Persimmon Homes (Wessex)

Draft Hailey Neighbourhood Plan

Representations to West Oxfordshire District Council’s Regulation 16 Consultation

December 2018
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1.0 INTRODUCTION

We write with reference to the Hailey Neighbourhood Plan (HNP) and welcome the opportunity to submit comments on the document (HNP V8 dated 29 August 2018). Please treat this as our formal representations, duly made within the Regulation 16 consultation period.

Persimmon Homes is actively engaged with the delivery of various strategic and non-strategic mixed-use and residential schemes in Oxfordshire and so we are well placed to comment on the HNP.

We recognise the level of effort involved in preparing Neighbourhood Plans and are supportive of communities that seek to plan positively for development to identify and address the local spatial planning issues important to them through this means. Persimmon has worked proactively in collaboration with numerous Neighbourhood Plan Steering Groups across the country where we have land interests that have been allocated for new homes to help deliver the objectives of these communities.

Persimmon Homes owns an area of land to the west of Hailey Road, located within the designated Hailey Neighbourhood Area. The area of land controlled by Persimmon (circa 5.5 hectares) is located circa 1km to the south of the village of Hailey, adjacent to the North Witney Strategic Development Area allocated in the adopted West Oxfordshire Local Plan.

The area of land controlled by Persimmon Homes is shown in Appendix 1 of these representations. The HNP uses ‘FOX01’ as a reference for this site in the brief assessment of the site set out in appendix K of the draft HNP. The land is referred to as part of site 346 in the West Oxfordshire SHELAA and has been promoted for inclusion within the North Witney Strategic Development Area.

Persimmon Homes objects to the proposed identification of this site as a “buffer zone” under policies E4 and E5 of the draft HNP. Through careful masterplanning, the site has the ability to contribute to the housing needs of Witney and such a restrictive policy would impede this potential.

To assist with the examination of the HNP, these representations provided comments on the proposed policies and an assessment of the draft Plan against the ‘basic conditions’.

These comments follow Persimmon Homes’ representations to the consultation on the Hailey Neighbourhood Plan Strategic Environmental Assessment (SEA) Environmental Report in June 2018, which are attached as Appendix 2 to these representations.
2.0 COMMENTS ON THE SUBMITTED NEIGHBOURHOOD PLAN

2.1 POLICY H5: AFFORDABLE HOUSING

Policy H3 of the West Oxfordshire Local Plan 2031 (adopted September 2018) clearly defines the level of affordable housing to be provided in new residential schemes in the District. The proposed HNP policy H5 is therefore unnecessary and has the potential to create uncertainty around this matter. The policy should be deleted from the HNP. The wording could be incorporated into the supporting text of the Neighbourhood Plan.

2.2 POLICY C1: COMMUNITY FACILITIES

HNP Policy C1 and the Community Facilities section of the draft HNP seeks to identify specific requirements for the North Witney Strategic Development Area, which is allocated in the adopted district Local Plan. Policy WIT2 of the West Oxfordshire Local Plan 2031 sets out the requirements for the development of the North Witney Strategic Development Area.

It is therefore inappropriate for the HNP to potentially prejudice the delivery of the strategic allocation at North Witney by identifying additional requirements for the allocation. The delivery of the site is critical to meeting the strategic objectives of the West Oxfordshire Local Plan.

2.3 POLICY E1: HAILEY CONSERVATION AREA

Development proposals will be assessed against the policies set out within the Neighbourhood Plan. It is therefore important that each policy can be clearly understood by a planning officer considering a planning application before them. Whilst the comprehensiveness of the draft HNP should be commended, there are a number of proposed policies that would be better suited to supporting text within the Plan (such as the transport policies) or amended to help influence development proposals.

For example Policy E1 could be reworded as follows:

“The special architectural, historic and environmental character of the Conservation Area will be conserved or enhanced. Proposals for new development must be sympathetic to Every effort will be made to ensure that the character and appearance of the Conservation Area is not eroded by the introduction of unsympathetic development proposals either within or affecting the setting of the Conservation Area.”

2.4 POLICY E4: LANDSCAPED BUFFER STRIP

Policy E4 of the submitted HNP states: “In order to maintain some semblance of separation here a landscaped buffer strip of hedging and trees around 50 metres wide should be established along both sides of the Hailey Road (B4022) between the existing built edge of Witney and Downhill Lane/Foxburrow Lane residential areas. (See Fig 11.1 green shading)”.
There is mature vegetation alongside this part of Hailey Road (particularly to the west). The trees along this road provide a landscape structure and help to contain the site, limiting views in and out of the land. In considering a proposal for the development of this land it would be appropriate for the existing mature vegetation to be retained, where possible (subject to providing suitable access to the land).

However the proposed HNP policy E4 is not justified for a number of reasons:

- There is no clear rationale for identifying a requirement for a 50 metre landscaped buffer strip in this area – it appears to be an arbitrary figure derived without evidence.

- The policy is inconsistent with national planning guidance and undermines the development plan by placing an additional restriction on the North Witney West Oxfordshire Local Plan allocation. Policy WIT2 of the West Oxfordshire Local Plan sets out the requirements for the development of the allocation, including need for “comprehensive development to be led by an agreed masterplan”. Figure 9.2d of the Local Plan (reproduced as figure 6.2 of the HNP) identifies hedgerows and woodland to be retained at the North Witney allocation site – however it should be noted that this plan does not identify any areas along Hailey Road to be retained. It is unclear how the HNP Steering Group has reached a different conclusion on the key landscape features to be retained, particularly given that the HNP relies on the same landscape assessment work as evidence. The identification of a 50m buffer prejudices the masterplanning process of the North Witney allocation.

- There is existing housing along Hailey Road to both the north and south of this area and so it is unclear why this has been specifically identified. There is an argument to suggest that
some frontage onto this road may be reflective of the existing urban design context along Hailey Road.

- HNP policy E5 seeks to restrict the development of the land identified in Appendix 1 of these representations. It is therefore unclear why a requirement for a 50m landscaped buffer strip on this land has also been identified in policy E4. Is the HNP seeking to place an obligation on the landowner to plant a landscaped buffer strip on the land?

- Figure 11.1 itself is unclear as the Public Rights of Way on the plan are also shaded in green.

The policy should be deleted for the above reasons.

If there was a willingness and justification for a policy to protect the existing vegetation along Hailey Road, it is considered that HNP Policy E4 could be reworded as follows:

In order to maintain some semblance of separation here a landscaped buffer strip of hedging and trees around 50 metres wide should be established along both sides of Proposals for the development of land to the east and west of the Hailey Road (B4022) between the existing built edge of Witney and Downhill Lane/Foxburrow Lane residential areas should, where possible, seek to retain and enhance the existing mature vegetation adjacent to the road. (See Fig 11.1 green shading)."

2.5 POLICY E5: BUFFER ZONES

Policy E5 of the submitted HNP states: “This Plan proposes three buffer zones within the HNP Area as defined on the following maps (Figs 11.1-11.3): Zone 1 – Witney/Foxburrow; Zone 2 – Hailey/Poffley End/Rugby Club; Zone 3 – Delly Corner to Delly Farm. The only development that will be allowed in the buffer zone will be recreational and community uses appropriate for the open countryside, the conversion and minor alteration of existing buildings and agricultural development that cannot be accommodated elsewhere. Proposals for development within the buffer zones, other than for essential infrastructure, should not result in the loss or erosion of: a) an open area which makes an important contribution to: i. the distinctiveness of a settlement; and/or ii. the visual amenity or character of the locality; b) the Hailey Conservation Area.”

The identified “Zone 1” encircles the majority of the land to the west of Hailey Road under the ownership of Persimmon Homes (identified in Appendix 1), which is available and suitable for development to meet housing needs at Witney.

The identification of this land as a ‘buffer zone’ is not justified for the following reasons:

- The area identified as a buffer zone is totally arbitrary. The circular area even includes the existing residential properties at Foxmeade, Monks Barn and Highcroft Farm. The land is well contained and is not subject to any landscape designations – there is not a reasonable justification for the identification of this area as a buffer zone.

- The only evidence the HNP refers to in identifying the buffer zone and landscaped buffer strip is the Kirkham Landscape Planning Report dated October 2012 (Landscape and Visual Review of Submissions for Carterton and Witney Strategic Development Options). This report is used at paragraph 11.21 of the HNP as the basis for the need for this land to be maintained as a gap to avoid coalescence. However, the findings of the Kirkham Landscape Report prepared on behalf of West Oxfordshire District Council in 2012 (WODC examination
document reference LAN3) do not support the identification of the land to the west of Hailey Road as a buffer zone. Indeed, the Kirkham Landscape Report considers the very matter of which land is essential for a landscape buffer between Hailey and Witney, identifying a swathe of land to the south of the village of Hailey. The report does not identify the land to the west of Hailey Road as necessary to providing this buffer (see Figure 1B of the report – replicated at figure 2 below with the site identified in red for ease of reference).

- It is clear that the HNP Steering Group is concerned about the potential for coalescence between Witney with Foxburrow. However, the proposed way of addressing this is inconsistent with national policy, without evidence and duplicates a matter addressed in existing local plan policy. Policy OS2 of the adopted West Oxfordshire Local Plan identifies general principles for development including the following statement: “All developments should: [...] Avoid the coalescence and loss of identity of separate settlements”. This policy ensures that concerns about coalescence will be considered by decision-takers considering planning applications across the district including within Hailey and Witney.

The policy should be deleted for the above reasons.

Persimmon Homes maintains that the land to the west of Hailey Road can be developed for residential use whilst respecting the local character and amenity of neighbouring residents through a comprehensive masterplanning process. Persimmon Homes has no objection to providing an appropriate buffer to the neighbouring properties with respect to policy OS2 of the Local Plan and understanding of the local context however the extent of the buffer zone identified in policy E5 is not justified.

![Figure 2: Extract from the Kirkham Landscape Report, 2012 – Figure 1B: North Witney (page 89) [Persimmon Homes’ land to the West of Hailey Road outlined in red]](image-url)
3.0 CONCLUSIONS

The HNP as currently written does not meet the ‘basic conditions’, particularly in relation to having regard to national planning policy guidance and being in general conformity with the development plan.

Policies E4 and E5 of the HNP are not justified or consistent with national planning policy and seek to weaken the strategic policies of the local development plan.

The HNP’s identification of a ‘buffer zone’ on land immediately north of the North Witney Strategic Development Area undermines the strategic spatial strategy of the Local Plan (Policy OS2) by restricting the potential development of land adjacent to Witney, which is the District’s largest settlement and Main Service Centre.

As discussed in our representations to the Strategic Environmental Assessment, the HNP fails to consider reasonable alternatives and provides little evidence for how the development potential of the land to the west of Hailey Road has been assessed. However of greatest concern is the proposed identification of the land as a buffer zone which is unjustified.

Persimmon Homes respectfully requests that the examiner considers amending the HNP to address this concern.
APPENDICIES

APPENDIX 1: LAND OWNED BY PERSIMMON HOMES WITHIN HAILEY PARISH

Connells Land & Planning
APPENDIX 2: PERSIMMON HOMES REPRESENTATIONS ON THE STRATEGIC ENVIRONMENTAL ASSESSMENT ENVIRONMENTAL REPORT
Persimmon Homes (Wessex)

Draft Hailey Neighbourhood Plan

Representations on the Strategic Environmental Assessment (SEA) Environmental Report

June 2018
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1.0 INTRODUCTION

We write with reference to the above and welcome the opportunity to submit comments on the Hailey Neighbourhood Plan (HNP) Strategic Environmental Assessment (SEA) Environmental Report, which has been prepared by Enfusion on behalf of Hailey Parish Council. Please treat this as our formal representations, duly made within the consultation period.

Persimmon Homes is actively engaged with the delivery of various strategic and non-strategic mixed-use and residential schemes in Oxfordshire and so we are well placed to comment on the HNP.

We recognise the level of effort involved in preparing Neighbourhood Plans and are supportive of communities that seek to plan positively for development to identify and address the local spatial planning issues important to them through this means. Persimmon has worked proactively in collaboration with numerous Neighbourhood Plan Steering Groups across the country where we have land interests that have been allocated for new homes to help deliver the objectives of these communities.

Persimmon Homes owns an area of land to the west of Hailey Road, located within the designated Hailey Neighbourhood Area. The area of land controlled by Persimmon (circa 5.5 hectares) is located circa 1km to the south of the village of Hailey, adjacent to the North Witney Strategic Development Area allocated in the draft West Oxfordshire Local Plan.

The area of land controlled by Persimmon Homes is shown in Appendix 1 of these representations. The HNP uses ‘FOX01’ as a reference for this site in the brief assessment of the site set out in appendix K of the draft HNP. The land is referred to as part of site 346 in the West Oxfordshire SHELAA and has been promoted for inclusion within the North Witney Strategic Development Area.

Persimmon Homes objects to the proposed identification of this site as a “buffer zone” under policies E4 and E5 of the draft HNP. Through careful masterplanning, the site has the ability to contribute to the local housing need and such a restrictive policy would impede this potential.

We would welcome the opportunity to discuss the site with the HNP Steering Group. However these representations consider the SEA process only.
2.0 GENERAL COMMENTS

Persimmon Homes supports the preparation of the HNP.

Persimmon Homes supports the SEA process, which, as enshrined within the European Union SEA Directive, is used to help choose between alternatives and inform development plan preparation.

For neighbourhood development plans, the SEA process will be considered by the independent examiner in respect of basic condition ‘f’ which requires that the making of a neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.

The Environmental Report (ER) prepared by Enfusion documents the process of SEA in relation to the HNP. Paragraph 1.7 of the ER confirms the main purpose of the HNP SEA process as follows:

“It was determined that the HNP falls within the scope of the SEA Regulations as it includes Policies that allocate housing development and which have not been subject to previous SA/SEA during the preparation of the new Local Plan. It was considered that only a limited SEA was needed to address the proposed site allocations, taking into account the stage of the new Local Plan that is now close to adoption.”

The HNP ER uses the same SEA objectives as applied to the draft West Oxfordshire Local Plan. At paragraph 17, the ER concludes that “overall, the SEA found positive effects for environmental objectives for housing, human health, communities and accessibility – with particular positive effects for affordable housing.” It is unclear how this conclusion on affordable housing has been reached given that the draft HNP identifies one site for 8 homes (no affordable) and another site for circa 15 homes (6 affordable homes) for the plan period up to the year 2031.

The ER is clear in establishing that the principal focus of the SEA process has been to assess the proposed site allocations.

However, the Strategic Environmental Assessment of the proposed site allocations and options that has been undertaken is flawed for two main reasons:

i. The failure to adequately consider ‘reasonable alternatives’ to the preferred option set out in the HNP

ii. A lack of evidence to demonstrate that the SEA has in any way influenced the preparation of the HNP.
3.0 ASSESSMENT OF REASONABLE ALTERNATIVES

The evaluation of the likely significant environmental effects of implementing the development plan and reasonable alternatives taking into account the objectives and the geographical scope of the plan is key to the SEA process.

Paragraph 38 of the national planning practice guidance on SEA states “The strategic environmental assessment should predict and evaluate the effects of the preferred approach and reasonable alternatives and should clearly identify the significant positive and negative effects of each alternative [...] The strategic environmental assessment should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives.”

Objective 1 of the SEA Framework for testing the HNP is “to ensure everyone has the opportunity to live in a decent, sustainable constructed affordable home”. This need for housing is reinforced in the goals set out within the draft HNP.

The land to the west of Hailey Road is within the geographical scope of the plan, established by the designated Hailey Neighbourhood Area.

It is therefore considered that it would be reasonable to assess the potential for this site to contribute towards meeting the housing need, as an alternative option to the site allocations identified within the draft HNP.

Instead, the ER only assesses three ‘reasonable alternatives’ for delivering the objectives for housing. These three sites are the two proposed to be allocated in the draft HNP and a third site that already benefits from Outline planning permission.

It is considered that the land to the west of Hailey Road should be subject to a more detailed assessment against the SEA objectives. A proposed SEA assessment of the site is set out below.

Proposed Sustainability Appraisal of the Land to the West of Hailey Road

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4.0 SEA AND THE PLAN MAKING PROCESS

As stated in paragraph 38 of the national planning practice guidance, “The development and appraisal of proposals in the neighbourhood plan should be an iterative process, with the proposals being revised to take account of the appraisal findings. This should inform the selection, refinement and publication of the preferred approach for consultation.”

It is unclear how SEA has influenced the plan-making process. The SEA appears to have been undertaken at the end of the process following the publication of the draft HNP and therefore the plan has not been prepared in an iterative manner.
APPENDICIES

LAND OWNED BY PERSIMMON HOMES WITHIN HAILEY PARISH

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