

16th December 2016



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Dear Sir/Madam

Re: Adderbury Neighbourhood Plan 2015-2031 – Pre-Submission Plan Consultation

We write in response to the consultation of the Adderbury Neighbourhood Plan Pre-Submission Plan (ANP) dated November 2016.

Rosconn Strategic Land (RSL) control land to the south of Milton Road, Adderbury which was the subject of a planning application in December 2015, refused primarily on grounds of principle in the context of the District Council being able to demonstrate a 5-year housing land supply. The site is sustainable and otherwise unconstrained in technical terms and therefore remains a suitable, available and deliverable housing site.

RSL has particular concerns regarding the content of the draft ANP and, as detailed below, consider it fails to comply with national and local legislation and relevant guidance. These comments are strictly without prejudice to additional grounds which may emerge through changes in the local plan-making context, national policy or any other material change in circumstances.

Legislation and Guidance

The ANP must meet the 'Basic Conditions', as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004. In order to meet the Basic Conditions, the making of any Neighbourhood Plan must, inter alia:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development; and



- Be in general conformity with the strategic policies of the development plan for the area.

The National Planning Policy Framework (NPPF 2012) explains that a presumption in favour of sustainable development means that Neighbourhood Plans should support the strategic development needs set out in Local Plans and plan positively to support local development. The Framework is clear that Neighbourhood Plans should be aligned with the strategic needs and priorities of the wider local area, i.e. they must be in general conformity with the strategic policies of the Local Plan. The NPPF also advises that they should not promote less development than is set out in the Local Plan or undermine its strategic policies. Neighbourhood Plans should provide a practical framework within which decisions on planning applications can be made with predictability and efficiency.

Planning Practice Guidance (PPG) on neighbourhood planning provides that:

“Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an order.” (Our emphasis)

Policy AD1: A Spatial Plan for the Parish

Notwithstanding the NPPF's requirement for a neighbourhood plan to help support a Local Plan's strategic objectives including the need to boost significantly the supply of housing, it is clear from the outset in the draft ANP's Foreword that it makes no provision for any more new homes. Indeed, the 'Planning Policy Context' in Section 3 makes no reference to the NPPF or the accompanying Planning Practice Guidance (PPG) in relation to the provision of housing, and at paragraph 5.10 it confirms that the proposed settlement boundary makes no provision for housing site allocations. Moreover, the following paragraph considers it a reasonable approach to effectively impose a housing moratorium in the village for the next decade, noting that the current SHLAA indicates there is extremely limited potential for any further housing within the proposed settlement boundary.

This approach is considered to be far too restrictive and entirely at odds with the Government's objectives within the NPPF, such as the requirement for Plans to provide a supply of housing to meet the needs of present and future generations, to set a positive vision for the future of the area and provide sufficient flexibility to adapt to rapid change.

Whilst it is claimed that the District Council do not require any additional contribution from Adderbury towards the District housing supply, this is not supported by the strategic policies within the adopted Local Plan and appears to be short sighted and makes no contingency for changes in circumstances during the Draft Plan's intended period of coverage to 2031.

For instance, Policy Villages 2 of the adopted Local Plan indicates that around 750 dwellings (or residual thereof) will be delivered at Category A Villages (which includes



Adderbury), sites for which will be identified through the preparation of the Local Plan Part 2. It appears that the resistance to accepting further growth within the village arises due to a view that Adderbury has received its 'fair share', but this is not supported by the strategic policies within the adopted Local Plan for which the ANP must be in conformity with. This approach clearly pre-judges the strategic requirement to identify additional housing within the rural areas of the district. The Local Plan Part 2 may, having undertaken a comprehensive assessment of suitable sites at the various Category A Villages across the District, find there are particular constraints that indicate further expansion of sustainable settlements such as Adderbury, that do have capacity to accommodate further housing, may be the preferred option.

Furthermore, a recent appeal decision of December 2016 in Tendring, Essex (Ref. APP/P1560/W/16/3149457) is of relevance to this matter. Here, an appeal for 60 dwellings in the village of Alresford was allowed despite there being a number of other extant permissions in the area. The inspector found no policy backing for the concept that each settlement should take a "fair share" of the overall housing provision within the plan and that the village was part of the category in which development was expected to be provided. In view of the sustainability credentials of the settlement, the Inspector concluded he could find no reason why the settlement could not contribute further to a level and pattern of sustainable development in the District. Cherwell District Council's evidence base (CRAITLUS, August 2009, as updated) confirms that of the 33 villages assessed to inform the settlement hierarchy, Adderbury scored 21 out of 21 in the Sustainability Ranking and 27 out of 30 in the Overall Ranking, making it one of the most suitable villages for future housing growth.

It is also of note that during the latter stages of the Cherwell District Plan's Examination, the Inspector required that the Plan both increase its housing provision to reflect more up to date information on the District's housing needs, as well as to include a commitment to undertake a partial review to address unmet needs arising from adjacent Oxford City. This partial review has recently been initiated, and there is a clear requirement to allocate further sites within the District to accommodate an additional 4,400 dwellings. The distribution of this additional housing requirement has yet to be established, but for the ANP to preclude any scope to accommodate some of this further housing need would not be in conformity with the strategic objectives of the Plan which commits to meeting this scale of additional housing. As such, there is a risk that the ANP as proposed could become out of date immediately following adoption of the Local Plan Part 1 Partial Review.

In order to address the above concerns and thereby propose a more positive plan, provision should be made for further housing allocations adjacent to the existing built up area, such as RSL's land south of Milton Road. The PPG permits Neighbourhood Plans to allocate additional sites where this would meet need above that identified in the Local Plan – in this case there is clear evidence that additional housing is required within the District related to the unmet need from Oxford City, some of which may need to be accommodated within Adderbury. Alternatively, land could be identified as a 'Reserve Site' with a view to releasing it should a need arise as a result of changes in circumstances or otherwise to meet need from outside the District. These suggested approaches would provide a much more positive plan and provide sufficient flexibility, as required by the NPPF.



Policy AD2 – Green Infrastructure

RSL has no objection to this policy in principle, which generally seeks to identify Green Infrastructure (GI) assets within the village for protection and enhancement, and requiring new development proposals to ensure they enhance their visual characteristics and biodiversity and contribute to their maintenance and improvement. Within the categories of GI, including informal open space, Local Green Spaces, allotments and playing fields, the policy also includes footpaths, bridleways and cycleways.

The Government's PPG defines Green infrastructure as a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. It continues that Green infrastructure is not simply an alternative description for conventional open space and as a network, includes parks, open spaces, playing fields, woodlands, but also street trees, allotments and private gardens. It can also include streams, canals and other water bodies and features such as green roofs and walls. It does not however include footpaths, bridleways or cycleways.

Furthermore, footpaths, bridleways and cycleways are protected under other legislation and as such, it is unnecessary for the ANP to include policies on such matters, even were such features to fall within the definition of GI. Therefore, such references should be deleted from the policy and associated amendments made to the Policy Maps.

Policy AD5 – Local Gaps

Notwithstanding the provisions of ANP Policy AD1 which seeks to restrict development outside the proposed settlement boundary, ANP Policy AD2 relating to Green Infrastructure and Local Plan Policy ESD13 relating to local landscape protection, Policy AD5 seeks to impose a further layer of planning policy protection on development. This policy involves designation of land in two locations within the ANP area, located to the west and north of the village. Our specific concerns relate to the proposed Local Gap 'West Adderbury-Milton' part of which covers RSL's land south of Milton Road.

Paragraphs 5.21 to 5.24, alongside the accompanying 'Adderbury Neighbourhood Plan Green Space and Local Gaps Report' purport to provide justification and an evidence base to support the policy. This includes reference to saved Policy C15 of the Local Plan 1996, which currently remains part of the development plan, albeit very outdated. This policy identifies particularly vulnerable gaps between settlements within the District, but does not refer to either of the areas referred to in the draft ANP. Furthermore, it is notable that a similar policy was proposed by the District Council (Draft Policy ESD 15) in the Draft Local Plan, as submitted recently for Examination. The Inspector's Report concluded at paragraph 105 that it was unnecessary, as all the other relevant policies including ESD 13 should be suitable and sufficient in practice to protect vulnerable gaps between settlements from inappropriate development and avoid coalescence and as such, he confirmed that the proposed policy was unsound and should be deleted. It is also notable that in introducing this additional layer of restrictive planning control, the Inspector noted at paragraph 104 that in the longer



term, its effect would be to pre-judge other areas of land which by their omission would be seen as less worthy of protection and as a result subjected to greater development pressures – this would be premature and such decisions would be more appropriate to take at a time in the future when they actually need to be made and when all relevant factors and up to date evidence is available.

Finally, it is notable that in considering RSL's proposals for development at land south of Milton Road, the District Council made no reference to saved Policy C15 of the Local Plan 1996 in the 'Main Local Plan Policies' section or anywhere else in its report to Planning Committee, and neither was the policy quoted in the subsequent Decision Notice. As such, it is apparent that the District Council did not consider that the proposed development of the site would cause any material harm to the separation between Adderbury and Milton, the separation distance being over 1.1 km apart.

As referred to above, the PPG advises that in preparing a neighbourhood plan, the qualifying body should use proportionate, robust evidence to support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan. The report accompanying the draft ANP provides little if any evidence to explain the rationale behind the choice that has been made in this instance. If anything, the evidence highlighted above points towards there being no rationale for imposing such an unnecessary an overly protective policy within the ANP. In view of the existing protection provided by Local Plan policy and Policy AD1 of the draft ANP, it is therefore considered that the policy should be deleted.

Conclusions

In respect of Policy AD1, as currently drafted it is considered this is overly restrictive and does not provide for a positive plan that supports sustainable housing development, with no flexibility to respond to rapid change. To remedy this failure, one or more housing allocations should be identified to provide a more positive plan which provides adequate flexibility to respond to rapid change – land south of Milton Road, Adderbury would be a suitable site to allocate for such purposes.

In respect of Policy AD2, as currently drafted it defines public footpaths, bridleways and cycleways as Green Infrastructure, contrary to national policy and guidance. These are already protected under separate legislation and it is therefore unnecessary to include them within the policy, even were they to be defined as Green Infrastructure, as this would be in conflict with national policy and guidance which advises against duplication within Neighbourhood Plans and supports policies which are concise. To remedy this failure, such reference should be deleted from the policy and the associated Policy Maps amended accordingly.

In respect of Policy AD5, this is unnecessary and overly restrictive on the basis that other similar policies within the Local Plan and in the draft ANP are sufficient to achieve the same objective. Furthermore, no robust evidence has been provided to support the choice made and approach taken, as required by national policy and guidance.

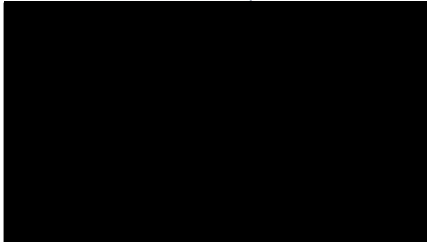
We therefore conclude that in respect of the Policies AD1, AD2 and AD5, the draft ANP does not meet the 'basic conditions' in respect of being consistent with national



policy and guidance, contributing to the achievement of sustainable development or being in general conformity with the strategic policies of the development plan. As such, prior to continuing further with the preparation of the ANP, these failures to meet the basic conditions should be addressed.

Should you have any queries regarding the content of this e representations or require any further information, please do not hesitate to contact me.

Yours faithfully



Daniel Hatcher
Planning Director

Mobile: 
E-mail: 

Adderbury Neighbourhood Plan 2014 – 2031

Consultation Response Form

Adderbury Parish Council has prepared a Neighbourhood Development Plan for the parish of Adderbury. The Plan proposes planning policies to be used in the determination of planning applications locally.

The District Council is undertaking public consultation on the Adderbury Neighbourhood Development Plan ('the Submission Plan') before it is submitted for examination.

Submitting Comments: Comments on the documents should be sent: By email to PlanningPolicyConsultation@cherwell-dc.gov.uk Or by post to: Planning Policy Team, Strategic Planning and the Economy, Cherwell District Council, Bodicote House, Bodicote, Banbury, OX15 4AA. The consultation period commences on **Thursday 12 October** and the deadline for receiving representations is **5pm on Friday 24 November 2017**.

Please note that all representations will be made publicly available and will be forwarded for consideration by the person appointed to carry out an examination of the Plan.

Please provide the following details:

NAME: Dan Hatcher

ORGANISATION REPRESENTED: Rosconn Strategic Land

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TEL NO: 01789 868211

If you would like to be notified of the Council's decision on whether to 'make' (adopt) the neighbourhood development plan, please tick this box



When examining the Neighbourhood Plan the Examiner is required to consider whether the draft neighbourhood development plan meets the basic conditions. Please consider this in making your representations. Further guidance is available on-line at <https://www.gov.uk/guidance/neighbourhood-planning--2>

1. Introduction and Background

Do you support, oppose, or wish to comment on this section of the Plan? (Please tick)

Support ☐ Support with modification ☐ Oppose ☐

Please use the following space to write your comments, clearly stating the policy, paragraph or page number you are commenting on. Continue on further sheets as necessary. Please provide reasons for your comments.

2. The Neighbourhood Plan Area

Do you support, oppose, or wish to comment on this section? (Please tick)

Support ☐ Support with modification ☐ Oppose ☐

Please use the following space to write your comments, clearly stating the policy, paragraph or page number you are commenting on. Continue on further sheets as necessary. Please provide reasons for your comments.

3. Planning Policy Context

Do you support, oppose, or wish to comment on this section? (Please tick)

Support ☐ Support with
modification ☐ Oppose ☐

Please use the following space to write your comments, clearly stating the policy, paragraph or page number you are commenting on. Continue on further sheets as necessary. Please provide reasons for your comments.

4. Community View on Planning Issues

Do you support, oppose, or wish to comment on this section? (Please tick)

Support ☐ Support with
modification ☐ Oppose ☐

Please use the following space to write your comments, clearly stating the policy, paragraph or page number you are commenting on. Continue on further sheets as necessary. Please provide reasons for your comments.

5. Vision, objectives and land use policies

Do you support, oppose, or wish to comment on this section? (Please tick)

Support ☐ Support with modification ☐ Oppose ☒

Please use the following space to write your comments, clearly stating the policy, paragraph or page number you are commenting on. Continue on further sheets as necessary. Please provide reasons for your comments.

Objections to Policies AD1, AD2 and AD5 were made at the Pre-Submission stage of the ANP, a copy of which accompanies this submission. No amendments have been made to the Plan and as our concerns have not been adequately addressed, we therefore maintain our original objections for the same reasons as detailed within our previous response. In summary, we oppose the policies as drafted and seek the following modifications:

Policy AD1 – modify to include RSL’s land south of Milton Road, Adderbury as a Reserve Housing site.

Policy AD2 – modify by deletion of reference to footpaths, bridleways and cycleways.

Policy AD5 – delete policy.

6. Implementation

Do you support, oppose, or wish to comment on this section? (Please tick)

Support ☐ Support with modification ☐ Oppose ☐

Please use the following space to write your comments, clearly stating the policy, paragraph or page number you are commenting on. Continue on further sheets as necessary. Please provide reasons for your comments.

7. Further comments

Do you have any further comments on the Neighbourhood Plan?

Please use the following space to write your comments, clearly stating the policy, paragraph or page number you are commenting on. Continue on further sheets as necessary. Please provide reasons for your comments.

8. Supporting/background documents

Do you have any comments on the documents supporting the Neighbourhood Plan?

Please use the following space to write your comments, clearly stating the policy, paragraph or page number you are commenting on. Please provide reasons for your comments.

At paragraph 3.6 of the Basic Conditions Statement, it is claimed in the context of paragraph 185 of the NPPF that the Plan avoids duplicating development plan policies by focussing on policies that translate the general requirements of the development plan into an Adderbury context. With regard to Policy AD5, there appears to be some confusion between duplication and translation. Policy ESD13 of the Local Plan is suitable and sufficient, as confirmed by the Local Plan Inspector, to protect vulnerable gaps between settlements from inappropriate development and avoid coalescence. Policy AD5 clearly duplicates Local Plan Policy ESD13 and to introduce such a further layer of restriction would be unsound for the same reasons the Local Plan Inspector identified in respect of Draft Local Plan Policy ESD15, which was duly deleted.