

Full Council

Date:	16 September 2014
Title:	Thame Neighbourhood Plan
Contact Officer:	Helen Stewart, Town Clerk

Purpose of the Report

1. To address the statements made by The Elms Petition Group as to the rationale for including The Elms as an allocated site in the Thame Neighbourhood Plan.
2. To show that The Elms was included as an allocated site from the start of the process and was not included by “foul” means.
3. To provide background information putting the letter from English Heritage October 2012 into context

Action Required

4. To consider the information provided and reaffirm the integrity of the process and the Thame Neighbourhood Plan.

Rationale for Including The Elms

5. The allocation of land at The Elms was made as a result of Tibbalds (the planning and urban design consultants contracted by the Town Council to produce a Neighbourhood Plan), managing a carefully considered Neighbourhood Planning process. This started by asking local people about the future of the town at the consultation weekend in October 2011.
6. The outcome of this consultation was an overall vision for the future of Thame, along with a set of core objectives that were taken back to local people in November 2011 and endorsed at a second consultation event. (See **Appendix 1a**- Thame Consultation Material and **Appendix 1b** – Option Development and Testing Consultation Report)
7. These core objectives included principles such as continuing to feel ‘compact’, integrating new housing into Thame, supporting Thame’s shops, providing more public open space and improving existing open space.
8. At the same time as developing the overall vision and objectives, the Town Council’s consultant team undertook:
 - a technical appraisal of where new development could go, looking at issues such as flooding, visual impact and landscape
 - a check on the availability of land where new development could go, looking at planning policy and talking to landowners and developers about what plans - if any - they had for their sites.

9. During this process, land at The Elms was identified as having potential to deliver housing, subject to a scheme that was sensitive to the planning policy requirements in relation to the Conservation Area and Listed Building, along with the provision of open space.
10. It was identified as being capable of very positively meeting a number of the Neighbourhood Plan's objectives, particularly integrating new housing into the town, providing pedestrian and cycle links to the High Street that would help support the Town Centre's shops, providing public open space (The space is currently not accessible to the public) and - through planning obligations - delivering improvements to the adjacent Elms Park.

Allocated Site

11. Discussions with representatives from the residents associations and some councillors, that formed the Core Group for considering how Thame could grow, took place between February and April 2012. The meetings raised a number of issues that were recorded in the minutes of those meetings. (Pages 12 – 33 of **Appendix 1b** - Option Development and Testing Consultation Report).
12. As can be seen on page 26 of this report the fourth alternative option was developed collectively by the Residents Associations and circulated to Town Councillors and Tibbalds in advance of the meeting on 16 April 2012.
13. Page 27 point 3 has a specific minute that states *“Whilst all councillors did not agree that The Elms should be considered, we (Residents Associations), feel it will be a nice place to live and have benefits in opening up private green space for public use for housing and provide a safe pedestrian / cycle route into town centre, 75 dwellings could be accommodated there”*.
14. The number of units was then contested by Tibbalds in point 4 on page 28: *“75 units on The Elms is too many. There are significant heritage issues (the listed building and Conservation Area) that constrain development, along with the need to accommodate the mature trees. The landowner is looking for a maximum of 60 units”*.
15. The boards presenting all of the options were produced by Tibbalds and can be found at pages 34 – 37.
16. Consultation material presented to the public from this point forward up to November 2012 included The Elms with an allocation of 60 units. After November 2012 the units were reduced to “up to 45”.
17. Approximately 5,500 “Preferred Options” leaflets were delivered to every home in Thame between May and June 2012. The invitation to respond to this consultation also included a specific question of those being consulted:
 - *“Do you support some development using the land attached to the Elms Estate?”*
18. The responses to the Preferred Options Consultation were delivered to the Town Hall where they were numbered and logged before being sent to Tibbalds for analysis of the comments.
19. Page 10 of the Neighbourhood Plan Development Proposal: Consultation Statement (**Appendix 2**) provides the analysis by Tibbalds of the 835 responses received.
20. A bullet point in paragraph 5.5 on page 10 of **Appendix 2** identifies that The Elms received strong opposition at 40% but the majority (60%) supported the site.

21. On page 11 of this same report paragraph 5.9 identifies that of the 835 responses 38 had made specific comments about The Elms allocation. Of those specific responses, 31 opposed the proposal and 7 supported it. There was concern that development on The Elms would significantly adversely affect the conservation area.
22. Paragraph 5.15 details how the concerns were considered and a draft Neighbourhood Plan with 60 units allocated to The Elms site was produced. This was put to the residents of Thame in the Regulation 14 Consultation between 21 August and 3 October 2012 (**Appendix 3**).
23. The responses to the Regulation 14 Consultation were, as for previous consultation responses, returned to the Town Hall for logging and then sent on to Tibbalds for analysis of the comments. It should be noted that all response forms were available to view by the public at the Town Hall and a summary table was produced and posted on the Town Council website.
24. 221 formal responses were received and page 13 of **Appendix 2** summarises how these were dealt with. 25 responses were received after the consultation period had closed but these were still included and made available for viewing at the Town Hall and summarised in the table on the Town Council's website. The letter received from English Heritage was one of these late responses and is dealt with further on in this report.
25. This draft Neighbourhood Plan retained The Elms as one of the allocated housing sites because, when considering purely the principle of residential development on the site there was nothing in higher level policy that could necessarily prevent such even if not included in the Neighbourhood Plan.
26. If this was not the case the Neighbourhood Plan would not have been put to referendum because it would not have conformed with higher level policy i.e. the District Council Core Strategy and the National Planning Policy Framework.
27. It was known that the property had been sold to a developer with the intent to achieve some development on the site so keeping the site allocation in the Neighbourhood Plan also meant that if the site was developed the units would be part of, instead of in addition to, the 775 already attributed to Thame and there would be a means to obtain additional open space and improvements to Elms Park.
28. Whilst ensuring the availability of The Elms site for development was a requirement of producing the Neighbourhood Plan, allocation in the Plan does not, subject to the wording of the related policy, automatically mean that the site will be developed for the number of units specified in the policy. Indeed, unlike other allocated sites in the Plan, the policy in this case specifies 'up to' a number of units, wording that was included in recognition of the sensitivities of the site and the need for a design-led solution.
29. These considerations now form part of reviewing and assessing the detailed scheme in a planning application. In recognition of these sensitivities, the policy includes the re-allocation to other sites of any shortfall in housing that may come forward on The Elms against the allocation of 'up to' 45 units, ensuring Thame as a whole delivers the 775 units identified for the town in the Core Strategy.

English Heritage

30. Before submitting the Neighbourhood Plan to the local planning authority (SODC), there were certain requirements that had to be completed as part of the Regulation 14 Consultation

including consulting on the proposals with a list of statutory consultees such as English Heritage.

31. The document attached as **Appendix 4a** numbered 61 contain the comments received from English Heritage within the consultation period which ended on 3 October 2012.
32. Comment 4 in the response relates to policy A4 allocating 60 units in the draft Plan.

"The Plan rightly recognises the sensitivity to The Elms House allocated site in terms of heritage assets. Unfortunately a problem with downloading the document has meant that I am unable to see the Requirements on page 61, but English Heritage would expect them to be such as to conserve and enhance as far as possible the character of the Conservation Area and the significance of the nearby heritage assets".
33. As stated in paragraph 23 above, the responses to the Regulation 14 Consultation were, as for previous consultation responses, returned to the Town Hall for logging and then sent on to Tibbalds for analysis of the comments. The response forms being made available to view by the public at the Town Hall and a summary table was produced and posted on the Town Council website.
34. Tibbalds proceeded to analyse the responses from the Regulation 14 Consultation and make amendments to the draft Plan with the expectation of submitting a Plan for Examination in November 2012. (**Appendix 5a** – Indicative Examination Timetable and **Appendix 5b** – Work Programme).
35. The timetable for submission was crucial at this stage of the process to ensure a referendum could be held in May 2013.
36. The District Council's Core Strategy required a five year land supply to be identified by April 2013 to avoid any speculative development. The allocation in Thame was required to meet the five year requirement and a decision had to be made as to where development could take place in Thame either by the results of a Referendum or by the district council taking a unilateral decision.
37. The whole rationale behind proceeding with the Neighbourhood Plan was to enable Thame to make its own decision on such matters.
38. On 25 October 2012, three weeks after the consultation period had closed English Heritage sent a letter addressed to the Clerk to Thame Town Council and this is attached as **Appendix 4b** – numbered 222. The letter explains that English Heritage did not agree with the assessment which is in reference to the assessment of the site as submitted by Nash Partnership.
39. This was duly sent to Tibbalds for analysis. What followed, to try and resolve the issue and keep to the timetable, were a number of emails and a site meeting followed by a discussion meeting at the Town Hall. The meetings were arranged by Nash Partnership on behalf of the developer.
40. This was not a "council" meeting but the Town Clerk was in attendance as was an officer from SODC. Notes of the meeting were made on behalf of the Town Clerk by another Town Council Officer. These were made to provide an aide memoir for the Town Clerk as to who said what because there were two very strong opposing views and without having a professional planning advisor present to assist in assessing these views it would be difficult to find an agreeable compromise enabling the Plan timetable to be maintained. The notes were not formal minutes nor were they circulated as such. (**Appendix 6** – Notes of Meeting 8 November).

41. The process by which the English Heritage consultation late response was recorded and then analysed, was as for all the other consultation responses. The final position being negotiated through discussions between English Heritage, Nash Partnerships and Tibbalds. **(Appendices 7 – 13)**. The Consultation Statement – **(Appendix 2** pages 13 and 14) reported on this matter and how the issues and concerns had been addressed.
42. The meeting held on 20 November 2012 was convened to so that the Town Council as the qualifying body for neighbourhood planning for the town of Thame, could endorse Thame's Neighbourhood Plan and agree to its submission for examination to SODC. **(Appendix 14)**
43. The Town Council, even though some councillors did not agree with all aspects of the Plan including The Elms allocation, was being asked to approve the whole process by which the Plan had been developed.
44. The minute **(Appendix 15)**, *“It explained that this was not a councillor decision and that the Plan had been through rigorous testing with the community and although there were parts of the Plan everyone could find difficulty with, consideration had to be taken on the whole plan”*. Reflected the position that had been taken in developing the Plan - that it reflected the results of extensive consultation not the opinion of individual councillors.
45. The importance and amount of consultation that had taken place to inform the Neighbourhood Plan was duly reflected in the Examiners Report **(Appendix 16)** on pages 8 – 11 which includes these statements:

“Given its fundamental importance to successful neighbourhood planning, I have assessed the consultation process undertaken for the Plan in some detail. In doing this, I’m particularly conscious that, despite the Plan having undergone stages of consultation over and above that required by legislation, it was still criticised by some objectors to the Plan.

Simply undertaking various stages of consultation does not in itself ensure a robust and well-tested Plan. I think it therefore important to understand the quality and effectiveness of the public consultation in Thame, with particular reference to openness and transparency”.

“Thame Town Council submitted a Consultation Statement to South Oxfordshire District Council, as required by regulation. This Statement contains details of who was consulted and how; summarises the issues raised; and describes how these issues have been addressed. Prior to its submission– and the subsequent six week consultation period to 24 January 2013 –the Plan underwent five main stages of consultation:

- *An initial consultation weekend (October 2011)*
- *A second consultation weekend around objectives and initial approaches to the Plan (November 2011)*
- *An option development and testing period (February/April 2012)*
- *Consultation on the preferred options (May/June 2012)*
- *Statutory consultation on the draft plan (August-October 2012)*

It is relevant to emphasise here that the Plan underwent four more stages of consultation than required to do so by statute. This immediately suggests to me that public consultation was regarded as fundamental to the plan-making process and taken very seriously by the qualifying body.

Page 11 – “In addition to the Consultation Statement (the Statement), which is a statutory requirement, Thame Town Council also produced a Consultation Report (the Report). The Statement summarises the main issues and concerns raised at each stage of the process, from the initial consultation weekend, through to the statutory consultation. It also sets out how these concerns were considered, including, where relevant, any subsequent changes to the Plan. The

Report is a larger document, which summarises each of the comments received during the statutory consultation period. It also seeks to provide a brief response to these comments, again including reference to any resultant changes to the Plan.

It is therefore evident that Thame Town Council gave due consideration to the significant number of comments received during consultation.

Public Consultation – Summary

Given its fundamental importance to neighbourhood planning and being mindful that there was some criticism of the Plan in this regard, I have scrutinised the public consultation process. I am entirely satisfied that the Plan not only meets its statutory obligations, but exceeds the standard requirements to such an extent that it provides an exemplary approach to public consultation in neighbourhood planning.

46. Attached as **Appendix 17** is the most recent comments from English Heritage on the planning application that has been recently lodged with the district council.

“We therefore concluded that while a development on the eastern part of the site would be harmful to an extent, it would still be possible to retain the majority of the setting of the Elms if this was a reasonably modest development. Given that the harm entailed by a more modest development would be limited, and that there would be relatively little impact on the conservation area as a whole, we concluded that the harm entailed was not sufficient to warrant formally objecting to the Neighbourhood Plan. While in our view the best future for the Elms field would be to remain undeveloped we are encouraged that on p64 the Thame Neighbourhood Plan stipulates that development should be restricted to the eastern and south eastern sides, which will enable the key views to the south to remain free of development. We note that the allocation is for 45 houses, but also that the number of dwellings needs to be determined through a detailed design which takes into account the sensitivities of the site. We are of the opinion, as we have said publicly, that it may not be possible to fit as many as 45 houses on this site and give proper regard to these sensitivities”.

47. The application that has been submitted but is not as yet at a stage where it will be considered by the Town Council. When all of the required information has been provided the Town Council will publicise the date of the meeting and will take all material planning comments into consideration when making its determination.
48. To remove the allocation from the Neighbourhood Plan would require a sound planning policy reason for doing so. The allocation was made on the basis that it is capable of delivering the Neighbourhood Plan’s overall vision and objectives, and the Plan as a whole has been shown - through Examination - to accord with the legal requirements of Neighbourhood Planning. There is therefore no sound planning policy reason for removing the allocation.

Recommendation that:

- i) Thame Town Council reaffirms the integrity of the process by which the Neighbourhood Plan was developed and that the Thame Neighbourhood Plan is a sound development plan document.***