



**DRAYTON (ABINGDON)
PARISH COUNCIL**

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DPC Response to Planning Appeal Number: APP/V3120/W/16/3144811

Appellants name: Blue Cedar Homes Ltd

Concerning the Refusal of Planning Permission for Planning Application No: [P15/V2077/O](#) Land to the Rear of 10 Halls Close, Drayton, Abingdon.

Outline application on the above site to provide up to 28 dwellings with all matters reserved except access.

1 Background Information – updated to April 2016

This section explains what happened when this application came before the Planning Committee and in the three months since. It addresses a new planning statement made by the applicant and draws on information that was not available at the time of the Parish Council's original written response to the application. The latter follows on from this introductory section (pps 10-23)

The above planning application was **OPPOSED** by Drayton Parish Council, who recommended it be **rejected** by the Vale of the White Horse District Council Planning Committee. The Vale planning officers however, for reasons which are examined below, reversed their earlier written opinion that planning permission should be refused, and instead recommended that councillors **approve** the application.

The application was duly heard on Wed Jan 27th 2016, and the VWHDC Planning Committee rejected it by 9 votes to 2. In February, Blue Cedar Homes declared its intention to appeal against the decision. At the same time, it also made a second application – in all significant particulars identical to the first – to which the Parish Council has now responded with a further **OBJECTION**. The second application, for reference purposes only, is numbered P16/V0675/O. To be clear, this response relates to the **first** application, which is the subject of the appeal.

To accompany their second application, Blue Cedar commissioned a new planning statement from planning consultants D2 Planning Ltd of Bristol. This document is dated March 2016. As the second application is, in the document's own words, simply '*a duplicate application... submitted to enable the Planning Authority to reconsider their decision in respect of outline application no P15/V2077/O*', all of the comments made in the statement should be considered to refer to that original application. Clearly though, the new statement is an attempt to address the reasons for rejection, and it seeks to make a case that the reasons were not valid.

1. In their new Planning Statement, the applicants make three points which are easily refuted:
 - a. They maintain that, since the Bloor Homes planning application for 140 houses South of High Street, Drayton, on a site adjacent to the Halls Close site, has now been approved, there is no reason why their own site should not also be approved. This does not follow. The difference is that the Bloor site is an APPROVED site under the Drayton NDP. Drayton Parish Council therefore supported the application, which was subsequently approved by the VWHDC Planning Committee in February.
 - b. It is claimed that the Secretary of State's Planning Policy Guidance (PPG) was revised in February 2016. This is true. In response to representations from Drayton PC and others with NDPs similarly under threat from the lack of a current Local Plan (some 40% of local planning authorities at present) and a 5 year housing supply, the revised PPG makes it **even clearer** that great weight should be placed on neighbourhood plans and that the absence of a 5 year housing supply should not of itself outweigh the weight to be placed on NDPs. To quote the PPG:

“In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes [paragraphs 183–185](#) of the Framework; and [paragraph 198](#) which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, **planning permission should not normally be granted.**

http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/what-is-neighbourhood-planning/what-is-a-neighbourhood-plan-and-what-is-its-relationship-to-a-local-plan/- paragraph_083

- c. The applicant states: “Turning to the Drayton Neighbourhood Plan, the development of the site in principle is not in conflict with any policy in the DNP.” This is **untrue**. The Drayton NDP clearly allocates three sites for development:

“PLANNING POLICY P-H1: SCALE OF DEVELOPMENT AND SITE ALLOCATION The Neighbourhood Plan allocates land for residential development on the following sites:

- Manor Farm (3.98ha) for approximately 50 dwellings
- North of Barrow Road (8.17ha) for approximately 65 dwellings
- South of the High Street (9.64ha) for approximately 140 dwellings

‘All dwelling numbers are approximate and will be reviewed at the planning application stage based on the need to provide smaller homes.’

The Halls Close site was carefully assessed in the NDP process, as were all potential housing sites in Drayton, against strict criteria which were scrutinized and confirmed as valid by the Examiner at a public hearing at which Blue Cedar's application for their site to be added to

the approved sites was **refused**. The applicant has now sought to argue that since their site is not EXCLUDED by the Drayton NDP, then it should now be admitted.

But the VWHDC's own Planning Policy Officer (Ronan Leydon – PPO advice to VHDC Planning dated 18th Sept 2015) in response to this claim has stated:

“It should be noted that the adopted neighbourhood plan is a statutory document that now forms part of the council's development plan. With respect to Drayton, the development plan is not absent, it is up-to-date and is not silent with respect to the provision of housing in the village.

Further to this, the Drayton Neighbourhood Plan allocates more housing than was previously proposed through an earlier consultation draft of the Local Plan 2031 Part 11, which sought to allocate 200 dwellings in the village.

The Planning Policy Officer then concluded:

The planning policy team do not support the application as proposed as it is not an allocated site in the adopted Drayton Neighbourhood Development Plan 2015-2031, and is not supported by any other policies in that plan, the emerging Local Plan 2031 Part 1 or the saved policies of the existing Local Plan 2011. The planning policy team would recommend that the application is refused for the reasons given above. “

2. Juxtaposition to the Drayton Conservation Area.

The applicants make much of their historic assessment of Drayton. This work has already been undertaken as part of the Drayton Neighbourhood Planning process, and the village's history is well known to local residents. Blue Cedar's research neither adds to nor clarifies the site's historic position. The site is not in the Drayton Conservation Area. Should any building work take place in this area of Drayton the Parish Council would require the developer to build sensitively to reflect the vernacular. This is stated in the Drayton Design Guide, which is a Drayton NDP policy which all developers are now required to follow. Drayton PC is surprised at the extent to which the VWHDC Planning Officers have relied in their Decision Notice on such a 'straw man' point of rejection which the developers could easily respond to positively.

3. Local Opposition to the Halls Close Development and Support for the Neighbourhood Plan.

As indicated, the applicants have made a second application pending the outcome of this appeal. Drayton PC believes that VWHDC should reject the second identical application, not only on the grounds that, since nothing has changed, there is no reason to alter their opinion, but also in order to allow this appeal to proceed unimpeded. Only then can this matter of national importance regarding neighbourhood plans be determined at an appropriately higher level.

Should VWHDC Planning Committee be minded to change its decision and approve the second application, **Drayton PC will wish to ask the Secretary of State to 'call in' the**

application. It has therefore been requested that a Decision Notice should not be issued until Drayton PC has made such an application.

Drayton PC is disappointed to learn that the VWHDC's Planning Officer (Peter Brampton) wrote to the Planning Inspectorate on 3rd March saying that:

“Furthermore, the application generated less than 20 objections, which does not, the council contends, represent “*substantial local interest*”

As VWHDC Councillors are aware, there is **indeed substantial local interest** in this application. Drayton PC would point out that:

- There were NO public supporters of the original application
- The objectors included Drayton Parish Councillors and our Local MP (Ed Vaizey)
- Our County Councillor (Richard Webber) is opposed. The VWHDC Planning Committee members, including our own District Councillor, are opposed
- Twenty objectors is not 20 people, it is 20 households
- The VWHDC Planning Committee was inundated by emails from other Parish Councils and individuals who opposed the application.
- Drayton PC/Drayton2020 **represent** the whole Drayton Community. We have a full complement of Parish Councillors, elected in a contested election only last May. The D2020 NDP was supported by 90.8% of those who voted (634 people voted in favour).
- Several community/PC meetings were held on this application, all well attended. The Drayton Community trust the PC/D2020 to represent their strong and united view on this application, and so not everyone opposed responded personally.

NB: As of 24th April 2016, over 100 online responses to the second application have now been made to the Vale website by private individuals or households. All of these, without exception, are opposed to the Blue Cedar application.

4. Legal Opinion to VWHDC

Between Sept 2015 (see PPO's conclusion at the end of Section 1 above) and January 2016, the Vale planners appeared to change their minds about this application, moving from a recommendation of refusal to one of approval. It appears that this 'about turn' took place following receipt of a legal opinion from the authority's QC. However, the recent disclosure of e-mail correspondence between the planning case officer and the legal firm indicates a less than wholly impartial approach by the former:

VWHDC asked Francis Taylor Building for an opinion in respect of this case. In an e-mail dated 17th November 2015 to Simon Tofts, the Planning Manager of Blue Cedar, Peter Brampton (the case officer) disclosed the name of the QC and the questions asked of him. It is not clear to Drayton Parish Council why the applicant was given this privileged information, why Drayton PC was not similarly consulted, or why this information was not put in the public domain if it was not believed to be confidential to the VWHDC at that time.

Peter Brampton confirmed to Blue Cedar:

“The three questions we have asked are:

- 1) **With particular reference to Paragraphs 14, 49, 184, 185 and 198 of the NPPF, how should the Council approach the planning balancing exercise in this case? What criteria should be incorporated into the planning balance?**
- 2) **How crucial to the balancing exercise is the fact the Drayton NDP attempts to allocate housing in broad alignment with the housing numbers of the emerging Local Plan 2031? Can it be argued that Drayton has accommodated its “fair share” of housing to address the district wide short-fall?**
- 3) **How crucial to the balancing exercise is the level of development proposed, relative to the size of the settlement? For example, the Crane case proposed over 100 dwellings, where only 28 dwellings are proposed here. Can it be argued that a relatively minor development would not necessarily undermine the growth strategy and vision of a Neighbourhood Plan?”**

These questions seem to be slanted towards seeking a response favourable towards further development. For instance, the Drayton NDP does not “attempt” to allocate housing; it **DOES** allocate housing to the three approved sites. This is what neighbourhood plans are encouraged to do – and is what the VWHDC planning officers advised Drayton to do in drafting its NDP.

The third question also leads the QC towards a view “**Can it be argued that a relatively minor development would not necessarily undermine the growth strategy and vision of a Neighbourhood Plan?**” This is loaded towards allowing the development against the wishes of the NDP.

At the January meeting of the VWHDC Planning Committee one Councillor commented that if you want a legal opinion then you must ensure that you ask the right QC for the right opinion. It would seem that the VWHDC have done just that – sought an opinion which will not support the Drayton NDP.

The QC’s opinion, however, is also not acceptable to all the VWHDC planners, as an email from Ronan Leydon (VWHDC Strategic Planning) to Peter Brampton dated 30th October 2016 shows. It is written in response to the assertion that Drayton’s NDP does not have a policy specifically prohibiting development on sites other than the three allocated:

“Just picking up on one particular element, which the QC states:

“In the absence of policy prohibiting development outside allocated sites or the settlement boundary, the principle of development on the site is not in conflict with the [Neighbourhood Plan].

*I imagine this has probably been picked up, but Planning Policy P-LF2 Bounded Development defines a settlement boundary for Drayton. It states that development within the existing boundary will be supported. **The policy had to be positively written and therefore it could not say “development outside of the boundary should be refused”**, which I’m sure is what the bones of this policy is all about. **This statement from the QC is therefore misleading.***

The QCs slant, while compelling, seems to focus on negative wording, which is not how policies are allowed to be written these days (due to the NPPF, “positively prepared” etc.). The fact that the Neighbourhood Plan “does not ...prohibit sustainable development elsewhere” and in the “absence of policies prohibiting development....”. How can the NDP prohibit development if policies are not allowed to be written in such a manner?

The focus of the QCs argument should be on what policies do allow and what they do support. In which case, up-to date, relevant policies in the Neighbourhood Plan do promote site allocations for housing to meet the district’s needs (not needs local to the parish) and do support development within the existing built up area of Drayton in line with the settlement boundary as defined in figure four of the NDP. There is no absence or silence in this instance, where proposals do not comply with the policies on housing and development for Drayton, they will not be supported.”

These contrary views should be clearly disclosed to Councillors in the Officer’s Report.

5. Benefits of the Halls Close Site?

Blue Cedar, the applicants, argue the following benefits (listed below) from developing the Halls Close site. They do not list any of the dis-benefits, which are required by law to be taken into account in balancing the site against a current NDP.

It is not clear to the Parish Council how any of these benefits would uniquely accrue to this development site. The same could be said of any site in the VWHDC. Greater benefits would accrue on a brownfield site in one of the larger towns, without the concomitant disadvantages (not stated by the applicants) that Halls Close is a greenfield site, extending the built-up area of the village and contributing additional traffic to an already locally overloaded road system via an access road with limited visibility and difficult egress onto an historic High Street.

Blue Cedar’s ‘benefits’ list is given below with Drayton PC’s specific comments given in brackets:

6. Economic

- a. • An injection of expenditure into the local economy in the short term during the construction phase. (would be true of any site)
- b. • A total GVA generated by the impact of additional households of over £½ million per annum. (would be true of any site with this number of houses)
- c. • Supporting the Council’s economic growth strategy. (would be true of any site in the Vale)
- d. • Supporting the Council’s objective to maintain and enhance the viability of settlements. (NOT TRUE: Drayton is unsustainable with unplanned growth outside the Drayton NDP, which plans for sustainable development)

7. Social

- a. • Contributing to meet objectively assessed local housing need. *(would be true of any site in the Vale)*
- b. • Provision of up to 11 affordable units to meet an identified local need. *(would be true of any site in the Vale of this size)*
- c. • Creation of a high quality built environment to foster the development of a vibrant and healthy community with good accessibility and local services and facilities. *(NOT TRUE: Drayton is unsustainable with unplanned growth outside the Drayton NDP, which plans for sustainable development)*

8. Environmental

- a. • Protection and enhancement of habitats. *(NOT TRUE: This is an absurd statement. It is unclear how the developer will 'protect habitats' by building housing. Habitats cannot be enhanced through housing!)*
- b. • No harm to designated wildlife, geodiversity or landscape areas. *(Also NOT TRUE: The landscape will be modified by building. Biodiversity and geodiversity will be diminished)*
- c. • Minimisation of travel demands as a result of the sites location, its connectivity to local services and the availability of sustainable transport options. *(NOT TRUE: every household will need to own a car and use it to commute to work, shop and use medical and social services. It should be noted that there is no Doctors' surgery in Drayton, nor is there likely to be in the foreseeable future.)*

Traffic Issues and Density of Development

Although traffic is mentioned in several places in this document, the pace of new development in the Vale requires further consideration of the current and probable (in the near future) position regarding traffic flows. The ability of the current road infrastructure in this part of the Vale to cope with increases in traffic, as more and more developments in the area come on stream, is a matter of justifiable local concern.

The Vale of the White Horse Local Plan to year 2031 is still in preparation. However, in the latest Draft Plan, we find in Section 5: Sub-Area Strategies for Abingdon-on-Thames and Oxford Fringe (p. 60) the following text (passages in bold highlighted by us):

- **From para 5.32:** Drayton Road (the B4017) is a **key route** into Abingdon-on-Thames from the south. **This road already suffers from significant congestion in both the morning and evening peak periods, which results in long and unreliable journey times.** The River Ock bridge and the double mini-roundabouts at the junction with Marcham Road/Ock Street are also physical pinch-points which restrict vehicle flow.*

- **5.33: The transport constraints at Abingdon-on-Thames are a key reason why strategic growth is not currently planned to the south of the town.**
- **5.34: However, a potential long-term approach to alleviating traffic congestion to the south of Abingdon-on-Thames is the provision of a new southern bypass, including a second Thames crossing. Additional development to the south of Abingdon-on-Thames is inappropriate without the provision of this new bypass.**

* recent changes to the configuration of pedestrian crossings in Marcham Rd and Ock Street were intended to improve traffic flows at the mini-roundabouts. There is as yet no convincing evidence that this objective has been achieved.

That part of the Sub-Area which lies ‘south of Abingdon’, as the map on p 50 of the Draft Plan clearly shows, encompasses the villages of Drayton, Milton, Sutton Courtenay, Steventon, and East and West Hanney.

While paragraph 5.33 above and the last sentence of paragraph 5.34 were presumably included in the Draft Plan in good faith, it should be noted that, as statements of intent, they are totally contradicted by what is actually happening on the ground.

In every one of the villages listed above, developments have been approved. In some cases they are already under construction or are nearing completion. Drayton, with its Neighbourhood Plan in place, has allocated sites that between them will add approx 260 new homes to the village, that is, approx 25% growth in a village of just under 1000 homes at present.

Approx 1 mile north of Drayton, half-way between the village and the double mini-roundabouts mentioned in paragraph 5.32, a new Taylor Wimpey housing site is well under way. This will add a further 160 new homes, all having vehicle access directly onto the congested B4017.

In Steventon, a mile south of Drayton, 2 housing sites are nearing completion, a third is under construction, and two more have been given planning permission. The village of Sutton Courtenay, two miles east of Drayton on the B4016 (another heavily congested road during peak periods), threatens to be overwhelmed by new housing development, as well as new giant warehouses planned to the west of Didcot power station. 2 large developments have been approved in East Hanney and Linden Homes have applied for planning permission for a site in Milton.

If we add together just the new homes in Drayton, South Abingdon and Steventon – for their new residents will almost certainly use the B4017 as their most direct route into Abingdon, this comes to a figure of somewhere between 500 and 600 new homes, or possibly a thousand plus additional vehicles on the road. To which we can add an unknown number from the other surrounding villages.

At present, on a bad day, in the morning peak period, it can easily take 30-40 minutes to get from Drayton to the nearest doctors’ surgery in the Marcham Road Health centre, a distance of some two and a half miles. Unless they have no choice, many residents tend not to make medical appointments earlier than 9am, not only due to the time it can take to get to the centre, but the unpredictability of that journey time.

When the A34 dual carriageway is closed between Milton interchange and the A415 Abingdon interchange due to a serious accident, an event which occurs typically at least three or four times a year, the traffic is re-routed via the B4017 through Drayton (this road used to be the old A34). The A34 is a main trunk road connecting the port of Southampton to the midlands and north, and carries more than its fair share of heavy lorries and freight. When traffic is diverted in this way it causes complete gridlock between Steventon and Abingdon, sometimes for several hours. This is not just inconvenient, but could lead to possible delayed access by emergency services. Bus services become impossible to run, and children who travel to school in Didcot may be effectively stranded.

There is no possibility that the B4017 or B4016 can be widened or significantly upgraded, even if it were desirable to do so. Of a list of 12 strategic highway improvements in the wider South-East Vale area listed in the Draft Plan (Core Policy 17, p 79), only 2 have so far been started – in fact, improvements to the A34 Milton and Chilton interchanges are nearing completion. The South of Abingdon by-pass and second Thames crossing have been on the table for the last 20 years or more, and in the current financial circumstances, look to be nowhere in sight in any foreseeable time frame.

In short, traffic problems in and around Drayton will get worse, perhaps a lot worse, before they get better – if they ever do. In the circumstances, it is not sensible to go on approving more and more developments south of Abingdon when the transport constraints referred to in paras 5.32- 5.34 of the Draft Plan continue to exist, and alleviation remains far off, if not an unachievable illusion. As Drayton has a Neighbourhood Plan, its three allocated sites should be given priority. No further sites should be approved until these three are built out, and the impact on traffic and other aspects of village life can be assessed. Drayton PC fully accepts that its NDP will have to be reviewed after a reasonable period of time (the Independent Examiner suggested not less than 5 years), but it would be undemocratic and unacceptable to grant planning permission to additional sites in Drayton at the present time, while taking no account of the cumulative effects of so much other surrounding development.

The remainder of this document (pps 10-23) consists of the original Drayton PC response to planning application number P15/V2077/O



DRAYTON (ABINGDON) PARISH COUNCIL

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Response to Planning Application No: [P15/V2077/O](#) Land Rear of 10 Halls Close (Blue Cedar)

Outline application on Land to the Rear of 10 Halls Close, Drayton to provide up to 28 dwellings with all matters reserved except access

1 Preamble

The Drayton Neighbourhood Plan successfully passed its referendum in March 2015. Local support for the three housing sites identified as potential development sites in the Plan was affirmed by a 90.8% 'Yes' vote.

This site at the rear of Halls Close is **NOT** one of three sites in Drayton village identified in the Drayton Neighbourhood Development Plan as being suitable for housing development within the Plan period. In the course of developing the NDP this site was considered but **rejected**, along with several other potential housing sites around the village. Details of the site assessment can be found in the Drayton NDP Sustainability appraisal.

The Drayton NDP went to Public Examination in December 2014. The Examiner invited the Halls Close developers (Blue Cedar) to be present at the Examination table and to speak where relevant. She ruled that the site assessment strategy in the Drayton NDP was sound, and that the Plan should proceed to Referendum without any requirement to add the Halls Close site to the list of approved housing sites.

The Drayton NDP, being just over a year old, is up to date and has now been adopted by VWHDC into its Local Plan by being 'made' - brought into force on 15th July 2015. There has been no material change in circumstances which merit a re-assessment of the Drayton NDP at this time, and a rigorous review schedule is in place to ensure regular review and to invoke a review should there be any such material change.

2 Summary of Response

Drayton Parish Council OBJECTS to this application and recommends that VWHDC rejects the application for the following reasons:

2.1 The Halls Close site is NOT an approved housing development site under the Drayton Neighbourhood Development Plan (NDP), which is an adopted part of the VWHDC Local Plan and which is recent and up to date.

Approval of the application would be in contravention of the Drayton NDP **PLANNING POLICY P-H1: SCALE OF DEVELOPMENT AND SITE ALLOCATION** which states:

"The Neighbourhood Plan allocates land for residential development on the following sites:

- Manor Farm (3.98ha) for approximately 50 dwellings
- North of Barrow Road (8.17ha) for approximately 65 dwellings
- South of the High Street (9.64ha) for approximately 140 dwellings

All dwelling numbers are approximate and will be reviewed at the planning application stage based on the need to provide smaller homes”.

2.2 To approve the Halls Close site in opposition to the provisions of the Drayton NDP and the wishes of the Drayton electorate would be contrary to the public interest in that it would undermine the whole concept of local democracy, the Localism Act and the parts of the NPPF which encourage neighbourhood planning. This view is supported by Drayton’s Local MP (Ed Vaizey – see his submission at Appendix A), and by the Minister for Housing and Local Government (Brandon Lewis MP – see his letter at Appendix B) who writes that:

“Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted”

2.3 Case Law supports the Drayton NDP. The applicants cite some case law to support their contention that the Drayton NDP should be set aside since there is no up to date VWHDC Local Plan in place and the VWHDC cannot demonstrate a 5 year housing supply.

The applicants refer to two cases in particular. These are:

- Woodcock Holdings Ltd v Secretary of State for Communities and Local Government [2015], dated 1 May 2015; and
- R (on application of DLA Delivery Ltd) v Lewes District Council and Newick Parish Council [2015], dated 31 July 2015

The second of these cases is largely irrelevant to Drayton’s situation, being in fact a challenge by the claimant, DLA, (a development company) to the relevant NDP on the grounds that it considered the independent examination system for Neighbourhood Plans to be insufficiently rigorous. The judge did not accept this argument and refused the claimant permission to apply for judicial review. Nevertheless, Blue Cedar’s supporting statement quotes from paragraph 138 of this case the following observation by the judge: *‘the fact that in a particular area there is no up-to-date Local Plan with which a ‘made’ NDP can be ‘in general conformity’ (because the latter has been made in advance of the former) may, as it seems to me, arguably be a material consideration in determining a planning application which conflicts with the made NDP’*

Just so, but Blue Cedar have omitted the next sentence, which states *‘The weight to be attached to it will, of course, be a matter of planning judgment (our emphasis) when the issue arises and will doubtless depend, at least in part, on the likely prospect of the emerging Local Plan being adopted and the extent to which there is a divergence between the made NDP and the emerging Local Plan’*. The issue of ‘planning judgment’ is further developed below, but on the last point, Drayton has liaised closely with the Vale planning department throughout the NDP process, and is not aware of any significance divergence between its NDP and the emerging Local Plan.

The Woodcock Holdings case is also not a fair analogue of the Drayton position. The NDP in question here (Hurstpierpoint & Sayers Common) was not ‘made’ but only emerging, and there was some evidence that the proposed provision of housing in the Plan fell some way short of the objectively assessed housing needs for the parish. As explained below, the Parish Council does not consider this to be the situation in Drayton. Blue Cedar however identify as a key point the following statement made by Mr Justice Holgate in paragraph 112: ‘...where a neighbourhood plan has been recently approved, in advance of any local plan, [it nevertheless] has to be treated as ‘out of date’ because of the lack of a district-wide 5 year supply of housing land and the application of paragraphs 14 and 49 of the NPPF.’

This comment should be qualified by the observations of the same judge in an earlier paragraph (76). He refers to a third case, and the judgment of Lindblom J in Crane v Secretary of State for Communities and Local Government [2015]. He says ‘In that case it was held, on a proper construction of the policies, that the Secretary of State had been entitled to conclude that a proposal for housing on an **unallocated** site was in conflict with an **approved** neighbourhood plan which contained **comprehensive site allocations** sufficient to meet the requirement set for that area in an adopted district-wide core strategy’.

Since all the highlighted phrases in the above passage **do** replicate the Drayton position, it would seem that the ‘Crane case’ offers a more appropriate frame of reference than either of the two cases cited by Blue Cedar. Mr. Justice Holgate also contrasted (paragraph 77) the ‘poor quality of the reasoning’ in the Secretary of State’s decision letter in the Woodcock Holdings case with the ‘clear reasoning’ of the decision letter in Crane, this being a major factor in the Secretary of State’s decision being quashed in the first case, and upheld in the second. He adds that the clarity of the second decision letter owes much to the fact that the Secretary of State carried out a proper exercise of balancing out the adverse impacts of the proposed additional development with its probable benefits, as paragraph 14 of the NPPF requires. In the Woodcock Holdings case, the Secretary of State had failed to take into account a number of factors, meaning that the pros and cons of the site had not been properly assessed.

As the operation of paragraph 14 of the NPPF in relation to ‘decision-taking’, and the ‘balancing’ exercise referred to above is crucial to Drayton’s situation, the main points of the Crane case are outlined below:

- Broughton Astley is a village in Leicestershire with a ‘made’ Neighbourhood Development Plan. The NDP allocates several sites for housing, the total number of houses being over and above the figure envisaged in the previous District Council Core Strategy/Local Plan. Policy CS2 of the core strategy called for ‘at least’ 400 dwellings in Broughton Astley (out of an overall provision for the district of ‘at least’ 7700 new houses). In fact, the two allocated sites in the NDP, plus a reserve site, added up to 528 new dwellings for Broughton Astley.
- However, the District Council (Harborough) did not have an up to date Local Plan. This meant that it could not demonstrate a 5 year land supply.
- Mr Crane, a local landowner, wished to build 111 more houses on a site that was not allocated in the Plan. He argued that it should have been included, and submitted a planning application accordingly. His case was that as there was no 5 year land

supply, the ‘presumption in favour of sustainable development’ should automatically kick in, and so permit his development.

- The District Council refused the application. Mr Crane appealed the decision, and the Planning Inspector ruled in Mr C’s favour, overturning the District Council. The Secretary of State then called in the application for review. He subsequently ruled against the Planning Inspector, upholding the Neighbourhood Plan.
- In response, Mr Crane took the case to the High Court. His QC argued that the Secretary of State’s decision was ‘irrational’, and that the S of S had not properly understood the workings of the NPPF.
- Mr Justice Lindblom ruled that he saw nothing wrong with the Secretary of State’s decision. He said that the ‘presumption in favour of sustainable development’ did **not** make development a foregone conclusion. It still depended on balancing the ‘adverse effects’ of the development against its positive benefits. The judge agreed that Mr Crane’s development did have positive benefits – it contributed to the housing supply; it was in a reasonable location, though not as convenient as the allocated sites. However, the S of S had believed that these positive benefits were outweighed by the adverse impacts, in particular the fact that the application was in conflict with the Neighbourhood Plan. In the judge’s view, the S of S’s decision was not irrational, but a ‘judgment call’ which he was perfectly entitled to make. The judge therefore also ruled against Mr Crane and upheld the Neighbourhood Plan.
- In paragraph 79 of the case, the judge does allow that, in other circumstances, the Secretary of State ‘*might have struck the balance differently. He might even have struck it differently here*’, but that still would not have made his decision irrational.
- The essential point is that each case has to be judged on its individual merits, so that a range of factors may come into play. Mr. Justice Lindblom confirms (paragraph 72) that ‘*the critical question*’ is whether ‘*the harm associated with the development proposed ‘significantly and demonstrably’ outweighs its benefit*’. He concludes (our emphasis), ‘***The presumption in favour of the grant of planning permission in paragraph 14 (of the NPPF) is not irrefutable. And the absence of a five-year supply of housing land will not necessarily be conclusive in favour of the grant of planning permission. In this case it was not***’.

2.4 Housing Supply. Although VWHDC does not currently have its 5 year land supply in place, Drayton has allocated 3 sites in the village totalling in excess of 250 houses, against a notional VWHDC allocation of 200 for the planning period. The Drayton NDP outlines the increase in the Drayton housing target over the last few years, and how Drayton has responded positively to these increased demands for additional housing .(see p56 of the Drayton NDP) where it states that:

“139. An appendix to the IHSP (Vale’s Interim Housing Supply Policy) listed all the large villages in the VWHDC area and allocated to each the number of new houses needed to be built to cope with ‘proportionate growth’ over the 15 year Plan period. The figure for Drayton was 68, to which should be added the 18 homes already granted planning permission on the Manor Farm site some 16 years ago. This total of 86 has to be understood as a largely notional figure. In 2013 it became apparent that the Vale’s lack of a 5-year land supply, and the pressure from central government to build more houses in the south-east

generally, meant that any numbers previously quoted must be treated as very provisional. In Spring 2014 the VWHDC identified the land South of High Street Drayton as a 'strategic site' with a development of up to 200 houses – a designation now revised to exclude this as a strategic site in the latest VWHDC Local Plan 2031, Part 1 Publication Version . Including this as an allocation in Spring 2014, Drayton's housing allocation therefore rose over the 2 year planning period of the neighbourhood plan process to over 200 houses, taking account of the planning permission already approved at Manor Farm. "

2.5 Housing Allocation to Larger Villages in the VWHDC Local Plan. . In the draft Local Plan Drayton is in the Abingdon and Oxford Fringe sub area that also includes Botley and the Larger Villages of Cumnor, East Hanney, Kingston Bagpuize with Southmoor, Kennington, Marcham, Radley, Steventon and Wootton. 1900 dwellings are to be provided in this area through NDPs and windfalls by 2031. Drayton has about 4% of the population in this sub area and 1900 x 4% would be 76 dwellings. Drayton has already allocated land for about 250 dwellings that would be closer to 13% of the requirement. This is therefore more than compliant with a fair allocation to Drayton.

Surrounding villages (Sutton Courtenay/Steventon/Milton/Marcham/East Hanney) – and South Abingdon have also had a large number of sites/houses approved in recent months, and a large housing site in South Abingdon, on the Drayton Parish boundary, is currently being built-out. This is against the context of the severe traffic constraints in this area between the Ock Street Bridge in Abingdon and the A34 – a constraint recognised in the VWHDC Local Plan allocation to this area, and by OCC Highways in their objection to the South Abingdon development.

These new allocations, plans and approved developments constitute the VWHDC's larger villages response to the VWHDC's declared planning objective (see Cllr Matthew Barber's opening remarks at the VWHDC Local Plan 2031 Part 1 Examination in Public – Stage 1 September 2015) which is stated as:

" A small portion of the housing need, about five per cent, remains to be identified. In the spirit of localism we are making this available to those who wish to prepare neighbourhood plans, to enable growth where local demand remains within communities. The remaining need will also be addressed through Local Plan 2031 Part 2. "

The Local Plan itself will deliver on the other 95% of the identified housing needs :
"The Local Plan seeks to deliver, in full, the housing needs of the district within its boundaries. It steps up to the mark, responding to the challenge of addressing the shortfall of past years while meeting the needs of future generations also, and in a manner that maximises the ability to deliver this in the plan period."(Matthew Barber, *ibid*).

2.6 The proposed development would be an extension of the current built up area of Drayton village, and not an approved housing site under the NDP, and would therefore absorb yet more open greenfield space from the surrounding countryside, further encroaching into the land separating Drayton from its adjacent villages. This is **not supported** and therefore would be in contravention of Drayton NDP **PLANNING POLICY P-LF2: BOUNDED DEVELOPMENT** which states:

"Development that does not extend the village's boundaries (see Figure 4) through

ribbon development along roads to the adjacent settlements of Abingdon, Steventon, Sutton Courtenay and Milton, will be supported, subject to compliance with other policies in the Neighbourhood Plan”.

2.7 Previous Public consultation/approaches to Drayton PC by Blue Cedar. The Halls Close site was one of three other sites in the village rejected under the NDP assessment and consultation– the others being at Fisher Close and Long Meadow. If the Blue Cedar application was to be given precedence over these by being approved, then these developers/landowners would have been unfairly treated and would, in all likelihood, also put in planning applications. The NDP’s land zoning of the village would therefore be completely set aside and the whole work of the Drayton Sustainability Appraisal and NDP rendered void.

3. Specific Planning Issues (where relevant for comment at this outline planning stage)

It is noted that whilst the applicants have submitted only an Outline Planning Application with all matters reserved except access, they have provided a large volume of supporting documentation. This includes details relating to aspects of the site and development which will need detailed consideration by Drayton Parish Council if planning permission is ever given in opposition to the Drayton NDP and the recommendation of Drayton Parish Council to reject this application..

Whilst Drayton Parish Council reserves its position on the details of any future **full** planning application (on which it would expect to be consulted further), the Council submits the following comments **without prejudice** on the documents provided in the current **outline** application

3.1 Number, type and layout of houses proposed, including affordable housing statement, and limitation to over-50s

- a) The number of houses had been increased from 20 in the initial consultation to 28, without explanation
- b) The layout of the proposed estate is poor, with poor connectivity. It is not clear what the open space is for, and the layout allows for no meaningful use of this space. The following Drayton NDP Planning Policy should be applied:

“WORK AND PLAY PLANNING POLICIES PLANNING POLICY P-WP1: CONNECTED DEVELOPMENT *Proposals for new housing must ensure that the new homes are well connected both within the site and with the rest of the village by way of footpaths and cycle ways (especially to amenities such as the school, bus stops and shops).*”
- c) Out of the 28 houses only 11 are for the over-55s. It is not clear how this qualifies the development as being for the elderly, or how the developers will limit or enforce the over 55s rule on first, and particularly on subsequent, purchasers. If this is to be by covenant, then what enforcement agency do the developers envisage, since VWHDC do not intend to enforce this rule?
- d) Over 55s are still economically active and can be expected to go to work until at least 68 (the new state retirement age). This renders incorrect and inaccurate the

applicants transport statement that cars will not add to peak traffic through commuting.

- e) The majority of the houses are for families, either market housing or affordable housing. There is no provision on site for facilities for families, such as design of safe play areas for children.
- f) The Drayton Design Guide should be used for any new housing in Drayton to ensure that materials and styles reflect and respect the locality

“PLANNING POLICY P-LF3: BUILDING DESIGN GUIDANCE *New development will be supported where it is designed to a high standard which responds to the distinctive character of Drayton and reflects the guidelines and principles as set out within the Drayton Design Guide (see Annex D).”*

3.2 Traffic Issues, including junction with High Street. Parking – Transport Statement

- a) The traffic assessment for the development is poor and needs to be replaced by a more realistic/true assessment of traffic from the proposed development, and impact on Drayton village. There is already evidence available from Thames Valley Police about speeding into and out of Drayton village, and regular movement of HGV and agricultural vehicles through this part of the village.
- b) Since the new estate roads are not to be adopted by OCC it is unclear whether Biffa’s refuse lorries will be willing to enter the estate (they have refused to use other such private roads in Drayton because they are not insured or indemnified to do so). If this is the case, wheelie bin storage will need to be at the entrance to the new development, for which there is no provision. Such communal waste facilities will not be in keeping with the style of the development or the desire to attract older residents. The following Drayton NDP Planning Policy should be applied:

“PLANNING POLICY P-H4: EXTERNAL FACILITIES *All future housing developments must have adequate car and cycle parking facilities for both residents and visitors in accordance with Oxfordshire County Council standards. New housing development should aim to provide the following external facilities: for storage of waste recycling bins and waste water run-off from roof guttering.”*

- c) Numbers of vehicle trips created by the proposed development at peak times are understated
- d) There is already a problem with traffic emerging from Halls Close, particularly at peak times (but also whenever the A34 is blocked), and particularly whenever turning left
- e) The Halls Close turn has restricted views for those turning left, and safe emergence from Halls Close is already impeded by cars which have to park on the High Street.
- f) The road accident statistics quoted are out of date. In the last 2 months there has been a serious accident (a 3 car pile up) on the Sutton Courtenay Road just east of Halls Close, and a fatal crash on the Milton Road, which is an accident black-spot. Traffic from Halls Close can be expected to prefer turning east across the

oncoming traffic to reach workplaces at Milton Park and Harwell/Culham and the A34, to avoid congestion in Abingdon at the Ock Street bridge or the same at Steventon/Milton Heights

- g) The assessment of the proposed junction by OCC needs detailed reconsideration in order to afford any safe merging of traffic into High Street.
- h) The following Drayton NDP Planning Policy should be applied:

**“TRANSPORT PLANNING POLICIES PLANNING POLICY P-T1:
TRAVEL PLANS** *Development proposals which give rise to an increase in traffic will be required to put in place detailed Travel Plans. Developers are required to provide robust evidence that each and every proposal, as set out in their Travel Plan, is feasible and will significantly reduce traffic volume. Direct mitigation measures such as car sharing and car pooling will be positively encouraged.”*

3.3 Site, Ground and Topography – current land use as garden?

- a) It should be noted that the close cropping of the grass on the site is recent, and that the site was not previously a garden, but a paddock, used to graze animals

3.4 Flood Risk and Drainage, and Utilities

- a) Thames Water has stated that the sewage from such a development cannot be supported by the current sewage works and has asked for a Grampian Condition to be applied to any planning consents. VWHDC should note that on the three approved sites under the Drayton NDP over 250 additional houses will be connected into the Drayton water supply and sewerage system, and that precedence should be given to the connection of these developments since they are approved under the Drayton NDP.
- b) The information supplied by Thames Water to the developers is incomplete and inaccurate. There have been several reported instances of sewage overflows in the area in recent years, and VWHDC should pay attention to those cited by local residents:

“My main concern is the drainage!! No 3 being the lowest house, we have been nearly flooded x 3 times (sand bags and all)! When it rains heavily and all the drains get blocked, the pumping station can't cope and we then get everybody's sewage dumped on our porch and back garden. Each time it takes weeks for the environmental department to come and clean up. The last time it happened it was over Christmas/ new year 2 /3years ago and we had very little support! I myself had to clean up with bleach etc. and became violently ill and missed my trip to Scotland! There have been talks with Thames water regarding non return valves on the high street. So with all these numerous housing projects we are very concerned” (Julia Moore, 3 Halls Close)

- c) Neighbouring farmers are concerned about the drainage from the site and inadequacy of field drains to take additional runoff. The applicant's SUDS scheme needs careful examination to ensure that there is no outflow from any

development of the site which would cause flooding on adjacent farmland, particularly in winter.

“Our concerns are with surface water drainage. Both options within the application indicate drainage to an existing watercourse on our property, which in seasonal wet periods is full to capacity. Land to the west(a likely development site known as South of High Street Drayton) & surface water from East Way, plus trunk surface water from Drayton High St, Church Lane & Halls Close all flow into this drain. Most of the land to the South & West of the proposed site during seasonal wet periods has lying water for months. Ridge & furrow plus ponds act as a huge holding area allowing natural drainage rates to the watercourse. Obviously during storms & heavy rainfall volumes increase & on several occasions the drain overflows.” (Paul Coster, Little Smiths Farm)

3.5 Ecology and Trees planting

- a) Residents report that at least one tree has already been removed in recent years, and the VWHDC should take immediate steps to assess the remaining trees on the site and apply Tree Preservation Orders as appropriate to protect the remaining biodiversity of the site
- b) The layout of the proposed development is poor as regards open space, and more should be done to replace and increase both the biodiversity and utility of the site’s open space.
- c) The following biodiversity Planning Policies in the Drayton NDP should be applied:

“PLANNING POLICY P-S1: BIODIVERSITY

Development proposals are required to protect and enhance biodiversity. Any loss or degradation of habitats arising from new development will need to be offset by for example, funding environmental improvements elsewhere in the Parish.”

“PLANNING POLICY P-LF6: ADDITIONAL GREENERY - NEW

DEVELOPMENTS *Proposals for new development should wherever possible include tree and shrubbery planting to reduce the impact of the built form and ensure that development is in keeping with the existing rural character of the village. Due note should also be taken of the VWHDC’s Adopted Local Plan 2011 Policy DC6 and any updating of this policy in the VWHDC’s Local Plan 2031. (see <http://www.whitehorsedc.gov.uk/sites/default/files/Contents.pdf>)”*

3.6 Historic environment

- (a) Drayton village is at the centre of important historic sites which feature locally the Sutton Courtenay Saxon Palace complex and the Drayton Cursus. Whilst the Halls Close site is not known to contain any listed remains, a full archaeological survey should be undertaken before any development of the site is considered.
- (b) The following historic environment Planning Policies in the Drayton NDP should be applied:

“PLANNING POLICY P-LF4: CONSERVATION AREA *Any development in or adjacent to the Drayton Conservation Area should conserve and enhance the character and appearance of the Conservation Area and its setting.”*

“PLANNING POLICY P-LF5: THE HISTORIC ENVIRONMENT *The Parish’s designated historic heritage assets and their settings, both above and below ground including listed buildings, scheduled monuments and conservation areas will be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place. Proposals for development that affect non-designated historic assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset.”*

3.7 S106 requirements

- (a) Whilst the site is not an approved site under the Drayton NDP, if planning permission is granted against the wishes of the community, relevant s106/CIL contributions will be required as outlined in the Drayton NDP P-H3 and Annex E:

“PLANNING POLICY P-H3: CONTRIBUTIONS *All eligible development will be required to make contributions to secure improvements to existing Parish infrastructure (both on and off site) through a Section 106 agreement or when introduced, the Community Infrastructure Levy, or by other relevant means, subject to the development remaining viable”.*

4. Drayton NDP Planning Policies relevant to the application

The following Drayton NDP Planning Policies are deemed to be relevant to this planning application:

LF2 linked with PH1

LF3/LF5/LF6; P-WP1; P-T1; P-S1; P-H2/P-H3/P-H4

DRAYTON NDP EXECUTIVE SUMMARY: POLICY LIST

SECTION A: PLANNING POLICIES

LOOK AND FEEL PLANNING POLICIES PLANNING POLICY P-LF1: CREATION OF VILLAGE GREEN ON THE MANOR FARM SITE The proposed development of the Manor Farm site, allocated in policy P-H2 should include the creation of a new green open space on the site. The space should have an open aspect on its western side to create a visible connection between the east and west of the village, with an avenue of trees leading up to the green from Hilliat Fields. It should reflect the rural and agricultural nature of the Conservation Area, in which it is located.

PLANNING POLICY P-LF2: BOUNDED DEVELOPMENT Development that does not extend the village’s boundaries (see Figure 4) through ribbon development along roads to the adjacent settlements of Abingdon, Steventon, Sutton Courtenay and Milton, will be supported, subject to compliance with other policies in the Neighbourhood Plan.

PLANNING POLICY P-LF3: BUILDING DESIGN GUIDANCE New development will be supported where it is designed to a high standard which responds to the distinctive character of Drayton and reflects the guidelines and principles as set out within the Drayton Design Guide (see Annex D).

PLANNING POLICY P-LF4: CONSERVATION AREA Any development in or adjacent to the Drayton Conservation Area should conserve and enhance the character and appearance of the Conservation Area and its setting.

PLANNING POLICY P-LF5: THE HISTORIC ENVIRONMENT The Parish's designated historic heritage assets and their settings, both above and below ground including listed buildings, scheduled monuments and conservation areas will be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place. Proposals for development that affect non-designated historic assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset.

PLANNING POLICY P-LF6: ADDITIONAL GREENERY - NEW DEVELOPMENTS Proposals for new development should wherever possible include tree and shrubbery planting to reduce the impact of the built form and ensure that development is in keeping with the existing rural character of the village. Due note should also be taken of the VWHDC's Adopted Local Plan 2011 Policy DC6 and any updating of this policy in the VWHDC's Local Plan 2031. (see <http://www.whitehorsedc.gov.uk/sites/default/files/Contents.pdf>)

PLANNING POLICY P-LF7: A34 NOISE REDUCTION Development proposals to the north-west, south-west or west of the village (see Figure 6) should include (where appropriate) measures to alleviate noise from the A34 such as the protection of amenity spaces from excessive noise levels and orientating rooms away from the roadway.

WORK AND PLAY PLANNING POLICIES PLANNING POLICY P-WP1: CONNECTED DEVELOPMENT Proposals for new housing must ensure that the new homes are well connected both within the site and with the rest of the village by way of footpaths and cycle ways (especially to amenities such as the school, bus stops and shops).

PLANNING POLICY P-WP2: BUSINESS DEVELOPMENT Proposals for B1 and B2 uses offering local employment are supported particularly on sites which have been considered for residential development but have not been specifically allocated for that purpose. Proposals should ensure that there is no adverse effect on local traffic volumes, amenity of neighbouring properties, the character of the area, air quality or noise levels. Change of use of retail or employment development to alternative uses will be resisted.

PLANNING POLICY P-WP3: RETAIL PARKING Any new retail or business development must include adequate parking provision in accordance with Oxfordshire County Council's standards. Proposals to improve car parking facilities to serve existing retail establishments will be supported.

TRANSPORT PLANNING POLICIES PLANNING POLICY P-T1: TRAVEL PLANS Development proposals which give rise to an increase in traffic will be required to put in place detailed Travel Plans. Developers are required to provide robust evidence that each and every proposal, as set out in their Travel Plan, is feasible and will significantly reduce traffic volume. Direct mitigation measures such as car sharing and car pooling will be positively encouraged.

SUSTAINABILITY PLANNING POLICIES PLANNING POLICY P-S1:

BIODIVERSITY Development proposals are required to protect and enhance biodiversity. Any loss or degradation of habitats arising from new development will need to be offset by for example, funding environmental improvements elsewhere in the Parish.

HOUSING PLANNING POLICIES PLANNING POLICY P-H1: SCALE OF

DEVELOPMENT AND SITE ALLOCATION The Neighbourhood Plan allocates land for residential development on the following sites:

- Manor Farm (3.98ha) for approximately 50 dwellings
- North of Barrow Road (8.17ha) for approximately 65 dwellings
- South of the High Street (9.64ha) for approximately 140 dwellings All dwelling numbers are approximate and will be reviewed at the planning application stage based on the need to provide smaller homes. Each of these three sites is described in the Plan (below) with their site requirements.

PLANNING POLICY P-H2: AFFORDABLE HOUSING Developments must meet the minimum requirement for Affordable Housing set out in the VWHDC Local Plan to meet District-wide need. All such Affordable Housing should be visually indistinguishable from and fully integrated with other housing in that development.

PLANNING POLICY P-H3: CONTRIBUTIONS All eligible development will be required to make contributions to secure improvements to existing Parish infrastructure (both on and off site) through a Section 106 agreement or when introduced, the Community Infrastructure Levy, or by other relevant means, subject to the development remaining viable.

PLANNING POLICY P-H4: EXTERNAL FACILITIES All future housing developments must have adequate car and cycle parking facilities for both residents and visitors in accordance with Oxfordshire County Council standards. New housing development should aim to provide the following external facilities: for storage of waste recycling bins and waste water run-off from roof guttering.

Appendix A: Submission to VWHDC by Ed Vaizey MP

From: DICKSON, Charlotte E <

Sent: Tuesday, September 15, 2015 12:14 PM

To: Jeanette Cox

Cc: ATKINS, Lynda; BADYAL, Jonathan

Subject: FW: Planing Application Reference P15/V2077/0

Dear Jeanette,

Planning Application P15/V2077/0

Ed would like to register his objection to the above application on the basis that it is not in the Drayton Neighbourhood Plan.

Please could you make the Planning Committee aware of his views

Best wishes

Charlotte

Charlotte Dickson | Parliamentary Assistant to Ed Vaizey MP

Appendix B: Letter from Brandon Lewis MP, Minister for Housing and Local Government with the Department for Communities and Local Government



Department for
Communities and
Local Government

Brandon Lewis MP
Minister of State for Housing and Planning

**Department for Communities and Local
Government**

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Cllr Richard Webber
Oxfordshire County Council
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Tel: 0303 444 3430
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Our Ref: 1430562

07 OCT 2015


Dear Cllr Webber,

Thank you for your email of 18 September to the Secretary of State, the Rt Hon Greg Clark, about neighbourhood planning and planning applications. I am replying as Minister for Housing and Planning. As I hope you will appreciate, I cannot comment on individual cases. However, I am happy to set out the general position.

Once a neighbourhood plan has passed referendum and is brought into legal force by the local planning authority, it attains the same legal status as the Local Plan. At this point it becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

An emerging neighbourhood plan may be a material consideration when determining planning applications. Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging neighbourhood plan. The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals. All representations on the proposals should have been submitted to the local planning authority by the close of the local planning authority's publicity period. It is for the decision maker in each case to determine what is a material consideration and what weight to give to it.

Neighbourhood planning continues to go from strength to strength. Over 1600 communities have embarked on the process, and over 330 full draft plans have been published. The average yes vote at referendums has been 88%. This degree of progress reflects tremendously on communities such as Drayton that have made use of the powers created by the Localism Act.


MP **BRANDON LEWIS MP**

SIGNED ON BEHALF
OF MINISTER IN
HIS/HER
ABSENCE