



HENLEY-ON-THAMES
TOWN COUNCIL

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**COUNCILLORS ARE INVITED TO ATTEND A
MEETING OF THE
NEIGHBOURHOOD PLAN COMMITTEE
TO BE HELD ON
MONDAY 14 OCTOBER 2019 AT 3.00PM
IN THE COUNCIL CHAMBER,
HENLEY ON THAMES**

PLEASE BRING YOUR COPY OF
THE JHHNP TO THE MEETING

Sheridan Jacklin-Edward
Town Clerk
8 October 2019

MEMBERSHIP:

The Chairman, Councillor Ken Arlett – Henley Town Council (HTC)
The Vice Chairman, Councillor Laurence Plant – HTC
Councillor Ian Clark – HTC
Councillor Glen Lambert - HTC
Councillor Michelle Thomas - HTC
Councillor Kester George – Harpsden Parish Council (HPC)
Councillor Sara Langton – HPC
Don Barraclough
Rebecca Chandler-Wilde
Joan Clark
Patrick Fleming – Henley in Transition
Geoff Lockett
Jim Munro
Jackie Walker
David Whitehead

Members are reminded to sign the attendance book

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are hereby reminded that, under the provision of the Localism Act 2011 (Chapter 7, part 1) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I 2012/1464), a member with a disclosable pecuniary interest of which they are aware in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent. A member with a disclosable pecuniary interest in any matter must withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he/she has obtained a dispensation from the Council, and not seek improperly to influence the decision about that matter.

3. PUBLIC PARTICIPATION

TO RECEIVE questions or statements from members of the Public.

The following rules shall apply:

- You may ask questions or make a statement on any item included on the agenda. The session, which is also open to Councillors who may have a personal and pecuniary interest on any item included on the agenda, will last for a period of up to 10 minutes (but capable of being extended at the Chairman's discretion).
- Questions from the town's residents will take priority, followed by property owners, businesses and then non-residents.
- All speeches shall last for no more than 2 to 3 minutes.
- If there are no statements or questions, or if all statements have been made or questions asked before the period of time allotted, the meeting will start to consider the remainder of its business. No further public questions or statements will be entertained at that meeting.
- If an answer to a question cannot be given at the meeting the Chairman may, at his/her discretion, arrange for a written answer to be given.
- The Chairman of the meeting will have complete discretion as to the order in which questions are taken and statements made. Supplementary questions may be asked at the Chairman's discretion.
- The Chairman of the meeting may rule that any public remarks are not appropriate and will not be accepted; for example if they are defamatory, frivolous or offensive. In such an instance the Chairman may disallow a question or statement or cut short a statement or discussion, or disqualify any member of the public from continuing to speak.
- Questions which require the disclosure of exempt or confidential information will not be answered.
- The Chairman of the meeting's interpretation of this procedure shall not be questioned and his/her ruling on any questions relating to this procedure shall be final.

4. MINUTES

TO APPROVE the Minutes of the meeting of the Neighbourhood Plan Committee held on 8 July 2019. (Document attached.)

5. UPDATE FROM PLANNING AND PROJECT MANAGER/LOCAL PLAN

TO RECEIVE an update on progress since the last meeting and to **CONSIDER** the latest update on South Oxfordshire District Council's actions regarding the Local Plan following Full Council at SODC on 10 October 2019. To **NOTE** a letter from John Howell MP regarding the status of Neighbourhood Plans in view of the uncertainty over the emerging Local Plan (document attached).

6. NEIGHBOURHOOD PLAN REVIEW – DELIVERY SECTION

TO CONSIDER the list of projects in the Delivery Section of the JHHNP with reference to the draft Topic Paper on Community Facilities (to follow) and **AGREE** projects to be included in the Neighbourhood Plan Review.

7. UPDATES FROM WORKING GROUPS

TO RECEIVE updates following the last meeting of the Neighbourhood Plan Committee.

- i) Schools, Colleges, Doctors' Surgeries, Utilities etc.
- ii) Libraries, Community Halls, Sports and Leisure Facilities – draft Topic Paper for review (to be circulated separately).
- iii) Transport
- iv) Car Parks – updated Topic Paper for review (to be circulated separately).
- v) New Housing, Permitted Development Rights since March 2017 – updated Topic Paper for review (to be circulated separately).
- vi) Business and Community Engagement
- vii) Liaison with other Parishes carrying out NP Reviews
- viii) Review all existing sites
- ix) Green Living
- x) Industrial Land
- xi) Site Selection
- xii) Local List

8. OXFORDSHIRE NEIGHBOURHOOD PLANS ALLIANCE (ONPA)

TO RECEIVE an update from the Vice Chairman of the ONPA and to **CONSIDER** whether the Neighbourhood Plan Committee wishes to become a full member of the Alliance at a cost of £50 per annum.

9. NEXT MEETING

TO AGREE a date for the next meeting of the Neighbourhood Plan Committee.

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HENLEY ON THAMES TOWN COUNCIL

MINUTES OF THE NEIGHBOURHOOD
PLAN COMMITTEE MEETING HELD ON
MONDAY 8 JULY 2019 AT 3:00pm IN
THE COUNCIL CHAMBER, HENLEY ON
THAMES

ATTENDEES

The Chairman, Councillor Ken Arlett – Henley Town Council (HTC)
Councillor Ian Clark – HTC
Councillor Michelle Thomas - HTC
Councillor Kester George – Harpsden Parish Council (HPC)
Councillor Sara Langton - HPC
Mr Don Barraclough
Mrs Joan Clark
Mr Patrick Fleming – Henley in Transition
Mr Jim Munro
Mrs Jackie Walker
Mr David Whitehead

Cath Adams - HTC Planning and Project Manager
Kirsty Waterman – HTC Committee Administrator

1 member of the press
2 members of the public

13. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Glen Lambert and Rebecca Chandler-Wilde.

14. DECLARATIONS OF INTEREST

There were no declarations of interest.

15. PUBLIC PARTICIPATION

Ian Sloan from B&M Care spoke regarding the Youth Centre site on Deanfield Avenue. He stated the intention to submit a new planning application for the site which would include a care home as previously submitted, together with 10 affordable flats which would be available to rent from a social landlord in perpetuity. The site had been submitted to the Neighbourhood Plan Call for Sites. B&M Care had not set out to be in conflict with the Neighbourhood Plan and did not wish to continue to be so. Typically residents of a B&M Care Home would be either from the local area or the parents of local residents.

16. MINUTES

The Minutes of the Neighbourhood Plan Committee held on 20 May 2019 were received, approved and signed by the Chairman, Councillor Arlett.

The Chairman stated that the Vice Chairman of the Committee was now Councillor Laurence Plant. This has been agreed at Full Council on 18 June 2019.

There had been a recent communication regarding the Oxfordshire Plan 2050 - Cath Adams to circulate the email.

The Chairman asked Harpsden Parish Council to consider the request for £10,000 towards the cost of the Neighbourhood Plan Review at their next Council meeting. Councillor George agreed to arrange this.

The Chairman updated the Committee on the recommendation from Scrutiny Committee at South Oxfordshire District Council (SODC). Of 4 options, the recommendation was Option 3, to withdraw the Local Plan from examination. Following changes, a revised plan would be submitted for examination. The anticipated delay to the Local Plan process would be two years. The recommendation would be presented to Cabinet at SODC on Wednesday 10 July for further consideration. A Member stated that the Joint Henley and Harpsden Neighbourhood Plan remained sound and that alterations to the Local Plan may not be beneficial to Henley and Harpsden.

17. NEIGHBOURHOOD PLAN REVIEW - DELIVERY SECTION

The Committee considered the list of projects in the Delivery Section of the JHHNP. Members are to consider which of these, or any other, projects should be considered for the Neighbourhood Plan Review and to send these back to officers for consideration in September. The Topic Paper that has been prepared on Libraries, Community Halls and Indoor and Outdoor Facilities will be circulated to members to provide background to their considerations.

18. NEW PROPERTIES WELCOME PACK

The Chair suggested this was passed to Town and Community Committee for consideration.

19. UPDATES FROM WORKING GROUPS AND MEETING WITH SODC

Clarification is awaited from SODC on the suggested methodology to be used for establishing evidence for Henley having taken its fair share of care home spaces.

- i) Schools, Colleges, Doctors' Surgeries, Utilities etc. - **Joan Clark, Rebecca Chandler-Wilde and Michelle Thomas**
OCC have confirmed that pupil numbers in Henley have been dropping in the primary schools and that the change in catchment areas had affected numbers. Information on secondary schooling is still awaited.
- ii) Libraries, Community Halls and Indoor and Outdoor Facilities - **Joan Clark, Rebecca Chandler-Wilde and Michelle Thomas**
Topic paper to be distributed.
- iii) Transport - **Patrick Fleming, Don Barraclough, Geoff Lockett, Councillor George, Jackie Walker**
No update
- iv) Car Parks - **Councillor Arlett and Geoff Lockett**
A question related to decking the Kings Road car park is due to go to SODC for the Full Council meeting on 18 July.

- v) New Housing, Permitted Development Rights since March 2017 – David Whitehead, Rebecca Chandler Wilde, Councillor George and Councillor Thomas
It was thought that housing figures from 2011 could be used for the tables and this had been confirmed by SODC. Councillor Thomas had information for David Whitehead to review. Concern was raised over low numbers of affordable housing properties.
- vi) Business and Community Engagement – Rebecca Chandler-Wilde, Jackie Walker, Patrick Fleming and Councillor Arlett
An application for funding for Community Engagement is to be submitted.
- vii) Liaison with other Parishes carrying out NP Reviews – Patrick Fleming, Councillor Arlett, Cath Adams
Patrick Fleming reported from the Oxfordshire Neighbourhood Plan Alliance. This is concentrating largely on the Oxfordshire Plan 2050 and made Neighbourhood Plans.
- viii) Review all existing sites - Councillor Arlett, Councillor George, Councillor Clark
These will be reviewed following the closing date for the Call for Sites on 18th July.
- ix) Green Living
This is under consideration currently. It will be important to include sustainability policies in the new Neighbourhood Plan. The New Climate Emergency Working Group may be able to assist with policies.
- x) Industrial Land – Councillor Arlett, Councillor Clark, Councillor Langton
A meeting had been held with SODC regarding an Article 4 direction. This will be followed up.
- xi) Site Selection – Councillor Arlett and Councillor George or Langton
The Call for Sites deadline is 18 July 2019. Site selection criteria need consideration and technical support for this can be applied for from Locality.
- xii) Local List
The Planning and Project Manager will progress contact on this.

20. NEXT MEETING

The next meeting of the Neighbourhood Plan Committee will be held on 9 September 2019 at 3.00pm.

Meeting closed at 16:08

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JOHN HOWELL OBE MP



Cllr Sue Cooper
 South Oxfordshire District Council
 135 Eastern Avenue,
 Milton Park,
 Milton, OX14 4SB

4 June 2019

Dear Sue,

Further to your request for information on the position of Neighbourhood Plans should the Council chose to withdraw its draft Local Plan, I have set out below the situation. I am happy to confirm that this incorporates changes suggested by officials at the Ministry of Housing, Communities and Local Government.

I can understand concerns resulting from the report in last week's Henley Standard that the withdrawal of the Local Plan would render all Neighbourhood Plans null and void. This report is wrong, and I do not believe that the situation is as stated in the paper. Let me explain why. In short, it is wrong to say that if the Local Plan is withdrawn, all the Neighbourhood Plans are no longer valid.

Is there cause for alarm?

First, the South Oxfordshire Local Plan has not been withdrawn. I think it would be prudent to wait and see what actually happens before people became over-alarmed. I understand that a number of options are being considered.

When can Neighbourhood Plans be prepared?

Second, it is worth remembering that Neighbourhood Plans can be developed before, at the same time as, or after the local planning authority has produced its local plan. To that extent, the Neighbourhood Plans can exist independently where a Local Plan has not been made or has been withdrawn.

When brought into force, Neighbourhood Plans do of course become part of the development plan for the neighbourhood area. The starting point for decision making is the development plan. Even where a new Local Plan has not been produced, therefore, the Neighbourhood Plan still forms part of that development plan.

How to deal with conflicts

As the National Planning Policy Framework sets out, permission should not usually be granted where a planning application conflicts with an up-to-date development plan. The question is, therefore, how would the South Oxfordshire Development Plan be regarded?

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First, conflicts between policies in the neighbourhood plan and those in the emerging local plan can arise particularly in respect of housing supply policies. Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. In the absence of a new Local Plan, the last document to become part of the development plan is the Neighbourhood Plan and this should have prominence.

In these circumstances, however, you would also have to look at the housing supply figure. This is normally a five-year figure but if certain conditions (outside of arrangements made under the Growth Deal) are met this is reduced to three years.

Those conditions are:

- the neighbourhood plan became part of the development plan, or has been updated, two years or less before the date on which the decision is made;
- the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- the local planning authority has at least a three year supply of deliverable housing sites, and;
- the local planning authority's housing delivery was at least 45% of that required over the previous three years.

Conclusions

For these reasons, it is most unlikely that any Neighbourhood Plans would not carry full weight as a legitimate part of South Oxfordshire's Development Plan assuming there is a three-year housing land supply for new Plans. This covers the period of two years from the referendum during which period the Local Plan is expected to be in place.

Communities may 'need' to update the Plan when the Local Plan is agreed but we have set out a simpler way of doing this than having to effectively start again from scratch. Any group with a 'made' neighbourhood plan is eligible to apply for a new set of grant and technical support in order to modify their Neighbourhood Plan. There is no legal requirement to update a Neighbourhood Plan, however this would stop it becoming out-of-date against the Local Plan if there are conflicting policies.

In relation to Neighbourhood Plans which have passed their first two years or where there is no three-year housing land supply, the Plans still carry weight. It would be for an Inspector at appeal to decide on the relative weight given to the Plan and other policies which also carry weight.



So, a Neighbourhood Plan can be brought forward before an up-to-date local plan is in place. There would of course need to be discussion to agree the relationship between policies in the neighbourhood plan, the emerging local plan and the adopted development plan which will have taken place during the examination of the Neighbourhood Plan before the Local Plan had been approved.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'JH', written over a thin horizontal line.

John Howell OBE MP
Government Neighbourhood Planning Champion
Member of Parliament for the Henley constituency