

Gladman Developments Ltd

Eynsham Neighbourhood Plan

Regulation 16 consultation



September 2017

1 INTRODUCTION

1.1 Context

- 1.1.1 These representations provide the response of Gladman Developments Ltd (hereafter referred to as “Gladman”) to the current consultation held by West Oxfordshire District Council (WODC) on the submission version of the Eynsham Neighbourhood Plan (ENP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
- 1.1.2 Gladman welcome the opportunity to comment on the Plan as submitted and commend the positive attitude taken towards accommodating a Garden Village (GV) proposal within the Neighbourhood Plan Area and the changes to the Plan which have been made to take account of the responses made to earlier rounds of consultation.
- 1.1.3 Notwithstanding this, Gladman consider that the Plan would benefit from a number of minor modifications to ensure that the Plan accords with the provisions of national planning policy and guidance and is compliant with the Neighbourhood Plan Basic Conditions. In addition, a series of events has unfolded through the emerging West Oxfordshire Local Plan Examination and it is therefore important that the ENP, as submitted, takes these issues into account and the potential implications that could arise. These issues necessitate the need for the Plan to allow for a significant degree of flexibility and will be discussed throughout this response.

2 LEGAL REQUIREMENTS, NATIONAL POLICY & JUDGMENTS

2.1 Legal Requirements

2.1.1 Before a neighbourhood plan can proceed to referendum, it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The Basic conditions that the ENP must meet are as follows:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order;
- d) The making of the order contributes to the achievement of sustainable development;
- e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and
- f) The making of the order does not breach, and is otherwise compatible with, EU obligations. (emphasis added)

2.2 National Planning Policy Framework

2.2.1 The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so, it sets out the requirements for the preparation of neighbourhood plans and provides communities with the power to develop a shared vision for their neighbourhood and deliver sustainable development they need and to assist in the overall delivery of strategic housing needs.

2.2.2 At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs (OAN) for housing, with sufficient flexibility to adapt to rapid change. This requirement is also applicable to the preparation of neighbourhood plans.

2.2.3 Paragraph 16 of the Framework further sets out that qualifying bodies preparing neighbourhood plans should develop plans that support the strategic development needs for housing and economic development and to plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of a Local Plan.

2.2.4 Within the overarching roles that the planning system ought to play, the Steering Group should have regard to the core planning principles that underpin plan-making set out at paragraph 17 of the Framework. The core planning principles seek to ensure that a neighbourhood plan sets out a clear and positive vision for the future of the area and policies contained in those plans should

provide a practical policy framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

2.3 Planning Practice Guidance

- 2.3.1 The Government published its final suite of Planning Practice Guidance (PPG) on 6th March 2014, clarifying how specific elements of the Framework should be interpreted when preparing Neighbourhood Plans, further updates to the PPG have been made in the intervening period.
- 2.3.2 The PPG on Neighbourhood Planning in particular provides a clear indication of how the Government expect neighbourhood planning steering groups to take account the requirements of the Framework when preparing neighbourhood plans to assist in delivering objectively assessed housing needs.

3 DEVELOPMENT PLAN

3.1 Adopted Development Plan

3.1.1 To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in an adopted Local Plan.

3.1.2 The current Development Plan relevant to the preparation of the ENP consists of the Saved Policies of the West Oxfordshire Local Plan (WOLP), adopted in 2006 covering the period up to 2011. The adopted Development Plan therefore pre-dates the approach to plan making required by the Framework which requires assessments on the housing market and land availability. Accordingly, in the absence of a Framework and PPG compliant Local Plan, the ENP will need to ensure that it allows for sufficient flexibility so that it can positively respond to changing circumstances in the wider authority area.

3.2 Emerging Local Plan

3.2.1 Following the Inspector's concerns raised after the examination sessions in 2015, there was a pause to allow the Council to undertake further work on the housing requirement (largely due to the Council proposing a housing requirement that was less than the Oxfordshire SHMA). A main modifications document was produced in 2016 with wholesale changes to the housing requirement and a significant additional housing allocations proposed.

3.2.2 Consultation on the proposed main modifications took place over 11th November to 23rd December 2016. For brevity, the key changes are as follows:

- The overall housing requirement has been increased to 15,950 dwellings, comprising 13,200 homes to meet West Oxfordshire's own needs and a further 2,750 homes to assist with meeting the unmet needs of Oxford City;
- A number of existing strategic sites have been increased in size; and
- 15 new sites have been allocated.

3.2.3 A further set of Examination Hearing sessions took place earlier in 2017 and there were significant objections made by numerous participants, including Gladman.

3.2.4 Stage 3 of the examination hearings took place from 11th July – 20th July 2017. Following the stage 3 hearings, the Inspector has identified further work that is necessary to be completed. This includes:

- Final responses to consultation comments on its site selection and sustainability appraisal.
- Additional sustainability appraisal work as indicated in the Sustainability Paper.

- Landscape and heritage appraisals (not previously undertaken) for the housing site allocations in Woodstock in close proximity to the Grade 1 Listed and World Heritage Site, Blenheim Palace.
- Landscape and heritage appraisals (not previously undertaken) for the housing site allocations within the Cotswold AONB.
- Further work on the housing requirement as a result of the Inspectors concerns about the housing land supply.
- A further Sustainability Appraisal will have to be produced in order to justify the Councils approach in the light of the additional documents above.

3.2.5 It is most likely that following the production of the documents identified above that there will be the need for further consultation and potentially further hearing sessions. Undoubtedly, this may require the reconsideration of large parts of the draft Local Plan and the Neighbourhood Plan should be mindful of this. As a result of the further requirements from the Inspector, it could be expected that these could delay the plan progressing by a further year. It is also clear that the Inspector has not provided an indication whether with these changes that the plan can be found sound.

West Oxfordshire Local Plan – Sustainability Appraisal

3.2.6 Proposed Main Modifications 152 – 155 in combination propose the allocation of two Strategic Development Areas at Eynsham; West Oxfordshire Garden Village for 2,200 dwellings north of the A40 and land west of Eynsham for 1,000 dwellings. Whilst Gladman has no objection to the concept of new settlements and strategic urban extensions as sustainable means of providing new homes and associated infrastructure, it has concerns about the process of site selection that has been undertaken by WODC in respect of these two sites. In particular, it is concerning that all reasonable alternatives for development at Eynsham, the Eynsham/Woodstock Sub-Area and for the location of a new garden village had not been considered in the Sustainability Appraisal (SA) update (Oct 2016).

3.2.7 As such, the Council has not fulfilled the statutory requirements in assessing all reasonable alternatives. In this regard, no fair consideration of alternative sites has been tested through the Council's evidence base. This applies to the strategic and non-strategic allocations including the new GV proposals. This is further compounded by the fact that the two sites considered to form part of the heart of the emerging Local Plan (land west of Eynsham and north of the A40), were not considered against suitable alternatives.

3.2.8 The Council's failure to undertake a comparative and equal assessment of each reasonable alternative means that the Council's decision making process has not been robust, justified or transparent. Issues concerning the Council's SA have been raised at the Local Plan examination¹.

¹ See response to Stage 2 Hearing: Matter 5 – Legal Compliance

Whilst this issue is for the examining Local Plan Inspector to consider and is not within the remit of the Neighbourhood Plan examiner, it does point to a need to ensure flexibility is built into the ENP due to outstanding issues at strategic level.

- 3.2.9 It would appear that the Council may undertake further work on the SA as requested by the Inspector and it may be beneficial for the ENP to await the outcome of this work and await definitive comments from the Inspector thereafter.

3.3 Oxfordshire Minerals and Waste Local Plan

- 3.3.1 Oxfordshire County Council is the Minerals and Waste Planning Authority and is responsible for planning matters related to the extraction of minerals and the management of waste as the Waste Disposal Authority. The County Council is also responsible for preparing a Minerals and Waste Local Plan, which forms part of the Development Plan and sets the planning policy against which planning applications must be considered.

- 3.3.2 The County Council has prepared Oxfordshire Minerals and Waste Core Strategy (2011-2031). The submitted Core Strategy has been subject to Examination Hearings in September 2016, and the County Council put forward its proposed modifications in February 2017.

- 3.3.3 The Inspector examining the Minerals and Waste Core Strategy issued his final report on 15th June 2017 which concludes that the Core Strategy provides an appropriate basis for the planning of minerals and waste development in the County subject to main modifications. It is pertinent to note that Main Modification 59 to Policy W11 (Safeguarding Waste Management Sites) states that:

“The Minerals and Waste Local Plan: Part 2 – Site Allocations Document will identify sites that will be safeguarded for waste management use for the duration of their planning permission... Pending the adoption of the Site Allocations Document the sites safeguarded for waste management use are specified in Appendix 2.” (emphasis added)

- 3.3.4 The Core Strategy was adopted by the County Council on 12th September 2017 and therefore forms part of the development plan for West Oxfordshire..

- 3.3.5 Appendix 2 of the Minerals and Waste Core Strategy identifies New Wintles Farm, Eynsham as a safeguarded site for Concrete Recycling. New Wintles Farm is a dedicated Concrete Recycling facility that benefits from full, permanent planning permission (planning reference: 10/0066/P/CM).

- 3.3.6 Accordingly, given the requirement for the ENP to accord with the development plan, the ENP should reflect the Minerals and Waste Core Strategy and show and refer to this area being safeguarded. The ENP should also have regard to the need for a buffer to the safeguarded area in order that the business and facility are protected for the future, given the important role that the concrete recycling facility provides within the County. Whilst the required buffer should be on a case by case basis, it is noteworthy that West Oxfordshire Council objected to the concrete recycling application on residential amenity grounds due to the proximity of existing residents that are obviously further away than would-be residents if North Eynsham GV were to go ahead. Previous advice on buffer zones had required a 250m but further work clearly needs to be done to ensure the safeguarding requirements are adhered to.

4 EYNSHAM NEIGHBOURHOOD PLAN

4.1 Context

4.1.1 These representations are made in response to the current consultation on the submission version of the ENP under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Gladman welcome a number of the Plan's policies and objectives but note that the ENP states on page 7 that "There are now two alternative Garden Village proposals within 5km of Eynsham (one in the neighbouring parish and therefore beyond the ENP remit)". However, this statement is not correct as a proportion of Gladman's land interests at Barnard Gate are located within the ENP area and is therefore subject to the policies contained in the proposed Plan. Gladman consider that additional modifications are therefore needed to ensure that the Plan is able to meet the Neighbourhood Plan Basic Conditions and to ensure that it allows for flexibility to assist WODC in meeting its full OAN.

4.1.2 In addition, it is noted that the ENP further states that "Other matters, such as mineral (gravel) extraction, are specifically excluded from the Neighbourhood Plans although they could clearly impact the area." Whilst this statement is technically correct, and the ENP should not apply any planning policies relating to minerals and waste development, the Plan should accord with the Adopted Minerals and Waste Plan 2017 including the safeguarding of the concrete recycling plant. As discussed in section 3.3, it is currently the case that a significant amount of land north of the A40 is safeguarded for concrete recycling.

4.2 Neighbourhood Plan Policies

Policy ENP1 - Housing

4.2.1 In principle, Gladman support the general thrust of this policy and note the changes made to reflect the most recent assessment of housing need. This is a positive approach to ensuring a range of housing types and sizes will be delivered to meet the changing needs over the plan period. However, we would also recommend the removal of the wording 'each village' from the policy wording and it be replaced with 'Eynsham village or proposed new Garden Village'.

4.2.2 There is no need to repeat policy contained at the strategic level regarding the specific affordable housing requirement, as this will still be taken into consideration through the development management process regardless of whether or not it is included within the ENP.

4.2.3 Whilst noting the Plan's ambition to increase the delivery of Starter Homes and the Government's commitment to increase home ownership in the Neighbourhood Area is supported, the delivery and mechanism of how starter homes will work in practice has yet to be finalised. As such, it would be more prudent if this policy was amended to a position of support rather than a specific requirement. The following wording is put forward for consideration:

“Development which includes a proportion of Starter Homes to assist in home ownership and the ability for older residents to downsize into will be supported.”

- 4.2.4 Gladman reiterate the previous concerns made in relation to acceptable walking distances. The policy itself states that residential development should ideally be located within 1000m of the village centre. However, the supporting text indicates that walking distances of 1,200m would also be acceptable. Gladman consider that it is more appropriate for 1,200m distance to be applied reflecting the position set out in the most up-to-date guidance on walking distances ‘Providing Journeys on Foot’ published by the Institution of Highways & Transportation (2000).
- 4.2.5 This position should also be reflected in associated Neighbourhood Plan policies e.g. Policies ENP8, ENP11 etc. This element of the policy should also allow for a degree of flexibility within the policy wording as well as the supporting text which reflects the fact that alternative GV proposals can come forward which will provide its own village facilities, such as Barnard Gate, which will not be reliant on the existing services and facilities located in Eynsham.

Policy ENP10: Building a strong sustainable economy

- 4.2.6 Gladman support the inclusion of the above policy which seeks to build a strong economy for the Neighbourhood Area. Gladman note that criteria (a) states that ‘the land currently allocated for employment use shall be retained for such purposes’. Indeed, the New Wintles Farm Concrete Recycling site provides employment for local residents and benefits from full permanent planning permission. As such, the use of this land will have significant implications for the delivery of a GV proposal north of the A40 and reinforces the need for the policies contained in the Plan to provide flexibility to allow for the possibility of an alternative Garden Village at Barnard Gate.

Policy ENP14 – Sustainable Growth

- 4.2.7 It is acknowledged that Policy EN16 has been redrafted. However, Gladman’s concerns relating to policy ENP14 remain and it is important that this policy is modified in order to ensure that decision makers are able to apply this policy consistently and with ease through the decision making process.
- 4.2.8 This policy is seeking to influence a variety of issues ranging on landscape, heritage and infrastructure requirements. Policy ENP14 states that development shall ‘protect the character and community of the existing village’ and ‘protect the wider village setting including its relationship to the Oxford Green Belt, Thames floodplain and the wider countryside.’
- 4.2.9 New development can often be delivered without resulting in the loss of openness, character or views considered to be important by the local community. Quite often the delivery of sustainable development proposals can enhance an existing landscape setting and provide new vistas and views to the surrounding area.

4.2.10 This policy must allow a decision maker to come to a view as to whether particular location contains physical attributes that would ‘take it out of the ordinary’ rather than a blanket approach surrounding the settlement which may not have any landscape significance. An area’s pleasant sense of openness to open countryside cannot on its own amount to a landscape which should be protected.

4.2.11 Whilst Gladman commend the Parish Council for the positive stance taken to the delivery of a new Garden Village in the Neighbourhood Area, it is concerning that the emphasis of this policy is very much on ‘protection’ rather than seeking to integrate sustainable development opportunities within the existing landscape within the Neighbourhood Area.

4.3 Garden Village Proposals

Policy ENP16: North of the A40

4.3.1 Gladman note that the Plan seeks to shape the development of the proposed expansion west of Eynsham and north of the A40. Gladman has an interest in 275 hectares of land north and south of the A40 at Barnard Gate, some of which is located within the Neighbourhood Plan Area. The site is of a sufficient scale to accommodate sustainable development of a new community rather than an expansion of Eynsham.

4.3.2 In principle, Gladman support the revisions made to policy ENP16 but feel that due to the uncertainty regarding the delivery of land north of the A40, given the considerable scale of objection and lack of a justified evidence base for the Council’s proposals to the North of Eynsham, that the policy would benefit from additional modifications to ensure that the ENP is responsive to any changes over the duration of the plan period. Although the Parish Council should be applauded for their positive approach to accommodating a new Garden Village in the Neighbourhood Area, this is a strategic issue which has yet to be resolved at the Local Plan examination. Indeed, the acceptance of land north of the A40 at this time as safeguarded land may pre-empt the outcome of the Local Plan examination. As previously highlighted, the delivery of land north of the A40 is currently subject to significant outstanding objections submitted to the Local Plan examination. Given the significance of these issues, it would be more appropriate if this policy was altered to a more flexible approach which supports the delivery of a GV within the Neighbourhood Area whilst upholding the general principle of the policy as submitted. The following wording is put forward for consideration:

“Policy ENP16: Garden Village on the A40

The delivery of a Garden Village in the Neighbourhood Area will be supported. The application of the principles of a ‘Garden Village’ in terms of its built form, interconnected green spaces, infrastructure and layout are encouraged.

The Garden Village should incorporate a wide choice of housing types and tenures to ensure a balanced community is delivered.”

5 STRATEGIC ENVIRONMENTAL ASSESSMENT/SUSTAINABILITY APPRAISAL

5.1 Sustainability Appraisal

5.1.1 The preparation of Neighbourhood Plans falls under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), that requires a Strategic Environmental Assessment (SEA) to be undertaken where a Plan's proposals would likely result in significant adverse environmental effects.

5.1.2 Both the SEA Directive and the Neighbourhood Planning PPG make clear that an SEA Screening Assessment should be undertaken at the earliest opportunity. Gladman approve of the Steering Group's decision to undertake a Sustainability Appraisal (SA) incorporating the requirements of the SEA Directive to support the emerging ENP.

5.2 SEA/SA process

5.2.1 The SEA/SA is a systematic process that should be undertaken at each stage of a Plans preparation. It should assess the effects of a Neighbourhood Plan's proposals and whether they would be likely to have significant environmental effects and whether the Plan is capable of achieving the delivery of sustainable development when judged against all reasonable alternatives.

5.2.2 The SEA/SA should be able to clearly justify its policy choices and it should be clear from the results of the assessment why some policies have been progressed, and others have been rejected. This must be undertaken through a comparative and equal assessment of each reasonable alternative, in the same level of detail for both chosen and rejected alternatives. The Parish Council's decision making and scoring should be robust, justified and transparent.

5.3 Eynsham Neighbourhood Plan Sustainability Appraisal

5.3.1 It is noted that the SA does not test individual sites. This is acknowledged at section 1.4 which states:

"Possible development sites (in ENP Site Assessments) were initially assessed by scoring various options for positive and negative impact on each of the 20 SAF criteria. However, towards the end of the process, WODC allocated a total of 3200 new homes to Eynsham which meant that all possible sites were allocated leaving the ENP with no reasonable alternatives to choose from."

5.3.2 Instead, the Steering Group has taken the decision to evaluate these sites and how they could come forward. Whilst sympathising with the Steering Group, Gladman submitted its Barnard Gate Garden Village development proposal to the Regulation 14 consultation. Barnard Gate Garden Village has not been considered through the Site Assessment Report. Although the site falls largely outside the Neighbourhood Area, an alternative approach to growth could still be considered through a spatial policy through an assessment of alternative policies, such as the one suggested under 4.3.2 of this response.

6 CONCLUSIONS

6.1 Assessment against the basic conditions

- 6.1.1 Gladman recognise the role of neighbourhood plans as a tool for local people to shape the development of their local community. Gladman welcome the positive stance the Steering Group has taken with regards to new development within the Neighbourhood Plan Area. Notwithstanding this, we consider that several policies and their supporting evidence need to be revisited to ensure that they fully reflect the requirements of national planning policy, the Development Plan and guidance.
- 6.1.2 In order to meet the requirements of the Framework, Gladman has suggested several modifications to the Plan for the Examiner and Steering Group's consideration. These modifications are considered necessary to ensure that the ENP can be found consistent with the neighbourhood plan basic conditions.
- 6.1.3 In addition, Gladman believe that Barnard Gate Garden Village can deliver significant benefits not only to the existing residents of Eynsham but also the wider local authority area. Due to the concerns relating to the delivery of land north of the A40 detailed throughout this response and the significant further work the District Council have identified as necessary as a result of the Examination in Public, Gladman consider it would be more appropriate if reference to a specific Garden Village was removed and instead the policies contained in the ENP refer to a 'Garden Village' as opposed to any individual scheme.
- 6.1.4 Should the Examiner consider it necessary to open up the Examination to discuss the issues raised, we formally request that we are afforded the opportunity to participate at the public hearing session(s).