CHIPPING NORTON NEIGHBOURHOOD PLAN 2015-2031

NEIGHBOURHOOD PLAN REPRESENTATIONS

ON BEHALF OF AINSCOUGH STRATEGIC LAND
1. INTRODUCTION

1.1 These representations have been prepared on behalf of Ainscough Strategic Land Limited (ASL) in relation to the Chipping Norton Neighbourhood Plan 2051-2031 issued for consultation during June and July 2015.

1.2 ASL have an interest at a site located to the north of Worcester Road, Chipping Norton adjacent to the existing employment/business park. ASL have also made representations towards the Pre-Submission Draft Local Plan in May 2015 and these are included at Appendix 1.

1.3 The ASL site is not currently identified in the Neighbourhood Plan (or Local Plan) but is now being promoted by ASL for an available, suitable and deliverable housing site allocation to meet the town’s future needs. There is also the ability to include employment uses on the site to complement the adjacent and existing business park. A separate site promotion document has also been prepared by Planit-ie, which describes the ASL site in greater detail and this is included within the Local Plan Representations at Appendix 1.

1.4 The main body of our comments towards the Neighbourhood Plan are contained within this document.
2. CONFORMITY WITH THE LOCAL PLAN

2.1 Sections 38A to 38C of the 2004 Act provide for the making and content of neighbourhood plans. Sections 38A(3) and 38C(5) and Schedule 4B (of the 1990 Act as modified) govern the process by which such plans are prepared and ultimately brought into force. The Examiner must consider whether the “basic conditions” in paragraph 8(2) of schedule 4B are met (paragraph 8(1)). In that regard he or she must be satisfied (inter alia) that it is appropriate to make the plan “having regard to “national policies, and that the plan contributes to the achievement of sustainable development” and is “in general conformity with the strategic policies” of the development plan. Paragraph 8(6) of schedule 4B prevents the Examiner from considering any matters falling outside paragraph 8(1) (apart from compatibility with Convention rights).

2.2 Paragraphs 184 of the National Planning Policy Framework adds that:

... Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them.

2.3 Thus one of the basic conditions that neighbourhood plans must satisfy is that they are in general conformity with the strategic policies of the adopted development plan for the local area.

2.4 As stated at para 2.13 of the Neighbourhood Plan the adopted Local Plan does not carry a vision or policies specific to Chipping Norton and for this reason, as well as the fact that the adopted Local Plan is now nine years old, the Neighbourhood Plan has been shaped by the strategic policies of the Pre-Submission Draft Local Plan 2031.

2.5 The Pre-Submission Draft Local Plan was published for consultation for 6 weeks from 27 March until 8 May 2015. A total of 691 comments were received the majority of which objected to the policies of the draft Local Plan. Significant concerns have also been raised about draft Policy H1 – Amount and Distribution of Housing (with a total of 95 objections being raised) and about the Chipping Norton Sub-Area and Chipping Norton Strategy (with a total of 43 objections being raised). The Pre-Submission Draft Local Plan was submitted to the Planning Inspectorate for independent examination in May 2015. It is anticipated that the draft Local Plan will be subject to Examination in Public (EIP) later in the year although the date of the hearing sessions has not yet been set.

2.6 It is possible that the Pre-Submission Draft Local Plan will require modification and it is conceivable that this will include a higher housing target figure. If it does then the Neighbourhood Plan in its current form will not be in general conformity with the strategic policies of the draft Local Plan. Notwithstanding this, following any main modifications the Neighbourhood Plan can be brought in-line with the strategic policies of the draft Local Plan.
3. **HOUSING SUPPLY**

3.1 Objective OB5 of the Neighbourhood Plan states that housing supply should meet the overall housing needs in town to include a broad mix of housing types and sufficient provision of affordable homes.

3.2 The Neighbourhood Plan reiterates at para 2.17 the overall housing need which is established within the Pre-Submission Draft Local Plan (10,500) and at para 9.16 suggests that the housing requirement in the Chipping Norton Sub-Area (1,800) will be met thought:

- The identified Strategic Development Area (SDA) (600);
- Homes already built (87);
- Existing commitments (369);
- Speculative windfall development on unidentified sites that come forward in accordance with the draft Local Plan’s general housing policies (400); and,
- Other sites identified as potentially suitable in the SHLAA (350).

3.3 However relying on these mechanisms alone as demonstrated within our representations on the Pre-Submission Draft Local Plan (notwithstanding whether or not these figures are sufficiently high) could conceivably result in the housing requirement in the Chipping Norton Sub-Area not being met.

3.4 The 600 dwelling capacity of the SDA should be proven through the masterplanning exercise and it is our own view is that the site would need to be extended eastwards if this figure was to be achieved. Also, whilst the NPPF at para 48 acknowledges that windfall development can be a realistic source of supply, it is considered that the flat rate which has been applied is optimistic and that this rate should fall over time as more sites are picked up through the call for sites and SHLAA processes through the plan period. Sources of windfall sites are finite and the expectation that they will deliver 400 dwellings in the Chipping Norton Sub-Area through the plan period is optimistic. It is also noted that of the 350 dwellings to come from potentially suitable unnamed SHLAA sites, 70 have been double-counted when considering that the Rockhill Farm site is also included as an employment development site¹ within the Pre-Submission Draft Local Plan. In essence, the Local Plan is not properly planning for 750 dwellings in Chipping Norton.

3.5 Policy H1 of the Pre-Submission Draft Local Plan states “Sites for new housing will be identified through partnership working with local communities, landowners and self-build groups including the use of parish or neighbourhood plans”. Thus, sites within the Chipping Norton Sub-Area,

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¹ If the Neighbourhood Plan is to retain existing and allocated employment land within Chipping Norton no lower than the current figure of 15.17 hectares (as detailed in Policy M1) it is important that additional housing land is identified to account for the shortfall of the Rockhill Farm site if is development for employment, or remove the Rockhill Farm site from the SHLAA capacity.
including the ASL site, should be identified in the Neighbourhood Plan and it is our view that the Plan should be identifying as many housing allocations as possible to ensure the overall 1,800 target can actually be realised.

3.6 This is notwithstanding that the housing requirement is below the full objectively assessed need presented by the Council’s own evidence and it goes without saying that the identification of sites for new housing becomes even more fundamental should the objectively assessed need figure be increased and the housing requirement for Chipping Norton increase. As demonstrated within our representations on the Pre-Submission Draft Local Plan the Chipping Norton Sub-Area’s housing requirement is at least 2,245 dwellings. It is therefore even more important that land for housing within the Chipping Norton Sub-Area, such as the ASL site, be identified within the Neighbourhood Plan.
4. NEIGHBOURHOOD PLAN POLICIES

B3, B4 and B5 – Housing Typology Policies

4.1 Policy B3 of the Neighbourhood Plan requires all residential developments of 11 or more units or a combined gross floorspace greater than 1,000 sq m to deliver 40% affordable housing on site. This reiterates the affordable housing requirements identified in Policy H3 of the draft Local Plan and is based on the Council’s high demand for affordable housing as evidenced in the SHMA (GL Hearn 2014) which reports an acute shortage of affordable housing with a net need of 274 dwellings per annum in the District, and identifies that in order to help deliver this quantum of affordable housing delivery would need to be 685 dwellings per annum. As discussed in our representation to the draft Local Plan this is a perfectly justifiable housing target however 40% is a high starting point compared to many other local authorities and justification for this figure is questioned and should be further explained.

4.2 It is also noted that Policy B3 of the Neighbourhood Plan requires all developments of 11 or more units to deliver 40% affordable housing, whereas Policy H3 of the Local Plan allows for the affordable housing requirement to be subject to a viability test, ensuring that the housing mix is appropriate prior to a lower level of affordable housing being accepted. Whilst is considered that it would be more appropriate for the draft Local Plan to allow a revised mix of dwellings to be part of the viability testing in the round (as demonstrated within our representations to the Local Plan), this degree of flexibility is welcomed and suggest that the Neighbourhood Plan be brought in line with the provisions of the draft Local Plan. If not it is questioned whether the Neighbourhood Plan could be considered to be in general conformity with the strategic policies of the draft Local Plan (notwithstanding that these may be modified following examination) and as such whether it meets the basic conditions which it is required to meet.

4.3 Policy B3 (affordable housing) and B5 (housing for younger people and families) of the Neighbourhood Plan favours housing schemes that meet the needs of households who have ‘connections’ with Chipping Norton and its local community. Clarity is required in the Plan as to how it is envisaged that such housing scheme would have these obligations secured.

B6 and B7 – Self-Build Policies

4.4 Policy B5 requires developments over 50 units in size to allocate at least 5% of dwelling plots for self- and custom-builders, whereas the Pre-Submission Draft Local Plan at policy H5 requires housing developments of 100 or more dwellings to include 5% of the residential plots to be serviced and made available for this purpose. We consider policy H5 of the draft Local Plan to be more appropriate and suggest that the Plan be brought in line with the provision of the draft Local Plan.

4.5 Policy B5 of the Plan requires all developments over 50 units to allocated plots on the site for the provision of self- and custom-builders, whereas policy H5 of the Local Plan also allows as an alternative the provision of such plots in another suitable, sustainable location or for this provision to be waived where it can be robustly demonstrated that the provision of on-site plots is unviable.
or cannot be achieved for some other reason and the developer is unable to make off-site provision. We consider policy H5 of the Local Plan to be more appropriate and suggest that the Plan be brought in line with the provisions of the Local Plan. If not we again question whether the Plan meets the basic conditions.

**M1 – Employment Policies**

4.6 Policy M1 of the Neighbourhood Plan identifies that the total area of existing and allocated employment land within Chipping Norton should be retained no lower than the current figure of 15.17 hectares. Whilst is it unclear as to the breakdown of employment land within the 15.17 hectares figure (and clarity is sought on this point) given that the Pre-Submission Draft Local Plan identifies a total of 7.3 hectares of allocated employment land it can only be assumed that the remaining 7.87 hectares refers to existing employment land within Chipping Norton.

4.7 The Neighbourhood Plan allows for new employment land in addition to that currently occupied, vacant and allocated by making allowance for alternative sites coming forward. The Plan states that “the provision of new employment land will be encouraged in principle in appropriate, sustainable locations, particularly where this will facilitate the reuse of previously developed (brownfield) land”. It is encouraging that the Plan allows for flexibility in the development of unallocated land for employment purposes but we are of the view that sites, such as the ASL site, should be identified for such purposes within the Plan.

4.8 The Plan also allows for employment land to be used for non-employment uses if it can be demonstrated that the site is no longer needed, or is unsuitable for employment use and / or that the replacement use would offer a significant social, economic or environmental benefit. It is also encouraging that the Plan allows for a degree of flexibility as to where this 15.17 hectares of employment land should come from, and does not seek to restrict it to existing or allocated employment land.

4.9 Policy M2 of the Neighbourhood Plan supports proposals that create flexible industrial and office units. Thus when considered together Policies M1 and M2 of the Plan make provisions for the ASL site coming forward (in whole or in part) as a logical extension to the existing business park and an ideal location to deliver additional office space and business units for the town, providing the proposal accords with the other provisions of Policy M1, specifically in relation to the impact on the AONB. We therefore believe that the ASL site, in part should be identified for such purposes within the Plan.
Appendices

Appendix 1 – Pre-Submission Draft Local Plan Representations