

Our Ref: PJF/9995
(Please reply to Banbury office)

14th August 2020

Sent by email: eva.neale@stratford-dc.gov.uk

Dear Eva

**TOWN AND COUNTRY PLANNING ACT 1990
CLIFFORD CHAMBERS NEIGHBOURHOOD PLAN**

Introduction

1. We write on behalf of Spitfire Bespoke Homes in respect of Land at Campden Road, within Clifford Chambers (“the Site”) and the Clifford Chambers Neighbourhood Plan (“the Draft Neighbourhood Plan”), which has been promoted by Clifford Chambers Parish Council (“the Parish Council”).
2. We understand that the Draft Neighbourhood Plan has been sent to an Examiner, namely Louise Brooke–Smith. We would be grateful if could provide this letter and the attached Pegasus note to her.
3. Our Regulation 16 Consultation Submission (27 February 2020) requested the deletion of Policy H1 which seeks to impose a settlement boundary and to allocate an alternative Reserve Site to Land at Campden Road. In short, we have submitted that this approach seeks impermissibly to frustrate the District Council’s allocation of the more sustainable and larger site, Land at Campden Road in the emerging Site Allocations Plan.
4. This letter addresses a number of new events and documentation which have arisen since the close of the Regulation 16 consultation and which are material considerations for the Examiner in assessing compliance with basic conditions 8(2)(a), (d) and (e).
5. It also addresses important procedural matters concerning the Parish Council’s conduct of the plan preparation process and a significant number of late representations which have been provided to the Council.

Site Allocations Plan

6. In the Autumn 2019 Proposed Submission version of the Site Allocations Plan (“SAP”) proposed for allocation as a Reserve Site in the District Council’s forthcoming Site Allocations Plan (“SAP”): Site reference CLIF. 02 and CLIF.04, having consistently been assessed as the most sustainable site in the village/parish through the Council’s SHLAA

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documentation. The Built-Up Area Boundary would accordingly be placed around this allocation.

7. The Cabinet have now endorsed the SHLAA Update (April 2020) on 27 July 2020. The Council's most recent Local Development Scheme (published 13 July 2020) indicates that the Council will consult on Preferred Options for the SAP in Autumn this year.
8. Framptons submitted detailed representations on behalf of Spitfire to the District Council at various earlier stages of the SAP preparation. We welcome the detailed technical work undertaken by the Council in respect of the SHLAA.
9. The SHLAA Update 2020 records that the Site as overall "*Likely to be deliverable*" subject to landscape mitigation and access via CLIF.04. The Table records that these two sites are considered capable of delivering up to 30 and 12 units respectively at 30dph. Spitfire would intend to bring forward a more concentrated development; 23 dwellings on site, with appropriate landscaping and access. This reflects the detailed work undertaken by Spitfire, and its consultants to identify an appropriate configuration and layout for this site. This quantum would also enable affordable housing to be delivered in accordance with development plan and national policy guidance.
10. Whilst CLIF.01 was considered also "*Likely to be deliverable*" this was only on the basis of limiting development to the southern part of the site. As a consequence, this would only yield an absolute maximum of 15 units. In the absence of any proposed layout, it is impossible to assess the realism of this level of delivery on site. Any affordable housing provided would be considerably lower.
11. The PPG 41-009 provides important guidance on the conduct of neighbourhood plan-making where a draft document proceeds ahead of a development plan document. It is a material consideration for the purposes of basic condition 8(2)(a). It expects evidence-sharing and collaborative working between the LPA and the qualifying body. 41-044 requires a qualifying body to "*discuss with the local planning authority why it considers the allocations set out in the strategic policies are no longer appropriate*".
12. The PPG does not envisage that a qualifying body can simply circumvent the examination of the development plan document by proposing a different (and indeed much smaller) allocation through their neighbourhood plan. However, as we shall set out below, the Parish Council appear to have developed a view that the Neighbourhood Plan should be used as a vehicle for their objection to the Local Plan rather than an exercise in collaborative working with a robust evidence base.
13. The position has been rendered even more acute by the Government's recent recognition that the District is not providing enough homes and that there are serious affordability issues.
14. On 6 August 2020, the Government published proposals for a Revised Standard Method under Current Changes to the Planning System ("*CCPS*"), under consultation until 1 October 2020. This increases the base figure for the District Council from 603 (on the current standard method) or 730 (the current DPD requirement) up to 1675.
15. Whilst the eventual figure will depend upon the outcome of the consultation, the direction of travel is unmistakable. The District will have to look to provide more housing.

16. In such circumstances, the Parish Council's attempt to constrain growth to a smaller number of dwellings is a seriously retrograde step. As set out below, we consider this figure to be no more than 15 dwellings, with no clarity as to affordable housing. This is the antithesis of what is envisaged under basic condition 8(2)(a), (d) and (e), and the NPPF which seeks to align Local Plans and neighbourhood plans (NPPF 13), to boost the supply of housing (NPPF 59) and to ensure that housing is brought forward in rural areas to ensure the vitality of rural communities (NPPF 78).

Neighbourhood Plan Regulation 16 Consultation

17. The Neighbourhood Plan was the subject of a consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 from 16 January to 28 February 2020.
18. We issued a detailed consultation response at that time. We do not repeat its contents at length here.
19. In short, we consider that Policy H1 should be deleted through modification, as it proposes the allocation of a completely different site to that which the Council have assessed and identified for allocation through the SAP, and an accompanying settlement boundary to exclude all other sites from coming forward.
20. There has been a serious mismatch between the District Council's careful choice of a site for 23 units on a site backed by an experienced housebuilder (with the consequent affordable housing gains), and the Parish Council's present proposal for "15-20 units" on a site in a separate location, with no identified housebuilder. There is simply no evidence that this site can deliver a quantum in excess of that identified by the Council. Having considered the consultation responses, we have still seen no evidence from the owner of the Site, Mr D Stanley, to evidence his intention to bring forward the site.
21. The wording of H1 is also highly problematic. It is premised on a highly restrictive approach as to how the Reserve Site may come forward: on the basis of local identified housing need.
22. We have also objected to other Neighbourhood Plan policies, notably Policy NE2 in respect of Valued Landscape and Protected Skylines.

Parish Council Response and Late Representations

23. Following the Regulation 16 consultation, the Parish Council collated their responses and issued a further document recording their responses to these in a column on the right-hand side of the table. The Parish Council's response cross-refers to their objections to the SAP. It also includes new information on the Neighbourhood Plan's evidence base, which was not previously published in a transparent manner.
24. The District Council then received an unusually high number of late consultation responses: 79 in total: CC028 to CC107. Many are phrased in a similar pattern in what appears to have been a coordinated exercise, each expressing support for the Plan and the Reserve Site and opposing the submissions of other parties, including our own, during the Regulation 16 period.

Site Assessment Work

25. The Parish Council's approach to site assessment is extremely concerning. The Parish Council comments that the evidence base was "*available online*", and yet, not available until "*presentation of the Submission Document*", i.e. in 2019. This covers site-specific assessments and a Red, Amber, Green (RAG) Table, dated September 2017.
26. Rather than present this in the transparent fashion to be expected of a Site Assessment document, the Parish Council's comment indicates that they delayed providing these documents for almost two years, including at a point after pre-submission consultation had taken place and only then placed them in an unspecified "*Data Sources*" folder. This plainly impeded the earlier consultation exercise.
27. It is notable that the District Council's comments on the Neighbourhood Plan, following endorsement by Cabinet on 11 February 2019 state: "*Is this the most sustainable use of the land promoting such low-density development? Is this low-density what is being referred to when quoting 'small-scale housing'? If so, this requires clarification. It is essential that the site chosen and those rejected have been thoroughly assessed and the evidence for these decisions must be published alongside the NDP.*" It therefore appears that the District Council did not have sight of the site specific assessments.
28. PPG 41-047 and 048 emphasise the importance of broad consultation and involvement of all interested parties, including landowners. These principles apply with particular force to site assessment exercises. Conventional practice is to provide such a document prominently on the consultation website, including requesting that the LPA host such a document on its website.

Lack of Landscape Assessment in Neighbourhood Plan Evidence Base

29. We have considered these documents and instructed qualified professional landscape consultants, Pegasus, to produce the attached Landscape and Visual Impact Note assessing the documents. These comment upon:
 - (1) The lack of any professional landscape input into these documents
 - (2) The unclear methodology applied
 - (3) The contrast with the Council's own site assessment work
 - (4) The consequent issued in the findings in respect of Site 1: Campden Road, and Site 5 which the Parish Council have indicated a preference
 - (5) The consequent failure of the site assessment work to approach landscape sensitivity.

Valued Landscape

30. Pegasus have also addressed additional issues arise in respect of Policy NE2 which fails to have regard to the judgment of Ouseley J in *Stroud DC v SSCLG* [2015] EWHC 488 (Admin). The Parish Council have not identified any site with any demonstrated physical attribute to take it out of the merely ordinary. Indeed, there is overall a lack of any robust methodology in assessing landscape considerations.

The Local Plan and Neighbourhood Plan Sequence

31. The choice of the proposed Reserve Site is an important matter that has plainly given rise to controversy in the local area.

32. However, neighbourhood plan-making should be an objective exercise, built on the foundation of a robust and transparent evidence base. PPG 41-08 makes clear: *“Where a neighbourhood planning body intends to allocate sites for development, it will need to carry out an appraisal of options and an assessment of individual sites against clearly identified criteria.”* The same paragraph cross-refers to the PPG on Housing Land Availability and Viability, i.e. those documents which the District Council has used in its own assessment.
33. The submission of a Neighbourhood Plan should not be used to frustrate a Local Planning Authority’s considered choice of the best location for development at a given settlement.
34. A Neighbourhood Plan should not be used as vehicle to bolster ongoing objections through the Local Plan process. This applies with particular force at present given the long delay before any neighbourhood plan referendum can take place: 6 May 2021 (by the operation of the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020).
35. This runs wholly counter to the basic conditions, notably paragraph 8(2)(a) and 8(2)(d), in frustrating the Local Plan process and the achievement of sustainable development.
36. Consideration of the Council’s detailed Regulation 16 response reveals a series of concerns about the Neighbourhood Plan, not limited to H1.
37. In the circumstances, we consider that the Neighbourhood Plan does not meet the basic conditions, notably 8(2)(a), (d) and (e) and the deletion of Policy H1 through a specific modification is necessary. This is the only way to ensure that the District Council’s careful assessment of the Site is reflected in plan-making for this parish, and further to ensure that an adequate supply of housing is brought forward in a sustainable location. The Parish Council’s proposed H1 allocation and settlement boundary has been promoted on a fundamentally mistaken basis, with a very limited evidence base.

Hearing

38. We respectfully request that the Examiner consider holding a hearing in respect of the Neighbourhood Plan under paragraph 9(2) of Schedule 4B. Such a hearing is necessary to ensure that Spitfire are able to put its case on these issues and to ensure adequate examination.
39. The Planning Inspectorate have now established the use of MS Teams as a vehicle for remote hearings including at Plan Examinations. Such a hearing could take place in a focussed fashion in accordance with a pre-arranged agenda and short written submissions.

If you have any queries, please contact me.

Kind regards

A handwritten signature in black ink, appearing to read "Louise Steele".

Louise Steele
Framptons

Enc: Landscape and Visual Note on the Clifford Chambers and Milcote Neighbourhood Plan (Pegasus)

Cc: Sarah Milward