

Cherwell District Council

Executive

7 April 2015

<p style="text-align: center;">Neighbourhood Planning Application for the designation of a Neighbourhood Area for a Proposed 'Mid-Cherwell' Neighbourhood Plan</p>

Report of Head of Strategic Planning and the Economy

This report is public

Purpose of report

To consider the designation of a 'Mid-Cherwell' Neighbourhood Area comprising eleven parishes.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the formal designation of the specified 'Mid-Cherwell Neighbourhood Area' under Section 61G of The Town and Country Planning Act 1990 (as amended).
- 1.2 To authorise the Head of Strategic Planning and the Economy to issue a Notification of Decision pursuant to recommendation 1.1.

2.0 Introduction

- 2.1 On 8 August 2014, the Council received an application from Ardley with Fewcott Parish Council to designate a Neighbourhood Area. The application is made on behalf of a consortium of 11 parish councils together with Heyford Park Residents' Association and the Dorchester Group '*...as both the owners of the former RAF Upper Heyford Site, and to represent the business community that constitutes part of Heyford Park*'.
- 2.2 The application is made under Section 61G of The Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended). Under Section 61G, Ardley with Fewcott Parish Council is a 'relevant body' for the purpose of making the application. A supporting statement advises, "*This application is made with the full support of the Parish Council[s] which form the Neighbourhood Area...*".

- 2.3 The Area applied for covers the parishes of Ardley with Fewcott, Kirtlington, Duns Tew, Lower Heyford, Middleton Stoney, Somerton, Steeple Aston, Middle Aston, North Aston, Fritwell and Upper Heyford. The respective Parish Councils, together with the Dorchester Group and Heyford Park Residents' Association, are functioning as a consortium and are establishing a 'non-designated' Mid-Cherwell Neighbourhood Planning Forum.
- 2.4 The Council is required to formally determine the application by either designating the specified area applied for or designating a lesser area which is part of that specified area.

3.0 Report Details

The area application

- 3.1 Area designation is the first formal step in preparing a Neighbourhood Development Plan. In Cherwell six Parishes have so far been designated Neighbourhood Areas. These are Adderbury, Hook Norton, Bloxham, Stratton Audley, Merton and Deddington. Each is at a different stage in preparing their Neighbourhood Plan.
- 3.2 The current application, for the designation of 11 parishes and to be known as 'Mid-Cherwell', is attached to this report at appendix 1. The application includes a supporting statement advising (inter alia),

"...The extent of the Neighbourhood Area reflects the commitment and desire from the partner Parish Councils and Residents' Association, as well as the Land Owner of the former RAF Upper Heyford Air Base, to participate in the preparation of a Neighbourhood Plan..."

"...Through the Neighbourhood Plan process, the partner Parish Councils will seek to ensure that the majority of new development is directed to the Upper Heyford Site in order to protect the rural communities from speculative and inappropriate development proposals which, if approved, would result in the degradation of these rural communities and result in unsustainable patterns of development..."

- 3.3 Other points highlighted by the applicant in support of designation are:

- all the individual organisations are committed to the idea that the proposed Neighbourhood Area is coherent and logical;
- the M40 to the East and the A4260 to the west represent obvious boundaries to the Neighbourhood Area, although in the case of the A4260, the parishes of Duns Tew, North Aston, Middle Aston and Steeple Aston extend slightly beyond the A4260. These geographical features give a sense of coherency to the boundary area that has been identified;
- the rural setting of the Mid-Cherwell Neighbourhood Area represents a collection of communities and Parishes that occupy a distinctive area of the Cherwell District;
- the former RAF Upper Heyford site comprises brownfield land and the new area of approximately 500 hectares and the new settlement area represents a substantial development within the proposed Neighbourhood Area;
- the site has the benefit of a Free School that provides primary, secondary and sixth form provision and which is popular with the specified parishes in addition to those living at Heyford Park;

- this compliments the pre-existing primary provision in the villages of Fritwell, Steeple Aston and Kirtlington;
- Heyford Park acts as anchor to the surrounding rural settlements by providing services and facilities to meet every day needs and being the only strategic employment location outside of the main towns of Bicester and Banbury;
- the parishes and communities identified within the specified boundary area are more logically likely to enter Heyford Park to access key amenities rather than traveling to Bicester, Kidlington, Banbury or Chipping Norton;
- the 11 Parish Councils which form the proposed Neighbourhood Plan area all have close functional relationships to Former RAF Upper Heyford, the only major development area outside of Bicester and Banbury;
- further development opportunities at Former RAF Upper Heyford will provide services and facilities available and accessible to the parishes and reducing the need to travel further afield
- the Forum would enable collaborative working to ensure that future development proposals meet the aspirations of the Parish Councils and other community groups and that development is sensitive to its surroundings and preserves the intrinsic quality and character of the rural communities;
- designation will seek to ensure that the majority of new development is directed to the Upper Heyford Site in order to protect the rural communities from speculative and inappropriate development;
- the Submission Local Plan does not allocate specific sites within villages but confirms that the suitability of individual sites will be considered through another Development Plan Document or, where appropriate, through the preparation of Neighbourhood Plans.

3.4 It should be noted that as the application was made on 8 August 2014, it was made before public consultation was undertaken on Proposed Modifications to the Submission Local Plan (22 August 2014 to 3 October 2014) i.e. before additional development was directed to Former RAF Upper Heyford.

Consultation

3.5 Officers arranged the necessary six weeks consultation on the application (11 September to 23 October 2014) undertaking the necessary publicity as the regulations require. The application was advertised on the Council's website, in the Banbury Guardian and Bicester Advertiser and notification letters were sent out to relevant consultees on the Council's Local Plan database (those living or working in the affected parishes). A public notice was sent to each of the Parish Councils affected for display. Letters or emails were sent to: District and relevant County Councillors; Oxfordshire County Council; contiguous District, Town and Parish Councils; statutory stakeholders including the Highways Agency, Network Rail, Environment Agency, Natural England and English Heritage; infrastructure providers including Thames Water, the Mobile Operators Association, National Grid and Southern Gas Network. The representations received are summarised later in this report and are attached at appendix 2.

3.6 On 13 November 2014, officers met with the 'Forum' to provide an opportunity for individual parties to explain what it was they wished to gain from the Neighbourhood Planning process. Officers concluded that the overarching reasons which had emerged were controlling development in their respective parishes by resisting speculative development proposals, achieving a managed and coordinated approach to the development of Former RAF Upper Heyford and securing mitigation.

- 3.7 There has been a significant delay in bringing this application to the Executive. This has largely been caused by the Planning Policy team's occupation in submitting proposed modifications to the Submission Local Plan to the Secretary of State for Communities and Local Government, its preparation for and involvement in the Local Plan Examination Hearings and subsequent demands on the team.

Statutory Requirements

- 3.8 The Council is required to formally determine the application taking into account the representations received. Regulation 5(1) requires each application to include:
- a) a map which identifies the area to which the area application relates;
 - b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - c) a statement that the organisation or body making the area application is a relevant body (such as a Parish Council)
- 3.9 The above requirements have been satisfied.
- 3.10 In determining applications under Section 61G(4) of the Town and Country Planning Act (as amended), the Council must have regard to:
- a) the desirability of designating the whole of the area of a parish council as a neighbourhood area, and
 - b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas (designated areas must not overlap).
- 3.11 Under Section 61G(5), if
- a) a valid application is made to the authority,
 - b) some or all of the specified area has not been designated as a neighbourhood area, and
 - c) the authority refuse the application because it considers that the specified area is not an appropriate area to be designated as a neighbourhood area,
- the authority must exercise its power of designation so as to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as neighbourhood areas.
- 3.12 Under Section 61G(9), if the authority refuse an application, it must give reasons to the applicant for refusing the application.
- 3.13 Section 61H requires the Council to consider whether the area concerned should be designated as a 'business area'. This applies where an area is primarily or wholly business in nature. Whilst Former RAF Upper Heyford includes a vast area of land used for business purposes, the site was allocated for a new settlement under saved policy H2 of the Oxfordshire Structure Plan 2016 and has the benefit of planning permission. Further housing development is proposed for the area in the modified Submission Local Plan. Neither the former RAF site, nor the area specified in the current application, are wholly or predominantly business in nature.

National Planning Policy Framework (NPPF)

- 3.14 The NPPF states that it “...provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities” (para. 1). It makes clear that local planning authorities should facilitate neighbourhood planning (para. 69).
- 3.15 The NPPF emphasises (p.183), that, “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to...set planning policies through neighbourhood plans to determine decisions on planning applications...”.
- 3.16 It further advises:

“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies” (para.184).

“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation” (para.185).

Planning Practice Guidance (PPG)

- 3.17 The PPG provides specific advice on area applications which includes the following:

a) Paragraph: 025 Reference ID: 41-025-20140306

“Should the community consult the local planning authority before making an area application?”

The community should consult the local planning authority before making an area application. There should be a positive and constructive dialogue about the planning ambitions of the community and any wider planning considerations that might influence the neighbourhood planning process if the outcome of that process is to be a neighbourhood plan or Order that meets the basic conditions for neighbourhood planning.”

b) Paragraph: 026 Reference ID: 41-026-20140306

“Can a parish council propose a multi-parish neighbourhood area?”

A single parish council (as a relevant body) can apply for a multi-parished neighbourhood area to be designated, as long as that multi-parished area includes all or part of that parish council's administrative area."

c) Paragraph: 027 Reference ID: 41-027-20140306

"In a multi-parished neighbourhood area when does a town or parish council need to gain the consent of the other town or parish council/s in order to take the lead in producing a neighbourhood plan or Order?"

A single parish or town council (as a relevant body) can apply for a multi-parished neighbourhood area to be designated as long as that multi-parished area includes all or part of that parish or town council's administrative area. But when the parish or town council begins to develop a neighbourhood plan or Order (as a qualifying body) it needs to secure the consents of the other parish councils to undertake neighbourhood planning activities. Gaining this consent is important if the pre-submission publicity and consultation and subsequently the submission to the local planning authority are to be valid."

d) Paragraph: 032 Reference ID: 41-032-20140306

"What flexibility is there in setting the boundaries of a neighbourhood area?"

In a parished area a local planning authority is required to have regard to the desirability of designating the whole of the area of a parish or town council as a neighbourhood area (see 61G(4) of the Town and Country Planning Act 1990). Where only a part of a parish council's area is proposed for designation, it is helpful if the reasons for this are explained in the supporting statement. Equally, town or parish councils may want to work together and propose that the designated neighbourhood area should extend beyond a single town or parish council's own boundaries..."

e) Paragraph: 033 Reference ID: 41-033-20140306

"What could be considerations when deciding the boundaries of a neighbourhood area?"

The following could be considerations when deciding the boundaries of a neighbourhood area:

- *village or settlement boundaries, which could reflect areas of planned expansion*
- *the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities*
- *the area where formal or informal networks of community based groups operate*
- *the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style*
- *whether the area forms all or part of a coherent estate either for businesses or residents*
- *whether the area is wholly or predominantly a business area*
- *whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway*

- *the natural setting or features in an area*
- *size of the population (living and working) in the area*

Electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents.”

f) Paragraph: 035 Reference ID: 41-035-20140306

Must a local planning authority designate a neighbourhood area and must this be the area applied for?

“A local planning authority must designate a neighbourhood area if it receives a valid application and some or all of the area has not yet been designated (see section 61G(5) of the Town and Country Planning Act 1990 Act as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004).

The local planning authority should take into account the relevant body’s statement explaining why the area applied for is considered appropriate to be designated as such. See section 61G(2) and Schedule 4C(5)(1) of the Town and Country Planning Act 1990 Act, as amended, for a description of ‘relevant body’.

The local planning authority should aim to designate the area applied for. However, a local planning authority can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons. The authority must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas.

When a neighbourhood area is designated a local planning authority should avoid pre-judging what a qualifying body may subsequently decide to put in its draft neighbourhood plan or Order. It should not make assumptions about the neighbourhood plan or Order that will emerge from developing, testing and consulting on the draft neighbourhood plan or Order when designating a neighbourhood area.”

g) Paragraph: 036 Reference ID: 41-036-20140306

“Can a neighbourhood area include land allocated in the Local Plan as a strategic site?

A neighbourhood area can include land allocated in a Local Plan as a strategic site. Where a proposed neighbourhood area includes such a site, those wishing to produce a neighbourhood plan or Order should discuss with the local planning authority the particular planning context and circumstances that may inform the local planning authority’s decision on the area it will designate.”

Case Law

- 3.18 A case known as ‘Daws Hill’ is relevant to the consideration of this application. This is a Wycombe District case where a neighbourhood area designated by the relevant District Council excluded two sites included in the Area Application: RAF Daws Hill and Wycombe Sports Centre. A claim for judicial review was considered at the High Court and it was judged that the Council had “...properly had regard to the

specific circumstances that existed at the time when the decision was made...". An appeal was subsequently made but was dismissed by the Court of Appeal (Daws Hill Neighbourhood Forum v. Wycombe DC, Secretary of State for CLG and Taylor Wimpey plc [2014] EWCA Civ 228).

- 3.19 In that case, five reasons were given by the authority for refusal of the Neighbourhood Area applied for. These were summarised by the Court of Appeal:

".....The first four reasons given by the Respondent for excluding the two strategic sites from the specified area (it was common ground that the fifth reason did not take the matter any further) are all interlinked. In summary, it was not simply that RAF Daws Hill and the Sports Centre sites were strategic sites that would have larger than local impacts upon larger "communities of interest" requiring any referendum to take place over a much wider area than the specified area, possibly extending to the whole of the District Council's area; it was that the planning process in respect of these two strategic sites was already well advanced by September 2012. Outline planning permission had been granted for the Sports Centre site and a revised outline application for that site was under consideration, and a planning application pursuant to a highly prescriptive Development Brief for the Daws Hill site, which had been approved in draft for consultation in June 2012, was anticipated that Autumn."

- 3.20 This case is referred to in the officer consideration below.

Representations

- 3.21 Seven consultation responses to the application were received containing comments. These were from CABE, Natural England, the NHS, Alan Hedges/Sue Muir, English Heritage, the Canal and River Trust and Gladman Developments.
- 3.22 The representations received are attached at appendix 2. A summary of the responses is provided below.

Design Council/CABE

- 3.23 CABE provides general advice on the preparation of Neighbourhood Plans.

Natural England

- 3.24 Natural England provides general advice for use in the preparation of Neighbourhood Plans.

NHS Property Services

- 3.25 NHS Property services has no specific comments on the application but asks to be kept informed as the plan progresses, particularly if there are likely to be proposals affecting health facilities.

Alan Hedges/Sue Muir

- 3.26 Mr Hedges advises that he is commenting on behalf of himself and Sue Muir, a Somerton parish councillor.

- 3.27 He is concerned that the developer of the Former RAF Upper Heyford site (the Dorchester Group) was not only funding the Neighbourhood Plan (NP), but also proposing to act as a principal in the neighbourhood planning process, taking a controlling role in its procedures. Mr Hedges considers that this violates an important principle that someone with a direct financial interest should not be a full partner in a statutory decision-making process which relates directly to that interest.
- 3.28 Advice was taken from Planning Aid England at the Royal Town Planning Institute. The advice was that it is vital that independence is maintained between the neighbourhood plan and those with an interest in land within the area and in order to maintain this independence a separate independent fund may need to be established. This process could be challenged by others (for example other developers) by way of Judicial Review of the Plan.

English Heritage

- 3.29 English Heritage has no objection to the proposed area designation. However surprise was expressed to see that the Dorchester Group as part of the consortium that will prepare the Plan if it is to be community led.
- 3.30 English Heritage also takes the opportunity to set out the support the organisation is able to offer in relation to Neighbourhood Plans, including assistance in developing policies for the protection of heritage assets. Advice will be directed to proposals with the potential for major change to significant, nationally important heritage assets and their settings. Links are provided to a wide range of relevant guidance.

The Canal and River Trust

- 3.31 The Trust notes that the Oxford Canal runs through the middle part of the plan area, affecting several parishes. It considers that the Oxford Canal can contribute to the vision and aims of the Neighbourhood Plan. It highlights that canals are multi-functional and that several structures within the Neighbourhood Plan Area are Grade II listed and that the canal itself is a designated as a Conservation Area.
- 3.32 The Trust highlights its aspirations for infrastructure within the neighbourhood plan area.

Gladman Developments

- 3.33 Gladman strongly objects to the designation of the proposed neighbourhood plan area on a number of grounds including:
- i. the application rationale does not justify the vast scale of the proposed area covering 11 parishes;
 - ii. the intentions of the neighbourhood plan are contrary to national policy;
 - iii. neighbourhood plans should not be used as a mechanism to restrict development in this manner;
 - iv. the settlements in the affected rural parishes will have their own housing needs and the neighbourhood plan should not be used as a means to direct development away from these settlements to the Upper Heyford site;
 - v. sustainable development in these rural settlements is essential in order to ensure they remain and become vibrant and thriving places to live, providing a good quality of life to their residents;

- vi. disagree that development at the rural settlements will result in unsustainable patterns of development. Development is needed and would accord with national policy and guidance about the role of housing in supporting the broader sustainability of villages and smaller settlements;
- vii. the PPG makes clear that blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided (unless supported by robust evidence);
- viii. the proposal has clearly been derived in order to prevent any development from coming forward within these rural settlements;
- ix. the NPPF emphasises the positive role that Neighbourhood Plans should play in meeting the development needs of the local area including in implementing the presumption in favour of sustainable development;
- x. the NPPF emphasises the need for strategic needs and priorities to be met and for Neighbourhood Plans to be in general conformity with the strategic policies of the Local Plan. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood Plans...should not promote less development than set out in the Local Plan or undermine its strategic policies;
- xi. the plan will need to meet the 'basic conditions'
- xii. there is currently no sound or up-to date Plan against which the Mid Cherwell Neighbourhood Plan could be prepared. Despite this, the Cherwell Local Plan is at a very advanced stage in the Plan making process, and therefore its strategy and evidence should provide the strategic context for neighbourhood planning.

Officer Consideration

- 3.34 Unless there are valid and reasonable reasons the Council should designate the proposed Neighbourhood Area. If the Council considers the area not to be appropriate it must issue a refusal notice, explaining why, and then designate a revised Neighbourhood Area to include some or all of the originally proposed area.
- 3.35 This is an unusual area application. As the specified area comprises 11 parishes and includes the district's largest strategic development site, the desirability of designation requires particularly careful consideration.

The specified area

- 3.36 The combined land area of the 11 parishes is approximately 7,800 hectares, roughly 13% of Cherwell District (58,876 ha). The area applied for covers the central part of the District. The combined population of the 11 parishes (2011 Census) is 7065.
- 3.37 The Former RAF Upper Heyford site lies in the centre of the area for which designation is sought. At over 500 hectares in area, it comprises a former RAF airfield and cold war airbase described by English Heritage as an 'internationally significant military landscape'. The base falls within three Parishes – Upper Heyford, Somerton and Ardley.
- 3.38 Former RAF Upper Heyford is designated as a Conservation Area, and contains Listed Buildings, Scheduled Ancient Monuments and land of ecological value. The site has significant heritage, environmental and transportation constraints. It has

permission for the construction of a new settlement including some 761 homes in addition to the 314 existing.

- 3.39 The specified area the subject of the application is one based on administrative parish boundaries rather than one based on alternative considerations such as those identified in the PPG and referred to above at para 3.17 (e). The area does not reflect settlement boundaries, specific catchment areas or community networks, nor does it represent a specific character area or wholly a business or residential area. The boundary of the area is not informed by specific infrastructure, physical or natural features. However the area has been defined by a group of parishes that are potentially affected by development at Former RAF Upper Heyford and have an interest in how approved development, and planned additional development, is implemented. In that regard, the proposal for a Neighbourhood Area that is based on an affected 'sphere of influence' is logical and coherent. The parishes will share an interest in the impact of development and how it might interrelate with their own needs, issues, constraints and opportunities.
- 3.40 It is also likely that the interest of individual parishes will have been a factor in defining the area. It is possible that other parishes further afield, that have not been included, will have some interest, and conversely it might be questioned whether the inclusion Duns Tew parish, which lies on the western side of the A4260 road, is consistent. It is also relevant to note that the proposed Neighbourhood area is a vast area with a total population that is greater than the average electoral ward population of about 5,500 cited in the PPG. However, the PPG refers to this as a 'useful starting point' and this does not in itself rule out an area with a larger population.
- 3.41 Overall, as a 'sphere of influence' the inclusion of the 11 parishes is considered to be reasonable. It is relevant that the PPG makes clear that town or parish councils may want to work together and propose that the designated neighbourhood area should extend beyond a single town or parish council's own boundaries. The application is proposed to facilitate collective working among the parishes and with the owner and developer of Former RAF Upper Heyford and its residents association.
- 3.42 Were the Executive minded to refuse the application, an alternative area would need to be designated. Designating individual parishes would, in this case, not provide for the collective working being proposed. Excluding the Former RAF Upper Heyford site from the Neighbourhood Area would still allow for a collective approach among the parishes but would remove the principal reason for the joint working. Local Plan Part 2 would provide an alternative mechanism for collective working but the application expresses the local support for progressing a Neighbourhood Plan and the NPPF makes clear that local planning authorities should facilitate neighbourhood planning.

Wider significance of the proposal

- 3.43 As in the 'Daws Hill' case, in some regards the planning and development of the Former RAF Upper Heyford site raises issues of wider and district significance. The concerns of Gladman Developments about the 'vast scale' and strategic implications of the proposal are noted. Issues such as employment at the Heyford site, secondary school provision and transportation impacts do raise wider community and stakeholder interests than represented by the 11 parishes. For example, Bicester is approximately 5.5 km away from Former RAF Upper Heyford,

Stoke Lyne Parish about 1km and Souldern Parish approximately 1.7 km away. Delivering the housing planned for in the modified Submission Local Plan is of district significance. However, guidance from Cherwell District Council, appropriate consultation and stakeholder involvement would ensure that these wider issues and interests (for example, Oxfordshire County Council, Bicester Vision and Bicester Chamber of Commerce) are properly represented and fully considered.

- 3.44 The referendum into the Neighbourhood Plan, following Examination, may need to be undertaken over a larger area than the Neighbourhood Area itself. However the examiner will advise on this, and although there would be a larger administrative task, this is not considered to be an insurmountable concern.

Local Policy Context

- 3.45 Former RAF Upper Heyford is the subject of saved Structure Plan Policy (Policy H2 of the Oxfordshire Structure Plan 2016) (see para 3.47 below). The policy provides for a new settlement of about 1000 homes (gross) and necessary supporting infrastructure as a means of enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved, compatible with achieving a satisfactory living environment.
- 3.46 The saved policies of the adopted Cherwell Local Plan 1996 provide a categorisation of villages. This was updated through the Non-Statutory Cherwell Local Plan 2011.
- 3.47 The modified Submission Cherwell Local Plan 2011-2031 is at a very advanced stage having been the subject of Examination Hearings in December 2014. An Inspector's report is expected in Spring 2015. Depending on the view of the Inspector, the Submission Cherwell Local Plan proposes the replacement of saved policy H2.
- 3.48 Former RAF Upper Heyford is proposed as strategic allocation within the modified Submission Local Plan (as Policy Villages 5: Former RAF Upper Heyford) for the development 1,600 new homes in addition to the 761 (net) already permitted (giving a total of 2,361) and 120,000 sqm of employment land. The additional 1,600 homes proposed includes the development of some land outside the existing curtilage of the base and therefore affects some land beyond the current control of the site's owner, the Dorchester Group.
- 3.49 The modified Submission Local Plan also includes a draft strategic policy (Villages 2) for 'distributing growth across the rural areas'. The policy states,

"A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014.

Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission..."

- 3.50 The Category A villages in the Submission Local Plan are: Adderbury, Ambrosden, Arncott, Begroke, Bletchington, Bloxham, Bodicote, Chesterton, Cropredy, Deddington, Finmere, Fringford, Fritwell, Hook Norton, Kidlington, Kirtlington,

Launton, Milcombe, Sibford Ferris / Sibford Gower, Steeple Aston, Weston-on-the-Green, Wroxton and Yarnton.

- 3.51 Whilst draft policy Villages 2 makes clear that there are criteria to be considered, the indicative pro-rata figure for the above 23 villages would be approximately 32-33 homes per village.
- 3.52 Of the parishes the subject of the area application, only three - Kirtlington, Steeple Aston, Fritwell are proposed to be Category A villages and therefore potentially required to contribute to the requirements of policy Villages 2.
- 3.53 As in the 'Daws Hill' case (see para. 3.18-3.20 above), the proposed Neighbourhood Area would include a large strategic development site; the district's largest site at over 500 hectares. Involving, as it does, the construction of a now enlarged new settlement, the site is of strategic importance in terms of conservation, transportation and housing delivery. This raises questions as to whether i) the inclusion of the site would interfere with the Council's strategic planning function and ii) whether the proposed Neighbourhood Area raises issues of more than local importance that would be more appropriately considered and consulted upon at a strategic level?
- 3.54 Local Plan Part 1 is at an advanced stage with the Inspector's report due soon. Once the Local Plan Part 1 has been adopted it will establish a clear strategic framework for Former RAF Upper Heyford. It will also establish strategic direction for rural housing distribution. The issue of conformity with these strategic policies will be an issue for consideration through the preparation of the Neighbourhood Plan rather than designation of the Neighbourhood Area itself.
- 3.55 The NPPF makes clear that Neighbourhood Plan must reflect strategic policies and plan positively to support them. They should not promote less development than set out in the Local Plan or undermine its strategic policies. The PPG also advises that a neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan. It also states that if a local planning authority is also intending to allocate sites in the same neighbourhood area the local planning authority should avoid duplicating planning processes that will apply to the neighbourhood area.
- 3.56 In view of the involvement of the Dorchester Group as owner and developer of the Former RAF Upper Heyford site, its representations made to the Local Plan Examination, and the desire of the parishes to avoid 'speculative and inappropriate development proposals', the Neighbourhood Plan may wish to explore a higher level of development at the Heyford site. However, Local Plan Part 1 will provide strategic parameters and the Council will have an opportunity as an adviser and consultee to comment on the Neighbourhood Plan process and proposals. Again, this is therefore considered to be an issue for the preparation of the Neighbourhood Plan rather than the area designation itself. Nevertheless, in view of the close involvement of the developer, the parishes will need to ensure that the non-designated Neighbourhood Planning Forum is constituted, and transparent processes are established, to avoid any conflict between the Dorchester Group's interests as a developer and those of the local communities which may not always be mutually compatible.

Community Expectations

- 3.57 The Daws Hill reasons for refusal included, “*To designate a Neighbourhood Area to include the full area in the application could unrealistically raise expectations as to the effectiveness of a Neighbourhood Plan in relation to the strategic development sites. The community and the Local Planning Authority cannot stop the submissions of planning applications and the likelihood is that a neighbourhood plan would be overtaken by events.*”
- 3.58 There is some difference here to the ‘Mid Cherwell’ case in that the main developer, the Dorchester Group, is part of the Forum and is seeking to cooperate with the Parish Councils. Although permission has been granted for some 761 homes, a further 1,600 homes are now proposed through the Local Plan which provides scope for community involvement. However, the need to provide the proposed 1,600 additional houses to meet district wide needs and the constraining influence of transportation, historic and environmental factors may prohibit significant deviation from the quantum of development presently proposed. The very specific heritage and environmental constraints will also constrain the locational flexibility for accommodating development.
- 3.59 Policy Villages 2 of the modified Submission Local Plan also necessarily limits the flexibility for rural housing distribution.
- 3.60 Nevertheless, at a non-strategic level there is scope for contributing a further level of detail to the policies in Local Plan Part 1 and for community involvement in how implementation is achieved.
- 3.61 Whilst the consultation on the Proposed Modifications to the Submission Local Plan from August to October 2014 and the Examination Hearings held in December 2014 provided an opportunity for participants to comment on the appropriateness and detail of the Council’s draft policies for Former RAF Upper Heyford (Policy Villages 5) and for rural housing distribution (policy Villages 2), there would be potential for further community and stakeholder input through Local Plan Part 2 (an item on this agenda). The proposed Neighbourhood Plan would provide the same opportunity.
- 3.62 The Statement of Common Ground agreed between the Council and the Dorchester Group for the Local Plan Examination states, “*The Council and the Dorchester Group, with other parties and statutory agencies, will work jointly to facilitate delivery of the approved development and additional growth. This will include the Council establishing a delivery forum to assist discussion between all the parties and local communities*” (para. 3.3, 3rd bullet point). The suggestion of a collective approach with community input has already therefore been recognised in terms of facilitating development at Former RAF Upper Heyford.

4. Conclusion and Reasons for Recommendations

- 4.1 The area application presented would, if approved, result in the designation of a ‘Mid-Cherwell’ Neighbourhood Area comprising the parishes of Ardley with Fewcott, Kirtlington, Duns Tew, Lower Heyford, Middleton Stoney, Somerton, Steeple Aston, Middle Aston, North Aston, Fritwell and Upper Heyford. For the reasons set out in section 3 of this report it is considered that the specified area would be coherent logical, notwithstanding the challenges of producing a Neighbourhood Plan for such an extensive area and including the district’s largest strategic development site – Former RAF Upper Heyford. The specified parishes represent a reasonable ‘sphere of influence’ on which to collectively base the plan, albeit with wider

community and stakeholder consultation and potentially a much wider referendum being required.

- 4.2 The Council has a statutory duty to provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan. The PPG advises that local planning authorities must be proactive in providing information to communities about neighbourhood planning and constructively engage with the community throughout the process.
- 4.3 The involvement of 11 Parish Councils and the district's largest strategic development site means that this Neighbourhood Plan process will particularly require the close involvement of officers and regular reports to the Joint Management Team and to Members.

5.0 Consultation

- 5.1 Informal Briefing: Cllr Michael Gibbard, Lead Member for Planning

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons set out below.

Option 1 - to refuse to designate the proposed area, provide reasons and to designate an alternative area based on separately designating individual parishes

Option 2 - to refuse to designate the proposed area, provide reasons and to designate an alternative area based on removing the former RAF Upper Heyford site

- 6.2 Were the Executive minded to refuse the application, an alternative area would need to be designated. Designating individual parishes would, in this case, not provide for the collective working being proposed. Excluding the Former RAF Upper Heyford site from the Neighbourhood Area would still allow for a collective approach among the parishes but would remove the principal reason for the joint working. Local Plan Part 2 would provide an alternative mechanism for collective working but the application expresses the local support for progressing a Neighbourhood Plan and the NPPF makes clear that local planning authorities should facilitate neighbourhood planning.

7.0 Implications

Financial and Resource Implications

Work on assisting the Neighbourhood Planning process is to be met within existing budgets. Designation of a Neighbourhood Area qualifies the Council for limited grant support from DCLG.

Comments checked by: Paul Sutton, Head of Finance and Procurement, 0300-003-0106, Paul.Sutton@cherwellandsouthnorthants.gov.uk

Legal Implications

The determination of this area application is a requirement of the Town and Country Planning Act 1990 (as amended) and associated regulations.

Upon final adoption of a Neighbourhood Plan, the plan becomes part of the statutory Development Plan for the area and must be considered in the determination of relevant applications for planning permission.

Comments checked by: Nigel Bell, Team Leader – Planning, 01295 221687
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8.0 Decision Information

Key Decision - No

Financial Threshold Met No

Community Impact Threshold Met: Yes

Wards Affected

Kirtlington, The Astons and Heyfords, Caversfield, Ambrosden and Chesterton

Links to Corporate Plan and Policy Framework

- Accessible, Value for Money Council
- District of Opportunity
- Safe and Healthy
- Cleaner Greener

Lead Councillor

Councillor Michael Gibbard - Lead Member for Planning

Document Information

Appendix No	Title
Appendix 1	Mid Cherwell Neighbourhood Area Application
Appendix 2	Representations
Background Papers	
None	
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