

Warborough and Shillingford Neighbourhood Development Plan

Independent Examiner's Clarification Note *Context*

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

Context

I have read the submitted documents and the representations made to the Plan. I have also visited the Plan area. I am now in a position to raise some issues for clarification. They are designed for the Parish Council. The comments that are made on these points will be used to assist in the preparation of my report and any recommended modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

Points for Clarification

Title

Is there any reason why 2011 has been chosen as the start date? Would 2018 be more appropriate?

As advised, this date was used because it is the date the current Local Plan expired.
No strong village views on this.

Policy VC1

I can see the integrity and purpose of this policy.

Nevertheless, should criterion I come at the start to provide an overall spatial context for the other criteria?

Agreed

In A would it be helpful to make a degree of distinction between the two conservation areas and the remainder of the Plan area? Is this what was anticipated with the use of the wording 'preserve or enhance'?

The approach taken, because of the character of various areas of the village, was to identify, analyse, assess and rate 7 distinct areas in the Character Assessment. This enables a more local, detailed and nuanced assessment than that provided by the Conservation Areas currently defined. It is particularly important as there are many heritage assets (a total of 77 within the Parish) and some fall outside of the conservation areas. The unique characteristics and planning context of each area is defined in the character assessment and key conclusions for each area is included in the policy's supporting text. Conservation areas are included in 3 of the areas and special regard is given to them in defining the characteristics of the areas in which they fall.

This guidance is intended to be used by decision makers to ensure development reflects the best of each area in the village and to 'preserve or enhance' the character across the Parish. Based on local development experiences in the 1970s, it seeks to ensure that development outside the conservation areas proceeds with reference to the character of the wider community.

In G how is it intended that the policy would be applied clearly and consistently by SODC?

How would decision-makers understand what is 'minimise' and what is 'sufficient'?

Avoidance of light pollution is a key ambition locally, as is noise and pollution from traffic, and odours (eg sensitive in some areas because of the local pig farm). It is envisaged that any development should avoid having an urbanising effect (for example with street lighting).

An earlier more directive suggestion, to adhere to 'dark skies' lighting standards, was discouraged through the consultation process. Can we suggest that we define 'minimise' as no increase over current levels for noise, light, odour etc unless clearly defined additional benefits can be demonstrated?.

With regard to 'sufficient' storage of misc. household accouterments, the NP has shown that car ownership is higher than elsewhere; the cycle club is evidence of keen cycle ownership and the local gardeners enthusiastically embrace the additional brown wheelie bin for compostable rubbish, in addition to the standard recycling, food bins and non-recyclable bins. The overwhelming norm throughout the community is to store these items out of sight, and for cars, off road and this contributes to the character. OCC pre-sub consultation supported rubbish receptacle storage areas.

We recognise that this is no standard throughout the district. The ambition of this policy is to encourage decision makers to consider this local aspect when considering proposals, to preserve the rural nature and appearance of the village by ensuring that new developments provide adequate outdoor storage space, perhaps by defining it as adequate storage not less than current capacity per dwelling..

A more directive preference initially proposed, 1 car park space per bedroom, was discouraged through the consultation process although a local NP managed to get a higher car requirement than SODC local plan has, and the Planning Committee supported it.

Policy H1

Section B – Is the 20% figure a proportion of the overall yield of affordable housing (40%)?

Yes, in line with the Council's Allocations Policy. Unless hostile schemes come forward, with the size of current recommended schemes, this is unlikely to provide meaningful impact, but is included for rigour and reflects the support that the community has for affordable housing.

In any event is this section a land-use policy? Is it more about the District Council's allocation of housing under its Housing Act powers? The community are aware that occasionally, schemes come forward, especially in affluent rural areas with high valued private homes such as W&S and the developers/landowners avoid affordable housing allocations. The average across SODC is around 36% not the 40% aimed for, this is due to an affordability test by specialists who look at build costs against sale costs and this often leads to a reduce % of affordable housing. The Parish wishes to ensure that reductions are not negotiated.

Policy H2

As I read the first and second batch of criteria the first appear to be absolute requirements and the second appear to be desirable. Was this the intention?

All criteria reflect the ambitions of the community. Earlier versions of this policy did not offer the 'must' and 'should' distinction. Differentiation was encouraged to ensure that schemes coming forward would be viable and deliverable. Following advice and consultation feedback, the two-tiered approach emerged. The recently-approved planning application on this site by the current developer does include all criteria.

In the first batch does the 50% greenspace relate to the text (ninth paragraph) on page 24?

Yes; as per Natural England input regarding emerging best practice. Note: the policy is not intended to mandate that the site's net gain in biodiversity emanates from the greenspace.

Does the final paragraph of the policy (management agreement) relate to the tenth paragraph on page 24?

YES

If so is the Parish Council expecting a private management agreement to be delivered (by the developer and/or eventual purchasers) This is down to the Developer and OCC with the Parish Council to agree. However, we need to ensure we do not end up with urban style details for road and pavement edging (there was some ambiguity / rumour regarding pre-requisites of adoption by OCC). It is important that the school car parking and the green space between the new houses and the houses facing onto the Green are in the control/ownership of the Parish Council. Other common infrastructure (roads/drains/verges etc) should be maintained by either private or, ideally, statutory bodies and not fall to the PC.

Policy H3

Is there a need for 'A' as there is no 'B'?

Agreed. Legacy error.

To what extent do you consider criterion iv. to be in general conformity with strategic policies in the development plan?

This issue is a very key local concern and has required careful consideration. There is a desire to enable decision makers to consider the cumulative impact of infill closing gaps over time (such that an initial infill might maintain gaps, but over time, subsequent applications might not). Current wording reflects the suggested text provided by Historic England during the consultation process. By including consideration to public benefit considerations we believe this policy conforms.

In criterion v. are there likely to be any 'hills' on sites within your definition of infill development?

Town Hill sits at the north west periphery of Warborough, and Spyers Hill at the north east. Upper Farm and Cuckoo Pen sites are located here. Although these sites do not appear to meet the criteria to qualify as 'infill' and are not allocated, this is included for rigour.

Policy H4

I can understand the thrust of the first part of the policy. However, are policies H3 and H4 potentially incompatible as not all infill sites will be able to provide such linkages? The ambition is to ensure that every house should be able to safely access amenities and transport links on foot to avoid impacting traffic and to integrate new residents into community life. The degree to which it is safe and convenient to do so will be partly a matter of scale, as stated below.

The second part of the policy is not a land use policy. In any even what are the 'impacts' to be assessed?

'Impacts' would relate to the scale of development eg a modest development would have modest impact on village traffic/parking which may not justify footpath improvements; a larger scheme would have significant impacts on infrastructure. Although the ambition of the NP does not envisage such schemes currently, this is included for rigour.

How would 'deficiencies' be identified?

The 'Footpath project' includes reference to a local footpath survey. That survey identifies deficiencies in general and gives specific examples (narrow pavements, lack of dropped kerbs to facilitate wheeled buggies and chairs, lack of safe crossings) in the village footpath system.

Policy H5

Part A is less than clear. The expression 'Off street parking provision is adequate to meet the assessed future needs of the development' would be impractical for SODC to apply. Do you mean that parking provision should be provided to development plan standards? 'Future' refers to the parking needs of the proposed development at the time of development, rather than attempting to foretell the future needs of the development after it is delivered. Current District standards are inadequate for the higher car ownership evidence locally. This policy attempts to increase off road parking provision to be suitable for the local evidenced need. Objective criteria (eg 1 car park space per bedroom) was discouraged.

Policy H6

Is the policy necessary given existing local policies? Our village supports local affordable housing. It has become apparent, though, that although provision for new affordable housing on sites is strictly regulated in existing local policies, at the same time, there is limited ability to ensure that current affordable housing stocks are maintained **locally**. A nearby rural parish has lost affordable housing (relocated to urban town), and recent attempts to close affordable

housing in this Parish and relocate parishioners to urban communities miles away has highlighted the risk and personal cost locally.

In any event the structure of the policy is very complicated as it both seeks to avoid the loss of affordable housing and then identifies how certain proposals will be supported. The overall objective is not to have affordable housing stock reduced **in the Parish**. To avoid perception that this is a 'negative' policy, and as advised, the NP attempts to show where proposals would be acceptable, whilst ensuring that there is not an overall negative impact on affordable housing stock in this Parish.

What is the purpose of the 'independent assessment' in the final part of the policy? An independent assessment is deemed necessary to ensure transparency in the decision making process eg to clarify that housing stock has been adequately maintained and made available prior to a declaration of 'lack of need'. (Local units have not been maintained, have had sanitary units removed, have therefore been left vacate for long periods, and then been deemed 'unnecessary', even though there is local awareness of need). Is this intended to be a requirement on the part of the applicant? YES

Do you have any views on the modifications suggested by SODC?

Not sure what is being referred to here? OLD H6, as commented on by SODC during the pre-submission consultation referred to footpaths; this policy emerged following pre-consultation.

Policy C1

Is section B more supporting text than a policy?

Local Subject Mater Experts have highlighted concerns about insufficient consultation with utility providers during planning application process, resulting in mitigation strategies that are less-than ideal (eg holding tanks in low lying areas which hold sewage until the pumping stations have capacity during the night. Given the low lying nature of much of the parish and flood risks, this is a key concern.) There are other examples locally where school capacity and traffic concerns have been sidelined and therefore the community supports transparent and complete consultation as part of its planning policy.

Policy C3

The policy, its supporting text and the relevant appendix very successfully translate national policy into a local context.

Thank you.

Policy C4

I assume the policy box is intended to be coloured as with other policies.

Agreed – editing error.

Policy E1

Do you have any views on the modifications suggested by SODC?

SODC's suggestion to separate the previous E1 into two distinct polices was agreed and reflected in the re-structuring and enhancement of C1, C2 (asset focused) and this narrowed E1 (employment focused).

Community Projects

The various projects are both appropriate and distinctive to the neighbourhood area.

Projects 1/4/7 read well and are presented in a concise fashion. Projects 2/3/5/6 include several elements of explanation as well as the project itself.

I am intending to recommend modifications to Projects 2/3/5/6 so that they take on a similar format to Projects 1/4/7. Do you have any comments on my proposed approach?

At this time, there are no comments.

Other matters

I have prepared a separate Hearing Note setting out arrangement for a hearing. The hearing will address the consultation process undertaken as part of the preparation of the Plan and the proposed allocation of land for residential use at Six Acres (Policy H2).

Protocol for responses

I would be grateful for comments by Monday 23 April 2018. Please let me know if this timetable may be challenging to achieve. It is intended to maintain progress on the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please can all responses be sent to me by South Oxfordshire District Council and make direct reference to the policy/issue concerned.

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Independent Examiner

Warborough and Shillingford Neighbourhood Plan

29 March 2018