

Vale of White Horse District Council comments on the Pre-submission version of the Drayton Neighbourhood Plan

Neighbourhood Plan document

It is clear that Drayton 2020 has done a lot of work with landowners and the community in producing the draft Neighbourhood Plan and this is to be commended. It is excellent to see the Neighbourhood Plan process being used positively by all parties to secure development in the area.

The main concern with the Neighbourhood Plan as currently drafted is around the housing sites and how these are taken forward. Usually when sites are assessed, this concludes in the most suitable sites being allocated for development in the plan. The plan as drafted does not take this step to allocate sites for development.

At present, the plan shows what the community view is of the sites assessed, which might be useful in the future when assessing planning applications or when examining sites through the Local Plan. If this is the intention then this needs to be made clear in the document. However, the Neighbourhood Plan does seem to suggest that sites will be recommended for development at a later stage. There is no mechanism for doing this unless it is intended that the district council will use the community assessment in making its own allocations in the Local Plan.

If Drayton 2020 decide to allocate sites in their Neighbourhood Plan, this will be a significant amendment from this draft, so a further 6 week pre-submission consultation would be required before the plan could be formally submitted to give people opportunity to comment. Having another consultation at this stage would save time in the long run, by making sure the plan will meet the basic and legal conditions.

Please note that the latest consultation on the Local Plan 2031 Part 1 suggests allocating the South of High Street site for 200 homes. The Neighbourhood Plan will not be able to de-allocate this site if it is taken forward. The Neighbourhood Plan can allocate sites for development in addition to this site.

We have advised before that the community aspiration policies should be contained in a separated document or annex, as this is what is suggested in National Policy (draft National Planning Practice Guidance). The steps taken to highlight the planning policies have made it easier to understand which policies are to be examined as part of the Neighbourhood Plan and which are not planning related. It would be clearer if all of the planning policies in the section were grouped together and all of the community policies were grouped together. This would only necessitate a small change to numbering. However, the Examiner may still be of the view that it is not sufficiently clear

and may remove the community policies, particularly as one of the legal requirements of the plan is that the policies relate to the development and use of land. We advise reviewing some Examiners Reports from other Neighbourhood Plans to see what sort of comments they provide what has been done in similar circumstances, such as the Woodcote Neighbourhood Plan Examiners Report (<http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/neighbourhood-plans/woodcote-neighbourhood>) .

As we are sure you are aware, Neighbourhood Plans must meet 5 basic conditions to pass the examination. These basic conditions are:

- must be appropriate having regard to national policy
- must contribute to the achievement of sustainable development
- must be in general conformity with the strategic policies in the development plan for the local area
- must be compatible with human rights requirements
- must be compatible with EU obligations.

We would recommend closely reviewing the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance and to ensure the plan has regard to these. Paragraph 173 of the NPPF on viability is particularly important to bear in mind to ensure proposals do not become too onerous on developers.

The SA process should ensure that all of the proposals contribute to the achievement of sustainable development. Further to this, ensuring consistency with national policy should mean that this condition is met.

With regard to general conformity with the development plan for the local area, in the case of the Vale of White Horse, this is the Adopted Local Plan 2011. However, we would recommend that proposals are in general conformity with the emerging Local Plan 2031 Part 1 to ensure the policies in the Neighbourhood Plan do not become superseded.

With regard to the referendum date proposed, the Neighbourhood Plan will almost certainly not be able to go to referendum in June. The referendum is run by the Democratic Services team who begin preparations once the examination has been confirmed. There is then a lead in period of 2-3 months where they need to get notices published. There is also a legal challenge period of 6 weeks once the examiners report has been received, which will be included in the 2 – 3 months.

Please see our comments below. We have colour coded them so it is clear where our concerns lie and what should be done to rectify them. Items coloured in red are where we consider the basic conditions have not been met. Items in amber are areas of concern but do not necessarily relate to the basic conditions. Items not colour coded are suggestions or questions for the Steering Group to follow up. We would strongly suggest that the plan is not

formally submitted to us without further discussion and resolution of these concerns.

General	The first couple of pages are very text heavy and could do with some images to break it up and make it more visually appealing (which could mean it's more likely to be read). An executive summary type introduction is always a good idea as well for the busy reader.
General	The district Local Plan time period is extending to 2031 so that it is consistent with the SHMA. Ensure references to the Local Plan give to time period until 2031 and not 2029.
General	You need to think carefully about all the demands placed on development and how this would affect viability.
Forward	Put full name of DAMASCUS to explain the acronym.
Para 4	The SHMA is a county-wide, not just for the Vale. It will give figures for each of the districts and the city council but the work is done for the whole housing market area, which is the county in this case.
Para 16	Rather than a record of community events, it might be more useful to summarise the key themes and ideas that came out of consultation. This will then feed through, along with the SWOT and parish background, to show how the vision, aims and ideas have been created.
Para 47 and throughout document	Rather than 'Key ideas and proposals' it would be better to refer to them as 'key objectives and proposals'. At this stage the 'ideas' have been firmed up into objectives.
P-LF1	Wording is clumsy. Suggest rewording: <i>"Any development of the Manor Farm site should include the creation of a new village green on site, to include provision for a new community centre..."</i>
Para 49	Planning permission rather than planning consent.
P-LF2	This policy effectively precludes all of the sites assessed in the plan, apart from Manor Farm,

	<p>which is the only site actually within the existing built up area of the village.</p> <p>It would be better to make this a positively worded policy, for example <i>'Housing development that maintains the cohesive nature of the village and does not extend the boundaries through ribbon development will be supported...'</i></p> <p>The supporting text would then need to explain what is meant by 'ribbon development'.</p> <p>Or you the policy could state that development will not be permitted outside of the built-up area unless it is allocated in the Neighbourhood Plan or in the Local Plan 2031.</p> <p>As it stands, this policy would not be in conformity with Core Policies 2 and 3 of the emerging Local Plan 203 Part 1.</p>
P-LF3	<p>This policy is far too restrictive and could present questions over whether it is viable, which is a conformity issue with the NPPF. It should require that all developments have regard to Building for life and the Vale's design guide rather than stating that they shall conform.</p> <p>We are in the process of updating our Design Guide so it would be better to keep this reference generic – design guidance produced by the Vale of White Horse District Council.</p> <p>This is a repetition of H11. Suggest incorporating elements of H11 into this policy and deleting H11 because good design needs to apply to all development, not just housing.</p>
LF4	<p>This is a repetition of H10. Delete H10 because this should apply to all development, not just housing.</p>
Figure 4	<p>The text in the key is too small to make out so it not clear what this diagram relates to or its relevance to the Neighbourhood Plan.</p>
C-LF8	<p>As written, this is a planning policy. Include in your planning policy section. Why would development to the north not also be required to include such measures? Does this include</p>

	the South of High Street site, which is south of the village?
C-T4	This is a planning policy and could be included in the planning policy section.
C-T5	Is there scope to give this further weight by making this into a planning policy similar to T7 in the Woodcote Neighbourhood Plan? Could development at Manor Farm be required to contribute towards further pedestrian crossings in the vicinity (assuming 'The Green' referred to would be the one on the Manor Farm site).
WP1	As worded this policy is not precise and it is not enforceable and would be better as a community aspiration policy. Is this to go on the Manor Farm site? If so, it should specify if it is. Policy LF1 suggests that it is to go on the Manor Farm site.
WP2	Not a planning policy as it stands – put in the 'community' section.
WP5	Development can only be required to make provision for any deficits in infrastructure it will create, it cannot be required to fill any existing deficit. The items listed here cannot be required from developers but there is no harm in listing them as aspirations.
WP6	Not a planning policy as it stands. Put in the community section.
WP12 and WP13	These policies are essentially the same. We suggest combining them to avoid repetition.
Para 83	The correct reference is the Climate Change Act 2008.
H1	This policy is not in conformity with the emerging Local Plan 2031 Part 1 Core Policy 21, which states that the council's current Housing Needs Assessment will provide the basis for the mix and type of dwellings to be provided. This policy refers to the 2012 Housing Needs Survey, which was undertaken specifically in identifying the need for a Rural Exception Site. It cannot be used for any other purpose so the reference in this policy should be removed.
Para 93	Should refer to 'Affordable rented housing' not 'social rented housing.'

H3	<p>This policy is not in general conformity with Local Plan 2031 Part 1 Core Policy 18 or with the council's Housing Allocations Policy.</p> <p>The council's policy allocates housing based on a rating of need, not based on age or any other characteristic. If you would like to meet a specific need this is something that should be addressed through a Community Land Trust.</p> <p>We suggest reviewing Core Policy 23 and the supporting text in the emerging Local Plan.</p>
H4	<p>There isn't enough detail about how this would work. How would the parish council obtain this interest? When in the process would they do it? Would the developer be expected to wait until the results are in? Would one developer be expected to meet all of the need that arises? This leaves uncertainty about when they can move forward with the site and is likely to face objections.</p> <p>How would this be delivered? What would be developer provide? A plot? A serviced plot? How will this affect viability? Will this be offset against any other contributions?</p> <p>Why development of more than 20 homes? Where did the 20 figure come from?</p> <p>Didn't the questionnaire show that people were interested in self build? Could this be used as a basis for identifying potential purchasers of self build plots now?</p> <p>This is a new area of policy and there aren't many examples of self build policies. If there are people in the community with genuine and active interest it would be easier to use a Community Land Trust to obtain a small site and to develop that for self build, rather than requiring it on the larger sites.</p>
H5	<p>Same comments as H4. Self build (custom build) housing is receiving growing support</p>

	<p>from the Government but co-housing is quite rare in the UK so it's going to be even harder to justify and deliver.</p>
<p>H6</p>	<p>This policy is not in general conformity with Core Policies 2 and 3 of the emerging Local Plan 2031 Part 1.</p> <p>This policy is unduly restrictive. There may be situations where the principle of development is acceptable and therefore we won't be able to refuse planning permission, even if you're 'target' has been reached (such as development in the existing built-up area). Therefore you may not be able to restrict it to '10% over'.</p> <p>Further to this, the examiner of the Woodcote Neighbourhood Plan found that imposing a maximum housing target was in conflict with the NPPF and that unless the policy was re-worded it would not pass the basic conditions.</p>
<p>H7</p>	<p>This policy is unduly restrictive and would not be consistent with paragraph 173 of the NPPF.</p> <p>As it stands, the plan does not determine the order in which future sites are developed, nor can it. Sites will come forward when site owners/developers bring them forward and unless there are significant infrastructure reasons why they should be held up (eg. significant sewer upgrades) then it would be unjustified to do so. The Section 106 agreement will ensure that infrastructure is delivered for when it is needed.</p> <p>Suggest deleting this policy.</p>
<p>H8</p>	<p>Whilst the policy requires <u>all</u> residential development to contribute to Section 106, we cannot enforce this at present because we don't have the relevant evidence to justify any requirements we would make. As we move towards CIL this should change.</p> <p>CIL can only be charged on certain development as set out in the regulations, therefore it will not be charged on all development.</p>

	<p>Most buildings that people normally use will be liable to pay the levy. Any new build – that is a new building or an extension – is only liable for the levy if it has 100 square metres, or more, of gross internal floor space, or involves the creation of one dwelling, even when that is below 100 square metres.</p> <p>Don't at all understand the last sentence of this policy.</p>
H9	<p>This is a long list of community infrastructure and asking developers to contribute to all of it would cause viability concerns and would not be consistent with national policy (para 173 of the NPPF). Suggest deleting the first sentence.</p> <p>It would be more effective to prioritise the requirements, or to state in the policy that contributions will be sought towards <i>some</i> of the list but not all of it.</p> <p>You cannot seek contributions for providing employment in the village. This will be dictated by the submission of planning applications.</p> <p>'Improving the appearance and biodiversity of the village...' is a duplication of 'preserving and enhancing the biodiversity on the site or within the village'.</p> <p>Policy LF8 currently requires developers of certain sites to provide noise mitigation on site so you cannot also collect money for this purpose.</p> <p>The last sentence does not meet the CIL Regulations legal tests for planning contributions. Under the Community Infrastructure Levy Regulations 2010, they must be:</p> <ul style="list-style-type: none"> (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in

	<p>scale and kind to the development</p> <p>Unless it can be demonstrated contributions can meet these tests they cannot be required. The purpose of S106 contributions is to make development acceptable where it otherwise would not (e.g. it would result in over capacity in the school so planning permission would be refused unless the issue of capacity was addressed).</p> <p>The wording of the last sentence is misleading as it seems to suggest that any development, regardless of its impacts, would be allowed as long as it provided contributions to a long list of community aspirations.</p>
H10	Delete policy as it is a duplication of LF4.
H11	Delete policy as it is a duplication of LF3
H15	<p>This policy cannot be used in decision making. If you want to prioritise sites then this needs to be done in the plan by allocating sites (see introductory comments).</p> <p>This policy does not comply with paragraph 154, which states that <i>“only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.”</i></p>
H16	<p>The preferred sites choice cannot be made after the NDP is adopted, it needs to be made in the NDP so that there can be proper consultation and so that it can be given due weight (see introductory comments). There is no other mechanism for doing this. When are you planning to do this? Why aren't you doing it in the NDP?</p> <p>This policy does not comply with paragraph 154, which states that <i>“only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.”</i></p>
Para 102	<p>What housing need are you referring to?</p> <p>There is a district wide housing need that is set out by the Strategic Housing Market Assessment (SHMA), which we then allocate to sites across the district.</p>
Para 105	Further explanation of what is being assessed

	<p>when using the criteria is needed. For example, what exactly does ‘have low impact on traffic flows’ cover? Does it refer to the number of car trips the development is likely to generate? Does it refer to the extent to which cars will be driving through the village?</p> <p>Does ‘low impact on neighbours and green spaces’ refer specifically to views neighbours currently have of green spaces? Because this is not a planning matter. The impact on neighbours’ amenity is a planning matter (overlooking, overbearing, loss of sunlight/daylight etc).</p> <p>Make clear that this assessment is in addition to the Sustainability Appraisal (SA).</p>
Para 108	Does a red light preclude development? It seems to for some sites (A34 road noise) but not others (traffic flows from South of High Street).
Para 115	<p>The reference to those travelling to Abingdon not travelling through the village because they would head south to go north doesn’t make sense. If traffic went south from this site it would go through the village, whereas if it went north it would not.</p> <p>Reference should be made to the location of the site away from the historic core of the village and consequently, the ‘green’ rating for the first criterion. Cover each of the criteria in a new paragraph for clarity. This will apply to all of the sites.</p>
Para 116	<p>As part of the work on looking for contingency sites we commissioned a Landscape Assessment (www.whitehorsedc.gov.uk/evidence). This assessed this site and found that it was a largely open, exposed site and that the northern field (the site shown in your plan) is important in the approach to the village from the north and in separating Drayton from Abingdon. It was recommended that the northern end of the site be left open.</p> <p>On this basis an ‘amber’ rating would be more appropriate in the ‘have minimal impact on</p>

	<p>surrounding rural landscape' criterion.</p> <p>Noise from the A34 is reduced to 'acceptable levels' – have noise assessment been undertaken to ascertain the noise level and whether it meets industry standards? How has the 'acceptable level' been assessed?</p>
Para 117	<p>How has this site been given a 'green' rating for the first criterion when the Adjacent to Burial Ground has 'red'? Any development here will affect the historic character of the village so this should be categorised as 'amber'.</p>
Para 118	<p>Move the first sentence of this para over to para 117 as it gives information about the character of the site within the Conservation Area.</p>
Para 123 - 125	<p>As with the Manor Farm site, any development here will impact on the historic character of the village so an 'amber' rating would be more appropriate for the first criterion.</p> <p>This site was assessed in the Landscape Assessment commissioned by the Council and might provide some useful information to be included in the site assessment in the Neighbourhood Plan www.whitehorsedc.gov.uk/evidence</p>
Para 126	<p>Why has 'have low impact on traffic flows' been given a 'red' rating? Traffic flows is not the same as access.</p> <p>More information needs to be given for the rating of each criterion.</p>
Para 114	<p>Any development here will impact on neighbours as housing would be directly behind the existing dwellings. Therefore a 'amber' rating would be more appropriate and would be consistent with the rating given to other sites in a similar situation.</p> <p>Why has 'low impact on traffic flows' been given an amber rating?</p>
Para 116	<p>Low traffic flows is not the same as access. An 'amber' rating might be more appropriate for this.</p>
Para 118	<p>"unless one of the original sites chosen for development proved to be unviable..." What original sites chosen for development? The</p>

	<p>plan doesn't currently identify any sites for development, it assessed potential sites. Any other sites that are put forward would be approved where they were consistent with the NPPF so you may not be able to prevent them coming forward if they submitted a planning application. The only way you can give priority to submitted sites is to allocate the ones you think are suitable for development.</p>
Appendix E	<p>This document would be much stronger if it included a brief analysis of the village as it exists. This should be split into character areas. This would mean that the requirements would be based on evidence and could therefore carry more weight in planning decisions. These sorts of documents also usually have maps and photographs to help illustrate the points.</p> <p>We are in the process of updating our design guide so references should be kept generic – Design Guide produced by the Vale of White Horse District Council.</p> <p>Drayton Conservation Area opening text – reference where this text has come from.</p>

Sustainability Appraisal (SA)

The council has recently undertaken a Strategic Environmental Assessment (SEA) Screening Opinion on the Drayton Neighbourhood Plan to ascertain whether an SEA would be required. This confirmed that SEA is required on the basis that the plan would be allocating sites. If it does not allocate sites then we will need to undertake another Screening Opinion. If an SEA is required, it is very important to make sure that the SA complies with the SEA regulations as a Neighbourhood Plan in Slaugham recently failed the examination for not doing so. We suggest reviewing this Inspector's Report (<http://www.midsussex.gov.uk/8952.htm>) .

The SA as published during the Drayton Pre-submission consultation is incomplete. The document needs to meet 'The Environmental Assessment of Plans and Programmes Regulations 2004' otherwise it will fail at examination.

Part 3, Paragraph 12, Section 2 of the regulations states that *"The report shall identify, describe and evaluate the likely significant effects on the environment of –*

- (a) implementing the plan or programme; and*
- (b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme."*

The document as it stands does not do either of these.

Schedule 2 of the regulations sets out the exact criteria that the SA must meet, which are:

1. *An outline of the contents and main objectives of the plan or programme, and of its relationship with other relevant plans and programmes.*
2. *The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme.*
3. *The environmental characteristics to areas likely to be significantly affected.*
4. *Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Council Directive 79/409/EEC on the conservation of wild birds (a) and the Habitats Directive.*
5. *The environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.*
6. *The likely significant effects on the environment, including short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects, on issues such as –*
 - (a) biodiversity;*
 - (b) population;*
 - (c) human health;*
 - (d) fauna;*
 - (e) flora;*
 - (f) soil;*
 - (g) water;*
 - (h) air;*
 - (i) climactic factors;*
 - (j) material assets;*
 - (k) cultural heritage, including architectural and archaeological heritage;*
 - (l) landscape; and*
 - (m) the inter-relationship between the issues referred to in subparagraphs (a) to (l).*
7. *The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.*

8. *An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.*
9. *A description of the measures envisaged concerning monitoring in accordance with regulation 17.*
10. *A non-technical summary of the information provided under paragraph 1 to 9."*

This SA as it is currently written does not comply with paragraph 2, 7, 8, 9 and 10. Paragraph 2 could logically be addressed after the baseline information given in Section 3 of the document. It should give information about the 'do nothing scenario'.

Paragraphs 7 and 8 should provide an assessment of the alternative options and the why the preferred option was chosen. We advise the following steps:

1. What were the options for addressing the Neighbourhood Plan key ideas and proposals relating to the planning policies? For instance, for the creation of a village green, were there any reasonable alternative sites that could be considered (e.g. South of High Street)? For development in the village, are there other options for how the village could grow? This exercise should set out all the reasonable alternatives the group can think of, even if they do not support them. Some options won't have alternatives, in which case, it is fine to note that there are no reasonable alternatives.
2. The options found then need to be assessed against the Objectives Framework. This was set out in Section 5.2 of the Scoping Report but was not included in the SA. We suggest including it in the SA. The assessment (usually done as a table) shows how the alternative options would affect the Objectives in the Framework. For instance, option of the village green located on the Manor Farm site would have a neutral effect on Objective 1 but it might have a positive effect on Objective 6. Give a short explanation as to the outcome of the assessment (e.g. Manor Farm location would have a positive effect on Objective 6 because its central location in the village means that it would be more accessible on foot to all dwellings in the village). The usual assessment outcomes are significant positive (++), positive (+), neutral (0), negative (-) or significant negative (--).
3. All of the proposed housing sites in the 'Sites' section of the Neighbourhood Plan should be assessed in this way, against the Framework Objectives.
4. Take this information, along with any other information you have, such as consultation results and other evidence, and set out the preferred options. These preferred options will have been turned into draft policies.

5. The next step is to assess the draft planning policies against the Objective Framework. Use the same format as with the options (significant positive, positive etc.) with a brief explanation.
6. Once the assessment of the policies is carried out, make recommendations for any mitigation measures required. This will ensure that the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects of implementing the plan.
7. The final section will set out how the Framework Objectives can be monitored. This should use statistics where possible, such as % of listed buildings at risk.
8. A non-technical summary of the whole document must be produced and published alongside it.

To see how this works in practice, the SA to the Local Plan can be found at www.whitehorsedc.gov.uk . This is obviously a much longer and more detailed document than will be needed for the Drayton Neighbourhood Plan but it does contain explanations of the format of the document and how it complies with the regulations, which might be useful.

Other comments:

This document should also have paragraph numbers.

The Sustainability Assessment in para 5.3 of the Scoping Report – How are these different to the objectives set out in para 5.2? Do you intend to assess the sites against these too? They are longer and more detailed than the site criteria found in the Neighbourhood Plan document.

Pages 4 & 5 – make sure the objectives set out here exactly match those in the Neighbourhood Plan document, at present they are slightly different.

Page 6 – The NPPF contains information that is more relevant to the Drayton Neighbourhood Plan than Flooding and minerals. We suggest that either this section refers to each of the relevant areas, or it is kept generic.

P7 – VWHDC Consultation Draft Strategic Local Plan. The reference to this should be Local Plan 2031 Part 1 Strategic Sites and Policies. Update the text relating this based on the latest Local Development Scheme – we are aiming to submit the plan End of October 2014 with formal adoption in July 2015 (http://www.whitehorsedc.gov.uk/sites/default/files/2014-02-19_Local%20Development%20Scheme.pdf) .

There is no Annex A as stated on p15.

Page 17 – make sure the statistics in Table 2 are consistent with those quoted in the Neighbourhood Plan; currently they are not.