



BRIGHTWELL-CUM-SOTWELL MODIFIED NEIGHBOURHOOD PLAN: RESPONDING TO THE EXAMINERS QUESTIONS

11 July 2023

General

The Qualifying Body (QB) thanks the examiner for the opportunity to clarify matters in relation to the modifications. Given the provisions under paragraph 10 of Schedule A2 of the Planning and Compulsory Purchase Act 2004 (as amended) – as to whether or not the proposed modifications are so significant or substantial as to change the nature of the neighbourhood development plan that the proposed Modified Plan would replace – the QB welcomes the commencement of the examination on the assumption that the examiner has made this determination and agrees with the QB and Local Planning Authority (LPA) on this matter.

Policy BCS5

In general terms this policy is a good local response to the national agenda on First Homes.

I can see the justification in the Plan for the nine dwellings cap. However, might this be too prescriptive and prevent otherwise acceptable homes from coming forward?

Response:

The QB refers to Planning Practice Guidance (PPG) paragraph: 026 reference ID: 70-026-20210524 (<https://www.gov.uk/guidance/first-homes>) which encourages plan-makers to set policies specifying an approach to determining proportionality. The policy provisions of Policy BCS5 is considered an appropriate response to exception sites, in much the same way of Policy H10 of the South Oxfordshire District Local Plan (SODC LP). Such exception sites are normally exempt from other developer contributions and generally limited in size to ensure that individual, or cumulative, growth does not overwhelm existing village services and facilities.

The provisions of Policy H10 of the SODC LP on rural exception sites will continue to apply in the parish and require a detailed housing needs survey to demonstrate the extent of housing needs arising from people with a local connection. The allocations of the made Neighbourhood Plan will also help to address local housing need.

There are therefore other provisions which would allow otherwise acceptable homes to also come forward in the village, on top of first home exception sites. The QB therefore considers it appropriate to pursue the policy provisions of Policy BCS5 as provide for by the PPG.

Is part B of the policy reasonable given the support for specialist and older persons' accommodation both in national policy and in Policy H13 of the Local Plan?

Response:

The support for older persons accommodation in Policy H13 of the SODC LP is given in locations with good access to public transport and local facilities. It is widely accepted that an important requirement for special housing for older people is that of a sustainable, accessible location with good access to public transport and local facilities and to the necessary workforce of carers and others. Another important requirement is cost effectiveness and

economies of scale. As Policy H8 of the SODC LP recognises, smaller villages have no defined requirement to contribute towards delivering additional housing as it is a less sustainable settlement in the district. Additionally, Policy H11 of the SODC LP requires at least 15% of market housing on sites of 10 dwellings or more to be designed to meet the standard of part M (4) category 2 - accessible and adaptable dwellings. The Local Plan policy therefore makes provision for building up a stock of accessible and adaptable homes over the long term likely to be in more sustainable locations. The village has already seen the effects of an ageing demographic prior to the preparation of the first Neighbourhood Plan when the local school was under threat of closure. The Made Neighbourhood Plan therefore recognised the value of small housing developments for downsizers and younger people to breathe new life into its settlement that would sustain this valuable community asset. The remaining allocations therefore also provide additional opportunities to provide homes for downsizers. Taking into account the LPA's strategy, the Neighbourhood Plan strategy and the sustainability of the existing settlement, the QB therefore considers part B of Policy BCS5 as reasonable.

Policy BCS6

The policy and the new Deign Code provide a very distinctive context to secure high-quality design in the parish. In the round the approach taken is an excellent local response to Section 12 of the NPPF.

Policy BCS17

This is an excellent policy. As the Modification Statement advises, it improves the clarity of the policy in the made Plan by bringing listing the buildings and land to which it applies in the policy itself and showing them on the Policies Map. It also reflects the contents of Policy CF1 of the Local Plan and the revised Use Class Order (notably new Class E).

Response:

The QB welcomes the examiner's positive feedback.

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

Response:

D2 Planning Limited (Representation 2)

The QB directs the examiner to the response on Policy BCS5 above in relation to the matters raised in Representation 2.

Adrian Wood (Representation 3)

The QB considered this representation and agreed the following response. We apologise that the full version was deleted from the submitted report. The QB was in support of the respondent's comment and would ask for it to be amended in the final plan.

BCS7 suggested amendments – see code analysis

i) We emphatically support the retention of the Slade End saracen stone SE1.3.11. However, the policy needs to acknowledge that it may be required to move a small distance to allow modifications of the junction of Green Lane with Slade End to widen the junction entrance to 4.8m to allow two cars to pass and so enable the deliverability of BCS4.

NP Steering Group Response

The Group would support this comment. The stone is currently in a poor condition due to its current location on the road junction. Measures to ensure the long term survival and viability of the sarcen stone at the junction of Green Lane and Slade End should be considered during any planning application for Slade End Green.

Thames Water (Representation 6)

The QB considers the provision of Policy INF1 in the SODC LP ensures that there is early engagement with infrastructure providers as requested by Thames Water. It was therefore not considered necessary to duplicate the policy provision as advised by NPPF §16 f).

A2Dominion Limited (Representation 7)

The QB directs the examiner's attention to paragraphs 3.5 and 3.6 of the Modified Neighbourhood Plan in relation to the matters raised in Representation 7.

Oxfordshire County Council (Representation 8)

The QB notes that the representations on Archaeology and Education is identical to the representation made at the Regulation 14 consultation. The QB directs the examiner's attention to Section 7.1 of the submitted Consultation Statement, copied below for ease of reference:

"...OCC suggests that there is little to no consideration of above or below ground archaeological remains in the proposed modifications and recommends the inclusion of a policy repeating national policy provisions on the historic environment. The response also indicates that consideration should be given to the provision of digital infrastructure in the construction of any new homes or commercial premises.

Policy BCS7 gives effect to the Brightwell-cum-Sotwell Design Code (BcSDC). Section 4, page 31 of the BcSDC recognises the extensive amount of archaeology that has been identified in the parish and confirms that OCC will be consulted as per SODC's Design Guide.

The adopted South Oxfordshire Local Plan 2035 contains provisions in all these respects, notably Policy ENV6: Historic Environment, which includes recognition of archaeological interest in conserving and enhancing the historic environment, and Policies INF1: Infrastructure Provision and INF2: Electronic Communications. §16 of the National Planning Policy Framework (NPPF) is clear that plans should avoid unnecessary duplication of policies and it is therefore not considered necessary to duplicate a policy of this nature in the BcSNP..."

On the Estates comments, the QB recognises that a planning policy cannot remove the permitted development rights set out under the General Permitted Development Order. This can only be done by the LPA through an Article 4 direction. It is not considered necessary to include this information, however, in the interest of clarity, the QB has no objection to the examiner proposing a modification to the supporting text of Policy BCS17 to clarify the matter in this regard only.

I would find it helpful if the Parish Council commented on the representations submitted by the District Council (Representation 1) and Croudace Homes (Representation 11).

Response:

South Oxfordshire District Council (Representation 1)

SODC make a number of typographical and formatting amendments to the Plan and Design Code documents numbered 1. – 29. The QB raises no objection to these amendments.

The QB also raises no objections to the Neighbourhood Plan and Design Code document comments ref nos. 1. – 8.; 10.; 12.; 13.; 15. – 17.; 19. – 38.; and 40. and would welcome the examiner's recommendations for modifications in this regard.

For Ref nos. 9.; 11.; 14.; 18.; 39. please see the QB's response below:

9. The QB refers to the response given on Policy BCS5 above. Furthermore, a key difference between Tiddington and Brightwell is that the Brightwell Neighbourhood Plan made provision for new homes totalling 67 net new dwellings. This figure was far beyond its expectation and definition of growth for smaller villages, as set out in 5.31 of the Modified Neighbourhood Plan.

11. The QB can confirm that owners of all candidates have been contacted, directs SODC and the examiner's attention to Section 5 of the Consultation Statement and would be happy to agree a modification in this regard should it be necessary to indicate this within the supporting text of the policy itself.

14. The QB considers that Policy BCS10 does require development proposals to demonstrate how in its design of proposals the policy provisions have been met. It is considered that demonstrating how the design of a scheme has responded to the policy provisions of BCS10 is well suited to a design and access statement as per the national list requirements for planning applications. The QB therefore welcomes the examiner to consider a modification to paragraph 5.51 of the Modified Plan document in this regard and offers the following suggestion:

5.51 This policy seeks to ensure that all development proposals have understood and responded to the special landscape character of the Parish, and how that character, often best enjoyed in a number of key views and/or alongside the dark night sky, plays such an important role in shaping the character of Brightwell-cum-Sotwell and Mackney especially. The policy does not seek to impose a blanket restriction on development around or inside the villages but requires design and access statements to show that proposals on development around or inside the villages ~~but requires design statements to show that proposals~~, including the impact of street lighting that could affect the night time character of the parish, will not harm this character.

18. The QB accepts the typographical error corrections in relation to Policy BCS17 Community Facilities, however notes that the LPA raised the same matter in relation to community facilities and the open countryside at the Regulation 14 consultation. The QB does not agree to the proposed modification and directs the examiner's attention to Section 7 of the Consultation Statement, copied below for ease of reference:

"...SODC also raise some concern relating to the consequences of protecting community uses at Policy BCS18 and in restricting new community uses to inside the village boundary. It is recognised that on occasions, some facilities will struggle, and that this will be more related to the economic viability of the use, rather than the limitations of the premises, land or location. However, finding new land for such uses is often difficult, particularly in rural locations. It is therefore important that established land is retained in that use, even if the current occupier is not viable. It should be noted that the policy has been successful at examination in the review of the Arundel Neighbourhood Plan, however the policy made provision for partial changes of use of community facilities if it is intended to secure its longer-term viability. It is therefore recommended that this flexibility is incorporated into Policy BCS18 with the following addition to the policy wording:

Proposals to change the use of part of a facility that is shown to be surplus to requirements will be supported, provided the change will not undermine the viability of the primary community use.

In adding this additional test and flexibility it is not considered necessary to extend further flexibility in supporting development in a countryside location as the BcSNP already makes provision for the retention and development of accessible local services and community facilities in line with the provisions of §84 of the NPPF. The retention of such uses in accessible locations avoids a need to make provision for further expansion adjacent to the village or out into the open countryside..."

39. The Qualifying Body considers that Code numbers 1.9.2 requires proposals to make provision for a built form suited to the character area within which it is located. The design response for these types of built forms does not prevent the building from being used as flatted accommodation as suggested by the Local Planning Authority's response. Other policy provisions will apply in this respect. The Qualifying Body therefore does not consider any amendments are required to Code numbers 1.9.2 for this reason.

Croudace Homes (Representation 11)

The QB would like to draw the examiner's attention to paragraphs 3.5 – 3.6 of the Modified Plan document. The designated neighbourhood area has been classified as a small village in the settlement hierarchy and the scale and type of growth that the representation is proposing in the parish is clearly a strategic matter to be considered as part of the Local Plan's strategic policy response to is additional housing requirement to 2041. The QB will continue to engage with the LPA in relation to this process and respond to any additional housing requirement for the designated neighbourhood area in a future review.