

John Slater Planning Ltd

# Benson Parish Neighbourhood Plan 2018 - 2033

---

## **Submission Version**

A Report to South Oxfordshire District Council on the Examination of the  
Benson Parish Neighbourhood Plan

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

[johnslaterplanning@gmail.com](mailto:johnslaterplanning@gmail.com)

4<sup>th</sup> April 2018

## Contents

	Page
Introduction	3
The Examiner's Role	3
The Examination Process	5
The Consultation Process	5
Regulation 16 Consultation	6
The Basic Conditions	7
Compliance with the Development Plan	7
Compatibility with EU Obligations and Human Rights Legislation	8
The Neighbourhood Plan: An Overview	9
The Neighbourhood Plan Policies	14
The Referendum Area	27
Summary	27

## Introduction

Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside South Oxfordshire District Council's Core Strategy, adopted in December 2012 and the saved policies of the South Oxfordshire Local Plan adopted in 2006. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by Benson Parish Council. A Steering Group was appointed to undertake the plan's preparation. Benson Parish Council is a "qualifying body" under the Neighbourhood Planning legislation.

This report is the outcome of my examination of the Submission Version of the Benson Parish Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by South Oxfordshire District Council, the local planning authority (LPA) for the neighbourhood plan area.

Throughout this report, I will be referring to the "relief road". Other documents have referred to it as either the "edge road" or "bypass" but the terms are all interchangeable.

## The Examiner's Role

I was formally appointed by South Oxfordshire District Council in December 2017, with the agreement of Benson Parish Council, to conduct this examination. My role is known as an Independent Examiner.

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 39 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both South Oxfordshire

District Council, and Benson Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the Plan should proceed to referendum on the basis that it meets all the legal requirements;
- That the Plan should proceed to referendum if modified; or
- That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the Benson Neighbourhood area.

In examining the Plan, the Independent Examiner is expected to address the following questions:

- a) Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b) Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area?
- c) Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body?

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by South Oxfordshire District Council, for the Benson Neighbourhood Plan on 9<sup>th</sup> January 2013.

I can also confirm that it does specify the period over which the Plan has effect namely the period from 2018 up to 2033.

I can confirm that the Plan does not cover any “excluded development”.

There are no other neighbourhood plans covering the area covered by the Plan designation.

Benson Parish Council is a “qualifying body” under the terms of the legislation.

## **The Examination Process**

The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

I am satisfied that I am in a position to properly examine the Plan, without the need for a hearing, although I did need to invite additional written evidence.

I carried out an unaccompanied visit to the village of Benson and Preston Crowmarsh and the surrounding countryside on 25<sup>th</sup> January 2018. I spent the morning driving and walking around the area. Following that site visit, I had some questions and matters that needed clarifying, which were directed to a number of parties to the examination. These were set out in a document entitled Initial Comments and Questions from the Independent Examiner dated 4<sup>th</sup> February 2018. I subsequently received, on 27<sup>th</sup> February 2018, responses from Benson Parish Council, various officers from the District Council, as well as Gladman Development Ltd, Carter Jonas on behalf of the Styles Family, Berrick Salome Parish Council, Turleys on behalf of David Wilson Homes, Savills on behalf of Thomas Homes and finally Cala Homes. All the documents have been placed on the relevant District Council website.

## **The Consultation Process**

The Parish Council took the decision in early 2016 to reinstate work on the neighbourhood plan, in order to give local residents, an input into the location of new housing in the village. It set up a Steering Group made up of parish councillors and local residents, which split the task into five work streams: housing, strategic infrastructure, green infrastructure, design, and local infrastructure.

An initial village meeting was held on 15 January 2016. This was followed up by a flier which was circulated throughout the parish “requesting support for the plan’s vision and objectives”. This generated 328 responses.

A housing need survey was conducted between 7<sup>th</sup> and 26<sup>th</sup> May 2016. A 42.4% response rate (595 responses) was achieved.

## John Slater Planning Ltd

On 10<sup>th</sup> and 11<sup>th</sup> June 2016, drop-in sessions, to gain resident's feedback on generic policies, were held. The Steering Group also attended the Benson Summer Fayre.

In December 2016, a further drop in session was held attended by 160 residents. On 3 February 2017, a village meeting was held with a large turnout of 365 people, which was backed up by follow up drop in sessions at Benson School on the 9<sup>th</sup> and 10<sup>th</sup> February 2017. The work culminated in the preparation of a Pre-Submission version of the plan and a six-week Regulation 14 consultation period between 3<sup>rd</sup> March and 14<sup>th</sup> April 2017.

The Regulation 14 consultation generated over 250 individual comments from residents or organisations. These are fully set out in the Consultation Statement, which also explains how the final version of the Plan was amended, in the light of comments received.

### **Regulation 16 Consultation**

I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a 6-week period between 13<sup>th</sup> December 2017 and 28<sup>th</sup> January 2018. This consultation was organised by South Oxfordshire District Council, prior to it being passed to me for examination. That stage is known as the Regulation 16 Consultation.

In total 28 individual responses were received; from Historic England, Natural England, South Oxfordshire District Council Planning, Sports Council, Thames Water, Oxfordshire County Council, Benson Scouts, SODC Equalities Officer, National Grid, Oxfordshire Clinical Commissioning Group, SODC Leisure Development Officer, and Berrick and Roke Parish Council. In addition, I received representations from Hunter Page Planning Ltd on behalf of Victoria Land, Carter Jonas on behalf of Homes England and separately on behalf of RJ and S Styles, Gladman Developments Ltd and Savills on behalf of Thomas Homes Ltd. I also received 7 individual representations from Benson residents and 3 letters from residents of Rokemarsh.

I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

## The Basic Conditions

The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. Instead, the Neighbourhood Plan is tested against what is known as the “Basic Conditions” which are set down in legislation. It will be against these criteria that my examination must focus.

The questions which constitute the basic conditions, consider whether the prescribed conditions are met and prescribed matters have been complied with. These tests seek to establish that the Neighbourhood Plan:

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan;
- Will the making of the Plan contribute to the achievement of sustainable development;
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area;
- The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation, including the SEA Directive of 2001/42/EC;
- Whether prescribed conditions are met and prescribed matters have been complied with;
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site (as defined in the Conservation of Habitats and Species Regulations 2017 either alone or in combination with other plans and projects?

## Compliance with the Development Plan

The Development Plan comprises the South Oxfordshire Core Strategy 2027, which is now somewhat out of date in terms of identifying and meeting its objectively assessed housing need and the saved policies within the South Oxfordshire Local Plan 2011, which had been adopted back in 2006. The Oxfordshire Mineral and Waste Plan is also a constituent part of the development plan.

The District Council is currently working on the new South Oxfordshire Local Plan 2011 - 2033 and has published its Publication Version in October 2017. Benson is identified as a “larger village” which ordinarily would be expected to deliver an

increase in housing of 15%, on top of the growth anticipated in the Core Strategy, which would have given a housing figure for Benson of 383 new dwellings. However, in view of the commitments and planning permissions granted, which had already exceeded that number, in the period since 2011, the emerging plan does not allocate any additional requirements on Benson. The Policy TRANS3 did include the safeguarding of land for a new by-pass for Benson in a list of proposed transport schemes.

I am aware that the District Council has recently been reviewing the inclusion of Chalgrove Airfield as one of its strategic housing sites in the emerging plan as a result of representations received during the last round of consultation. On 28<sup>th</sup> March 2018 Council instructed the Cabinet to explore the option of removing that site and / or introduce a reserve site. That could delay the process of the new Local Plan. I will discuss its implications in the Plan Overview section of this report.

The District Council did suggest that the period of the neighbourhood plan should be taken back to 2011. Whilst the Parish Council has stated that it has no objections to that suggestion, this is not a change I need to recommend to meet the basic conditions.

### **Compliance with European and Human Rights Legislation**

South Oxfordshire District Council carried out a Screening Opinion on the Benson Neighbourhood Plan and concluded on 8<sup>th</sup> June 2016, that that the plan was likely to have a significant effect on the environment and a Strategic Environmental Assessment would be required. The Parish Council decided to undertake a Sustainability Appraisal incorporating a full Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC, which is enshrined into UK law by the "Environmental Assessment of Plans and Programmes Regulations 2004. I have had full regard to its contents.

When it originally screened the Plan, South Oxfordshire District Council, as competent authority, expressed the view that it was unlikely to have significant effects on European protected sites and an Appropriate Assessment under the Habitat Regulations was not required. However, it published a further Screening Opinion based on a later version of the plan which concluded that the 4 housing allocations being considered at that stage have "uncertain likely significant impacts on Lower Wittenham SAC, due to increased visitor numbers and uncertain likely significant effects on Ashton Rowant SAC and Chilterns SAC due to increased traffic and air pollution." It therefore instructed Land Use Consultants, on its behalf, to carry out a full Habitat Regulation Assessment Screening in combination with the emerging Local Plan and other neighbourhood plans. This was published in

December 2017 and this again concluded that an Appropriate Assessment would not be required.

I am satisfied that the basic conditions regarding compliance with European legislation are met. I am also content that the Plan has no conflict with the Human Rights Act.

## **The Neighbourhood Plan: An Overview**

### **Planning Positively for Housing Growth and a new Relief road**

The Secretary of State policy set out in Paragraph 16 of the NPPF includes the statement that neighbourhoods should:

- “plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the local plan”.

The Benson Neighbourhood Plan really does plan positively for housing growth. It is promoting a level of housing which, over the plan period, will provide for over 560 new homes, compared to 383 units, which would have been the emerging local plan’s requirement for the village of this size. That latter figure would be based upon a 15% growth rate above the level required by the Core Strategy. The neighbourhood plan is looking to deliver a new road layout, which harnesses the access arrangements of the allocated housing areas, to collectively deliver a relief road that will direct both the traffic associated with the new housing areas, and through traffic, away from the historic centre of Benson Village. It is a very clear vision and can legitimately be described as the golden thread that runs through the neighbourhood plan.

It is a good exposition of the ambitions for neighbourhood planning articulated in Paragraph 001 of the online Planning Practice Guidance.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what these new buildings should look like and what infrastructure should be provided.”

The provision of this new road lies at the heart of the plan and its delivery has been the primary factor in directing the preferred location of the new housing to the north side of the village, so as to provide a link between the B4009 Watlington Road and the A4074, Oxford to Reading road. As one of the primary criteria in the Site Assessment Report, it is a legitimate basis for differentiating between alternative sites, so long as the outcome is consistent with other planning principles e.g.

avoiding putting new homes in areas at risk from flooding. All of the sites on the north and east of the village will have adverse effects on the wider landscape setting on the North Wessex Area of Outstanding Natural Beauty, which lies to the east of the plan area, as identified in the report “Landscape Capacity Assessment for Sites on the Edge of Large Villages Study 2014.” Equally all the farmland is good quality, being Grade 2.

### **The Emerging Local Plan**

The plan has been prepared against the background of an emerging South Oxfordshire Local Plan, although the Core Strategy is a relatively recent document having been adopted in 2012 but it is recognised as not delivering the areas objectively assessed housing need. The Benson Neighbourhood Plan could have chosen to have based itself upon the emerging policy of a 15% growth rate proposed for the “larger villages” of the plan area. The emerging local plan is recognising the desirability of a new bypass around the village of Benson and has a policy calling for the safeguarding of the route. The *safeguarding* of a road line is an appropriate response within a local plan document, bearing in mind that the plan is not proposing to allocate housing sites in the village, as this is a matter which the local plan has left to the neighbourhood plan. A neighbourhood plan is capable of going beyond the housing figures set out in a local plan, but could not allocate less development and in this case, is capable of achieving the *delivery* of the relief road through its proposed housing allocations.

There is plenty of evidence that the neighbourhood plan has been prepared, as a result of active dialogue between the Steering Group and South Oxfordshire District Council planners, as well as Oxfordshire County Council highways team, plus the respective landowners and developers of potential housing sites. The plan goes further than merely identifying the infrastructure required, but has played a key coordinating role in ensuring that the various housing allocation sites will be capable of producing a comprehensive new relief road, from end to end.

The recent change in the circumstances as it relates to one of the plan’s strategic allocation sites, Chalgrove Airfield has not changed my conclusions as regards the level of housing development proposed for Benson, nor does it affect my conclusions that the plan is justified in seeking to promote a relief road for the village. In any case I do not consider that the case for building the new road was ever dependent upon the Chalgrove Airfield development proceeding. Neighbourhood Planning offers communities the opportunity to identify the quantum of housing it aspires to, for its plan area (subject to meeting strategic policies) and to set out clearly the infrastructure it believes it needs to deliver that housing whilst protecting its historic village centre.

### Can a Neighbourhood Plan Promote a new road?

I consider that the approach taken by the Parish Council, to secure this locally identified piece of infrastructure, to be entirely in line with the Government's approach as set out in Paragraph 045 of the PPG, which states:

“A qualifying body may wish to consider what infrastructure needs to be provided in the neighbourhood area, alongside developments such as homes, shops or offices. Infrastructure is needed to support development and to ensure that a neighbourhood (*i.e. Benson*) can grow in a sustainable way”.

Having established the village's desire to see a new relief road around the village, it is entirely consistent for the Plan to allow that objective to influence the choice of housing sites, which individually and collectively can deliver the road, and conversely choose not to allocate sites which do not contribute to securing that objective, so long as the village is meeting its housing requirements. This rationale is fully set out in the Site Assessment report.

This was a major part of the reason why the plan chose not to allocate the land known as BEN 5 – land to the south of Watlington Road. I am not persuaded by the arguments advanced by Carter Jonas, in both their Regulation 16 representation as well as their response to my specific question to them. They argue that the Plan does not meet the basic conditions in terms of having regard to the Secretary of State policy and advice, in that they argue the need for a new road is not based on robust and proportionate evidence and that the infrastructure will address demands placed on the plan area, from development outside the plan area. They also argue that it is not in line with the strategic policies in the *emerging* local plan in that it goes beyond the safeguarding of the route. Their conclusion is that the site they are promoting, Site BEN5 should be identified as one of the preferred housing locations either as well as, or instead of BEN4.

I do not accept that a community's aspiration to deliver a new road should only be capable of being promoted by a local plan. The legislative test is that the plan should be in general conformity with the strategic policies in the development plan, which would not be an emerging plan. I consider that a more important consideration is whether the housing allocations taken as a whole, will deliver sustainable development. In this case, I believe the housing allocations will deliver economic growth, a significant increase in housing of the type needed for both Benson and the wider district, and will have a strong environmental benefit, by diverting through traffic from the centre of the village and its conservation area and also providing a step change in the delivery of Benson's Green Infrastructure.

I note that the Highway Authority supports the need for a relief road and its proposed alignment around the north of the village. I am not aware of any published Secretary of State advice or policy which explicitly prevents the identification and delivery of

infrastructure through a neighbourhood plan, that will not only meet the needs generated by the development itself, but which also will bring about wider benefits. It would indeed be a bizarre situation, if I was to recommend that the plan should safeguard the alignment of a new road as suggested, but not to require, when allocating land along the route, that the constituent elements link up to achieve a coherent road alignment. That would certainly not be an example of planning positively. The arguments promoted by Carter Jonas to allocate land without reference to the delivery of the relief road would be directly contrary to the views of the local community of Benson, who have agreed to plan for and accept higher levels of housing growth so long as the preferred development sites deliver the environmental enhancements it is seeking, which will benefit the whole village through taking traffic away from its historic core.

The NPPF states that the neighbourhood plan should not undermine strategic policies that are set out in a local plan. I do not believe that neighbourhood plans are prevented from addressing issues that are referred to in an emerging plan. A community can address through planning policy the matters that it wishes to include within their neighbourhood plan, so long as it complies with basic conditions.

### Planning applications

This neighbourhood plan has been prepared in parallel with the submission of planning applications, affecting potential housing sites.

Planning consent was dismissed on appeal for residential development on the site known as BEN 7 on land at St Helen's Avenue. I will address that site in more detail when I examine Policy NP5.

A planning application for residential development on land identified as BEN5 has been the subject of a planning inquiry, which has run concurrently with this examination. I did write to PINS suggesting that the date for that inquiry could be put back by some weeks, to allow this examination to take place. I felt that allowing my examination to be concluded, would assist the Inspector in being aware of my recommendations in respect of the status of the site, in terms of the neighbourhood plan. That request was turned down by the Planning Inspectorate but I now understand that the appeal will now be determined by the Secretary of State.

Turning to the sites which are allocated in the neighbourhood plan, planning permission was finally granted in February 2018 for the site known as BEN1 –Phase 2. This consent permits not just residential development, but also a number of the community facilities and green infrastructure which has been identified in the neighbourhood plan. Whilst it provides for a section of the relief road, which will

connect to the allocation site immediately to the north east, BEN2, it does not itself propose the final connection of the relief road close to the Elm Bridge Roundabout, but the section 106 agreement which accompanied the consent, does provide for the safeguarding of that route, although the funding will have to be delivered by other developments or funding sources.

An application has been submitted by Thomas Homes for residential development on the site identified as BEN 2, which is the subject of Policy NP3. A separate planning application has been submitted by David Wilson Homes for the development of site BEN 3/4, which is covered by the Policy NP4. I am advised by the District Council that the determination of these two applications will be deferred until after the publication of this examination report.

### **Is the new road deliverable?**

These three planning applications will deliver three sections of the relief road. However, they will not directly deliver the final section of the road across the Site BEN1 - phase 2. I needed to be reassured that the final road section, which is only “safeguarded”, has more than a reasonable prospect of being funded. I have been provided with responses from the respective developers, which satisfy me that funding mechanisms can be drawn up between the developers of Sites BEN2 and BEN 3/4 which will be capable of funding, and building, the final section of road. In addition, I have also seen correspondence from the Homes and Communities Agency (now Homes England), which indicates that they could provide gap funding, if required although I am not clear whether this offer was conditional upon the Chalgrove Airfield allocation proceeding. I am therefore not placing significant weight upon that offer in view of the commitments from the developers of Sites BEN2 and BEN3/4.

Similarly, I sought specific reassurances from the three developers that their individual proposals will provide for a comprehensive continuous road line, across the respective schemes to a standard specification. I have been provided with a composite plan demonstrating how the three developments will join seamlessly together. I am satisfied that the three planning applications and the policies set out in the plan will deliver the village’s central vision of a new route, which will not only serve the needs of the new developments but will also be a through route that bypasses traffic away from the main village centre. It will be important that the sections of the road are built up to the respective boundaries of the allocation sites in order to prevent ransom situations being created.

## Planning Contributions and CIL

I do need to highlight one area where the plan appears to misunderstand how the funding of offsite works can take place under the Community Infrastructure Levy (CIL) system. South Oxfordshire District Council's CIL scheme is now introduced. That levy is paid by development across the district to fund local infrastructure. However, 75% of that money is distributed to the District Council and 25% will be allocated to the Parish Council, if the neighbourhood plan passes referendum and is "made". However, how that money is spent, is a budgetary decision, made by the appropriate council, which cannot be committed by a neighbourhood plan policy. A neighbourhood plan document can highlight the infrastructure that it believes should be prioritised, but it cannot commit CIL receipts, from a particular development, to be spent on specific items in a particular area, such as an extension to the village surgery. The LPA is required to publish a document known as the Regulation 123 List, which identifies the categories of infrastructure which are capable of receiving CIL receipts. It is open to the Parish Council to make whatever commitments in its neighbourhood plan, it sees fit, on how it proposes to spend its proportion of CIL receipts. The payment of CIL is not discretionary and is not produced by a neighbourhood plan policy.

## Other Matters

My proposed changes relate only to the wording of the planning policies and it will be necessary for some changes to be made to the supporting text and the numbering of policies etc. so that the final version of the Plan reads as a coherent document. These issues of editorial, factual or minor corrections, some of which are raised in the Council's Regulation 16 comments, are matters for the Parish Council to address in consultation with South Oxfordshire District Council. It may also need to renumber plans and policy numbers.

## The Neighbourhood Plan Policies

### Policy NP1

This policy sets out the spatial strategy of the neighbourhood plan. It articulates a strong vision to link major housing allocations with the delivery of a bypass for Benson, which is also one of a number of transport schemes identified in Policy TRANS3 of the emerging local plan. I consider that the policy will help to deliver

sustainable development whilst responding to the clear aspirations of the local community.

I have some minor points to make regarding the drafting of the policy. I do not consider that the relief road needs to be classed as “viable” and it could lead to unnecessary uncertainty in decision making as to whether the road needs to be demonstrated as “viable”.

Development proposals do not just have to be considered against policies in the neighbourhood plan, but against all the documents that constitute the development plan. It is not appropriate for a neighbourhood plan policy, which will, when “made” be part of the development plan to, by implication, offer that status to policies set out in an *emerging* local plan. I note that that the emerging Local Plan has criteria relating to the size of infill plots in “other villages”, which would cover Preston Crowmarsh. The emerging policy offers no limit on the size of infill in Benson but for a settlement like Preston Crowmarsh this is set at sites up to 0.1 ha. I therefore consider it more appropriate to refer to that specific criteria.

The plan does not specifically have a Proposals Map although it is referred to in the drafting of Policies NP2-4. I have therefore requested that a plan be prepared that can be inserted in to the plan that shows the allocation sites and the proposed relief road. This is appended at the end of this report.

### *Recommendations*

Insert at the end of the first sentence “as shown on Housing allocation sites and the Proposed Relief Road Map”.

In the first bullet point delete “viable”,

In the second paragraph, replace all the text after “Benson” with “and on sites of up to 0.1ha within the settlement of Preston Crowmarsh, where the proposals accord with the other policies in this plan and the other parts of the development plan.”

### **Policy NP2**

This policy allocates land, as a second phase to the residential development which is currently under construction of 187 new homes, off Littleworth Road. As planning permission has been granted for the second phase of development, which is the subject of this policy, I did consider whether it would still be appropriate, to retain the policy. However, until such time as the works on this second phase, have commenced, there is no guarantee that this particular consent will be implemented but as the plan’s supporting text acknowledges, there is a value in retaining a policy context to consider alternative proposals if required.

I believe that it is right to recognise that the planning permission has been granted and that consent would be a material consideration. In view of the agreement with the Highway Authority that this development is only required to “safeguard” the final section of the relief roads alignment, I cannot see that it is now legitimate for the policy to require the developer of this land to fund the completion of the road, as it has been shown that the current access arrangements can satisfactorily accommodate the development. The connection of the relief road to the Elm Bridge roundabout does need to be safeguarded. Similarly, I cannot see a planning justification for restricting the occupation of housing on the site to the completion of the relief road, as planning permission has already been granted without that limitation.

In terms of the housing mix element of this policy, I have carefully reviewed the Community Questionnaire Report but I do not consider that the results give sufficient guidance to applicants to identify the types of houses required to meet local need. It does give reasons for people wishing to move in the parish and barriers to them being able to move or downsize. It states that the three types of homes needed by the people who already live in the parish, are detached houses, semi-detached houses and detached bungalows. The percentage quoted against each category is not the percentage split required, in terms of mix of units, but merely the percentage of persons who responded to that question. I find a more compelling source of information of housing mix required for the wider area, is set out in Table 65 and 66 of the 2014 SHMA Report. I will be recommending that the policy be amended to refer to the SHMA, as the primary source of information to guide the housing mix but also refer to the Community Questionnaire.

For the reasons set out in the Plan Overview section of the report, I do not consider that the policy can impose criteria for the allocation of CIL receipts. I will recommend that that bullet point be deleted.

#### *Recommendations*

In the first paragraph replace “on the proposals map” with “as BEN1 on the Housing allocation and the Proposed Relief Road Map”

Replace bullet point 1 with “Provision of a new road across the full extent of the housing development on this site, to a specification adequate to serve the completed relief road (as defined in appendix 6 of the signed section 106 agreement attached to planning permission 16/1139/OUT) and with the alignment shown on the Housing Allocation and Relief Road map. This new road must connect at its north-east edge to allocated site BEN2 (covered by the policy NP3). The route of the final western section of the relief road linking the western edge of this housing development with the junction on Oxford Road near Elm Bridge roundabout, as

shown on the Housing Allocation and Relief Road map, must be safeguarded, regardless of any alternative access routes provided to the site.

Delete the second bullet point.

In the third bullet remove “NP22 and NP23 including” and replace with “and NP22, plus”.

In the fourth bullet replace “identified in” with “informed by the SHMA 2014 or updated versions identifying housing need and”.

Delete bullet point 6.

### **Policy NP3**

I have considered the representations submitted by Savills on behalf of the developers of BEN2, Thomas Homes. They rightly point out that to place an obligation restricting the occupation of their scheme to the completion of the entirety of the relief road is unreasonable, as that is a matter that is outside the control of any of the individual developers. I consider that the policy as written will restrict the supply of new housing which could be the result of the actions of third parties. In order to encourage the overall completion of the access road, I will retain the 50% threshold, but stipulate that it should relate to the section of the road up to the boundaries of each allocation site.

I note that the policy currently requires contributions to offsite improvements to open space facilities. Whilst I can understand the logic, a developer cannot be required to contribute to the same infrastructure twice. In the South Oxfordshire Regulation 123 List, offsite open space, play areas and allotments are included in the matters that are funded by CIL. A developer cannot be expected to be subject of CIL as well as a planning obligation. I will recommend that this criterion be deleted. Similarly, the doctor’s surgery is a matter that it is also on the Regulation 123 list.

Beyond these changes, I consider that the policy meets the basic conditions.

### *Recommendations*

In the first paragraph replace “on the proposals map” with “as BEN2 on the Housing Allocations and the Relief Road Map”.

In the second bullet after “Road” insert “within the allocation site”.

Delete bullet point 6 and 7.

In the final bullet point after “3 metre” insert “wide”.

## Policy NP4

My comments made in respect of the level of guidance as to the housing mix apply equally to the combined site of BEN 3/4. Similarly comments on the doctor's surgery contribution apply. One point or clarification is required in respect of the proposed 3 metre landscape buffer. What is not clear is whether the buffer is to be 3 m high, or 3m wide. I assume it is the latter but, in the interests of precision as to the requirement of the policy, that the dimension is the required width. I have had regard to the comments of the developer regarding allowing gaps necessary for visibility splays to be provided and I consider that necessary to achieve safe access.

A neighbourhood plan policy can only include policies covering land within the plan area. I will make it clear that the requirement to provide a dedicated pedestrian route to Roke, should only relate to the route within the site.

Beyond these matters, I am satisfied that the policy meets basic conditions.

### *Recommendations*

In the first paragraph replace "on the proposals map" with "as BEN3/4 on the Housing Allocations and the Relief Road Map".

In the third bullet replace "identified in" with "informed by the SHMA 2014 or updated versions identifying housing need and".

In the fifth bullet after "provision" insert "within the site".

Delete the seventh bullet point.

In the ninth bullet point after "3 metre" insert "wide" and insert at the end "subject to securing safe access and visibility"

## Policy NP5

I have noted the dismissal of their recent planning appeal, based on the Inspector's concerns regarding whether an acceptable residential environment would be possible, due to the site's close proximity to the operational flying areas of RAF Benson. In their Regulation 16 consultation response, Gladman Developments Ltd indicated that they were investigating ways of overcoming the noise issue. In my Initial Comments and Questions document, I sought clarification from Gladman Developments Ltd on the possible strategies being considered to overcome the adverse noise environment. Their response was that whilst the matter was still under consideration, but a solution could be based on adopting a Passihaus model. I am not satisfied on the basis of the information before me that their designs cannot

eliminate future residents' desire to open windows on hot summer nights. I do not consider that Benson should be expected to allocate additional housing above what it is currently doing, when it is already producing significantly higher numbers of houses, than proposed in the emerging local plan.

Turning now to the proposed allocation as a burial ground, Gladman Development Ltd has indicated that the landowners will not be prepared to release part of the site for the proposed burial ground. However, I am conscious that that the lifespan of the neighbourhood plan is up to 15 years. This may be an aspirational policy but I consider that it meets the basic conditions.

In terms of the drafting of the policy, it needs to clarify that the proposals that meet the three criteria "will be approved".

#### *Recommendations*

After "ground" in the first paragraph, insert "will be approved".

#### **Policy NP6**

A neighbourhood plan policy is required to be clear and precise, "allowing it to be used with confidence by the decision-makers". My concern with the third bullet point is that it refers to the list of the buildings of local heritage set out in Appendix E, but it extends the remit of the policy "to other such buildings as shall be considered to have a similar value". This raises the question as to who decides whether buildings not on the list have "a similar value". An applicant should be able to know whether their building is or is not a non-designated heritage asset. I will be recommending that this element is deleted as it introduces uncertainty as to which buildings this policy applies to.

The need to carry out archaeological investigation will be required for some developments but not all. I propose to cover that eventually by caveating the final bullet point, by referring to the need for prior investigations "where appropriate".

Beyond that I consider that the policy meets basic conditions.

#### *Recommendations*

In the second sentence of the third bullet, remove "and to other such buildings as shall be considered to have similar value".

At the start of the fourth bullet, insert "Where appropriate".

#### **Policy NP7**

I wish to commend the quality of the Design Statement for Benson. This is an excellent example, of what paragraph 58 of the NPPF is seeking, when it says that “neighbourhood plans should develop robust and comprehensive policies that set out the quality to of development that will be expected for the area”. It is evidently based on “an understanding and evaluation of its defining characteristics” of the plan area.

I have no issues regarding compliance with basic conditions.

### **Policy NP 8**

This policy relates to *all* new development. I consider that the threshold for applicants to have to demonstrate that they meet the three criteria set out in the policy, should relate to as required by the NPPF, “developments that generate significant amounts of movements”. I consider that the policy should be aimed at the major housing schemes that are proposed around the village.

#### *Recommendation*

Replace “New” with “Major housing development”.

### **Policy NP 9**

This policy requires developments having to meet “as a minimum the parking provisions as set out in national and county guidelines”. There are no national parking guidelines and the Oxfordshire Parking Standards apply maximum levels of provision. To encourage car parking in excess of the standards could in any event run counter to the objectives set out in Design Principle G2. The policy is not coherent, is not evidence based and I will be recommending that the policy be deleted.

#### *Recommendation*

That the policy be deleted

### **Policy NP 10**

I do not consider that this is a reasonable requirement, in that the policy relates to *all* new development. As with Policy NP8, I consider this is an appropriate policy to be focussed on major housing development.

#### *Recommendation*

Replace “New” with “Major housing development”.

### **Policy NP11**

Again, this policy is aimed at *all* new development and I again recommend the policy should relate just to major new housing schemes.

*Recommendation*

Replace “New” with “Major housing development”.

**Policy NP12**

This is a supportive policy which *supports* the provision of electric vehicle charging points where it is proposed. It is not a policy that imposes a requirement and it meets the basic conditions.

**Policy NP13**

This is a policy that supports the provision of the new community facilities and I have no comments to make in relation to the basic conditions test.

**Policy NP14**

I have no comments to make with regard to this policy, which meets basic conditions.

**Policy NP15**

This seeks to protect the existing village shops. However, some changes of use can take place without requiring planning permission. In order to provide clarity as to what the policy can be expected to achieve, I propose to insert the phrase used at the beginning of Policy NP16, “in so far as planning permission is required.” I also will refer to Figures 7 and 8 rather than the “Policies Plan”.

*Recommendations*

At the start insert “In so far as planning permission is required”.

Replace “the Policies Map” with “Figures 7 and 8”.

**Policy NP16**

I have no comments to make on this policy except to refer to Figure 8 which defines the Village Centre.

*Recommendations*

Replace “the Policies Map” with “Figure 8”.

### Policy NP17

I have no comments to make on this policy regarding compliance with the basic conditions.

### Policy NP18

This policy is stating how CIL receipts will be spent. It is not clear whether this is a statement of intent on behalf of the Parish Council or an attempt to commit the District Council spend it's CIL funds. In any case I do not see that it is a policy that can be used to determine a planning application. It is perfectly appropriate for the Parish Council to be indicating, in its neighbourhood plan, the projects it is proposing to support from CIL funds, but that should not be a development plan policy. It can be included within the supporting text or even identified as a Community Aspirations.

I will be recommending that the policy be deleted.

#### *Recommendation*

That the policy be deleted with the wording included either as a Community Aspiration or included within the supporting text.

### Policy NP19

This policy imposes a requirement as to what documents must be submitted with a planning application. That is not something that a neighbourhood plan policy can do. The documents which must accompany planning application will be set out in the District Council's Local Validation Checklist.

I do not consider that it is the role of developers to provide fast internet access, that is the responsibility of the telecommunication operators. A reasonable expectation would be for the developers to provide the necessary infrastructure and ducting to enable these services to be delivered to the new homes. It is appropriate for an applicant to demonstrate how they meet these requirements.

#### *Recommendations*

Replace "future-proofed" with "telecommunication" and delete "such as fast internet access".

In the second sentence delete "contain a Connectivity Statement and developers will also be required to" with "demonstrate how they will".

### **Policy NP20**

I have no comments to make in terms of the basic conditions.

### **Policy NP21**

This policy imposes a higher standard regarding the allotment provision, than required by the District Council. However, I believe that the plan's evidence does justify a higher standard, based on the current level of allotment provision in the Parish and in the level of uptake. I consider that the policy complies with basic conditions.

### **Policy NP22**

My concern regarding this policy is the element relating to the requirement to make a contribution to existing play facilities for schemes under 75 houses. As the improvement of play areas is on the District Council's Regulation 123 List. Developers cannot be required to both pay CIL and also contribute to the upgrade of offsite play facilities.

#### *Recommendations*

Delete the second paragraph.

### **Policy NP23**

This plan does not allocate land for these uses on the site of BEN1. An allocation has to be a specific area on the plan, which can identify the land which is being allocated. In this case, Policy NP2 imposes a requirement for these facilities to be delivered as part of the overall housing development. I will therefore be proposing that the policy be deleted, as it is vague as to the land which is allocated for these purposes. The intention of the policy is delivered by Policy NP2.

#### *Recommendation*

That the policy be deleted.

### **Policy NP24**

On my site visit, I have visited all the proposed sites and I can confirm that the Local Green Space designation has been properly justified in the table set out in Appendix K1. However, the policy may be used and referred to in a context away from being read in the actual plan document e.g. it could be quoted in a planning decision notice. I therefore, for the sake of clarity and precision, will refer to the areas being shown in Figure 9, rather than "on the map below". The policy does go beyond the

normal presumption against “any new development” as set out in Paragraph 76 of the NPPF, but it is so limited and qualified that I do not feel I need to recommend any changes.

*Recommendation*

Replace “the map below” with “Figure 9”.

**Policy NP25**

I have no comments to make with regard to basic conditions.

**Policy NP26**

There is reference in the policy “of a net gain in biodiversity assets being in-line with the District Councils core strategy”. In a few years’ time, the core strategy will be superseded by a new local plan. I believe that this requirement is unnecessary as it is covered by the requirement to *enhance* existing on-site biodiversity assets. I believe all sites can in some way contribute to biodiversity enhancement, so I do not consider that it is necessary for schemes to contribute “to biodiversity enhancement elsewhere in the parish”. In any event strategic habitat creation, enhancement and restoration projects are already in the Regulation 123 list and can be funded through CIL payments. There may be some developments where it is not possible to deliver biodiversity enhancements e.g. a new shopfront. This can be covered by the caveat “where appropriate”.

*Recommendations*

Delete “delivering “net gain” in line with the District Council’s core strategy”.

Delete the second sentence of the first paragraph.

At the start of the second paragraph insert “Where appropriate”.

**Policy NP27**

This policy is only appropriate for the major housing developments that are being promoted in the plan. It would not be necessary for a small infill housing scheme within the village, allowed under Policy NP1. I will clarify that by way of a recommended modification. I do not consider that it is a reasonable requirement to require the garden fences and walls to incorporate features that will allow *wildlife* to disperse. Whilst this may be encouraged, it could lead to some unexpected consequences for home owners with small dogs!

*Recommendations*

After “residential development” insert “as proposed by Policies NP2, NP3 and NP4”.

In the final sentence replace “should be designed” with “are encouraged”.

### Policy NP28

I do not consider that it is appropriate for a development plan policy to be requiring funding to be provided for a specific 15-year period, especially when policies do not cover the management and maintenance of other communal areas. This will often depend on the terms of the transfer of the land to the body with long-term responsibility for the area, whether it be any management company, or being passed to a wildlife trust or indeed, the Parish Council. These negotiations and the legal arrangements will normally cover commuted sums for ongoing maintenance etc., but this should be a matter between the respective parties. It is sufficient for the policy to require appropriate arrangements to be put in place to secure its long-term maintenance etc. A planning application could not be refused for the absence of an agreement over the acceptability of a 15-year time period.

#### *Recommendation*

Replace “funding for a 15-year period to ensure the establishment of” with “proposals including funding for the”.

### Policy NP29

A neighbourhood plan can only guide how a planning application is to be determined. It is not appropriate for a policy to highlight how one particular aspect of the development is to be *executed*. To highlight one element could infer the greater need to comply with one aspect of the development than others, which may not be specifically mentioned e.g. tree protection. There are other pieces of legislation that can protect watercourses for their ecological significance rather than relying on the wording of a neighbourhood plan policy as to how the work is “executed”.

#### *Recommendation*

Delete “and executed”.

### Policy NP30

A neighbourhood plan policy can only exercise planning control over land within the boundary of the plan area. Beyond that I have no comments to make on this policy.

### **Policy NP31**

The policy, as written, places an obligation on *all* development proposals within the parish. There will be some developments which do not affect the riverside area or impinge on views from or into the village – these will be the developments that take place around the edges of the settlements. The policy needs to differentiate between developments that will be capable of affecting these important views and those that do not.

#### *Recommendation*

In the second paragraph after “planning applications” insert “affecting the riverside area and on the fringes of the built-up area of Benson”.

### **Policy NP32**

This policy is only of relevance to the largest residential developments being promoted on the fringes of the village.

#### *Recommendation*

Replace “Development proposals” with “Major residential development on the fringe of the village of Benson”.

### **Policy NP33**

Again, this policy applies to all development proposals. I consider that it is a policy that should apply to development where it is “appropriate”.

#### *Recommendation*

At the start of the policy, insert “Where it is appropriate”.

### **Policy NP34**

I am concerned that this policy is not consistent with very explicit national policy dealing with areas at risk of flooding. It may be that, as written, the policy could prevent planning permission being granted for the final section of the relief road which crosses land in Flood Zones 2. I have seen no evidence or justification for a locally distinctive policy that departs from national advice e.g. water compatible development that requires a riverside setting. I am therefore proposing that the policy is deleted.

#### *Recommendation*

That the policy be deleted.

## The Referendum Area

If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan.

In the normal course of events I would normally recommend that the referendum should be restricted to the plan area only. However, I have received representations to include the residents of Rokemarsh, particularly due to the proximity of the hamlet to the large housing allocation at BEN3/4.

I have given this matter particular consideration and I invited the comments from the adjoining Parish Council and the Qualifying Body on this question. I have received representations from both. I consider that the residents of Rokemarsh will be impacted by this allocation, which comes close to their settlement. In reaching my conclusions I have weighed the contrasting parish council responses along with the residents' comments made at Regulation 16 stage. I am persuaded by the advice set out in paragraph 59 of the Neighbourhood Planning section of the PPG. This states:

“It may be appropriate to extend the referendum area beyond the neighbourhood area, for example where the scale and nature of their proposals in the draft neighbourhood plan or Order are such that they will have a substantial, direct and demonstrable impact beyond the plan area neighbourhood”

I will be recommending the following properties in Rokemarsh, namely Ten Tree, Holly Tree Cottage, nos 1, 2 and 3 Quakers Corner, Montrose House, Meadow View, Journeys End, Quakers Corner, North House, South House, West House, East House, Horse and Harrow, Porthill House, The Orchard, Cobblers Cottage, Welling Cottage, Partridges, Thatched Cottage, Treyarnon and Kimbar, be included, in addition to the area of the Benson Parish Neighbourhood Plan as designated by South Oxfordshire District Council on 9<sup>th</sup> January 2013, as the appropriate area for the referendum to be held

## Summary

I am satisfied that the neighbourhood plan, through the allocation of the three substantial housing sites, around the northern fringe of Benson will provide a significant increase in housing numbers, well above the level that would have come from the local plan. This is a locally distinctive neighbourhood plan that delivers significant new local facilities and infrastructure as well as much needed new

John Slater Planning Ltd

housing. The Parish Council and the community are to be congratulated in using the neighbourhood plan process to actively promote extra development in order to extract through positive planning, the highway infrastructure that the community identifies as being required to protect and enhance the historic heart of the village including its Conservation Area and its listed buildings.

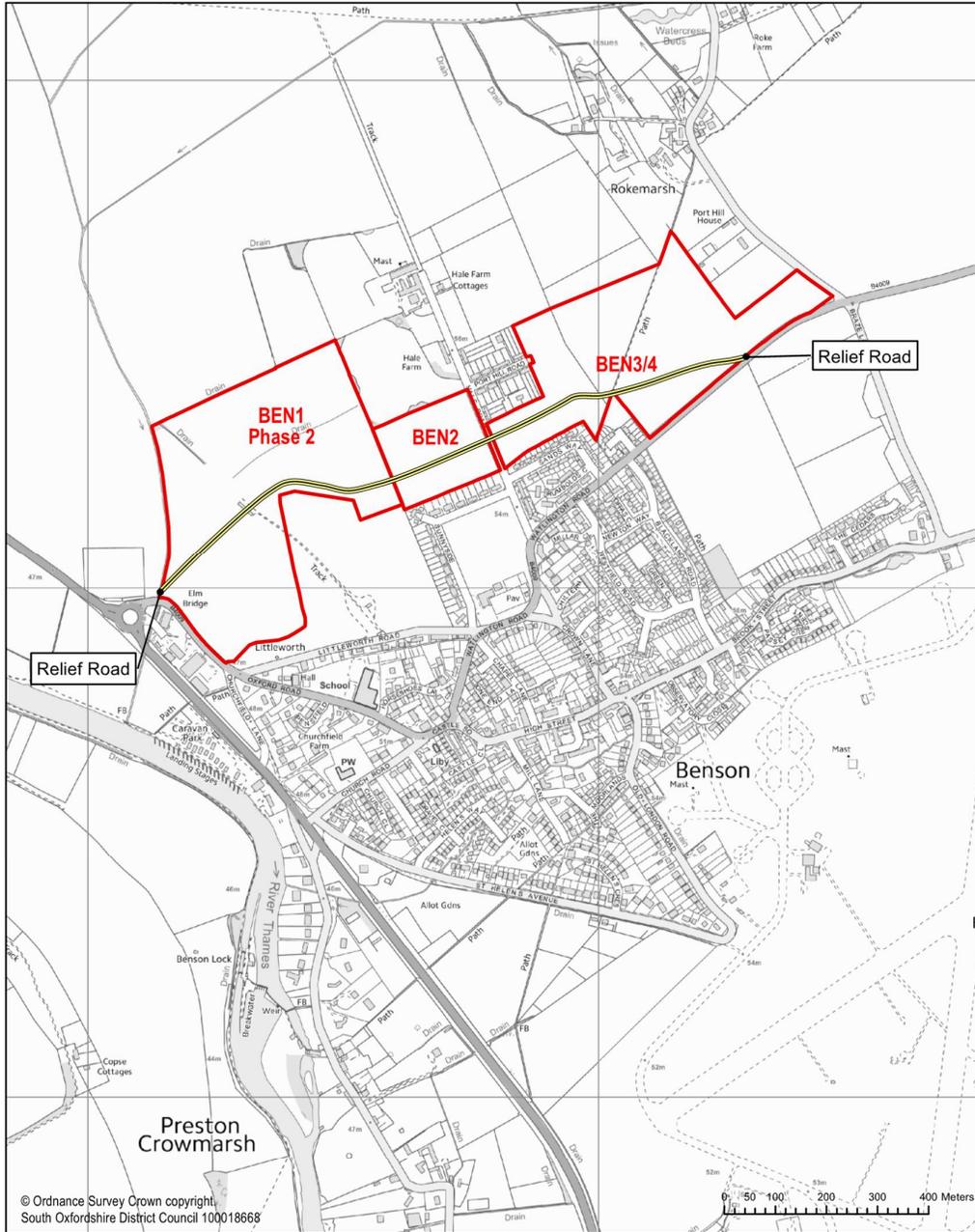
To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

**I am therefore delighted to recommend to the South Oxfordshire District Council that the Benson Parish Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

4<sup>th</sup> April 2018



**BENSON:**  
Housing allocation sites and  
the Proposed Relief Road

© Ordnance Survey Crown copyright,  
South Oxfordshire District Council 100018668

South Oxfordshire  
District Council  
Listening Learning Leading

1:10,000 @A4  
March 2018