

Clifton Hampden and Burcot Neighbourhood Development Order NDO Facilitation Scoping Support Report

January 2020

Background and Context

1. Clifton Hampden and Burcot Parish Council (the Qualifying Body, QB) has started the preparation of a Neighbourhood Development Plan (NDP). The neighbourhood plan area was designated by South Oxfordshire District Council on 26 September 2014.
2. The QB have prepared a draft plan which sets out the vision and objectives and the emerging draft planning policies for Clifton Hampden and Burcot.
3. South Oxfordshire District Council (SODC) are preparing a new Local Plan. South Oxfordshire District Council submitted the Local Plan 2034 to the Secretary of State in March 2019. Following South Oxfordshire District Council Cabinet's decision on 3 October to recommend withdrawing the emerging South Oxfordshire Local Plan, on 9 October 2019 the Secretary of State for Housing Communities and Local Government issued a temporary Direction on the Council in relation to the emerging Local Plan 2034 meaning the emerging plan has 'no effect whilst the direction is in force.' The QB should monitor the progression of this planning document in the event that circumstances change.
4. In order to meet the Basic Conditions, the emerging NP needs to ensure that it is in general conformity with the 2011 Local Plan and possibly any emerging Local Plan in the future in the event the circumstances surrounding the 2034 Local Plan changing i.e. the temporary directive is lifted by the Secretary of State for Housing Communities and Local Government. The 2011 Local Plan regarded Clifton Hampden and Burcot as a smaller village and as such it has no housing allocations.
5. The vision for the neighbourhood plan is for Clifton Hampden and Burcot to be a sustainable community, with a population of between 10-15% larger than it is today, with viable services, businesses and amenities.
6. The objectives of the neighbourhood plan are to:

- Increase the housing stock by 10-15% with the Burcot and Clifton Hampden Community Land Trust retaining ownership or otherwise take an interest of a proportion of these and the balance being sold as market housing.
- Provide a mix of housing types including smaller, lower cost homes for elderly residents wishing to downsize and for singles, couples or families needing their first home, rented accommodation for key workers, Affordable Housing (i.e. a mix of social rented housing and shared ownership) and a few larger houses for expanding families wishing to upsize without having to move away.
- To provide sheltered accommodation for some elderly residents wishing to live independently.
- To provide a new surgery and parking capable of meeting anticipated future demand within the catchment
- To support improvements to the existing village hall, cricket pavilion and scout hut, so that anticipated demand may be met in a sustainable way
- To support the expansion of the village school should demand increase.
- To provide additional burial grounds so that existing and new residents have the opportunity to be buried in the village.
- To provide a boathouse, café and other facilities on the Wharf should this be supported by a feasibility study and viable business case.
- To improve the mooring facilities at the Wharf for use by visiting boats.
- To improve the network of footpaths and cyclepaths within the village and to neighbouring villages

7. The QB wish to accommodate additional housing (circa 25 dwellings), provide a new doctor's surgery and parking and help to support the function of the village hall, school and shop/post office
- A Housing Needs Survey has revealed the need for housing for local people (2/3 beds) to support older people to downsize from existing properties to remain within the village of Clifton Hampden.
 - The village hall is currently well used and in need of additional space to accommodate further use by the local school which is extending its provision in Clifton Hampden and is located opposite the village hall.
 - The current doctor's surgery is not regarded as fit for purpose (being housed within a previously residential property) and with planned development in the neighbouring parishes it is understood that there is a requirement to extend the facilities at Clifton Hampden. The current doctors and Oxfordshire Clinical Commissioning Group are therefore keen to develop a new surgery, ideally close to the natural centre of the and its other amenities, the village hall, school and shop.

The QB have therefore had discussions about the use of a Community Right to Build Order (CRtBO) as a means by which to enable this to happen. As part of these discussions they have sought advice and opinion from South Oxfordshire District Council who have indicated that they would be happy for the QB to explore the use of a CRtBO as a means of bringing the proposed development forward.

8. There are two sites being considered for development, both of which have been in ownership of Gibbs Trust for some time, although the Trust have indicated they wish to dispose of the sites. The site(s) will accommodate circa 25 residential units and provide a new doctor's surgery and parking.

Site A - The Allotments site north of Abingdon Road

9. The site is currently allocated as greenbelt and is within the Clifton Hampden Conservation Area.
10. The site is adjacent to the existing village hall.
11. There are some allotments on the site although they are not being well utilised at the moment and are overgrown. The 2011 Local Plan says with regard to allotments, the Council will determine whether the facility is not needed by evaluating the current usage of the facility, the provision of that type of facility elsewhere in the locality, local support for the facility and whether another community use can show a requirement for the site or buildings. For alternative provision to be acceptable, the replacement facility must be at least equivalent in accessibility and value to the local community as the previous facility.

Site B - Paddock Site/South of Abingdon Road

12. The site is currently allocated as greenbelt and the site is within the Clifton Hampden Conservation Area.
13. The site is being used a paddock for grazing horses.

Options for bringing site(s) forward for development

14. In considering the two sites the following are noted:

NPPF Paragraph	NPPF text	Commentary in relation to Proposed Development Sites
Paragraph 136	Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established	A review of the Green Belt boundary is possible but cannot be undertaken by the QB alone, the review process would need to be led by South Oxfordshire District Council. South Oxfordshire District Council (SODC) have submitted their new 2034 Local Plan in March 2019. Although it is yet to be

NPPF Paragraph	NPPF text	Commentary in relation to Proposed Development Sites
	through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.	adopted, SODC may not wish to revisit the greenbelt boundaries at this stage.
Paragraph 145	A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: (e) limited infilling in villages; (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);	<ul style="list-style-type: none"> • Under (e) it is unlikely that the development of 20 houses and a new doctor's surgery would be regarded by SODC as limited infill. • Under (f) some development of affordable housing could be permitted on one of the sites, providing it meets the policies set out in the Local Plan and NDP. However, the QB have indicated they wish to incorporate market housing making this option unviable.
Paragraph 146	Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are: (f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order	The use of an NDO or Community Right to Build Order (CRtBO) are possible ways to bring forward development provided that the Order meet the Basic Conditions as set out in the Neighbourhood Planning (General) Regulations 2012.

15. Given the above there appear to be four options by which the sites might be able to come forward for development:
- i. Amending the green belt boundary and allocate the site in the NDP
 - ii. Providing affordable housing on one of the sites and bringing it forward as an Exception Site.
 - iii. Bringing forward an NDO on one or both of the sites.
 - iv. Bringing forward a Community Right to Build Order (CRtBO) on one of the sites to provide additional housing.

Option	Commentary in relation to Proposed Development Sites
Amend the green belt boundary and allocate the site in the NDP	<ul style="list-style-type: none"> • This is a route can only be explored with the support and input of South Oxfordshire District Council. • Although not yet adopted, given the stage of the 2034 Local Plan, SODC may not be particularly receptive to a further review of the green belt.
Bring the site forward as an Exception Site	<ul style="list-style-type: none"> • In order for the site to come forward as an Exception Site there will be a need for the development to provide for 100% affordable housing held affordable in perpetuity, as set out in the Local Plan. • As the QB are seeking to raise capital receipts from the sale of land the site cannot be regarded as an Exception Site and so cannot be brought forward for development through this route.
Prepare an NDO	<ul style="list-style-type: none"> • The provisions within the NPPF allow for the preparation of an NDO on land within the Green Belt, provided that there is clarity that there is no significant detrimental impact to the Green Belt and that the proposals preserve its openness and do not conflict with the purposes of including the land within the Green Belt. SODC have indicated that whilst the proposals do not preserve the openness test, there is a case for Very Special Circumstances (VSCs) to justify inappropriate development.

Option	Commentary in relation to Proposed Development Sites
Prepare a Community Right to Build Order (CRtBO)	<ul style="list-style-type: none"> A CRTBO is a form of NDO. The provisions within the NPPF allow for the preparation of a Community Right to Build Order on land within the Green Belt provided that there is clarity that there is no significant detrimental impact to the Green Belt and that the proposals preserve its openness and do not conflict with the purposes of including the land within the Green Belt. SODC have indicated that whilst the proposals do not preserve the openness test, there is a case for Very Special Circumstances (VSCs) to justify inappropriate development.

16. At this stage, and given the commentary above, the preferred options for bringing the site forward for development would be to consider the use of an NDO or a CRtBO to gain the necessary consents and set out the proposed development.
17. The NPPF makes it clear that whilst an NDO or a CRtBO may be used to bring forward development in the Green Belt, there is a need to preserve its openness and to ensure that development will not conflict with the purposes of including land within the Green Belt. It is therefore necessary to assess the impact on the Green Belt of the proposed development.
18. In order to undertake a full assessment of the impact on the Green Belt, it will also be necessary to determine the constraints of the sites, such as access, trees, ecology and utilities provision, as these will have an impact on the proposed development.
19. In seeking to determine whether to use an NDO or CRtBO there is a need to consider and set out the community benefit that will be achieved, what the community benefit is, how it will be achieved and how it will be locked into the project and safeguarded for the long term.

What is a Neighbourhood Development Order (NDO)?

20. An NDO is a Neighbourhood Development Order that once Made can grant planning permission (from outline to full) for specified developments (including housing) in a designated neighbourhood area. Once Made, there is no need to apply to the local planning authority for planning permission if it is for the type of development set out in the Order. An NDO can make it easier and quicker for the kind of development it describes to go ahead in the future.
21. NDOs can only be brought forward by a QB (either a town or parish council or a designated neighbourhood forum) and they can be brought forward either as part of a neighbourhood development plan or separately without a NDP.
In preparing an NDO, the QB must go through the same statutory processes as that to be followed when preparing a NDP, including Regulation 14, Submission to the Local Planning Authority, Regulation 16 Consultation, Independent Examination and Referendum.

What is a Community Right to Build Order (CRtBO)?

22. A Community Right to Build Order is a type of NDO can be created by a local community organisation, and so not restricted to a town or parish council or neighbourhood forum. The disposal of assets granted under a CRtBo must be used for the benefit of the community.
23. The legislation also provides a mechanism that enables housing developed using a Community Right to Build Order to be retained as housing that is affordable in perpetuity. This is achieved by disapplying certain statutory rights of tenants of long leases to buy their freehold and the statutory right given to qualifying tenants to acquire social housing.
24. Like NDOs, CRtBOs must be subjected to an independent examination and then be approved by the community via a referendum before they come into force.
25. As part of their aim to prepare a NDO/CRtBO for the site, Clifton Hampden and Burcot Parish Council have secured support from the Neighbourhood Planning Support Programme (2018-2022).
26. In terms of the support offered to the QB, there are two stages to the support that are offered for Qualifying Bodies (QBs) who are seeking to prepare an NDO:

- Stage 1: Bespoke NDO facilitation support: provided by a member of the Locality Team. At the end of this stage an assessment is made as to suitability for Stage 2.
- Stage 2: NDO grant support (up to £50,000) and wider technical support. Stage 2 is only possible after successful completion of Stage 1 and is effectively by invitation only.

NDO/CRtBO Next Steps

27. In order to both complete the preparation of the NP and also to consider the use of an NDO within the NP there are a number of key issues that will need to be addressed. These issues are considered below:

- i. Determine whether CRtBO or NDO is the best route: in seeking to determine whether to use an NDO or CRtBO there is a need to consider and set out the community benefit that will be achieved, what the community benefit is, how it will be achieved and how it will be locked into the project and safeguarded for the long term.
- ii. Site Options and Assessment: at this stage the QB's preferred option is to develop both sites. However a more detailed assessment of each site is required before a final decision is made.
- iii. Visual Impact Assessment: the sites are both within the greenbelt and a conservation area. It will be necessary to carry out a visual impact assessment to inform the layout of the proposed development. Although South Oxfordshire District Council (SODC) have indicated that the delivery of housing and a doctor's surgery could constitute special circumstances where development within the greenbelt may be permissible, it will be necessary to understand the impacts on the greenbelt and conservation area and demonstrate they are acceptable.
- iv. Transport assessment: the advice given by SODC indicates that both sites have access and highways constraints and that the Oxfordshire County Council's Highways Department are likely to raise an objection to their development. Further work is required to assess the impacts and to inform the access arrangements and parking.
- v. Housing Needs Assessment: in seeking to allocate the site housing, it is critical that there is robust planning logic and evidence to justify the split and numbers being delivered. The key issues to resolve in this respect are:
 - the type and number of houses proposed, and
 - why they are neededIn order to provide the planning logic and evidence required, a full assessment of the required housing growth within the neighbourhood area will inform the housing proposed.
- vi. Feasibility and viability work: the QB wish to provide some Affordable rented housing within the overall mix of circa 25 units. , Viability work will establish how much Affordable housing can be provided realistically. This work will also need to set out how the land deal will work and how funds to create additional space at the village hall and other required community benefits will arise.
- vii. Masterplanning: the QB have commenced some initial masterplanning work for the sites. Once it has been decided whether to progress one of both sites, further masterplanning will need to set out how the known constraints will be mitigated as well as setting out the design standards to be met.

- viii. Development programme: once the masterplan is finalised, it will be necessary to establish a development programme.
28. Once this work is completed it will be possible to draft the NDO and the Order Conditions and for the QB to establish the detailed relationship between the NDP and the NDO.

Proposed Work Programme

29. In essence there is work required to:
- i. Prepare the NDO/CRTBO
 - ii. Complete the preparation of the NDO/CRTBO
30. Practically the preparation of the NDO needs to take place before completing the preparation of the full draft NP. However, there are elements of the preparation of the NP that need to occur at the same time as the preparation of the NDO so as to inform the NDO.
31. In considering all of the elements of work required the following is suggested, along with an indication of where the QB may secure resource for the work. Once there is agreement to the proposed route forward (NDO Next Steps), then the QB will need to seek fee proposals for work to be commissioned and apply for NDO grants funding.

Element of Work	Tasks	Timeframe and informatives	Resource
Determine whether CRTBO or NDO is the best route.	Consider and set out the community benefit that will be achieved, what the community benefit is, how it will be achieved and how it will be locked into the project and safeguarded for the long term		Work to be undertaken by the QB to refine their project plan and understand the type of housing they hope to deliver and who it will be for
Site Options and Assessment	A review of the existing site options and assessment will help the group to decide whether to develop both sites that are available for development. There may be a need for further assessment to support this work, which would be outside the scope of technical support	Will support the choice of site(s)	To be provided through Technical Support from the Neighbourhood Planning Support Programme if required. Grant support from the Neighbourhood Planning programme could be sought if further work is required
Visual Impact Assessment	A Visual Impact Assessment will help inform the choice of site(s) and layout of proposed development	Will support the NDO through demonstrate the impacts of the conservation area and greenbelt are acceptable	Will require support from a relevant consultant. Grant support from the Neighbourhood Planning programme to be sought
Housing Needs Assessment	Housing Needs Assessment to determine the quantum and tenure of housing required in the neighbourhood area	Will support the policy development within the NP and the mix of houses proposed in the NDO	To be provided through Technical Support from the Neighbourhood Planning Support Programme
Transport Assessment	To determine the access and parking arrangements and understand the full impacts on the local highways network	Will support the NDO through demonstrate the transport impacts are acceptable	Will require support from a relevant consultant. Grant support from the Neighbourhood Planning programme to be sought
Feasibility and viability work (if required)	To determine the level of affordable housing that can be accommodated on the NDO site(s)	Will support the mix of housing proposed in the NDO	Will require support from a relevant consultant. Grant support from the

Element of Work	Tasks	Timeframe and informatives	Resource
			Neighbourhood Planning programme to be sought
Business planning if some of the homes being delivered are to be retained by the CLT	To understand how the dwellings proposed as key worker housing will be managed and maintained by the CLT in the long term and the financials		Business plan to be prepared by the QB if they still wish for two units to be in ownership of the CLT
NDO brief preparation and concept development	Using the site information and the project brief, progress options for site(s) layout, scale and massing	As soon as possible once site information is in place	Grant support from the Neighbourhood Planning programme could be used to enable the architect to progress masterplan options for the site.
NDO/CrtBO Order Conditions	Preparation of the NDO Order Conditions based on the site layout, scale, massing and design considerations and the method of delivery		Support from planning consultant may be required. Brief to be developed and fee proposals obtained. Grant support from the NDO grant programme to be sought
NDP drafting	Complete drafting of the NP to include policies	To be completed once the design guidance and open and green spaces work is completed	Support from planning consultant. Brief to be developed and fee proposals obtained. Grant support from the Neighbourhood Planning programme to be sought.
SEA/HRA/EIA	Completion of SEA/HRA/EIA if required by SODC following screening	Dependent on the proposed reasonable alternatives	Initial support to determine if EIA is required to be provided through Technical Support from the Neighbourhood Planning Support Programme
HealthCheck	Full healthcheck on draft plan and NDO		To be provided through Technical Support from the Neighbourhood Planning Support Programme
Community engagement and consultation NDP including NDO	Consultation on the draft plan and NDO in preparation for Reg 14 Consultation	Once the full draft NP and NDO is available	Communications and engagement specialist may be required to support the QB
Refining NP and NDO/CrtBO following consultation	Revisions to the NP following period of community consultation in preparation for Reg 14	Following period of consultation	Support from planning consultant. Brief to be developed and fee proposals obtained. Grant support from the Neighbourhood Planning programme to be sought

Outputs

32. There are two key outputs:

- i. The preparation of the NDO/CRtBO within the context of the NP: prepared as a development brief for the site detailing layout, scale, massing, design considerations and method of delivery.
- ii. The preparation of the full draft NP

Indicative timescales

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| • NDO/CRtBO masterplan preparation | end of April/May 2020 |
| • Full draft plan and NDO/CRtBO | end of June 2020 |
| • Reg 14 Consultation | July/August 2020 |