

Chalgrove Neighbourhood Development Plan

Further comments of Independent Examiner

Prepared by

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Introduction

1. I am grateful for the Parish Council's response to my Initial Comments document which I received on 10th May. This has provided me with further information, which has helped me with my examination. I can confirm that it is unlikely that I will now need to hold a public hearing.
2. I have drafted much of my examination report and I am minded to make a number of recommendations upon which I have decided to specifically seek the comments from the Parish Council on before making my recommendation and also to invite proposals on possible policy wording. In two of the cases, I will include some paragraphs from my draft report which sets the context to my requests

Policy C1

3. I set out below a paragraph from my draft report, dealing with the element of the policy identifying the types of development that could take place outside the built-up area. It must be remembered that the neighbourhood plan policy will cover a number of commercial sites, both on and around the Airfield as well as on farms. My concern relates to how the policy stands against Secretary of State policy for the countryside and economic development.
4. The relevant extract is as follows.

“I do have reservations regarding the section of the policy for the areas outside the built-up area which could prevent the reuse of existing buildings in the countryside, as allowed by Paragraph 55 of the NPPF, plus proposals which would allow for the “diversification of agricultural and other land-based rural businesses.” I also consider that the neighbourhood plan should not necessarily be inhibiting operational development necessary for existing businesses who operate from premises outside the village itself e.g. Martin Baker, so long as the development does not encroach upon the open countryside. I propose to modify the plan so as to give greater flexibility.”
5. I would welcome suggestions from the Parish Council on how Policy C1 could be amended to address the above issues.

Policy C2

6. I am satisfied that the policy works in terms of development within and adjoining the built-up area. However, the criteria do not appear to be relevant to development away from the village, particularly non-residential development. As written, the policy relates to **all** development within the plan area. I am minded to restrict its applicability to development that is within or adjacent to the built-up area. I would welcome the Parish Council's views on that approach.

Policy H1 and Policy H1A

7. This is a fundamental issue as part of my consideration of the plan and in view of the additional information I have been provided with, I am satisfied that I do not need to be recommending the identification of land in the plan that does not currently have planning permission for residential development. The issue I am actively considering is whether I need to recommend that the plan allocates the site at Land to the East of the Village, granted on appeal, for residential development in the neighbourhood plan.
8. My reasoning is set out in the following extract from my draft report.

“This policy allocates a site for 200 residential units on land to the west of Marley Lane. I understand that there is outline planning permission on this land for a scheme of **up to** 200 units. This location has the support of the local community and will deliver a number of other benefits for the village in addition to the new homes. For the reasons set out in the Plan Overview section of my report, there is current uncertainty over the local plan’s allocation of a Chalgrove Airfield as a strategic development site, which had been the basis the Chalgrove Neighbourhood Plan not having to allocate any additional land. Latest developments potentially change that assumption. If the Airfield is not to be a preferred location for strategic development, in the context of the whole of South Oxfordshire, and that is very uncertain, the implication is that housing requirements for Chalgrove should be returning to the default position, set out in the draft local plan for larger villages, i.e. having to allocate land for a minimum of 15% increase in housing numbers over the 15-year period of the draft local plan. That would give a shortfall of at least 232 dwellings, to be allocated by the neighbourhood plan, having regard to what is described in the document as “completions and commitments.” My concern, therefore, was that the neighbourhood plan as submitted, which is only allocating 200 dwellings, could result in a shortfall in the delivery of the new homes which would otherwise be required of Chalgrove (in view of its status as a larger village in South Oxfordshire.) This could affect my conclusion as to whether the plan meets the Basic Conditions.

However, I have subsequently discovered, through the Parish Council’s response to my Initial Comments document, that in addition to the planning permission on the land proposed for development in Policy H1, planning permission has now been granted on appeal, in the decision dated 6 October 2017, for residential development for the land to the east of the village, which had been earlier identified as one of the potential development sites in the Site Assessment process. That development will deliver up to 120 dwellings. The Parish Council pointed to this new commitment, as the reason that the neighbourhood

plan did not need to allocate any extra sites site to meet the shortfall, I had initially identified. This then raises the question as to whether this site (known as Site 7) should also become an allocation site in the Chalgrove Neighbourhood Plan, if it is to contribute to meeting the housing requirements for the area and contribute to the achievement of sustainable development.

Furthermore, I did question whether, now that planning permission had been granted for the Land West of Marley Lane, whether the neighbourhood plan still needed to be allocating the site for development. The Parish Council saw that there was a value in maintaining the allocation in the plan, notwithstanding it had now become a commitment. Not only does an allocation cover the unlikely situation whereby the permission was not to be implemented but it could also be relevant for the consideration of reserved matters. Therefore, following the logic of that position, has led me to conclude that a similar case can be made for identifying the Land to the East of the Village, also as an allocation site. This would demonstrate that the plan is planning positively for new development and will be more than meeting its fair share of housing required for a settlement with the status as a larger village.”

9. I would appreciate hearing the Parish Council's views on this proposal which is to add Land to the East of Chalgrove as an allocation for up to 120 dwellings in line with its outline consent. I would need to insert an additional aerial view of the site to identify its extent, in the same way that Map 4 does. It will also need a change to the justification of the policy, which may be useful to draft at this stage. It would also need to amend the Sustainability Appraisal.
10. I am minded to make this additional allocation and I am conscious that Site 1A has a specific policy - Policy H1A which establishes a number of site specific requirements for the proposed allocation. I do not consider that I have sufficient information to propose any similar site-specific requirements on this site. I am therefore inviting the Parish Council to propose a new site-specific requirements policy for this land, which I could then consider, if I am to recommend the allocation of the additional site. Clearly such a policy needs to have regard to the scheme that now has planning permission but there may be elements where the policy could reflect local expectations, in terms of say reserved matters.
11. However, I am conscious that this allocation has not been the subject to a public consultation and I conclude that it would be equitable, once an indicative policy has been drafted, which sets out the site-specific requirements, that this new proposed policy should be consulted upon, particularly with South Oxfordshire District Council and the land owner/developer of that new site, so that they can submit their views to me

this project. There may be local residents and other stake holders who may have a view on the new allocation, even though the principle of residential development has been set by the outline planning permission. They too should have an opportunity to submit their views to me.

12. In terms of the sequence of events regarding this one issue, I would first wish to hear the Parish Councils' initial views on the principle of this additional allocation, as part of my recommendations. If it accepts my suggested recommendation, I would invite the Parish Council's to draft a site-specific policy for that new site along with the other supporting text. I would ask that be submitted to the Local Planning Authority who, as well as devising its own comments, should undertake a limited public consultation exercise and also contact the landowner/ developer of the land and alert them to the possible residential allocation of their site in the neighbourhood plan and the site-specific policy that the Parish Council are proposing plus any statutory and non-statutory consultees it considers need to be informed. The Parish Council could assist in giving publicity to this proposed policy change in the local area. All consultees should be requested to submit their comments via the LPA to me as independent examiner.
13. I would suggest that a suitable time frame would be for the Parish Council to consider the matters set out in this document and if it comes to the view that it wished me to consider putting in my recommendations a site-specific policy for Site 7, then to prepare the wording of the policy and revised justification within 21 days from the date of this note i.e. 19th June 2018. This would include amendments to the Sustainability Appraisal.
14. Once completed the revised wording should be sent to the District Council to carry out an appropriate public consultation on this suggested amendment. I would suggest that a six-week period for the public consultation would be appropriate. Once the consultation period has ended then all the documentation, including the LPA's own views, should be submitted to me as well as posted on the relevant web sites.
15. I am giving these suggested response times as a guide. I recognise that the timescales may be challenging and it is important that the Parish Council has time to reflect on this proposed allocation and respond appropriately without unduly delaying this examination.

Concluding Remarks

16. I would be grateful if a copy of this note and all subsequent responses be put on the relevant websites.
17. I would request a response from the Parish Council on Policy C1 and C2 as well as the principle of the new allocation, by 19th June 2018, if possible.

John Slater BA(Hons), DMS, MRTPI.

Independent examiner to the Chalgrove Neighbourhood Development Plan