these points but did not consider they warranted inclusion in the Plan for reasons reported in the spreadsheet. We were also reluctant to introduce new policies at this late stage, when there would be no opportunity for public consultation.

## ANNEX 1

CONSULTATION LETTERS ISSUED IN DECEMBER 2016 AND  
SEPTEMBER 2017, AND LIST OF BODIES CONSULTED

## RADLEY PARISH COUNCIL

CLERK: Mrs Jane Dymock  
Tel: Oxford (01865) 864360  
E-Mail: [clerk@radleyvillage.org.uk](mailto:clerk@radleyvillage.org.uk)  
[www.radleyvillage.org.uk](http://www.radleyvillage.org.uk)

c/o 73 Eaton Road  
Appleton  
Abingdon, Oxon  
OX13 5JJ  
16 December 2016

Dear

Radley Parish Council publishes its draft Neighbourhood Plan today. We would welcome your comments.

A copy of the draft Plan is enclosed. It is also available on the Radley village website [<http://www.radleyvillage.org.uk/installer/wp-content/uploads/2016/12/Radley-Neighbourhood-Plan-consultation-draft-final.pdf>] together with its supporting documents.

A 4-page summary of the policies in the Plan is also enclosed. This is intended as a quick overview of what is covered in the Plan and should not be taken as a full statement of the draft policies set out there. Please refer to the main text before submitting comments.

You are invited to submit any comments either by completing the response form on the Radley Village website [<http://www.radleyvillage.org.uk/radley-neighbourhood-plan-consultation-form/>] either online or by sending comments to Radley Parish Clerk, 73 Eaton Road, Appleton, Abingdon OX13 3JJ, [clerk@radleyvillage.org.uk](mailto:clerk@radleyvillage.org.uk).

**The deadline for comments is 10 February 2017.**

The draft will be revised in the light of representations received and then submitted to the Vale of White Horse District Council as local planning authority.

The subsequent procedural requirements leading up to the adoption of the Plan can be viewed here [<http://www.radleyvillage.org.uk/neighbourhoodplan-consultation-december-2016/>].

Yours sincerely

Clerk to the Council

**RADLEY PARISH COUNCIL**

CLERK: Mrs Jane Dymock  
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E-Mail: [clerk@radleyvillage.org.uk](mailto:clerk@radleyvillage.org.uk)  
[www.radleyvillage.org.uk](http://www.radleyvillage.org.uk)

c/o 73 Eaton Road  
Appleton  
Abingdon, Oxon  
OX13 5JJ  
6<sup>th</sup> September 2017

Dear

I wrote to you on 16 December 2016 inviting your views on Radley Parish Council's draft Neighbourhood Plan, pursuant to Regulation 14 of the Neighbourhood Plan (General) Regulations 2012 (as amended). I am now writing under the same regulation to seek your views on the attached revised draft Radley Neighbourhood Plan, September 2017.

This version is accompanied by an Environmental Report undertaken by AECOM Infrastructure & Environment UK Ltd. This report was commissioned following receipt of formal notice from the Vale of White Horse District Council in April 2017 that our proposals in respect of the Radley Lakes area had potential environmental impacts sufficient to spark the requirement for a strategic environmental assessment under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We have made a number of amendments to the earlier draft Plan, in particular to deal with technical matters raised by statutory consultees, many of which related to our Radley Lakes strategy. There have also been some changes to reflect developments in relation to the strategic housing sites, and views expressed by local people. A complete list of comments received in response to the December 2016 consultation is in the attached Excel spreadsheet, annotated to show how we have responded to each comment. Corporate consultees should be able to locate their own earlier comments and our response to them by entering their name in the search box.

The Environmental Report finds that the draft Plan performs well in terms of a range of sustainability objectives, with no major draw-backs highlighted. The Radley Neighbourhood Plan, Second Consultation Draft, September 2017 is available on the Radley village website, as is the Environmental Report by AECOM Ltd and the Excel spreadsheet recording responses to the December 2016 consultation.

You are invited to submit any representations to Radley Parish Clerk, 73 Eaton Road, Appleton, Abingdon OX13 3JJ, [clerk@radleyvillage.org.uk](mailto:clerk@radleyvillage.org.uk).

The deadline for comments is **18 October 2017** at 11.59pm.

Yours sincerely

Clerk to the Council

**Radley businesses**

Radley Village Shop  
 RWE npower  
 Greene King  
 The Bowyer Arms  
 H Tuckwells & Sons  
 Tarmac Topmix Ltd  
 J Curtis and Sons Ltd  
 R.P. Cherry Ltd  
 TVM Oxford  
 Terrafirma  
 Mr Nick Frearson  
 Lodge Hill Garage  
 Peachcroft Farm

**Radley landowners**

Mr G Payne  
 Mrs T Colton\*  
 Mr J Dockar-Drysdale\*  
 Representatives of the owners of the South  
 Radley strategic site  
 Representatives of the owners of the North West  
 Radley strategic site  
 Sovereign Vale Housing Association  
 Representatives of the owners of the N Abingdon  
 site  
 Representatives of the owners of the  
 S Kennington site  
 Mrs J McDougall  
 Mr P Dockar-Drysdale  
 Arnold White Estates  
 Pye Homes

**Radley schools and churches**

Radley College  
 Radley CE Primary School  
 Radley CE Primary School Governing Body  
 St Swithun's CE Primary School  
 St Swithun's CE Primary School Governing Body  
 Radley St James PCC

**Local authorities and elected representatives**

Vale of White Horse District Council  
 South Oxfordshire District Council  
 Oxfordshire County Council  
 Kennington Parish Council  
 Nuneham Courtenay Parish Council  
 Abingdon Town Council  
 Sunningwell Parish Council  
 Culham Parish Council  
 Sandford on Thames Parish Council  
 District/County Councillor Bob Johnston  
 District Councillor Ed Blagrove  
 Nicola Blackwood MP

**Local health services**

Oxfordshire Clinical Commissioning Group  
 Oxfordshire Health NHS Trust  
 Oxon NHS  
 NHS Improvement  
 Kennington Health Centre

Malthouse Surgery  
 Long Furlong Medical Centre  
 The Abingdon Surgery, Stert Street

**Government agencies and public utilities**

Homes and Communities Agency  
 Natural England  
 Environment Agency  
 Historic Places Adviser, Historic England,  
 SE Region  
 Mono Consultants Limited  
 British Telecom  
 BT Openreach  
 Vodafone  
 O2  
 EE  
 CTIL  
 SSE  
 National Grid  
 Southern Gas Network  
 Thames Water  
 Thames Valley Police  
 Highways England  
 Health and Safety Executive  
 Network Rail  
 Oxford Bus Company  
 Great Western Rail

**Radley voluntary groups and clubs**

Radley Guides  
 Radley Brownies  
 Radley Youth Football Club  
 Radley Youth Club  
 Radley Village Hall Trustees  
 Radley Village Hall management committee  
 Radley Retirement Group  
 Radley Good Neighbours  
 Radley WI  
 Friends of Radley Lakes

**Non-Radley bodies representing special interest groups**

Abingdon Chamber of Commerce  
 Oxfordshire Local Enterprise Partnership  
 OXTRAG (Oxfordshire Transport and Action  
 Group)  
 OCVA (Oxfordshire Community and Voluntary  
 Action)  
 Sustrans  
 Berkshire, Buckinghamshire and Oxfordshire  
 Wildlife Trust  
 Earth Trust  
 Diocese of Oxford  
 Churches Together in Oxfordshire

**Other**

Gladman Developments\*

\*Added for 2017 consultation

## ANNEX 2

BLUESTONE PLANNING COMMENTS ON RADLEY NEIGHBOURHOOD PLAN SECOND CONSULTATION DRAFT,  
SEPTEMBER 2017

Comment Ref	Section / Policy	Comment	Recommendation	RPC response
	Page 19, 4 <sup>th</sup> paragraph	<p>The paragraph refers to the Plan providing that... “any development should be limited to infill within the existing built-up area of the parish and to the development of the strategic sites and the old coal yard.”</p> <p>This should be revised to reflect the following comments in the next row of this table, to remove reference to the built area being equivalent to the area that is ‘inset’ from the Green Belt, and to reflect the strategic policy requirements for development in Larger Villages (as set out in Local Plan Part 1 policy CP4).</p>	<p>Amend paragraph to read:</p> <p><b>“A geographical boundary</b> Given the scale of development already planned over the period to 2031, this Plan provides that any development should be limited to <u>sustainable development within the existing built area</u> <del>infill within the existing built up area</del> of the parish and to the development of the strategic sites and other sites <u>that accord with the policies of the development plan and national planning policy</u> <del>the old coal yard.</del> <u>The Neighbourhood Plan defines the built up area within which development is permissible by reference to the area of central Radley which is ‘inset’ from the Green Belt.”</u></p>	<p>This paragraph and Policy PP.3 have been redrafted so that they simply endorse Green Belt policy. Nothing more was intended. References to the existing built-up area were intended to convey to non-experts what the inset area is. They have been deleted.</p>
	Section 4.2.2; 4.4; policies PP1 and PP2	<p>The policies are tantamount to allocation policies which will have the effect of identifying the Old Coal Yard and Central Allotments sites as allocation sites. Whilst this may be appropriate provided that reasonable alternatives have been considered, and there is evidence of this, in the absence of such evidence it could be suggested by the promoters of other sites in the Plan area that</p>	<p>Revise the wording of the policies so that they read:</p> <p><b>“Development proposals will be supported where they accord with the policies of the development plan and national planning policy. In particular, the Parish Council will support proposals which are sustainable and which can deliver planning benefits to the local community.</b></p> <p><b>Such proposals may include (but not be limited to) sites such as the Old Coal Yard and Central Allotments sites where it can be demonstrated by the applicants that the delivery of any sites meet the above criteria.</b></p> <p><b>The successful delivery of a site may require other</b></p>	<p>The supporting text already makes clear that the NP is not allocating these sites for development. This was also stated by VWHDC in their SEA Screening Statement of April 2017, and they have advised RPC that it is not necessary to consider reasonable alternatives.</p> <p>RPC therefore see no need to make the suggested amendments.</p>

Comment Ref	Section / Policy	Comment	Recommendation	RPC response
		<p>their sites should have been assessed in a comparative exercise against a common set of criteria.</p> <p>In order to avoid this the wording of the policies should be altered.</p>	<p><b>issues to be addressed. In the case of the Old Coal Yard and Central Allotments sites development of those sites</b></p> <p><b>PP-1</b>  <del>Development on the old coal yard to the west of Thrupp Lane will be supported where the following criteria are also adequately-addressed:</del></p> <p><b>Old coal yard site</b></p> <ul style="list-style-type: none"> <li>• The development should provide satisfactorily for the management of traffic on Thrupp Lane, both through direct mitigation measures and through a financial contribution towards wider measures to reduce conflicts and increase safety.</li> <li>• The scheduled monument (archaeological remains) on the west side of the site should be protected through a conservation management plan agreed with the County Archaeologist.</li> <li>• The development should be in accord with a master plan which minimises any sense of intrusion into the Green Belt and restores a rural character free of dereliction. The masterplan should include measures for locating the development to the east of the site, for retention of tree belts and for removal of hard standings and remedying contamination issues.</li> <li>• Arrangements for sewerage should be agreed with Thames Water.</li> </ul> <p><b>PP-2 Central allotments site</b>  <del>Development of the central allotments by the railway bridge will be supported where the following criteria are adequately addressed.</del></p> <ul style="list-style-type: none"> <li>• Appropriate measures should be taken to remedy any contamination issues or instability from previous land uses and the main sewer under the site should be adequately protected.</li> <li>• A suitable replacement allotment site should be provided by the Parish Council which is of at least equivalent quality and is located at reasonable convenience to the community.</li> <li>• Radley Village Shop should be given an option to occupy part of the site." </li></ul>	
	PP3	<p>This policy effectively duplicates national and development plan policy on Green Belts. In reality it is unlikely that the independent examiner will agree it is necessary since it does not add anything more to those existing policies.</p>	<p>It is recommended that the policy be removed. The words could be expressed in the supporting text if it is felt necessary to retain a reference to Green Belt matters in this context.</p>	<p>RPC accept that PP3 duplicates Local Plan Green Belt policy but wish to retain it because of its importance to the local community. We note that the Local Plan similarly duplicates the NPPF.</p>

Comment Ref	Section / Policy	Comment	Recommendation	RPC response
	Page 20 final paragraph	The paragraph omits the third tenure that Local Plan policy CP24 refers to – affordable rent	Revise paragraph wording to state: “ <i>Local Plan CP24 states that VWHDC will seek 35% affordable housing on larger sites and that within the affordable element there should be a split of 25:75 between intermediate and social / <b>affordable</b> rented housing.</i> ”	This amendment has been accepted and made.
	PP4	Concur with Will Sparling comments	Concur with Will Sparling recommendations	Will Sparling’s comments and RPC’s response are set out in the main consultation spreadsheet. RPC do not accept the need for amendment.
	PP6, PP7 and PP9	These policies could be considered to potentially conflict with the strategic policies in the development plan and may also duplicate infrastructure already being funded through CIL. However, by tweaking the policies it may be possible to achieve the level of input to the master planning process that is desired. Evidence should be clearly presented to justify why each facility is required, especially where not specifically required in LPP1 strategic sites appendices.	<p>Consider revising text to read:</p> <p><b>PP.6 Facilities on North-West Radley housing site</b>  <u>As part of the masterplanning process for the North-West Radley housing site consideration should be given to including</u> a playground positioned so as best to complement existing provision in the village.</p> <p><b>PP.7 Facilities on South Kennington housing site</b>  <u>As part of the masterplanning process for the South Kennington housing site consideration should be given to including</u> a playground and <u>reserving</u> a space for a shop and a community room.</p> <p><b>PP.9 Primary healthcare</b>  <u>Where not already funded through the Community Infrastructure Levy, the developers of the North-West Radley and South Kennington housing sites should, in consultation with the relevant Clinical Commissioning Groups, explore opportunities to provide new or expanded primary healthcare facilities either on or off-site, to meet the need generated by the additional development on these allocation sites.</u></p>	<p>With regards to master planning, RPC does not accept that there is any conflict with strategic policies in the development plan nor that Neighbourhood Plan policies should be subject to the master planning process. Our arguments are spelt out in Annex 3 to the Consultation Statement.</p> <p>With regards to developer funding, the NP policies are designed to be consistent with those in the Local Plan and IDP but include a greater element of detail as is appropriate for a Neighbourhood Plan. This detail is supported by evidence. Where policies include a requirement for developer funding, this is designed to be consistent with the Local Plan and VWHDC’s Regulation123 list and SPD on developer obligations, and this is explained in Part 5.2 of the Plan. We do not believe that the import of Part 5.2 can sensibly be incorporated into the text of the policies which bear on funding.</p> <p>However, in the light of these comments three changes have been</p>

Comment Ref	Section / Policy	Comment	Recommendation	RPC response
				<p>made:</p> <ul style="list-style-type: none"> <li>• PP.9 has been amended along the lines suggested, but omitting the reference to developer funding as the position on this in Regulation 123 is not clear cut;</li> <li>• PP.12 has been amended clarifying that off-site cycle infrastructure is to be funded where it is required for mitigation of transport impacts</li> <li>• All policies which require developer funding (PP.s 11,12,14,15,16) have been preceded by supporting text referring to the more detailed discussion of funding in Part 5.2.</li> </ul>
	PP8	Concur with Will Sparling comments	Concur with Will Sparling recommendations	RPC are not aware of any comments by VWHDC on this policy.
	PP10	<p>Consider various minor amendments to achieve positive approach in policy.</p> <p>Consider additional sentence relating to restoration and aftercare if there is still concern over whether this is an appropriate condition to include. This could go at the end of paragraph 10a:</p> <p><b><u>"The policy may apply to the subsequent use of former minerals and waste land but only where restoration and aftercare requirements have been fully complied with."</u></b></p>	<p>Consider revising policy text to read:</p> <p><b>PP.10 Radley Lakes</b>  <b>10.a)</b> This policy applies to the Radley Lakes area, as defined in Map 7. As minerals <b>and waste</b> are county matters outside the scope of the Neighbourhood Plan, the policy does not apply to minerals <b>or waste</b> activities or to development which might prejudice <b>compliance with</b> planning conditions applying to such activities.</p> <p><b>10.b) The Parish Council will support development proposals that:</b></p> <ul style="list-style-type: none"> <li>• comply with <b>Local Plan policy</b> CP13, which sets out limited circumstances in which Green Belt development might be appropriate;</li> <li>• avoid detriment to the wider landscape within which the site sits, <b>and which are</b> accompanied by <b>appropriate levels of landscape planting</b></li> </ul>	<p>These comments are helpful.</p> <p>10a). Amendments in 'Recommendation' column accepted and made. The further amendment floated in the 'Comments' column has not been adopted as the position is already made clear in 10a) as amended and the supporting text.</p> <p>10b). Amendment to first line not accepted as the PP is designed to set out planning policy to be part of the development plan not RPC's position on such policy. Remaining changes to</p>

Comment Ref	Section / Policy	Comment	Recommendation	RPC response
		<p>Consider adding reference to ‘and waste’ activities so as to avoid issues with restoration of former minerals sites through infilling with waste material which is also a County Matter.</p>	<ul style="list-style-type: none"> <li>• <b>and</b> natural screening <b>necessary</b> to achieve <b>this</b>;</li> <li>• comply with <b>Local Plan policy</b> CP42, which requires a site-specific flood risk assessment for all development in Flood Zone 2 and 3 and for appropriate mitigation and management measures to be implemented;</li> <li>• avoid detriment to the ecology of the Conservation Target Area, and incorporate <b>appropriate</b> off-site mitigation and enhancement <b>necessary</b> to achieve <b>this</b>;</li> <li>• include appropriate transport mitigation.</li> </ul> <p><b>10.c)</b> Development which directly promotes nature conservation and/or quiet recreation in the area will be supported, subject to the criteria at b).</p> <p><b>10.d)</b> Development which creates new or revised access routes to or through the area will be supported, subject to the criteria at b) if it, directly or indirectly:</p> <ul style="list-style-type: none"> <li>• improves the safety and amenity of access to the area by pedestrians and cyclists; and</li> <li>• contributes to the promotion of nature conservation and quiet recreation in the Radley Lakes area.</li> </ul> <p><b>10.e)</b> Any other development will be supported only if it meets the criteria at b) and</p> <ul style="list-style-type: none"> <li>• is <b>consistent with national planning policy and policies in the development plan</b>;</li> <li>• is served by a suitable and safe access route that avoids conflicts between vehicles accessing the site and pedestrians and cyclists accessing the wider area.</li> </ul>	<p>10b) accepted and made.</p> <p>Additionally, in first bullet ‘appropriate’ has been replaced by ‘justifiable’ so as to encompass both the ‘very special circumstances’ and ‘not inappropriate’ tests in CP13.</p> <p><b>10d).</b> RPC has kept the existing reference to built-up land in the first bullet as it better reflects the underlying policy intention. If the Inspector believes it to be too restrictive, we consider that the first bullet should be dropped entirely as the alternative suggested words would add nothing to policy which anyway applies.</p>
	<p>PP13 and PP14</p>	<p>Provided there is clear evidence to support these policy requirements then they could be argued not to be in conflict with the strategic policies of the development plan, but this requires careful consideration. Consider amendments to the policy wording to place the requirements in context and to link back to the evidential requirement.</p>	<p>Consider revising policy text to read:</p> <p><b>PP.13 Connectivity</b>  <b>As part of the masterplanning process for each site the</b> access to the strategic housing sites should be designed so as to be safe, to integrate the village as a community and to avoid unnecessary car use. Vehicle access should be ‘outward facing’ onto, or towards, the main through route. There should additionally be good quality and convenient ‘inward’ pedestrian and cycle access to village facilities and amenities and to existing communities.</p> <p><b>PP.14 Radley Station</b>  <b>Where not already funded through the Community Infrastructure Levy and where justified as a</b></p>	<p>On the general masterplanning point, see response to PP6/7/9.</p> <p>It is accepted that strategic site connectivity is something which needs to be addressed largely through master planning, but not solely so. The wording of this policy is moreover wholly consistent with the Local Plan and site templates. Proposed change not made.</p>

Comment Ref	Section / Policy	Comment	Recommendation	RPC response
			<p><b>consequence of the proposed development</b> the strategic housing sites should <b>provide funding towards</b> the costs of measures to improve facilities at Radley station and in particular to increased secure cycle storage.</p>	<p>On PP14 and funding, see again the response to PP6/7/9.</p>
	PP17	<p>It appears that this policy duplicates national planning policy and existing development plan policy (CP39).</p>	<p>Consider deleting policy</p>	<p>As explained in the supporting text, PP.17 includes provision on archaeology, which is not in CP39 and is of high importance in Radley. It is true that it duplicates the NPPF, but given the lacuna in CP.39 this seems justifiable. Policy therefore retained.</p>

## ANNEX 3

### COMPLIANCE OF NEIGHBOURHOOD PLAN POLICIES FOR THE STRATEGIC HOUSING SITES WITH THE BASIC CONDITIONS TESTS.

#### Introduction

The designation of three strategic housing sites within Radley parish is likely to almost double its population over the next decade and will be by far the most important influence on changing land-use in the parish over that period. For that reason, planning for the strategic sites has always been at the heart of RPC's thinking on the Neighbourhood Plan.

However, questions have arisen about the scope for the Neighbourhood Plan policies to influence development at the strategic sites. Neighbourhood Plan policies are required to be in general conformity with the strategic policies in the development plan. Draft NP policies have been challenged at various stages of the process on one or more of the grounds that

- i. any policy which impacts on the strategic sites is off-limits simply by virtue of the fact that the site allocations are 'strategic';
- ii. NP policies impacting on the sites are subject to the master planning process required under Core Policy 8 of the Local Plan Part 1;
- iii. NP policies on housing mix are not in general conformity with Local Plan Core Policy 22;
- iv. certain policies are overly restricted to the strategic sites;
- v. policies impacting on the strategic sites are inappropriate where those sites are the subject of a current planning application

RPC's response to each of these points is set out below.

#### (i) **General relationship between NP planning policies and the strategic housing allocations**

There were suggestions from an early stage of the process that any policy impacting on the strategic sites could be outside the scope of Neighbourhood Planning simply because the sites were 'strategic'. One of the strategic site developers challenged NP policies on these grounds in response to our Regulation 14 consultations.

VWHDC policies for the Radley strategic sites are set out in Local Plan Part 1 Core Policy 8 (which allocates the sites), the Site Development Templates in Appendix A, and the Infrastructure Delivery Plan. RPC fully accepts that NP policies must conform with the requirements in those documents. However, RPC considers that there is scope within those requirements for policies which add to or refine the requirements to reflect local circumstances and which remain in general conformity with them.

Most issues relevant to land-use planning are covered at some level by a Local Plan strategic policy. In addition to the strategic site allocations, they cover transport, other infrastructure, design, the natural and built heritage and much else besides. It cannot be right in principle that neighbourhood planning should be debarred from covering any aspect of those matters just because they are the subject of a strategic policy. That would leave almost no scope for neighbourhood planning to play a part in the development planning process.

RPC's interpretation of the Basic Conditions is that NP policies can add to or refine strategic policies to take account of local circumstances provided they remain in general conformity with them, and that this principle applies to the strategic sites as well as other strategic policies. Thus, for example, in relation to the strategic sites, it is in our view legitimate in principle for the NP to specify additional requirements concerning archaeological investigations or the location of play areas where local

circumstances justify them provided they do not conflict with the requirements in the Local Plan documents.

**(ii) NP policies and master planning**

Local Plan Core Policy 8 indicates that development in the Radley strategic site allocations will be supported “through a masterplanning process involving the community, local planning authority, developer and other stakeholders”. Some respondents to the Regulation 14 consultations argued that this means that NP policies impacting on the strategic sites should be subject to the masterplanning process.

RPC does not accept this view. Core Policy 8 also states that the requirement for masterplanning applies “where development meets the requirements set out within the Site Development Templates shown by Appendix A and are in accordance with the Development Plan taken as a whole”. A Neighbourhood Plan is part of the Development Plan. RPC takes this as a clear statement that masterplanning is subject to the Neighbourhood Plan and not vice versa.

**(iii) Policy on housing mix**

Neighbourhood Plan PP. 4 has been challenged on the grounds that it does not conform with the Local Plan Core Policy 22. This argument has some superficial merit. CP 22 states that the mix of dwelling types and sizes on all new residential developments should be “in accordance with the Council’s current Strategic Housing Market Assessment (SHMA) unless an alternative approach can be demonstrated to be more appropriate through the Housing Register or where proven necessary due to viability constraints”. NP Planning Policy 4 seeks to introduce two additional sources of evidence in deciding the market housing mix on largescale Radley sites, namely the Oxford City SHMA and the Parish Council’s local housing needs survey. It can be argued that in doing so it is at odds with CP 22 which appears to suggest that the SHMA guidelines are the only determinant of market housing mix, subject only to viability constraints.

RPC’s view is that this interpretation of CP 22 is overly restrictive. We note that all the developers argue for some flexibility around the SHMA guidelines and also that VWHDC planning officers themselves approved a different mix in the recent decision on the North Abingdon strategic site without requiring an independent viability assessment. The reason justifying this apparent discrepancy with the requirements of CP 22 is that the SHMA report itself argues for flexibility to take account of up-to-date evidence of local circumstances<sup>3</sup>.

If it is accepted that CP 22 allows for other evidence of local circumstances to be taken into account, then it seems reasonable that the Neighbourhood Plan should flag up relevant local evidence which the Parish Council wishes to be considered. The Oxford City SHMA and the Parish Council’s housing survey are sound sources of information which are clearly relevant in assessing housing demand in Radley. There is no suggestion that they should replace the VWHDC SHMA guidelines, nor other sources of local evidence that may be known to the developer. The policy is a simple statement that these sources should be among those taken into account in Radley planning decisions for large scale sites.

Barton Willmore dealt at length with PP 4 in its response to the September 2017 consultation, challenging the relevance of the Oxford City SHMA and the RPC survey as well as compliance with CP 22. RPC’s detailed response to BW’s comments are noted in the appended copy of BW’s text (see Annex 3a).

**iv. Restriction of certain policies to the strategic sites**

VWHDC officers queried why certain draft policies were restricted to the strategic sites. In two cases (PP. 6 and PP. 7), this was because the policies are only relevant to the particular sites to which they refer and the references have been retained. However, RPC considers that other policies tied to the strategic

<sup>3</sup> “In applying policies for housing mix to individual development sites, regard should be had to the nature of the development site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level.” Paragraph 7.40, Oxfordshire Strategic Housing Market Assessment, Final Report, G L Hearn, April 2014.

sites in the September 2017 version of the draft Plan (PP. 5, PP. 9, PP. 13, PP. 14, PP.16) are in principle relevant to any largescale development in the Neighbourhood Plan area and the wording of those policies has been amended accordingly. No other largescale development is anticipated over the Plan period but the policies should apply if this assumption turns out to be wrong.

The Plan defines 'largescale' as any development where the number of residential units to be constructed is 200 or more. Where the number of residential units to be constructed is not given in the application a site area of 4 hectares or more should be used. This follows the definition used by the Department for Communities and Local Government for planning application statistics. It is also in line with the cut-off point used by VWHDC in selecting strategic sites.

The opportunity was taken to amend the wording on PP. 4 so that it too applies only to 'largescale' development. This reflects the long-term underlying intention that the policy should apply only to large developments and provides for consistency in definitions.

#### **v. NP policies and outstanding planning applications**

The Radley College bursars and their advisers Barton Willmore argued that some of the matters covered in the Neighbourhood Plan are the subject of discussion in the context of their current planning application for the NW Radley site and should be decided in that context rather than through the Neighbourhood Plan process. This would suggest removing the relevant policies from the draft Plan. The same argument could be applied to policies impacting on the South Kennington site, which is also the subject of an outstanding planning application.

As the College bursars note, there is no certainty on when the Neighbourhood Plan and various planning application processes (including any reserved matters applications) will be completed, and which will be first. The removal of draft policies from the Neighbourhood Plan at this stage would have the effect of reducing their potential impact on the outcome of the planning applications, and would be unacceptable to RPC for that reason.

PP.6 and PP.7 are addressed specifically at the two strategic sites. RPC is happy that they should be removed from the Plan if they are overtaken by a relevant planning decision.

Other policies are drafted so they impact either on all development in the Neighbourhood Plan area, or on all largescale development. Specific references to the strategic sites are included, if at all, only in the supporting text. Where there are specific references to the strategic sites in the supporting text, the policies are consciously drafted in general terms to allow some flexibility in how they are implemented. RPC wishes these policies to be retained in the adopted Plan.

## ANNEX 3A

### NP POLICY ON HOUSING (PP. 4)

#### EXTRACTS FROM LETTER FROM BARTON WILLMORE TO RADLEY PARISH COUNCIL DATED 18 OCTOBER 2017, WITH RPC RESPONSES IN RED FONT

##### (b) Housing Needs/General Conformity

“Within our previous representations we commented on the status of the questionnaire, which the Parish Council conducted as part of the evidence gathering exercise for the NP. We note that within the second draft of the NP on page 21, the NP sets out the size mix for market housing, according to the guidelines set out within the Oxfordshire SHMA (April 2014). This information has been taken from Table 65 within the SHMA *‘Estimated dwelling requirement by number of bedrooms (2011 to 2031) - Market Sector’*. The NP takes the four categories within Table 65 and collates the figures into two categories for inclusion within the NP.

“The NP states that the Vale of White Horse SHMA guideline for 1-bed / 2-bed properties is 27.6%. However, 1 bedroom properties account for only 5.9% of this figure, according to Table 65 of the Oxfordshire SHMA. Similarly, the NP states that the Oxford City SHMA guideline for 1-bed / 2-bed properties is 35.6%. However, 1 bedroom properties account for only 10.7% of this figure, according to the Oxfordshire SHMA. Consequently, the demand in this category is predominantly for 2 bedroom properties, which is not conveyed within the NP. We consider that it is important for requirement figures to be fully understood.”

The RPC questionnaire distinguished only between ‘a family home with 3+ bedrooms’ on the one hand, and ‘a starter home’ or ‘downsizer accommodation’ on the other. We combined SHMA guideline figures for 1 and 2 bedroom dwellings and 3 and 4+ bedroom dwellings to enable direct comparison, equating questionnaire responses identifying a need for starter homes or downsizer accommodation with the 1-/2-bedroom range and those identifying family homes with the 3/4+ bedroom range. The key point is that the SHMA guideline balance between smaller homes and larger family homes does not match the balance needed locally. The fact that the 1-bedroom guideline is a small part of the 1/2-bedroom total is irrelevant to the argument.

“We also note within the table on page 21 of the NP that the *‘Radley PC housing survey: expressed requirements’* are significantly different from the figures published within the SHMA. Indeed the requirement for 1-bed / 2-bed properties is almost 2.5 times (150%) more than that outlined within the SHMA for the Vale of White Horse, whilst the requirement for 3-bed / 4+ bedroom properties is almost 2.3 times less than that outlined within the SHMA for the Vale of White Horse. We have therefore considered the results of this questionnaire so we are able to understand why there is a large disparity between the figures.”

The reasons for the differences should be apparent from a close reading of the NP text and the associated paper, ‘Housing requirements for the Radley Strategic Sites’. They are: (i) the two sets of figures are calculated using very different methodologies, SHMA relying on household projections combined with the existing dwelling size distribution and our survey relying on what people said they are currently looking for; (ii) SHMA also includes a very substantial element to meet needs of incomers while our survey was of local needs only; (iii) the Radley market is influenced as much by Oxford City as the wider Vale area and, as the wider SHMA itself recognizes, there is a greater demand for small dwellings in Oxford city.

“We note at 3.8 (iii) the NP states that the questionnaire survey of all households within Radley achieved a 45% response rate. We further note at 4.3.1 of the NP it advises that the Neighbourhood Plan Area accommodates ‘just over 1000 homes’, including mobile homes as further stated at 4.2.1 of the NP. We therefore calculate that approximately 450 households

responded to the questionnaire survey. Turning to section 4.3.1 of the NP we note that under the heading ‘local evidence of needs’ the NP states that 14% of respondents were looking for new accommodation; we calculate this to be approximately 63 households out of the 450 who responded, and 11% were looking for accommodation for members of their family; we calculate this to be approximately 50 households from the 450 who responded. Therefore we would note that it appears to indicate that the housing requirements are based on the responses of 113 households out of approximately 1000 within the Neighbourhood Plan Area; according to the results of the questionnaire survey.”

BW’s calculations are broadly correct. The actual numbers can be found in the paper ‘Housing requirements for the Radley Strategic sites’. There are 1019 households in the parish, 457 of whom responded to the questionnaire. Of these respondents, 114 said they were looking to move to a different home in the parish in the near future, or looking for a home in the parish for a member of their family.

The point to understand here is that these survey questions sought answers only from those actively looking for a property for themselves or family members at the time the survey was undertaken. It would be surprising if these active searchers were more than a minority of the population and therefore wrong to characterize the responses as small and unrepresentative.

“We note that the NP states the following on page 21: *‘The local survey evidence and the SHMA guidelines for Oxford need to be taken into account alongside the SHMA guideline for the Vale district in determining the size mix appropriate for market housing in the Neighbourhood Plan area.’* (our emphasis)

“There is no absolute requirement for the Parish survey results to be taken into consideration. We note that the NP at the bottom of page 21 correctly quotes paragraph 7.40 of the SHMA, wherein it states that *“...regard should be had to the nature of the development site and character of the area, and to up-to-date evidence of need ..”*. It is considered that this statement refers primarily to an updated data set on which the SHMA figures are based. Therefore, we would suggest the omission of the word ‘need’ and it to be replaced with wording which does not indicate an absolute requirement. With regard to the Parish survey, we note that section 4.3.2 of the NP states: *“The NP aims to ensure that the local evidence for a higher proportion of smaller homes is placed on the table before decisions are taken on planning permissions for the strategic housing sites”*.

“The survey results are noted as an expression of local opinion and our client is keen to represent them within the development, where practicable and where the Local Authority are in agreement that it will not impact on the wider strategic need for specific types of housing within the Vale of White Horse. However, as detailed above the survey results account for a small portion of the population and indeed demonstrate a low level of identified need. We would repeat previous comments within our February 2017 representations in this regard, where we stated that such surveys should not influence decisions on this issue to a significant degree and should not contend with the technical findings which underpin the Local Plan.”

As noted above, the RPC survey explored the intentions of the minority of residents looking for a new home in Radley at the time of the survey. It was not a generalized public opinion survey. The responses in our view provide sound evidence of local demand at that time and, as such, are one of the factors which should be taken into account in reaching decisions.

“The SHMA guidelines for Oxford City are also referenced within the above quotation from the NP and we note that this is a new addition. However, Oxford City, whilst part of the Housing Market Area, is a different sub-area to Vale of White Horse, not least Radley to which this NP relates. Oxford City is an urban area with a need for housing based on specific demographics, which are not considered transferable to the Vale of White Horse and Radley as we explain below.

“The SHMA comments within section 6 about the house prices across the Housing Market Area and in particular how they differ. For example, it is clear that housing is more expensive in Oxford than within the Vale of White Horse; Table 47 within the SHMA details, inter alia, the percentage of residents unable to afford the desired type of market housing, per Sub-Area. It is notable that Oxford,

of the five Sub-Area's, has the highest levels of unaffordability at 77.1 % and further notable that the Vale of White Horse, of the five Sub-Area's, has the lowest levels of unaffordability at 52.2%. This has the ability to influence demand on different types of properties and it is therefore submitted that the Vale of White Horse and Oxford City are not relatable. The Oxfordshire SHMA further explains the differences within the Sub-Area's, which are notable and whilst we are not suggesting that the SHMA figures for the Vale of White Horse should be absolute, the SHMA helps to explain why SHMA figures for Oxford cannot simply be applied to the Vale of White Horse district. It is not considered accurate to apply one Sub-Area requirement to another, given the detailed assessment of economics and demographics conducted during the evaluation of housing need for a particular area.

“We note for example that paragraph 9.79 of the Oxfordshire SHMA states the following: *“At an individual authority level, there is a greater identified need for smaller {one- and two-bed} homes in Oxford, consistent with its younger age profile, with a greater demand for larger homes in the Vale of White Horse. In determining policies for housing provision at a local level, market signals, affordability pressures and gaps in the current housing offer should be considered”.*”

“Notwithstanding the above we recognise that the Vale of White Horse as an authority area may to some degree accommodate the unmet needs arising from Oxford. However, we consider that the SHMA encapsulates this. In relation to the sites within Radley we would refer to Core Policy 8 of the Local Plan (under which the strategic sites are allocated), which clearly states: *“This target addresses the needs arising in the Vale of White Horse”.*”

This development is located 5 miles from the City of Oxford in a village which has excellent train and bus links to the City. Barton Willmore's suggestion that Oxford City's need 'is not transferable to ...Radley' is not understood. The draft Local Plan Part 2 clearly recognises that this site is among those well located to meet Oxford's unmet needs and notes the statement in the Planning Inspector's Report that: “In reality, it would be all but impossible to determine if a potential occupier of this housing (Part 1 allocations) represents a Vale or Oxford housing need.”<sup>4</sup> RPC therefore maintains its view that evidence of Oxford's needs is one of the factors which should be taken into account in decisions for this site.

#### **PP.4 Housing Size and Type at Larger Sites**

As set out above, we do not consider the Oxford City SHMA guidelines should be referenced within this policy, nor indeed the NP in general. Policy PP4 should be re worded to reflect the multiple factors which determine the appropriate housing mix for large strategic sites, which includes character of the area, nature of the site, market factors in addition to evidence of need.

RPC does not understand why BW urge that multiple factors should determine the appropriate housing mix for this site, and then reject consideration of two significant pieces of local evidence flagged up in the Neighbourhood Plan. This seems illogical. PP4 has not been amended as proposed.

<sup>4</sup> VWHDC Local Plan 2031 Part 2 Publication version. October 2017. Paragraph 2.18

## ANNEX 4

### COMPLIANCE OF RADLEY LAKES STRATEGY WITH THE BASIC CONDITIONS TESTS AND WITH OTHER RELEVANT REQUIREMENTS.

#### Introduction

In their ‘informal officer advice’ of 19 October on the September 2017 pre-submission draft, the Vale of White Horse District Council (VWHDC) listed a number of counts on which the draft Plan’s Radley Lakes Strategy might be at risk of not meeting the basic conditions applying to Neighbourhood Plans<sup>5</sup>.

Radley Parish Council (RPC) have carefully reviewed these points and this annex responds to each and explains why RPC do not believe there is a problem of compliance.

The note also responds to related, and to some extent overlapping, concerns raised by Oxfordshire County Council (OCC) in their comments of 27 October.

The basic conditions tests are quite specific and narrow:

- (i) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the NDP.
- (ii) The making of the NDP must contribute to the achievement of sustainable development.
- (iii) The making of the NDP must be in general conformity with the strategic policies in the development plan for the area, in this case the Vale of White Horse District Council (VWHDC) Local Plan Part 1: Strategic Sites and Policies. December 2016.
- (iv) The making of the NDP does not breach, and is otherwise compatible with, EU obligations.
- (v) The prescribed conditions are met<sup>6</sup>.

Some of the issues raised are not strictly relevant to these tests, but this note considers them nevertheless.

<sup>5</sup> Subsequent to this ‘informal advice’ RPC received (on 21 November 2017) comments on the draft NP by Bluestone, who were by then providing VWHDC with consultancy support on Neighbourhood Planning. Bluestone did not raise the same concerns about the Radley Lakes policies and made relatively small proposals for amendments. These are set out with RPC’s comments in a separate annex. It might be that Bluestone’s comments overtake the VWHDC ‘informal advice’, but RPC consider it is anyway useful to set out on the record their response to that advice.

<sup>6</sup> None of the prescribed requirements in test (v) apply to the Radley Neighbourhood Plan, so there are in practice only four tests

## Background and structural approach to drafting of the Plan

During preliminary work on the Neighbourhood Plan, Radley Lakes were identified as one of the key issues which the Plan needed to address and in the May 2016 consultation a proposed strategy was put forward which sought to:

- Realise the potential of the area for quiet recreation and nature conservation;
- Tackle the highly unsatisfactory road access via Thrupp Lane which was causing dangerous conflicts between leisure pedestrians/cyclists and HGVs serving minerals batching plants and temporary industrial uses;
- Allow for permanent permissions for industrial uses if the access problem was solved.

This strategy received very strong and broad local support, with 78% of respondents in favour, 8% against and 14% no firm view.

The May 2016 consultation was not however in the form of a draft Neighbourhood Plan, and the task since then has been to capture the broad intention behind the Radley Lakes strategy, which was so strongly supported, in a form that would stand up against the basic conditions and other requirements.

The December 2016 consultation draft of the NP set out to achieve this. In doing so it distinguished between those aspects of the Radley Lakes strategy which could be influenced through the development management process and those aspects that involved action on the part of the Parish Council and others. The former were termed ‘Planning Policies’ and the latter were termed ‘Community Actions’. Only the former are intended to be part of the statutory planning framework and hence subject to the basic conditions tests.

The December 2016 draft Plan contained two Community Actions (CAs) relevant to Radley Lakes. These addressed the need to work with other relevant stakeholders to:

- draw up a masterplan for nature conservation and quiet recreation in the Lakes area;
- create a new road access leading towards Audlett Drive.

The wording of these two CAs, which were well supported in consultation, has proved relatively uncontroversial and they have remained largely unchanged since. In the September 2017 draft they are numbered CA.10 and CA.11.

The two Planning Policies (PPs) in the December 2016 draft<sup>7</sup> addressed suitable land uses for the Lakes area, both with and without a new access route. These also received broad policy support in consultation but a number of technical concerns were raised by the VWHDC, OCC and the Environment Agency, especially that:

- (a) the expression of conditional support for the development of a road and buildings on land in flood zone 2/3 was not acceptable;
- (b) the identification of circumstances in which development would not be supported was in conflict with the principle of sustainable development;

<sup>7</sup> From December 2016 draft:

**PP.11.** Unless progress is made towards a solution for safe cycling and walking access to Radley Lakes any industrial or commercial development served by the lower part of Thrupp Lane is likely to have a significant impact on road safety and the amenity of the area in which case it will not be supported. This applies not just to new developments but to extensions in time or scope of existing developments. Enforcement action will be taken against unlawful development so that permissions are not created by default.

**PP.12** If a satisfactory new access route is created from the JCSL industrial estate towards Audlett Drive appropriate proposals for permanent industrial and commercial development on the site will be supported. Landscaping and screening would be required to preserve the character of the adjacent Lakes area.

- (c) the JCSL site is subject to a minerals planning condition for restoration and the future of the site is thus a county matter outside the scope of the Neighbourhood Plan;
- (d) the NP should not include proposals for roads which are not likely to be able to be achieved given the powers of the planning authorities.

As a consequence, detailed discussions took place with the District and County Councils and the Environment Agency, following which the two Planning Policies were totally rewritten and replaced in the September 2017 draft by a new PP.10. It is RPC's belief that this revised version deals not only with the concerns raised on the December 2016 draft but also with those raised by VWHDC in response to the September 2017 draft, and that no amendments are required other than small ones in response to the later comments by Bluestone. The section below deals with each of these concerns in turn.

PP.10 and CA.10 and 11, as they appeared in the September 2017 draft, are for convenience reproduced as Annex 4a attached.

### **VWHDC and OCC's specific concerns**

In the notes below each VWHDC and OCC concern has been numbered<sup>8</sup> for ease of reference, but is otherwise set out verbatim in italics. The text that follows gives RPC's response.

#### **Vale of White Horse District Council**

***V1.** The neighbourhood plan appears to cover a County Matter by proposing development that may prejudice a minerals/quarry permission.*

RPC agree that minerals are an 'excluded matter' which may not be addressed in a Neighbourhood Plan, but VWHDC's concern is not understood as PP.10 (a) states:

'As minerals are a county matter, outside the scope of the Neighbourhood Plan, the policy does not apply to minerals activities or to development which might prejudice planning conditions applying to such activities'.

The supporting text explains that the Plan is concerned not with minerals workings and restoration but with the next steps after minerals workings and restorations are complete. The recent judgement in *Hoare v. Vale of White Horse and Ors* [2017] EWHC 1711 (Admin) (7 July 2017) finds that this is quite proper to a Neighbourhood Plan and indeed can be positively 'desirable in order to provide guidance about the future use of the land' (see extract from Judgement at Annex 4b attached).

***V2.** A review of minerals permissions (ROMP) is being carried out by the County Council and the outcome is unknown.*

It is not unusual that preparation of a Neighbourhood Plan overlaps with some other planning process that is relevant. In Radley's case the preparation of the NP has overlapped with preparation of Parts 1 and 2 of the Local Plan and with the development management process for two strategic housing sites in the NP area. The advice of VWHDC has been that the NP should not hold back on that account, but should refer as appropriate to the parallel processes.

It would have been inconsistent with this approach to hold back on the preparation of the NP while the ROMP was in process, especially as the extent of interaction is likely to be relatively limited (because minerals are an excluded matter). VWHDC have never argued that this should be done. If the Radley Lakes ROMP had thrown up any relevant issues the NP would have taken them into account, but in practice the ROMP process has stalled.

<sup>8</sup> VWHDC concerns have been prefixed 'V' and OCC concerns 'O'.

**V3.** *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.*

As stated in response to point V1, PP.10 had already been re-worded so as to avoid County Matters. RPC believe this wording avoids any risk of incompatibility with Green Belt policy.

PP10 does not propose any development but sets out criteria which would need to be met for development to be supported. The very first criterion (in PP.10 (b)) is

‘For any development to be supported it must...comply with CP13, which sets out limited circumstances in which Green Belt development might be appropriate.’

Development will therefore need to fall in one of the categories which is not ‘inappropriate’ for the green belt or which can be justified by ‘very special circumstances’. The types of development envisaged in PP.10 (c) and (d) fall within the categories defined in CP13 as not ‘inappropriate’. Whether brownfield development under PP.10(e) was not ‘inappropriate’ would depend on whether it was subject to minerals permissions requiring restoration. If it was it would need to pass the ‘very special circumstances’ test. RPC believe that the delivery of a new access road could potentially provide such circumstances and the supporting text of the submission draft has been amended to explain this more clearly.

In RPC’s view this deals fully with the potential concern.

**V4.** *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.*

PP.10(d) sets out the criteria which a planning application for a road would need to meet for it to be supported. First it would need to meet the general criteria in PP.10(b); these include compliance with Local Plan Green Belt policy CP.13. The second and third criteria relate to the extent to which a road would improve safety and amenity and contribute to the promotion of nature conservation and quiet recreation.

The supporting text explains that a replacement road access has the potential to bring significant benefit, including environmental benefit to the Radley Lakes area and hence to be justified in relation to Green Belt policy. The independent Environmental Report confirms that significant benefits for the Lakes area should arise from a new road access. It would however be for the applicant to show on the basis of the specific proposal that the criteria in PP.10 (d) are met. RPC believe that these criteria, together with the evidence in the supporting text about the current access problems, provide appropriate policy parameters for any road proposal.

**V5.** *There is a high-level of uncertainty about the extent of brownfield - or previously developed land - in the Radley Lakes area.*

RPC do not understand why any such uncertainty should invalidate the NP as it would arise equally without the NP. Nor do they understand why VWHDC believe such uncertainty to exist. The sites of current commercial and industrial activity in the Lakes area are well defined, it is clear from planning records which areas are currently subject to minerals conditions requiring restoration (and hence outside the definition of ‘previously developed land’), and there are also Environment Agency records of previous infill.

<sup>9</sup> The minerals operators failed to submit an application by the deadline of October 2016. As a consequence OCC has placed the site in suspense. If by October 2018 OCC are satisfied that minerals extraction has in practice ceased they are under a duty to serve a prohibition order on further activity.

<sup>10</sup> It seems likely that the VWHDC meant to say ‘brownfield’

**V6.** *There are restoration conditions attached to the minerals permissions.*

This is accepted, but RPC do not believe it creates a problem for the NP. PP.10 makes clear that the NP cannot prejudice minerals restoration conditions.

Circumstances can (and do) arise where a developer makes a planning application for a non-minerals use on land still subject to mineral restoration conditions. This requires a dialogue between district and county councils, both of whom are relevant planning authorities. The NP does nothing to change that position.

**V7.** *Various temporary planning permissions also exist in this area.*

The supporting text of the Plan draws attention to the complex planning history of the Lakes area in which there have been several temporary planning permissions and also unlawful uses which have in some cases been regularized by CLEUDs. Most recently the owners of the JCSL site have failed to renew temporary permissions, raising the question of whether enforcement action should proceed.

RPC believe that the planning processes in dealing with these complex issues have been hindered by a lack of a planning framework for the longer-term future of the Radley Lakes area and that the NP will provide a clearer policy basis for the future. Complexities will remain, but there should be greater scope for the granting of permanent permissions where the appropriate planning criteria are met.

**V8.** *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<sup>11</sup> legislation is separate to planning legislation.*

RPC agree that any restriction of vehicle rights on the BOAT (or the highway) would need a Traffic Regulation Order (TRO) outside planning powers, but do not accept that this invalidates their proposed policies.

RPC and most stakeholders believe that the potential of the Radley Lakes area would be much enhanced by the creation of a new road access, with closure of the existing access on Thrupp Lane except for pedestrians and cyclists. This is addressed in CA.11 and in supporting text. The text acknowledges that this presents major challenges. As well as the need for a TRO there are also major issues of cost and of land ownership. Delivery is unlikely to be easy or rapid.

RPC agree that it would be inappropriate to have a Planning Policy which sought to achieve the creation of a new access. Where the need is to facilitate delivery on the ground a Community Action is more suitable. Community Actions can also encompass a wider range of uncertainty and ambition. Accordingly the road access is dealt with primarily in CA.11.

PP.10 is relevant only in two specific ways:

- PP.10(d) – as discussed under point V4 above – sets out criteria which would apply to any planning application for a new road;
- PP.10(e) includes among the criteria for 'other' new development the need for a suitable and safe access route<sup>12</sup>.

Importantly there is nothing in PP.10 which presumes or relies on the achievement of CA.11. RPC would be disappointed if a new access route is not created, and failure to create one might well limit the scope for new permanent development in the Lakes area, but operationally PP.10 would still be valid and do its job.

<sup>11</sup> Thrupp Lane ceases to be public highway below Home Farm and briefly becomes BOAT before then becoming a private road. The most likely point for any block on vehicular traffic using the Lane would be on the BOAT. The BOAT continues off the Lane along a rough track before joining Barton Lane. There is also a case for downgrading this track to bridleway. This too would need a TRO but is a separable issue.

<sup>12</sup> The nature of the access is not specified. The requirement is generally framed and is similar to that applying to employment sites under CP 28 of the Local Plan

## Oxfordshire County Council

**01.** *The draft neighbourhood plan proposes the creation of a new access from the industrial sites to Audlett Drive. There are many potential issues which would need to be overcome to pursue such a new road, including but not limited to:*

- *Acquiring land*
- *Mineral extraction and existing minerals consents*
- *Road adoption*
- *Impacts on other parts of the road network*
- *Land conditions, drainage etc*
- *Green Belt*
- *Flooding noting that much of the area is in Flood Zones 2 and 3*
- *Funding*

*The cross-boundary implications have to be fully considered given that the proposed junction of such a road would be on the edge of the Radley Neighbourhood Plan area and impact on Abingdon residents. The County Council does not have funding or the resources to pursue this project. It is considered that the text, for example on pages 40 and 55 will need to be reviewed. The County Council also has concerns that Planning Policy 11, which seeks that development support the achievement of the Radley Roads Strategy, may need revision.*

All of this is noted but RPC believe that some leadership is needed to resolve what is a wholly unsatisfactory situation. The land uses served by Thrupp Lane have been given planning permission by OCC and VWHDC or have acquired development rights through the failure of those two councils to take enforcement action. Almost everyone agrees that Thrupp Lane is totally unsatisfactory to support these uses. OCC have been unable to take the necessary action to make the road safe for all users.

In these circumstances, and in the absence of any initiatives from others, RPC believe it is wholly reasonable for them to facilitate action on a co-operative basis to try to create a new access. As explained in response to V8 this is proposed to be pursued primarily through a Community Action, not forming part of the development plan.

RPC recognize all of the specific challenges listed by OCC, but believe it is preferable to attempt to overcome them than let the current lack of suitable access continue to be such a blight on the area,

**02.** *Thrupp Lane is in part a Byway Open to All Traffic (BOAT). While the plan's ambition to create a safer walking and cycling route along Thrupp Lane could be supported by the County Council in principle, it can only be without prejudice to the requirement for the County Council to assert and protect lawful rights of access for all classes of user on public rights of way.*

*The draft neighbourhood plan suggests closure of Thrupp Lane to vehicular traffic at a point south of the Old Coal Yard. The County Council cannot indicate any support for a proposal to close the BOAT. The outcome of a process to downgrade, close or divert a Byway Open to All Traffic (BOAT) cannot be guaranteed. The process alternatives are:*

- *s116/117 of the Highways Act via OCC where the BOAT would need to be deemed by a Magistrates Court to be unnecessary (where stopping up). Application may also be made to the Magistrates Court to divert the BOAT to a "nearer or more commodious" route.*
- *Where associated with planning, under s257 TCPA via Secretary of State.*

RPC recognize that a separate process is needed, outside the development plan system, to close or restrict a BOAT and this has been made clearer in the supporting text of the submission draft of the

Plan. They also recognize that account must be taken of existing user rights. The proposal in the NP is to provide a new access route which should be at least as good if not better for existing users. The closure of Thrupp Lane would not be pursued if this was not achieved. See also the response to V8.

**O3.** *Revisions have been made to the draft Plan and Planning Policy 10 taking on board some of the County's comments made earlier. However, we consider that development in this area will be limited as a result of the Green Belt designation and the neighbourhood plan appears to cover a County Matter by proposing development that may prejudice a mineral permission.*

RPC agree that the Green Belt status of the Radley Lakes area will (rightly) limit the scope for development of the Lakes area. The response to V3 explains that PP.10 does not conflict with Green Belt policy. RPC do not agree that the draft NP covers development that may prejudice minerals permissions – see V1 and V6.

**O4.** *Parts of the area are subject to a Review of Minerals Permissions (ROMP). The ROMP area refers to the outlined areas shown on the Thrupp Farm and Thrupp Lane drawings below.*



See response to V2.

**O5.** *While Planning Policy 10 recognises the County Matters, it is important that the policy does not include a provision about development that is 'excluded development'. For comparison, the judgment on the Faringdon Neighbourhood Plan could be referred to, where it was found that the provisions of that Plan complied with the law because the allocation could only take effect after both restoration and aftercare activities at the quarry had been completed. In the case Faringdon, the restoration and aftercare was due in a much shorter timescale, and the site was not in the Green Belt.*

RPC is aware of the Faringdon judgement, which supports their view that the NP does not intrude on minerals matters outside its proper scope - see response to V1.

**O6** *The outcomes sought in 4.6.2 and Planning Policy 10 refer to the possibility of new access and limited commercial use. There are a number of reasons why the policy will be ineffective at achieving that goal:*

- *The current mineral permissions allow for working of some areas up to 2042, with restoration by 2043 and a five year aftercare condition. This would go well beyond the plan period. Any application for the permanent retention of the industrial uses on the site would affect the restoration of the quarry, and by virtue of Schedule 1 Part 1(h) of the Town and Country Planning Act 1990, would be a County Matter. As a County Matter the development would therefore be excluded under part 61K of the Localism Act 2011. Though there is a possibility of the site being restored earlier if a prohibition notice is made and confirmed it would still have restoration and aftercare conditions.*
- *Some land including the Curtis Yard site is subject to a restoration condition. The National Planning Policy Framework defines previously developed land as specifically excluding "land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures". Proposals for permanent industrial development would therefore be a departure from the development plan.*

PP.10 is designed to provide a planning policy framework for the whole of the Radley Lakes area for the whole period to 2031 for the full range of possible land uses.

The practical application of the policy will depend on whether minerals conditions still apply to the site in question. Part of the Lakes area (including Thrupp Lake) is already out of minerals permissions and conditions. A further large part, in the north east, has completed restoration and is due to complete aftercare at the end of 2020. It is true that most of the remainder of the Lakes area might remain subject to minerals conditions until after 2031, but the current ROMP process could easily change that. If a prohibition notice is served (as OCC recognize might need to happen) then the timescales for completion of minerals working and restoration could be significantly foreshortened, especially in those areas which have not been worked and hence do not need restoration. It is not possible to foretell quite what will happen, but RPC believe that it is right for the NP to include a suitable policy framework ready to deal with all eventualities.

RPC accepts that under Local Plan green belt policy re-use of existing buildings is 'inappropriate' development if the land was previously subject to minerals restoration conditions. This is relevant to the JCSL site, which is the main built up area in the Lakes and the area where continued industrial or commercial uses might be most acceptable. However, as explained in the response to V3, green belt policy allows 'inappropriate' development in 'very special circumstances'. RPC believe there may well be such circumstances justifying permanent permissions for this site if the development unlocked a solution to access problem that is blighting the whole Lakes area. The text of the submission draft of the NP has been amended to explain this more clearly.

**ANNEX 4A****TEXT OF PP.10, CA.10 AND CA.11 IN SEPTEMBER 2017 DRAFT OF THE NEIGHBOURHOOD PLAN****PLANNING POLICY****PP.10 Radley Lakes**

**10.a)** This policy applies to the Radley Lakes area, as defined in Map 7. As minerals and waste are county matters outside the scope of the Neighbourhood Plan, the policy does not apply to minerals or waste activities or to development which might prejudice compliance with planning conditions applying to such activities.

**10.b)** For any development in the area to be supported it must:

- comply with Local Plan policy CP13, which sets out limited circumstances in which Green Belt development might be justifiable;
- avoid detriment to the wider landscape within which the site sits, and be accompanied by appropriate levels of landscape planting and natural screening necessary to achieve this;
- comply with Local Plan policy CP42, which requires a site-specific flood risk assessment for all development in Flood Zone 2 and 3 and for appropriate mitigation and management measures to be implemented;
- avoid detriment to the ecology of the Conservation Target Area, and incorporate appropriate off-site mitigation and enhancement necessary to achieve this;
- include appropriate transport mitigation.

**10.c)** Development which directly promotes nature conservation and/or quiet recreation in the area will be supported, subject to the criteria at b).

**10.d)** Development which creates new or revised access routes to or through the area will be supported, subject to the criteria at b) if it, directly or indirectly:

- improves the safety and amenity of access to the area by pedestrians and cyclists; and
- contributes to the promotion of nature conservation and quiet recreation in the Radley Lakes area.

**10.e)** Any other development will be supported only if it meets the criteria at b) and

- is confined to currently built-up land;
- is served by a suitable and safe access route that avoids conflicts between vehicles accessing the site and pedestrians and cyclists accessing the wider area.

## COMMUNITY ACTION

### CA.10 Radley Lakes

RPC will facilitate the preparation of a masterplan for the detailed management of an area of nature conservation and quiet recreation in former minerals workings in the south of Radley. The masterplan will be informed by the Neighbourhood Plan Radley Lakes Strategy. All stakeholders will be involved in its preparation, including landowners, VWHDC, Abingdon-on-Thames Town Council and local conservation and amenity groups.

## COMMUNITY ACTION

### CA.11 Thrupp Lane

The industrial and commercial sites at the foot of Thrupp Lane should be served by a more suitable new road leading westward towards Audlett Drive, enabling the Lane to be safe for walking and cycling. RPC will work with Oxfordshire County Council, the Vale of White Horse District Council, Abingdon-on-Thames Town Council and the relevant landowners to realise the creation of this solution, seeking financial contributions from those benefitting from it.

**ANNEX 4B****EXTRACT FROM JUDGEMENT IN HOARE V. VALE OF WHITE HORSE AND ORS [2017] EWHC 1711 (ADMIN) (7 JULY 2017)**

1. Mr Eleftheriadis contended that any policies which are about or concern “excluded development” have no place in a neighbourhood development plan. Policy 4.5B is impermissible because it is about or concerns a mineral site in restoration. A neighbourhood plan may not allocate to employment use a former mineral site that is subject to restoration and aftercare conditions. Thus, so he submitted, Policy 4.5B is a provision about development that is a county matter. That construction was supported, so he submitted by the general nature of the developments treated as “excluded development” (which I have set out in paragraph [8] above and are listed in section 61K of the 1990 Act). These are all developments that raise the most important, environmentally sensitive strategic decisions which should be the subject of the more detailed examination, which considers whether the policy is “sound”, required when other types of development plan are made. Development on a former mineral site subject to restoration and aftercare conditions involves such a decision.
  
34. In my judgment this construction of these provisions is untenable. The provision which is excluded from a neighbourhood plan is not any provision about any development in respect of land which is the subject of a restoration condition or an aftercare condition. It is any provision about development which “would conflict with or prejudice compliance with” such a condition. There may be operations or uses that can be carried on on such land without doing so. Moreover there is nothing to preclude a neighbourhood development plan making provision about a development that may be carried out on land subject to such conditions but only after they have been complied with. That may in fact be desirable in order to provide guidance about the future use of the land. Thus in my judgment the mere existence of such conditions applicable to an area of land does not mean that no provision about that land may be made in a neighbourhood plan.