

Delegated Report for Neighbourhood Area application

Date: 27 January 2017

Application proposal: Sutton Courtenay Neighbourhood Plan

Case officer: William Sparling

PROPOSED NEIGHBOURHOOD AREA

RELEVANT BODY

Sutton Courtenay Parish Council

POLICY & GUIDANCE

SECTION 61G(1) OF THE TOWN AND COUNTRY PLANNING ACT 1990 as amended

Applied to Neighbourhood Development Plans by section 38A of the Planning and Compulsory Purchase Act 2004

CONSULTATION

DURATION

21/09/2016 – 02/11/2016 (6 weeks)

COMMENTS

7 responses (see summary in Appendix Three)

- Health and Safety Executive concluded that there is potential for land allocated in plan to encroach on consultations Zones.
- Abingdon Town Council considers the northern part of the area should be part of Abingdon Neighbourhood Plan area. They object to the Area Designation.
- Natural England, Scottish and Southern Energy and Gladman Developments have no comments to make.
- Historic England would like to make the steering group aware of the need to conform to the Government's approach regarding the historic environment.
- Network Rail have no comments to make but would like to be kept informed of any future planning applications.

OBJECTIONS

One objection was received from Abingdon Town Council. (See Summary in Appendix Three).

PARISH COUNCIL COMMENTS

- We contacted the Neighbourhood Plan Steering group and Parish Council for their comments on our proposed changes to the designated area.
- We held a meeting on 10 January 2017 between VWHDC, representatives from the Parish council, steering group, Ward Councillor and Sutton Courtenay Action Group to discuss the changes to the area designation. During this meeting, the designated area

was agreed upon as presented in this report. The Parish Council expressed a wish to provide input into future plans on the Didcot A land and it was agreed that the possibility of this would be looked into by VWHDC. We updated Cabinet Briefing on this response.

**WARD COUNCILLOR
COMMENTS**

- Ward Councillor (Gervase Duffield) was in attendance at the 10 January meeting and was in agreement to the proposed change to the designated area. We updated Cabinet Briefing on his response.

PLANNING CONSIDERATIONS

1. Neighbourhood planning is part of the Government's Localism agenda. Neighbourhood plans have to meet the basic conditions. This applies to their preparation in addition to the final document and is set out in the legislation as:
 - to have regard to national policy and guidance and
 - contribute to sustainable development and
 - be in general conformity with the strategic policies of the local plan;
 - be compatible with EU obligations - SEA, EIA, Habitats, Waste, Air, and Water Directives - and that
 - prescribed matters are met – Habitats, Marine and any other relevant legislation.
2. Section 61F of the Town and Country Planning Act 1990 states that once a neighbourhood area has been designated, the qualifying body is authorised to act in relation to the neighbourhood area designated. Therefore the parish or town council become the qualifying body - the legal authority - for preparing a neighbourhood plan in that area.

Area designation application

3. In accordance with Regulation 5 of the Neighbourhood Planning (General) Regulations 2012, Sutton Courtenay Parish Council submitted an application for the designation of a neighbourhood area on 5 July 2016 (see Appendix One for the original application). The specified area follows the parish boundary and an extension into Milton Parish. A map of the proposed area and parish boundaries are shown in Appendix Two.
4. Before the publicity period commenced, we worked with members of the steering group. We supported them to consider carefully the proposed neighbourhood area and to write a more detailed supporting statement setting out why the proposed area was appropriate. The result was a justified neighbourhood area application and proposed boundary.
5. We publicised the application in July/August and received an objection highlighting an error in providing all the documentation during the publicity period. We re-publicised the application from 21 September to 2 November 2016 in accordance with Regulation 6 of the Neighbourhood Planning Regulations 2012.
6. One objection was received from Abingdon Town Council. A summary of the responses is presented in Appendix Three.

Determining the area application

7. The power to designate a neighbourhood area is set out in Section 61G of the Town and Country Planning Act 1990 - introduced by the Localism Act 2011. In determining the application the district council needs to be satisfied that:
 1. a relevant body has made the application – Section 61G (2)
 2. in the case of a parish council, the specified area includes the whole or any part of the council – Section 61G (3)

3. the specified area is appropriate – Section 61G (5).
8. We are satisfied on point one, that Sutton Courtenay Parish Council is a relevant body. We are satisfied on point two, that the area applied for includes whole, or part of, Sutton Courtenay Parish. We are not satisfied on point three, the specified area is not appropriate and propose to exercise our power of designation to designate an amended boundary.
9. In determining the neighbourhood area, Section 61G (2) states that the local planning authority should take into account the relevant body's statement explaining why the area applied for is appropriate.
10. Section 61G (4) also states that in determining an application for a neighbourhood plan area, regard must be had to the desirability of designating the whole of the area of the parish council as a neighbourhood plan area.
11. Section 61G (5) also states that where a valid application is made, the local authority can refuse the application if it considers the specified area applied for is not an appropriate area to be designated as a neighbourhood area. The authority must exercise its power of designation to secure that some or all of the specified area is designated.
12. We recommend an alternative neighbourhood area boundary for Sutton Courtenay as shown in Appendix Four, for the reasons given below and which accord with Section 61.

Northern boundary (towards Abingdon)

13. The proposed neighbourhood area extends north towards Abingdon following the parish boundary. Abingdon Town Council has objected to the proposed designation of the northern part of the neighbourhood area and this is shown on the map in Appendix Two. The town council regard this part of SC parish as being "functionally part of Abingdon" and thus raise objection.
14. The area in question is a series of lakes and open land comprising an old gravel pit, bounded on the northern and western side by hedgerow and barbed wire, with an adjacent road. The boundary is mostly overgrown and forms a clear physical boundary. On the eastern side, the boundary is the River Thames, a clear physical boundary. The river is not included in the proposed neighbourhood area. To the south there are further disused gravel pits and open land.
15. The physical appearance and characteristics of the area are similar to those further south towards Sutton Courtenay. A physical boundary is helpful in determining neighbourhood area boundaries where they do not match a parish boundary. No clear physical boundary exists before Drayton Road
16. The area in question is not an area of planned expansion to Abingdon, as set out in Local Plan 2031 Part 1. The area is not an estate for businesses or residents. There are no public rights of way crossing the site and it is not being used for leisure uses. It is not clearly linked to Abingdon by any other types of infrastructure.

17. We have considered the possibility of designating an amended boundary. In having regard to Section 61G (4) of the 1990 Act, we consider the desirability of designating the parish boundary in this area, where there are also strong physical features in place. We acknowledge the town's objection but although this area is in close proximity to the town, we do not believe, from the evidence available, that it is demonstrably or functionally part of Abingdon.
18. We are satisfied that the proposed designated area follows the parish boundary as proposed by Sutton Courtenay Parish Council in this location.

Western boundary (extension into Milton Parish)

19. The proposed neighbourhood area extends into Milton Parish. This has been agreed by Milton Parish Council and acting on their behalf the Chairman has signed the area application form. The supporting statement explains that this has been fully agreed by Milton Parish Council.
20. If the area is to be designated, Milton Parish Council have therefore agreed that Sutton Courtenay can act as the qualifying body to prepare planning policies for a neighbourhood plan in part of their parish.
21. The supporting statement states that this area has been included in "the interests of safeguarding against coalescence of the two settlements" of Milton and Sutton Courtenay. It correctly references saved policies NE10 and NE11 of Local Plan 2011; these are currently under review through Local Plan 2031 Part 2.
22. The supporting statement explains that "neither Sutton Courtenay nor Milton Parish Councils wish to see any encroachment of development" into the area. Whilst a neighbourhood plan cannot stop development, it can encourage protection of landscape, open spaces and the natural environment between villages as planning policy.
23. Any applications determined using this type of policy would be subject to the usual material considerations test in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004.
24. We are satisfied that the boundary extension proposed by Sutton Courtenay Parish Council into Milton Parish is consistent with preparing a neighbourhood plan that meets the basic conditions.

Southern Boundary - Didcot Power Station and Enterprise Zones

25. The proposed neighbourhood area extends south to the boundary between the Vale of White Horse district and South Oxfordshire district. We recognised that this remains in the Parish of Sutton Courtenay.
26. The area in question consists of a mixture of heavy and light industrial uses, warehousing and showrooms. The site is bounded at the northern edge by hedgerow and to the western edge there is a mixture of hedgerow and access roads. The eastern boundary is a mixture of hedgerow and access roads. To the south, the majority of the boundary is security fencing, which is adjacent to Milton Road.

27. In planning terms, this is an important area, for example, part of Didcot power station is of significant importance to the two districts, the county and nationally, for delivering jobs and economic growth. There are larger than local impacts to planning policy within this area.
28. There are the following planning designations covering a significant part of the area:
- Enterprise Zone
 - Strategic Employment Sites
29. Enterprise Zones are nationally important sites for delivering economic growth. Once agreed by Government, there is expectation that there will be relaxed planning controls and incentives for businesses to support growth. To achieve these Government expectations there is a proposal to develop a Local Development Order on part of the Enterprise Zone. Any neighbourhood plan policy would have very limited weight in determining applications.
30. Strategic sites are essential for delivering the wider planning strategy for the district. Neighbourhood plans have to be in general conformity with strategic policies in the local plan.
31. Furthermore, part of this area forms both previous electricity generation; Didcot A Power Station, and current electricity generation; Didcot B Power Station. Recent investment make it highly likely that Didcot B Power Station will remain in use throughout the plan period up to 2031. In the unlikely event it is decommissioned, the decommissioning process would extend beyond the end of the plan period.
32. The site of Didcot A power station is currently undergoing decommissioning. There is currently an outline planning application for a mixed use scheme, with a resolution to grant. There are a number of issues with this brownfield site, including the removal old material from previous uses, contamination and access.
33. It is considered with these important above mentioned factors that the southern boundary of the neighbourhood plan area should not follow the parish boundary, but use property boundaries to exclude this area from the neighbourhood plan designation.

Designating the neighbourhood area

34. The amended proposed neighbourhood area is suitable to be designated as a neighbourhood area. It encompasses part of the parish area of Sutton Courtenay Parish Council, as the relevant body, and with the agreement of Milton Parish Council, an extension into Milton Parish.
35. The designated area is not primarily or wholly business in nature and should not be designated as a business area under Section 61H (1) of the 1990 Act.

Officer's Recommendation

36. Officers recommend that the Head of Planning, following consultation with the

Cabinet member for planning, designates the area as shown in the map in Appendix Five, which encompasses part of the Sutton Courtenay Parish and part of Milton Parish, as a neighbourhood area under Section 61G(1) of the Town and County Planning Act 1990 as amended.

Decision by Head of Planning

Agree/ Consider further

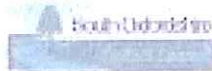
Signature... 

Date..... 27/11/17

Appendix One - Original Area Designation Application

Neighbourhood Planning Area Application Form

Application to designate a Neighbourhood Area



Town and Country Planning Act 1990
Neighbourhood Planning (General) Regulations 2017



1. Single point of contact regarding the Neighbourhood Plan

Title: First Name: Surname:

Address:

Postcode: Telephone:

Email:

3. Parish clerk details (if different from those above)

Title: First Name: Surname:

Address:

Postcode: Telephone:

Email:

4. Relevant Body

Please confirm that you are the relevant body to undertake neighbourhood planning in your area in accordance with section 61G of the 1990 Act and section 5C of the 2012 Regulations.

Yes: No:

Name of Relevant Body:

Note: In areas covered by a town or parish council, the town or parish council is the relevant body. For applications covering more than one parish area, please nominate a lead parish to act as the relevant body. If your area is not covered by a parish council (or a parish meeting), please contact the Planning Policy Team before making your application.

6. Extent of area

Please attach an OS plan showing the extent of the proposed Neighbourhood Area and indicate below the relationship of the proposed area to parish boundaries. For further information about obtaining OS maps please see note 1.

Proposed area covers the whole of a single parish boundary area:

Proposed area covers part of a single parish boundary area:

Proposed area covers multiple parish boundary areas:

7. Applications covering more than one parish area:

If your application area covers more than one parish area, please list the parishes covered by the area application, the extent of the parish included and only tick consent from the parish by putting them in a tick below.

Name Town/Parish Council	Extent of parish, include in Neighbourhood Area	Name and Position	Authorising Signature
Wilson Parish Council	Parts North and South of	Brian Stanbrook	<input type="text"/>
Sutton Courtenay Parish Council	Sutton Road	Chairman	
	Wootton Parish	Michael Jenkins	
		Chairman	

By signing this form your Parish Council is agreeing to the inclusion of part or the whole of your parish into the Neighbourhood Area named below and shown on the attached OS map.

6. Name of Neighbourhood Area

Please give the name by which your Neighbourhood Area will be formally known

Parish of Sutton Courtenay

7. Intention of neighbourhood area:

Please indicate which of the following you intend to undertake within your neighbourhood area.

Neighbourhood Development Plan	<input checked="" type="checkbox"/>
Neighbourhood Development Order	<input type="checkbox"/>
Community Right to Build Order	<input type="checkbox"/>

8. Reasons for considering the area appropriate

Please briefly describe below why you consider this area is appropriate to be designated as a Neighbourhood Area.

The area includes the whole of the parish of Sutton Courtenay and open fields on the west boundary, immediately north and south of Sutton Road in the parish of Milton.
Continued.....

9. Previous applications

Has this relevant body previously submitted an application to designate a neighbourhood area, which has not yet been determined?

Yes No

10. Withdrawal of previous application

If you answered 'Yes' to question 9 above, please sign below to withdraw your previous application

I/We hereby wish to withdraw any previous application/s to designate a neighbourhood area made by the relevant body

Name: Date:

Signature:

11. Declaration

I/We hereby apply to designate a Neighbourhood Area as described on this form and the accompanying plan

Name: Linda Martin Date: 5 July 2016

Signature:

Please return the forms to:

Vale of White Horse District Council or
135 Eastern Avenue
Milton, Milton Park, OX144BB

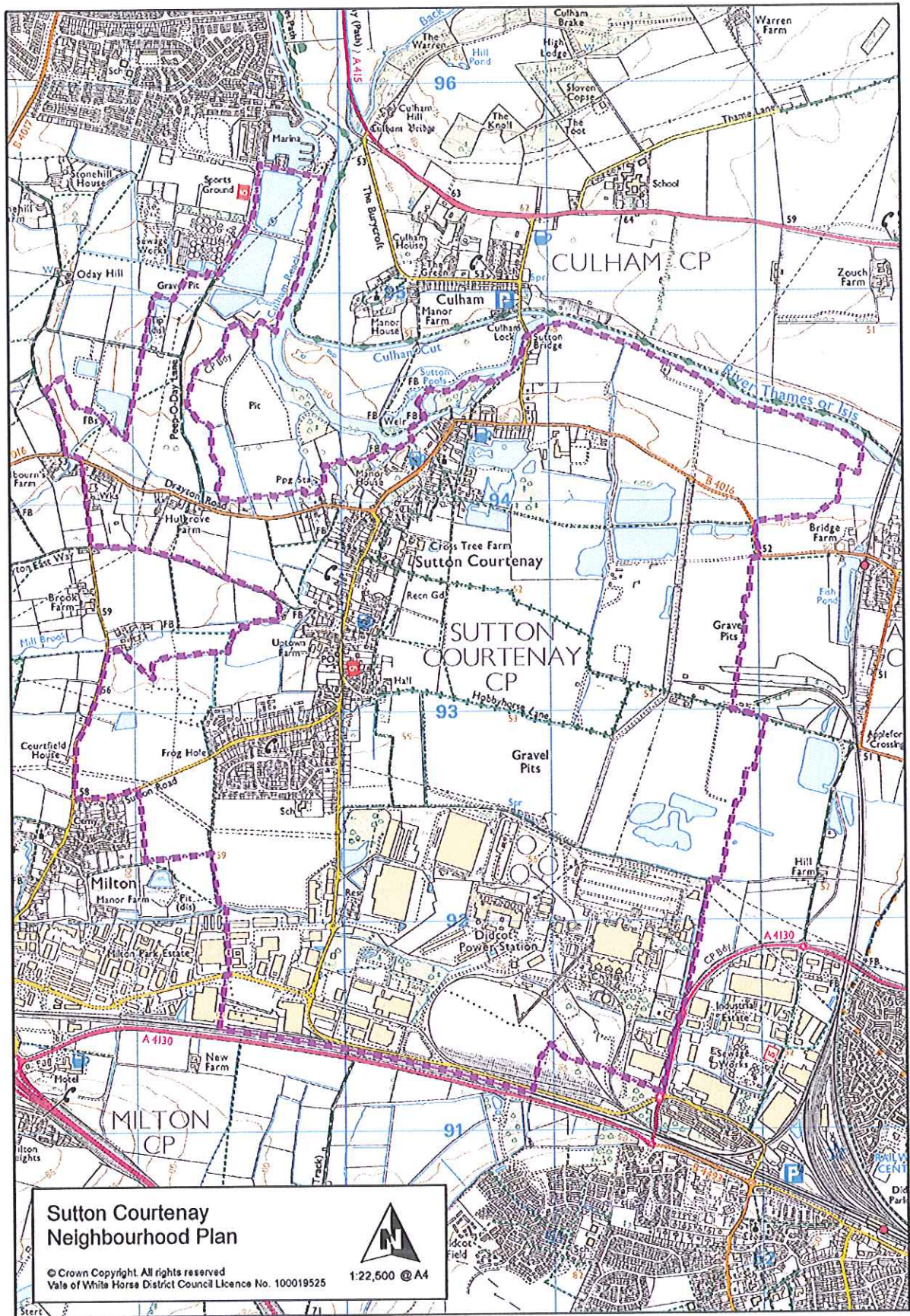
planning.policy@whitehorsedc.gov.uk

South Oxfordshire District Council
135 Eastern Avenue
Milton, Milton Park, OX144SB

Or planning.policy@southox.gov.uk

Publication of applications to the Council's website
Please note, as required under the Neighbourhood Planning (General) Regulations 2012, a copy of this form and accompanying information will be published on the Council's website. However, all personal information, with the exception of the name and address of the main contact, will be redacted from the website. The complete form will be available to view in the council offices. If you require any further clarification, please contact the Planning Policy Team.

Appendix Two - Sutton Courtenay Parish Council's Proposed Neighbourhood Area



Appendix Three - Summary of Responses to the Proposed Neighbourhood Area During the Publicity Period

Company/ Organisation	Company/Organisation Representative	Comment Summary
Health and Safety Executive	John Moran	<p>We have concluded that there is the potential for land allocated in your plan to encroach on consultations zones, namely :</p> <p>H4151 – RWENPower Ltd, Didcot A&B Power Station. OX29 4BZ 2. H3053 – Air Products Ltd, Southmead Ind Est, Hawksworth Road, Didcot. 3. National Grid Gas Major Hazard Pipeline HSE Reference 7091 – 7” Feeder Chalgrove/Didcot PS</p>
Abingdon Town Council	Nigel Warner	<p>It is noted that the proposal follows the parish boundaries of Sutton Courtenay and open fields on the west boundary immediately north and south of Sutton Road in the parish of Milton. Although somewhat ambiguous and the map does not have a key, we understand that these are in Milton parish and the application is that they should be part of the SCNPA. The Town Council considers the northern most part of the area, which is to the east of the Southern Town Park and the sewage works (marked and shaded on the attached map) should be part of the Abingdon Neighbourhood Plan area on the basis that this is functionally part of Abingdon. It has no objection to the rest of the Neighbourhood Plan Area. Consequently, the Council has resolved to object to the Sutton Courtenay Neighbourhood Plan area in relation to the specific area detailed above.</p>
Natural England	Victoria Kirkham	<p>Natural England does not wish to make comment on the suitability of the proposed plan area or the proposed neighbourhood planning body.</p>
Scottish and Southern Energy Network Rail	Chris Gaskell	<p>I can confirm that, at this present time, I have no comments to make.</p>
Network Rail	Barbara Morgan	<p>Whilst Network Rail has no objection in principle to the Designation of a Neighbourhood Area by Sutton Courtenay Parish Council, we would request the opportunity to comment on any future planning applications should they be submitted for sites adjoining the railway, or within close proximity to the railway as we may have more specific comments to make.</p>
Gladman Developments Ltd	John Fleming	<p>No Specific Comments to make at the time. Highlights legislation and guidelines in which the Neighbourhood plan will have to follow. Would like to be notified of further developments and consultations.</p>
Historic England	Robert Lloyd-Sweet	<p>I am happy to confirm that we do not wish to raise any concerns regarding the proposed area and look forward to seeing the development of the neighbourhood plan. At this early stage it would be helpful if the Council could make the Neighbourhood Plan Steering Group aware of the need for the plan to conform with the governments' approach to the historic environment within plan making, set out in the National Planning Policy Framework, with which the plan will need to conform.</p>

Appendix Five – The Sutton Courtenay Neighbourhood Area To be Designated

