

## **Shiplake Villages Neighbourhood Development Plan Examiner's Clarification Note Questions for Shiplake Parish Council with Responses**

### ***Policy SV2***

#### ***Does the policy bring any added value to national and local policies?***

Yes, it is complementary to national and local policies because the policy directly links the landscape or rural character of the countryside or area of valued landscape, in which a parcel of land is located, to the NPPF paragraph 80 exceptions. Recognition of the quality of the landscape in the Plan area is central to the Neighbourhood Plan (NP). Landscape policies underpin the approach to all development outside the villages in the Plan area, and therefore the policy adds a 'locally-specific' layer of detail that is not covered in the Local Plan or at a national policy level (see NPPF paragraph 80 and Local Plan policies H10, 16, 17, 18 and 19).

The policy as drafted refers (criterion 3) to redevelopment rather than reuse (NPPF para 80). This reflects the ability, identified elsewhere in the NPPF and in Local Plan policy H1 (criterion 4), to redevelop previously developed sites outside settlements.

Criterion 6 of the policy also refers specifically to the local landscape setting, a matter which is not explicitly addressed in the Local Plan (policy ENV1 Landscape) or paragraph 80 of the NPPF, and which is found elsewhere, albeit only obliquely, at NPPF paragraph 174 b) which refers to the 'intrinsic character and beauty of the countryside'.

Therefore, overall, the Parish Council considers that the way in which the Policy is presented, draws together a number of more disparate components of national and local planning policy so that the reader can find all of the elements in one place, adding local distinction to the decision-making process.

It may be beneficial to incorporate specific reference in the policy to the landscape character assessment and the Shiplake villages character appraisal and design guide to ensure that the reader is directed to the locally relevant evidence base, but the Parish Council will be guided by the Examiner in this regard.

### ***Policy SV4***

#### ***Does the second part of the policy (after the bullet points) bring any added value to national and local policies?***

Policy SV4 divides into two sections – the first section supports new employment uses within Class E (formerly B1) whilst the final paragraph supports changes of use away from permitted employment uses to non-employment uses. The first section provides a complementary policy to Local Plan policies EMP1, EMP10 and EMP11.

The second paragraph could be relegated to supporting text if necessary although it frames the context of the policy and the change of use away to non-employment uses in a positive manner and therefore complements Local Plan policy EMP3.

### ***Policy SV5***

#### ***As I read this policy it is more of a process matter than a policy.***

#### ***Please could the Parish Council explain the basis on which it crafted the policy? Might it be better used as supporting text for policies SV1-SV3?***

Policy SV5 sits within the 'Housing theme' section of the NP. Policies SV1-4 sit within the 'Strategy theme' which covers not only housing but conversion of buildings to other uses (SV3) and employment development (SV4). Therefore, it would be better if it were not supporting text

to policies that deal with both housing and non-housing development.

The origin of this policy was to require a 'statement of housing need', indeed that was the original title of the draft policy. This issue was raised at the Regulation 14 stage and (see p.252 of the Consultation Statement) the response provided stated that the policy sought to ensure that the housing that is provided within the NP area meets the needs of the villages. Reference was made to the adjacent Henley & Harpsden NP policy H3 ('made' in 2016), which contains similar provisions, and the full policy wording was reproduced on p.252 of the Consultation Statement. It states:

*“Development proposals providing 10 or more net additional dwellings will set out within a ‘ Dwelling Statement’ submitted as part of any planning application how the proposal provides an appropriate choice of homes that contributes towards meeting the specific housing needs of Henley and Harpsden. The Dwelling Statement should provide details on how the proposed development:*

- a) Meets the needs of different groups in the community, such as but not limited to, young people; local workers; small families; older residents (55+); and people with disabilities; and*
- b) Provides a high standard of internal and external living space.*

*Development proposals providing 10 or more net additional dwellings should ensure that housing types, sizes and tenures are appropriately ‘pepper-potted’ across the site to avoid large areas of uniform type, size and tenure.”*

Whilst policy SV5 requires a 'statement' to be prepared and submitted it need not be a lengthy document and can be included in the D&A statement or planning statement. Nevertheless, the intention is to ensure that applicants have given consideration to the needs of the Neighbourhood Plan area first and foremost.

### **Policy SV8**

***This policy reads partly as a policy and partly as a process matter***

***Please could the Parish Council explain the basis on which it crafted the policy? Could it be incorporated into the contents of Policy SV9?***

The policy has been crafted to provide an over-arching requirement that all development proposals requiring planning permission / listed building consent etc. demonstrably have due regard to their local landscape and / or built form context. This is really important to the Parish Council because it seeks to ensure that the policy brings an element of local distinction to the decision making process.

This could either be achieved as proposed, with a stand-alone policy, or it could be incorporated into policy SV22 or SV25. However the Parish Council would not want to see the policy requirement lost or watered down because it will ensure local distinctiveness is achieved in all developments, consistent with the Government policy objective of creating 'beautiful and sustainable buildings and places'<sup>1</sup> and the greater emphasis now placed on Design Codes and the National Design Guide (which includes 'local context' and 'identity' as the first two of the 10 characteristics identified in the Guide). NPPF paragraphs 127-129 address these issues in detail.

Neighbourhood Plans have an especially relevant role in this regard, as para 127 notes:

*“127. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities, so they reflect local aspirations,*

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<sup>1</sup> NPPF para 126

*and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers."*

It would be inappropriate to incorporate Policy SV8 into the contents of policy SV9 because SV9 only deals with landscape matters and not built form matters.

### **Policy SV9**

***It is clear that this policy is at the heart of the Plan.***

***Is the use of 'valued landscapes' in the policy wording intended to trigger the contents of paragraph 174 of the NPPF?***

***Please can the Parish Council comment about the methodology used to prepare the Character Assessment (Kirkham and Terra Firma). In particular, did the Assessment take account of the Landscape Institute's Technical Guidance Note 02/21 and the Guidance for Landscape and Visual Impact Assessment 3?***

**Is the use of 'valued landscapes' in the policy wording intended to trigger the contents of paragraph 174 of the NPPF?**

Yes. The proposed four valued landscapes are second tier 'local' designations in the NDP, below that of the AONB. Paragraph 175 is then also triggered (in the context of para 176, where the highest status of protection is afforded to the Chilterns AONB).

**Please can the Parish Council comment about the methodology used to prepare the Character Assessment (Kirkham and Terra Firma).**

The methodology is not set out as a separate stand-alone section of the document but the approach taken is clearly set out throughout the document in accordance with best practice within Natural England's 'An Approach to Landscape Character Assessment' October 2014 and in so far as it is relevant GLVIA3. Experience of many landscape character assessments shows that it is common practice to define characteristics of a local landscape character area and go onto identify valued attributes. It is then a matter of judgment whether these together define the character area as a local valued landscape as in the NDP. The approach in the NDP was to assess the sub-areas spatially in their context and with regard to the inter-relationship of landscapes; and to assess whether they had sufficient attributes of value (including the special qualities of the AONB and Thames corridor); to assess the collective effect of their valued attributes; and the extent to which they displayed valued attributes recognised in published documents. The methodology included both a top down (context and published guidance) and bottom up (detailed site assessment) approach. There was no presumption that any area would be defined as valued which only arose once the process had been completed. The valued attributes are clearly set out and summarised with the reasons for definition as valued local landscape set out under each Parish Landscape Character Area (PLCA).

The Parish Council considers that the study has been very thorough and has clearly identified the landscape quality and value of the four distinct areas. We note that, although there may be disagreement on the conclusions of the study, the landscape architects for Bolney Court Inc, who responded to the consultation at Reg 14 and the current stage, do not criticise the methodology and support the inclusion of PLCA1, 2 and 4 as three valued landscapes using the methodology. Similarly, the Chilterns Conservation Board have given their full support and no comments have been received from Natural England.

**In particular, did the Assessment take account of the Landscape Institute's Technical Guidance Note 02/21 and the Guidance for Landscape and Visual Impact Assessment 3?**

The updated Assessment April 2021 is based on the Reg 14 study (pre 02/21) in response to comments raised through the Reg 14 process. The guidance in Technical Guidance Note 02/21 is an update of existing practice as adopted by the authors of the assessment and was published just before the revised April 2021 Character Assessment was completed to meet the deadline. The Parish Council considers that the assessment of local landscape value has been carried out in accordance with current best practice in the Landscape Institute's Technical Guidance Note 02/21 for assessing value outside of nationally designated areas (Feb 2021). In particular the NDP defines the areas of value spatially for inclusion in a development plan the NDP in accordance with 02/21 and follows the guidance on the importance of considering the wider context of the areas under consideration (see for example sections 2 and 3 Character Assessment (Kirkham and Terra Firma). The Technical note and GLVIA3 also place great weight on the use of professional judgement in defining valued landscapes. The Parish Council feels that no further work is required.

The purpose of GLVIA3 is primarily to provide guidance in the assessment of the impact of development on the landscape and visual context of a proposed site. To this end it provides guidance on assessing character, sensitivity and value (including Box 5.1). It makes it clear that value may be defined primarily from a review of published landscape character assessments and site visits and/or via Box 5.1 in the absence of such documents. The Character Assessment draws on the published SODC Landscape Character Assessment, and documents produced by Oxfordshire and the Chilterns AONB Board as set out in the Bibliography Annex 1 to assist in defining value, followed by detailed site assessments carried out by qualified experienced landscape architects. The Assessment was carried out in accordance with GLVIA3.

***Policy SV10***

***The policy strikes a positive and non-prescriptive note.***

***However, will any or all of the 'enhancements' identified in the policy always be applicable to riverside-related development proposals?***

This policy specifically deals with development proposals, ie those requiring planning permission. Where development does not have a direct impact on a specific criterion then it will not apply. The Examiner's concerns could be addressed through the addition of the words "Where appropriate" at the beginning of the first paragraph of the policy, and the addition of the words "and/or" at the end of each of the first five bullet points to clarify that they do not all apply to all development proposals in every case.

The riverside area is of a particular character which the Parish Council considers is important to protect, and the policy will ensure that protection is achieved whilst at the same time ensuring that development which adversely impacts the riverside area is mitigated, where justified, through the vehicle of planning obligations contained in S.106 agreements or undertakings.

***Policy SV16***

***I saw the scale, significance and importance of the Memorial Hall during my recent visit. Paragraph 6.5.65 of the Plan neatly explains the purpose of this policy. However, does the Parish Council have any comments about the scale, nature and location of enabling development which would meet the tests of the Community Infrastructure Levy Regulations?***

It is not possible at this stage in the process to determine what scale, nature and location of enabling development would be lawful having regard to the CIL Regulation 122 tests. The Parish Council is not in discussion with any third parties to bring forward any such enabling development at this point in time; however the policy has been drafted to enable future proposals to be brought forward with support in principle provided that the scale, location and nature of the development satisfies the strict criteria for enabling development, the development Plan policies and the CIL Regulation 122 tests.

### **Policy SV18**

**Paragraph 6.5.69 comments about the context to the policy. However, the policy does not seem to relate to the supporting text and, as submitted, appears to suggest to focus on the ability of additional development to provide infrastructure rather than the ability of any development to mitigate its own impacts.**

**Please could the Parish Council explain the basis on which it crafted the policy?**

Paragraph 6.5.69 states:

*“6.5.69. Policies SV17 and SV18 provide the framework within which existing community facilities may be protected (SV17) and where the impacts of development on existing resources and infrastructure is appropriately mitigated (SV18).”*

To clarify the relationship with the respective policies, the wording of this paragraph could be re-worded to read as follows:

*“6.5.69. Policyies SV17 ~~and SV18~~ provides the framework within which existing community facilities may be protected. ~~(SV17)~~ **Policy SV18 describes the circumstances and** where the impacts of development on existing resources and infrastructure **are** appropriately mitigated ~~(SV18)~~.”*

Policy SV18 is directly related to mitigating the impacts of development. The principle of development mitigating its own impacts is the basis for planning obligations and the Community Infrastructure Levy being secured.

Many of the community’s aspirations for the area (see Section 7.1) are land use planning related aspirations which may be necessary in order to mitigate the effects of future development and therefore the link between the two is sensible and logical in the Parish Council’s view. Reference could be made in the policy to all mitigation having to meet the CIL Regulation 122 tests if it would assist in adding clarity to the purpose behind the policy.

This policy is almost identical to policy 8 in the ‘made’ Ashbury Neighbourhood Plan (in the Vale of White Horse District) which also sought to mitigate the impact of development on the local area, but instead of referring to the list of infrastructure as ‘community aspirations’, policy 8 referred to them as ‘priorities’ and the related Appendix referred to them as ‘Infrastructure Priorities’. If it would assist the Examiner, the wording of policy SV18, supporting text and Section 7.1 of the NP could be revised (i.e. by replacing the phrase ‘Community Aspirations’ with ‘Infrastructure Priorities’ or similar).

### **Policy SV19**

**Does the policy bring any added value to national and local policies?**

The policy reflects the considerable concern expressed by the community in the various surveys (for example, see Consultation Statement pages 152, 157-8, 176, 187-192, 207, 226 and Appendix 19) about parking on-street, highway safety, accessibility and related matters. Furthermore, it reflects concerns in the Design Guide and Character Appraisal (Appendix 6 to

the NP) – see figure 120 in the Character Appraisal and Character Areas 1, 8 and 9 in particular. These are locally expressed concerns that are of great importance, second only to the protection of the landscape in the Plan area.

If it would assist in making the policy clearly relevant to the local area (so as to distinguish it from NPPF chapter 9 and Local Plan policy TRANS5) then reference to the supporting evidence could be included in paragraph 6.5.70 of the Neighbourhood Plan.

### ***Policy SV22***

***As I read this policy it is more of a process matter than a policy.***

***Please could the Parish Council explain the basis on which it crafted the policy? Might it be better used as supporting text for the other policies in this part of the Plan?***

Paragraph 6.6.9 on the NP explains the rationale for the policy and the requirements that are expected when applicants have to prepare and submit design and access statements. This builds upon the key elements in the Design Guide that is found at the end of the Shiplake Villages Character Appraisal (Appendix 6 to the NP) and it reflects the objectives contained in Local Plan policy DES3.

The intention of the policy is to focus developers' minds on the locally distinctive aspects of the area's character when developing their proposals rather than simply adopting a standard approach to design that may not reflect the locality but may still be an Oxfordshire or South Oxfordshire character. This is critical because the local vernacular in South Oxfordshire differs from village to village.

It works hand-in-hand with policies SV8 and SV25, and the three policies should be read together. As noted above, policies SV8 and SV22 could be amalgamated but the Parish Council would not want to see the effectiveness of either policy be lost or watered down in the process.

### ***Policies SV24 and SV25***

***These policies have been very carefully prepared and are underpinned by the Character Appraisal and Design Guide. They are major achievements.***

***In combination they will do much to ensure high quality development throughout the Plan period.***

These positive comments are welcomed by the Parish Council.

### ***Policy SV26***

***Plainly pre-application advice has the ability to promote and encourage high quality schemes. However the policy reads as a supporting statement rather than a policy***

***Please could the Parish Council explain the basis on which it crafted the policy?***

***In addition, does the policy bring any added value to the national and local approach on this matter?***

Policy SV26 has been developed in order to ensure that where appropriate, applicants engage at an early stage with the Parish Council to discuss their proposals. This will enable applicants to benefit from the local knowledge and experience of the members of the Parish Council and it will also assist with planning application process by helping to reduce the number of potential policy conflicts that a proposal may be affected by at an early stage. This is in the spirit of the 'front-loading' of the planning application process.

No policy could require applicants to engage in pre-application discussions with the Parish Council and LPA, but the purpose of policy SV26 is to signpost the benefits of early engagement, and the range of issues that will need to be considered in developing significant proposals in the Plan area.

The detail contained in the policy bullet points complements Local Plan policy DES1 and, together with the suite of design policies and guidance in the NP and the associated Design Guide, will help to ensure high quality development is achieved in the NP area in the future.

It has the ability – together with the other NP design policies – to ensure a locally-relevant approach to development is adopted by developers which draws on national and local planning policy but which is distinctly relevant to the Shiplake Villages area.

### ***Representations***

***Does the Parish Council wish to comment on any of the representations made to the Plan? In particular, does it wish to comment on the representations made by:***

- ***Bolney Court Inc (including the Landscape and Visual Appraisal prepared by Hankinson Duckett Associates);***
- ***Victoria Land; and***
- ***Phillimore Estate?***

***The District Council proposes a series of refinements to Policies SV 2/5/7/10/14/15/20 and 25. Does the Parish Council have any comments on these specific matters?***

Please see separate responses to main representations and those provided by South Oxfordshire District Council.

Shiplake Parish Council – 07/02/2022