

FINAL RESPONSES TO EXAMINER QUESTIONS April 2022

1. Examiner's question: Please can the Parish Council explain its approach towards the assessment of potential housing sites in the review of the Plan (as captured in the Traffic Light summary)?

Answer: The Traffic Light summary was adopted as a means to collate the results of the surveys of submitted sites carried out by volunteer residents and present them in a way that would make it comparatively easy for them to inform the selection process. It is a summary of the site assessment process. As such it was extremely important. But there were other factors for the working party to bear in mind – such as the results of the Community Survey of 2018, the feedback from the public meetings and exhibitions, the Landscape Assessment of submitted sites carried out by Terra Firma and the priorities set down in the original Neighbourhood Plan. None of these had primacy; the final decisions represented a synthesis of views derived from the study of all the data.

The chronology was thus:

The call for sites to be submitted for review was issued and publicised in September 2018. A final list of submitted sites was drawn up in March 2019.

Volunteers to assess the sites were recruited among residents. The surveys were carried out in the summer of 2019. The sites were also assessed by Alison Galbraith from the consultants Terra Firma whose report was issued in September 2019.

The results of the residents' surveys were collated by the team doing the Traffic Light summary, audited by a different group, and made available to the NP working party. Provisional decisions about sites to be allocated were presented at an Open Day in Sonning Common Village Hall on Feb 29th 2020.

The documents recording the assessment process – including the Traffic Light summary, the Final Audit report, the Terra Firma report and the survey forms – can be seen on the website, www.scpc-ndp.co.uk, in the NP Review Evidence section.

2. Examiner's question: Does the Parish Council wish to make any observations on the representation from L&Q Estates on this matter in general, and how it assessed SON 26 in particular?

Answer: The site designated SON 26 submitted for the review was the major part of SHLAA 1170, a 10.2 hectare field off Kennylands Rd. The original call for sites can be found in Appendix A of this response. At the time a planning inspector had recently dismissed an appeal by Gallagher Homes against the refusal of permission to develop this 6.7-hectare site.

It was this site – excluding the portion known as SON 6 which had been allocated in the original Neighbourhood Plan for 26 homes which are now under construction – that was assessed by volunteers in the surveys organised by the NP working party, which were completed by July 2019 and the results of which are reflected in the Traffic Lights summary.

As already explained, the provisional allocations decided on by the working party were presented to the village at an open day on Feb 29th 2020. SON 26 was not among them. This reflected feedback from a public consultation carried out by the NP working party in November 2019 which found that 12.1% favoured the development of SON 26, and 71.2% opposed it, with the remainder undecided. Both Barton Willmore and Strutt and Parker were invited to provide feedback during the public consultation and to attend the open day but neither participated.

Further correspondence from Barton Willmore (acting for L&Q Estates, previously Gallagher Homes) was received in March 2020 criticising the methodology used in the Traffic Lights summary. This letter raised the question of ‘a more modest quantum and extent of development’ within SON 26. But by that time – as has been explained – the working party’s proposals on site allocations had already been presented.

Thus it can be seen that any land promotion on behalf of L&Q Estates, which differed from the site as submitted, occurred after the site assessment process had taken place and therefore was not considered. This approach has been taken with all sites submitted, ensuring a fair and consistent approach.

3. Examiner’s question: In a more general context, should the Plan now refer to the appeal decision (June 2021) for 133 dwellings on Sparrows Hill (APP/Q3115/W/20/3265861) in relation to the overall commitments for housing development in the parish. Similarly, has the Parish Council assessed the extent to which this appeal decision may have any direct implications on the way in which the Plan meets the strategic housing requirements for the parish in the Local Plan?

Answer: This AONB site, designated SON 24, was submitted for consideration in the NP Review in response to a call for sites made in September 2018. It was assessed in summer 2019 and at that time was deemed to be unsuitable for development. Subsequently an application for planning permission for 133 retirement apartments on it was submitted by Inspired Villages, and eventually – following an appeal – approved in June 2021. Attempts by SODC to challenge the appeal decision through a Judicial Review were unsuccessful.

Prior to planning permission being obtained, and based on the site assessment work completed to date, the working party proceeded on the basis that SON 24 would not be allocated. The neighbourhood plan was seeking to meet the housing requirements for the village through the uplift from 37 to 50 on SON 15, the development of SON 23 for 20+ smaller homes, the development of SON 8 for assisted living apartments, and a small allowance for continuing infill.

But the submission of a planning application for SON 24 and the subsequent appeal process created considerable uncertainty over how to progress other potential allocations. In addition, much of the effort that had been going into the review was

necessarily diverted to preparing for the appeal, at which the parish council was represented as a Rule 6 party with consultant and barrister.

Following the result of the inquiry being announced, the working party did closely consider what to do about the granting of planning permission for the 133 apartments in Sonning Common. But, as SODC decided to legally challenge the appeal decision, we did not want the neighbourhood plan to undermine the district council's position by proposing to allocate the site. We felt very strongly that it would be impossible in such circumstances to include it as an allocated site in our review.

The Parish Council felt under pressure to submit the Neighbourhood Plan within 12 months of the adoption of the South Oxfordshire Local Plan 2035, as per the requirement of part 2 of Policy H4. As a result, we put the review out for consultation before the High Court decision on the challenge had been reached. The High Court issued the decision on the 9th December 2021, the day before the neighbourhood plan review was submitted to the district council.

Had SODC not challenged the appeal decision, we would have reviewed earlier whether the Little Sparrows site should have been allocated. It is well established that neighbourhood plans can allocate sites with planning permission as SODC highlighted in their representation. This could help safeguard the delivery of the site and ensure it counts towards the housing requirement in Policy H4.

Therefore, the Parish Council requests that the examiner consider recommending the inclusion of SON24 as a site allocation in line with the planning permission on site. An amendment to Policy RH1 could insert this allocation, with wording such as: *'SON24 is allocated for a care retirement community of up to 133 units with ancillary communal and care facilities and green space.'*

4. Examiner's question: What does the Plan mean in commenting that 'the permission given to the Little Sparrows retirement village should not influence the conclusions reached about Sonning Common's true housing need'?

Answer: The text was included to reference our concern that a 'retirement village' exclusively intended for over-65s will not address the genuine housing need in the village. This is a general view on the matter based on interactions with residents during the preparation of this plan and why we propose to increase the numbers to be delivered at SON 15, retain the reserve allocation at SON 8, and propose a new reserve allocation at SON 23.

5. Examiner's question: What assurance does the Parish Council have that site SON 15 is available and deliverable within the Plan period? A response which relies on information from the landowners/developers/third parties (in whole or in part) would be acceptable.

Answer: A planning application for 50 homes on SON 15 is imminent. The developers, the agents and the Maiden Erlegh Chiltern Edge academy, which owns the land, staged a public exhibition on 24th March 2022 to publicise the plans, at

which we were informed that a planning application would be submitted in the near future. An email from Savills, the agents for Maiden Erlegh Trust, setting out the full position can be found in Appendix B attached.

6. Examiner's question: How would the release of the identified reserve sites be triggered?

Answer: SON 23 Johnson Matthey car park – SODC expresses the view that 'there is no indication' of this site becoming available during the plan period (i.e. by 2035). This is a matter of judgment.

Johnson Matthey have developed a long-term project for the future of their site in Blounts Court Road, which includes a new Customer Innovation Centre and a new car park for staff and visitors. The land envisaged for the new car park is in the AONB (as is the existing one). The company have had extensive contacts with SODC; these have not as yet resulted in a planning application. The development of the existing car park for housing would be contingent on permission being given for a new car park on the other side of the road.

While there is no way to know how the planning process will turn out, we are assured that JM remain committed to this plan, which they regard as critical to the future success of a company which is by far the biggest employer in the area. Their plan is strongly supported by Sonning Common parish council (and by Rotherfield Peppard parish council, in whose area the existing company site is located), and in all the circumstances we feel that allocating it as a reserve site – with the implication that it may well not come forward for some time – is entirely justified.

SON 8 Kennylands Gym – SODC has similar reservations about this site. As explained, this was originally intended as an allocation for assisted living apartments, but that was overtaken by the Little Sparrows application. Because of the existence of long-standing restrictive covenants and the adoption of policy CF4 in the Local Plan, the development of the site for any form of housing has been regarded as dependent on the owners being able to secure an alternative site for the gym.

The trigger for the release of the whole site for development would be the securing of an alternative location for the gym – although in the original NP it was envisaged that it might be developed in two phases, with the green space to the north of the gym being built on first.

7. Examiner's question: Policy RENV1. This policy reads more as an objective than as a land use planning policy. Please can the Parish Council advise of its intentions for the policy?

Answer: Map 4.4 illustrates the network of wildlife corridors around the village which were identified in a survey carried out in 2014 for the original NP. Our intention in this policy is to make it possible to urge developers to include the creation of such corridors or other features (tree planting, hedging etc) in their plans

to enhance this connectivity and overall diversity. We see that as following on from the objective to conserve and enhance the countryside and open spaces.

8. Examiner's question: Policy RDE1. This policy reads more as a process than as a land use policy. Please can the Parish Council advise of its intentions for the policy?

Answer: in the original NP there was a lengthy section entitle 'Pre-application Protocol' which was intended to set down a procedure for developers to engage with the parish council. In the review, we felt that this section was too imprecise and wordy, but we wished to retain the principle and took the view that including a policy to cover this requirement would be preferable. The supporting text is intended to explain how it would work. SODC have recommended that the policy be removed and the supporting text be modified.

9. Examiner's question: For my clarity, does the Plan intend to restate the designation of the site as a local green space? If so, has the Parish Council refreshed and updated its assessment of the local green space to establish if any changes have arisen on this matter since the Plan was 'made'?

Answer: On Page 50 the Review states that the designation in the original NP is to be retained. This is a large arable field within the AONB, bounded by Old Copse Wood, the gardens of houses in Woodlands Rd and Orchard Avenue, the new development on what was SON2 and land attached to Bishopswood Farm and, to the north, by Bishopswood sports ground.

While the NPPF paragraph numbers have changed since the original neighbourhood plan, the Local Green Space tests have not. The field contains a widely-used public footpath. It is demonstrably close to the community it serves, is of particular local significance, is local in character and is not an extensive tract of land.

Its use by walkers, people using the sports ground, dog owners and others has significantly increased since the NP was adopted in 2016 as a result of the building by the parish council of a skate park on the southern end of the sports ground immediately next to the path and gate leading into Old Copse Field. This facility is much used by children and teenagers and is mainly accessed by the path leading to Woodlands Rd.

We note that comments have been submitted on behalf of the owner of the land, Investfront Ltd, stating that there are no plans to further open up the field to public access, and that through his agent he has repeatedly and categorically stated this; he further requests that the designation is removed. The designation of the site as a Local Green Space does not affect the use of sites and the Parish Council considers that the site continues to meet the tests as set out in paragraphs 101 and 102 of the NPPF.

10. Examiner's question: does the Parish Council wish to comment on any of the representations made to the Plan?

Answer:

Davis Planning Ltd - no comment

Chilterns Conservation Board - in its pre-submission comments on the review proposals, the CCB accepted the principle that SON23 (Johnson Matthey car park) was in effect a brownfield site despite being within the AONB and was therefore suitable for development. It suggested certain conditions should be attached – including the retention of the existing brick-and-flint wall – and these were reflected in the text supporting the allocation of SON23 as a reserve site. Its suggestions regarding the Little Sparrows site will be closely considered if and when – as suggested above – it is included as an allocated site and the Review is revised.

Deanfield Homes - this representation is actually from Savills, the agents acting on behalf of Maiden Erlegh Chiltern Edge academy and the developers and reflects the high degree of cooperation between them and the NP working party in advancing this housing project – now close to be submitted as a planning application. The one significant point of difference remains the settlement boundary proposed in the review, which the agents have asked should be redrawn to include the whole of SON15, rather than excluding the part intended for drainage. It remains the view of the working party that the settlement boundary as proposed in the review should stand.

Johnson Matthey - no comment, beyond noting that it sets out in detail the case for allocating SON23 as a reserve site for housing.

L&Q Estates - no further comment beyond those already made.

Oxfordshire County Council - no comment

South Oxfordshire District Council – in general, the working party would like to put on record its appreciation of the help and support given at every stage of this review by SODC's neighbourhood planning officers. They have been responsive and constructive throughout and have made every possible effort in sometimes difficult circumstances to enable the working party to achieve its objectives.

From our point of view, the single most important comment is made with reference to Policy RH1 on Page 26: 'The Sonning Common Neighbourhood Plan Review was being prepared whilst the Little Sparrows appeal site was being challenged by the district council. Community groups

can allocate sites which have been granted planning permission to safeguard their delivery and to ensure they count towards their identified housing requirements.

With uncertainties surrounding the High Court challenge having been resolved we believe consideration should be given to

allocating the appeal site to ensure it counts towards the requirement set out in Policy H4.' The working party fully supports this view, as already stated.

The reasons why the working party does not agree with SODC's views on the allocations of SON23 and SON8 as reserve sites have already been set down.

Other points:

Presentation of policies – we do not accept that clarity is compromised by the way policies have been presented.

P14 – it is quite clear that the text referred to formed part of the narrative of the working party's considerations BEFORE the Little Sparrows application was made. It sets out what the working party was attempting to do to meet its housing

requirements at that time. The sentence about the Little Sparrows planning permission was added to provide necessary context.

P22 – the working party did not have access to the kind of map-making skills that would have been required to produce a thinner line and did not consider it appropriate to pay for same. In the working party's view, it is quite clear what is within the settlement boundary and what is outside, but if SODC wish to provide a better map, the working party would have no objection.

P26 – the working party prefers the use of the word 'generally' in this context, as it allows for the possibility of a proposal for 1/2/3 bedroom homes to be deemed unacceptable on other grounds. The word 'particularly' suggests strong support in all circumstances. This also applies to the suggested amendment to the infill policy.

P41 – the comment about the map and the incorrect positioning of the AONB boundary is accepted.

Appendix A

Neighbourhood Development Plan Review,
Sonning Common Parish Council,
Parish Office,
Wood Lane,
SONNING COMMON.
RG4 9SL

24478/A3/KJ/dw

BY EMAIL & POST: ndp@sonningcommonparishcouncil.org.uk

1st November, 2018

Dear Sir/Madam,

**SONNING COMMON NEIGHBOURHOOD DEVELOPMENT PLAN REVISION: CALL FOR SITES
(NOVEMBER 2018)
REPRESENTATIONS SUBMITTED ON BEHALF OF GALLAGHER ESTATES LIMITED**

We are pleased to submit the following representations on behalf of Gallagher Estates Limited (hereafter referred to as Gallagher Estates) in response to the Sonning Common Neighbourhood Development Plan (SCNDP) Review 'Call for Sites' consultation currently underway. The representations are supported by a completed Landowner's Site Information Questionnaire, enclosed.

Gallagher Estates control land off Kennylands Road, Sonning Common as shown edged red on the attached location plan at **Appendix A** ('the site'). The total site area extends to 10.3ha. Part of the site controlled by Gallagher Estates, adjacent to Kennylands Road, is allocated for residential development in the 'made' SCNDP for 26 dwellings under Policy HS4 (Kennylands Infill) and corresponding site allocation reference SON6. The extent of the SON6 allocation is 1.5ha. As shown on the location plan enclosed, Gallagher Estates control land to the rear of SON6, and to the west and south.

Planning History

An outline planning application for 95 dwellings on land at Kennylands Road, Sonning Common, was submitted by Gallagher Estates in September 2016 (reference P16/S3142/O). The planning application relates to an area of land that extends to the west and to the south beyond the SON6 allocation, totalling 6.65ha within the wider area controlled by Gallagher Estates. The application was refused by South Oxfordshire District Council (SODC) on 20th March, 2017 for the following reasons:

1. The conflict with Policy HS4 of the Sonning Common Neighbourhood Plan, in terms of the site area and the number of dwellings proposed;
2. The adverse impact on the character of the open countryside and setting of the AONB;
3. Failure to secure affordable housing in the absence of a completed S106 Agreement; and



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4. Failure to secure infrastructure necessary to meet the needs of the development, in the absence of a completed S106 Agreement.

Following that decision, an appeal was lodged by Gallagher Estates on 31st August, 2017 (reference APP/Q3115/W/17/3183391). A Public Inquiry took place between 10th and 13th April, 2018 at Henley Rugby Club, Henley. The Appeal was subsequently dismissed by the Inspector on 18th July, 2018.

In arriving at the decision to dismiss the appeal, the Inspector considered the potential extent of harm that would arise as a result of the proposed development, on the character and appearance of the area including the setting of the AONB, Sonning Common, and the 'valued landscape' of which the Inspector concluded that the site forms part of. Whilst it was acknowledged by the Inspector that the proposed development would result in a significant benefit to the supply of housing and affordable housing, which in themselves were factors afforded significant positive weight in the decision, the Inspector concluded that the level of harm would outweigh the benefits of the scheme when assessed against the policies in the Framework taken as a whole.

Future Site Promotion & Next Steps

Gallagher Estates and its project team has since reflected on the appeal decision and is in the process of considering a strategy for the ongoing promotion of the site for residential development. In light of the appeal decision and the work that the Parish Council is now undertaking as part of the SCNDP Review, Gallagher Estates would welcome the opportunity to engage positively and constructively with the Parish Council to discuss the future of the site and how it may be brought forward for development alongside the SCNDP.

The entirety of the site controlled by Gallagher Estates, as illustrated at Appendix A, is therefore being submitted for consideration by the Parish Council as part of the SCNDP Revision (Call for Sites) process. As indicated on the completed questionnaire enclosed, Gallagher Estates wishes to work with the Parish Council and the SCNDP Revision team to consider the site for development and to reach an outcome that is mutually beneficial for both parties.

We trust that this representation is helpful and we look forward to the opportunity to meet with the Parish Council to discuss the site in more detail. Please contact the writer on 0118 943 0000 or by emailing katherine.jones@bartonwillmore.co.uk should you have any questions or require any additional information.

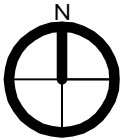
Yours faithfully,



KATHERINE JONES
Planning Associate

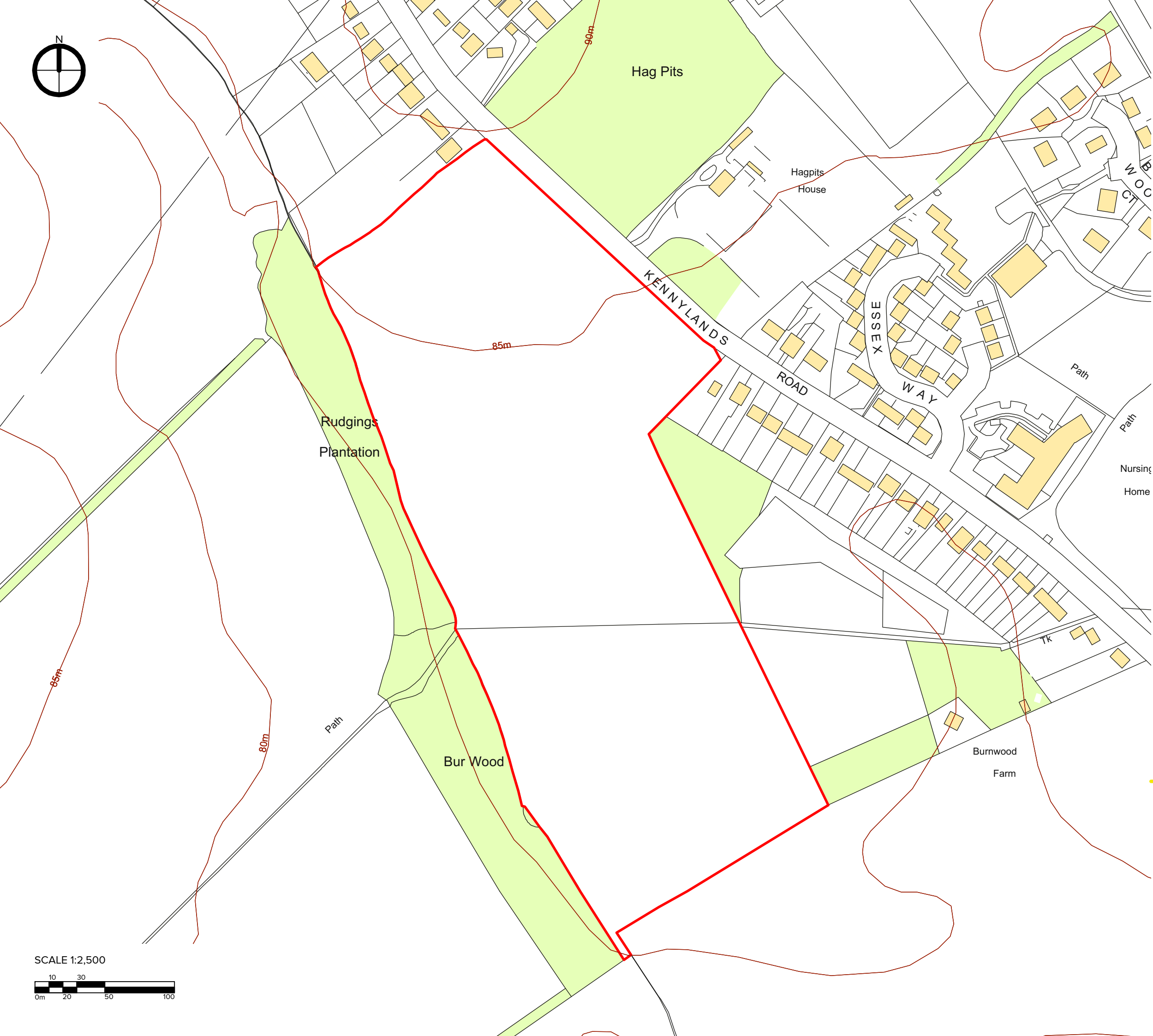
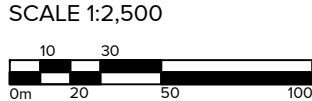
Encs.

cc. S. Field, Esq. - Gallagher Estates (w/encs.)



LEGEND

Site Boundary (10.3 Ha)



Rev	Description	Date
		Rev
	DE195_005	Drg No
	Gallagher Estates	Client
	Sonning Common	Project
	Red Line Plan	Title
	1:2500 @A3	Scale

Appendix B

Sonning Common Neighbourhood Development Plan (NDP) Review – response to Examiner’s Clarification Note (dated 22 April 2022) in relation to site SON15 (‘Chiltern Edge Top’)

Date: 6 May 2022

Introduction

The Examiner’s Clarification Note (dated 22 April 2022) raises a number of ‘Points for Clarification’ for Sonning Common Parish Council (SCPC) to address. This includes the following query relating to SON15 (‘Chiltern Edge Top’):

“What assurance does the Parish Council have that site SON 15 is available and deliverable within the Plan period? A response which relies on information from the landowner/developers/ third parties (in whole or in part) would be acceptable.”

This note is prepared jointly on behalf of Maiden Erlegh Trust (MET) and Deanfield Homes Ltd in response to the above query, to provide an update regarding the progress of development proposals at SON15 and to thereby provide confirmation about the availability and deliverability of SON15 within the Plan period.

Background

The existing Sonning Common NDP (made October 2016) allocated land at Maiden Erlegh Chiltern Edge School (defined as ‘Chiltern Edge Top’ (site SON 15a)) – comprising the majority of site SON15 – for residential development in order to help enable the school to achieve funds to deliver urgently needed improvements to its infrastructure and facilities. This followed formal Government approval from the Education and Skills Funding Agency (ESFA) for the disposal of site SON15a in March 2016.

In 2018, MET took over the running of the School and has since been working to progress the residential development proposals and resulting sports mitigation. This has included positive detailed pre-application discussions and engagement with South Oxfordshire District Council (SODC), Sport England, SCPC and the local community through a number of meetings and consultation events (including public exhibitions in September 2019 and March 2022), informed by detailed design and technical assessment work.

Through engagement with SCPC, it was agreed that the allocated site area (SON15a) should be extended (forming site SON15) to enable sustainable drainage to be accommodated in a lower part of the School site, as well as thereby increasing the capacity of the site to accommodate 50 units (located within the existing allocated site area). This process is explained in the NDP Review (submission version, 2022) and is supported.

In June 2019, in its written pre-application advice, SODC supported the proposed development of 50 units at the extended site area (SON15): *“The assessment of the proposal has demonstrated that an enlargement of the allocated site would not depart from the spatial strategy of the neighbourhood plan...The assessment has also indicated that it would be unlikely that there would be any technical objections to the proposal.”*

Subsequently further pre-application discussions were held with SODC and Sport England in 2020 and 2021 which confirmed the necessary sports mitigation required. MET has subsequently been continuing to positively progress the sports mitigation proposals, including via further engagement with SCPC and the local community, together with an appointed consultant team.

In December 2021, following positive pre-application feedback and marketing of the site, MET exchanged contracts with Deanfield Homes, who were appointed as MET's chosen development partner to work up and progress plans for residential development at the site and submit a planning application. Deanfield Homes is an experienced housebuilder specialising in small to medium sized residential developments, including at other sites in Oxfordshire and adjoining counties. Deanfield is committed and contractually obliged to deliver new homes at site SON15.

A detailed planning application for 50 units on site SON15, informed by further technical assessment and accompanied by detailed plans, has subsequently been prepared by an appointed consultant team and is expected to be submitted to SODC in May 2022. Alongside this application, a separate detailed planning application for the proposed sports mitigation is also expected to be submitted to SODC in May 2022. The two applications have been prepared and coordinated together between MET and Deanfield Homes.

An application for the disposal of the additional land included within the revised draft allocation (SON15) was submitted to the ESFA in July 2021 and is progressing well towards a positive determination.

Subject to receipt of full planning permission, Deanfield Homes aims to start on site in 2023 and to complete development by the end of 2025, within the NDP Review Plan period.

Summary

On the basis of the above, specifically –

- the ESFA approval for disposal of SON15a (and pending approval for disposal of SON15);
- the appointment of Deanfield Homes, an experienced housebuilder in Oxfordshire, with the aim to start on site in 2023 and complete development by the end of 2025;
- the contractual obligation for both MET and Deanfield Homes to progress their respective obligations to enable the timely delivery of the development and the receipt of funds to deliver improvements at the School;
- the positive pre-application feedback received from SODC in relation to the current development proposals;
- the forthcoming submission of detailed coordinated planning applications in May 2022 for both the proposed residential development and sports mitigation; and
- the detailed design work and findings of technical assessment work informing both planning applications;

we confirm that site SON15 is available and deliverable, in line with the draft NDP Review allocation, within the Plan period.