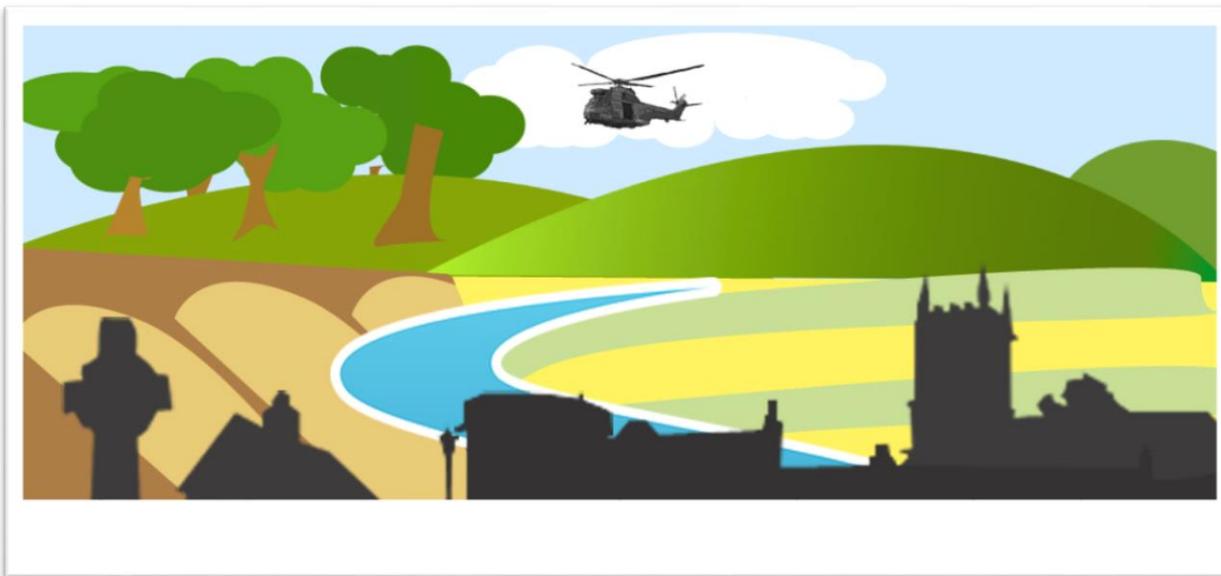




Benson Parish Neighbourhood Plan

Response to Questions from Independent
Examiner



Response from the Qualifying Body

We have used the same numbering as the original letter from the Independent Examiner.

Q3. The LPA has suggested that the period of the plan should run from 2011-33 rather than 2018-33. Does the Parish Council have any views on whether I should recommend this change?

A. The Parish Council and Neighbourhood Plan Team have no objection to the period of the plan running from 2011 – 2033.

Q4. It has been suggested that the Plan should have a Proposal Map which should include all the allocation sites, along with the route of the road shown on the Plan. Could a Proposal Map be provided? I note there are now planning applications submitted on all 3 allocation sites. It is possible to have a composite plan showing all the proposed layouts, which could demonstrate how the individual elements relate together?

A. Please see attached document 161037-16C [Proposed Benson Edge Road].pdf. I have also been advised that Tracy Smith from SODC is producing such a map.

Q5. Is the Parish Council proposing to use its share of the 25% CIL payment to fund the completion of the road and / or other infrastructure identified in the plan, including the extension to the doctor's surgery?

A. Should it be necessary, the Parish Council is prepared to commit a proportion of its share of the CIL funding towards the Relief Road and / or other infrastructure identified in the plan including the extension to the Doctor's surgery. This is identified in Appendix I of the Plan.

However, the Parish Council and Neighbourhood Plan Team are confident that funding is secured sufficient to provision the Relief Road. Thomas Homes (BEN 2) and David Wilson Homes (BEN 3/4) have agreed to jointly fund the western end of the Relief Road connection to the A4074/B4009 (see Updated OCC response to planning application P17/S1964/O BEN3/4 Land to the north of Watlington Road and East of Hale Road) as well as the Relief Road through their sites and associated roundabouts. The last section (to the west within the control of BEN 1), whilst not being delivered by BEN1, has been safeguarded within the recently signed S106. This means that all the land has been secured and as mentioned above, it is the intention that funds to deliver this last section will be sought from BEN 2, 3 & 4 which currently have applications lodged for determination. The Homes & Community Agency (HCA) who are developing Chalgrove Airfield have also agreed to provide funding should it be necessary (see letter from HCA dated 31st August 2017 HCA Infrastructure letter final.pdf).

Q6. What is the Qualifying Body's expectation of how access would be provided to site BEN3/4, if the roundabout to be built with the site of BEN2 were not implemented immediately? Of it BEN2 is developed but the final link to allow for the connection to the A4074/B4009, is not physically provided, as the requirement is only that the land is safeguarded? Will its traffic have to use the roads through the centre of the village?

- A. The developer of the BEN3/4 site (David Wilson Homes) has submitted plans for a roundabout at the eastern end of the BEN4 site as part of planning application P17/S1864/O (residential development comprising up to 240 dwellings). This roundabout and associated works would divert traffic from the existing route of the B4009. Should the roundabout on the BEN2 site not be implemented immediately, the access onto Hale Road would be blocked off and traffic would need to return via the Relief Road to the eastern end roundabout and thence travel through the village. The County's responses on the current applications provide for alternative mitigation at the Church Road junction (Fall-back Plan B) in the case where the Relief Road (Plan A), including the roundabout with BEN2 at Hale Road, is not provided in full. Thomas Homes (BEN2) and David Wilson Homes (BEN3/4) have agreed to jointly fund the western end of the Relief Road connection to the A4074/B4009.
- Q7. Should I be recommending the allocation of housing numbers to each of the allocation sites, in which case what numbers should I be considering, and should these be *minimum* numbers / *approximate* numbers of *maximum* figures?
- A. We would respectfully suggest the allocation site numbers in the plan are recommended as maximum figures.
- Q8. Policy NP9 is proposing *minimum* car parking standards. The policy refers to National Guidelines – can I be advised where to look for these national guidelines. The County Parking Guidelines are maximum provisions. Where is the evidence that car ownership is different in Benson to the rest of the county which would justify a different car parking standard?

The reference within Policy NP9 to National parking guidelines is erroneous. We recognise that the County Council standards are described as maximum standards, and that each case is considered on its merits against guidance. We are content to remove or amend Policy NP9 from the Plan if required.

- Q9. How will the burial ground proposals set out in Policy NP5 be delivered, when the landowners, Gladman Developments, in their Reg 16 representations, have stated that they have no intention of releasing their land for that purpose?
- A. The Parish Council and Neighbourhood Plan Team respect the opportunity that Gladman Developments have taken to suggest as part of this examination that the site is allocated for housing purposes. Nevertheless the recent planning proposal on the site for residential development use was dismissed at appeal in a robust and compelling fashion (Refer to the Appeal APP/Q3115/W/16/316844). On this basis the Parish Council is satisfied that the Plan is based on sound information, indeed in the Parish Council's view it would be counter-intuitive to allocate the site for residential development use in these circumstances. The allocation of the site for a burial ground in the Plan is based on the factors set out in paragraph 9.8.30 of the Plan. As the Parish Council understands the situation the site owners have been pursuing the residential development of the site with Gladman Developments. The situation may change within the Plan period and future opportunities may exist to purchase the site to facilitate its development and use as a burial ground. Policy NP13 and Appendix I anticipate this scenario by identifying a burial ground as one of the various elements of local community infrastructure that could be delivered in full or part by the local element of the South Oxfordshire CIL in the event that the neighbourhood plan is made.

Q10. I note that planning permission has now been granted for the site BEN1 covered by Policy NP2 and this is acknowledged by the Plan. The Section 106 refers to the land for the new road and its connection to the A4074/ or B4009 being safeguarded. Can the QB and the developers of all the allocated residential sites, provide me with any updated information as to how the discussions, which are mentioned in the Plan documentation (which I believe, was prepared in October 2017), are progressing. I am particularly interested in what agreement has been reached with regards to the *implementation* of the road, rather than just the *safeguarding* of the route. Is there any expectation on behalf of the housebuilders or land owners of funding being provided by Oxfordshire County Council or from South Oxfordshire District Council? Is there yet an agreed timetable for the comprehensive delivery of the road and agreement as to the overall division of costs and an agreed timetable. Would it be possible for me to be provided with minutes of these meetings?

A. Please see the following

- Updated OCC response to planning application P17/S1964/O BEN3/4 Land to the north of Watlington Road and East of Hale Road
- Updated OCC response to planning application P17/S3952/O BEN2 Land West of Hale Road Benson
- Copy email from Turley at Appendix A
- Copy email from OCC Highways at Appendix B
- Document 17212 C01G – Revised Illustrative Masterplan for BEN1 Phase 2
- Document DOC 180917
- Document BEN2 Illustrative Masterplan drwgn0 971 10 – BEN2 Masterplan
- Document HCA Infrastructure letter final

There is no expectation of funding being required from OCC or South Oxfordshire District Council (SODC) for the Relief Road. The Relief Road is now OCC's favoured mitigation strategy (see updated OCC response to the BEN2 and BEN3/4 planning applications). Thomas Homes and David Wilson Homes have agreed to jointly fund the western end of the Relief Road connection to the A4074/B4009. OCC have conditioned their approval of the applications such that prior to the 85th occupation on the BEN3/4 site, David Wilson Homes will make a contribution to the western end of the Relief Road on BEN1 and Thomas Homes will make a similar contribution prior to the 29th occupation to the western end of the Relief Road on BEN1.

The timetable for the comprehensive delivery of the Relief Road is subject to negotiation between the developers and SODC as part of the planning application process.

In the event that the Relief Road is not forthcoming, OCC Highways have recommended a fall-back position for provision of junction improvements at the A4074/Church Road junction. The Neighbourhood Plan team are confident this fall-back option will not be required.

Q11 Is there agreement as to an agreed specification for the proposed Road?

A. There is an agreed specification, provided by OCC Highways, for the Relief Road which is included below:

- DMRB Standards, particularly in relation to horizontal and vertical (there is significant gradient – impact on K values) curvature, forward stopping sight distance and junction visibility splays.
- Min 6.5m wide carriageway (kerbed both sides) - widened on bends where required
- Swept Path Analysis to demonstrate that 2x HGVs or buses can pass along the full route (refuse vehicle turning tracks to minor side roads to be contained in lane).

- Street lighting requirement to be included at all junctions (as a minimum requirement). This may mean illuminating the complete length.
- 30mph design speed.
- Side road junctions to include ghost island right turns (lane widths to be 3.25m through lanes and 3.5m wide ghost island, protected with illuminated splitter island).
- Interconnectivity of each development parcel is to be planned, such that vehicular linkage is created. This to mitigate the number of side road junctions required on edge road.
- Minimum 3m shared pedestrian/cycle route on one side of the road.
- Minimum 2m footway on one side of the road.
- Pedestrian/cycle crossing points as required, to meet desire lines.
- Carriageway construction to be designed to HD26/06 (Foundation class min $\frac{3}{4}$ Design nomograph 2.1 (in accordance with notes that refer) to be used. In any event all bitumen layers to HD specification)
- Both ends of edge street to be carefully designed, such that this road will be the primary route through Benson (i.e. roundabout or priority adjustment (any solution must meet DMRB standard))
- S278/38 agreement will be required for adoption of all additional highway asset (agreement will require a bond and 2 year maintenance period)
- Commuted sum for all additional highway asset will be required (this to include but not limited to: All carriageway, verge, drainage, electrical, street furniture, signs and lines, trees)
- Drainage to be designed to 1 in 100 year storm, plus 20% for climate change.
- Drainage to meet sustainable drainage standards – all development sites must be combined and an holistic FRA must be produced
- Direct private drive access onto edge road is prohibited.
- Full paper title will be required over complete route of edge road prior to any highway agreement being put in place, this to include all visibility splays and any land required for drainage easements.
- All highway structures must follow BD2/12 design and construction procedure.
- Area to south end of site is designated flood zone 3
 - How will this be mitigated?
 - EA approval required
 - Flood risk assessment will be required.

Q12. Will the roundabout for sites BEN 2 and BEN3/4 be provided before either one of these sites are developed or will BEN 3/4 be capable of being accessed from the B4009 only, and would that scenario allow for housing completions on that site over the 50% proposed in Policy NP4?

A. OCC have imposed a condition that prior to occupation of any dwellings on the BEN3/4 site, the proposed means of access onto the B4009 will be formed and laid out to the approval of the LPA, constructed in accordance with the local authority's specification and all ancillary work specified will be undertaken. Prior to occupation of no more than 75 dwellings, the Relief Road within the site and roundabout (planning application P17/3955/Ful which received planning approval on 19th February) will be constructed to the satisfaction of the LPA.
A similar condition has been imposed by OCC on the BEN2 Hale Road access in that prior to occupation the proposed means of access onto Hale Road (roundabout) is to

be formed and laid out to the approval of the LPA.

- Q16. I have received representations that if I am minded to recommend the plan goes forward to referendum, that the area for the referendum should extend beyond the boundary of Benson Parish, so as to include the settlement of Rokemarsh, due to the relative proximity of the development of Site BEN3/4. Do any of the above parties, have any views on whether the referendum area should be extended to include all or parts of Rokemarsh and if so could the area within Berrick Salome Parish suggested for inclusion, be shown on a map? This would assist me in making an appropriate and workable recommendation.
- A. The Neighbourhood Plan designated area followed the Benson Parish boundary and did not include Rokemarsh or Berrick Salome. We feel extending the Referendum area to include Rokemarsh and / or Berrick Salome could set a precedent for other hamlets or villages to be included. We also feel this could create an asymmetrical model of single issue voting rather than the Plan being considered in its entirety.

Appendix A

From: David Murray-Cox <david.murray-cox@turley.co.uk>

Sent: 20 September 2017 11:48

To: Philip Murray; Dave Rushton; Jon Fowler

Cc: Duncan Klitgaard; Neil Cottrell; 'Kevin Mackenzie'; Chris Brotherton; James Bancroft; Keeling, Sian; David Wetherill; Donna Palmer

Subject: Benson Edge Road

Dear Phil/Dave,

Thank you for your time on Monday afternoon. As agreed, we write to summarise the proposed approach from the developers. This email has been reviewed by DWH, Thomas Homes and CALA and all three have agreed to its contents as setting out their respective positions.

To summarise, the three developers are committed to the concept of the edge road through sites BEN1 – 4 around the north of Benson and to finding a solution to this which works for all parties. In more detail, the position of each is that:

- DWH are committed to the delivery of the road within the BEN3/4 site and the connection to the adjacent roads. The amended application drawings (which will be submitted shortly) will show the roundabout access at the eastern end and a (separate) joint application with Thomas Homes will be submitted for the roundabout on Hale Road. As the principal access into the BEN3/4 site, DWH would be willing to commit to the proposed roundabout at the eastern end of that site being delivered prior to the occupation of the first dwelling, with the road through the site provided as part of the development and with conditions requiring the Hale Road junction to be provided by a certain trigger linked to the occupation of a certain number of dwellings. This application will include 35% affordable housing as it is providing the 'edge road'.
- Thomas Homes are committed to the delivery of the road within the BEN2 site and the connection to Hale Road to the east (consistent with the joint application with DWH referred to above) and BEN1 to the west. Thomas Homes would also be willing to commit to conditions requiring the

Hale Road junction prior to occupation of the 40th dwelling and to conditions requiring that the scheme include a road through the site at a point which connects with a road from BEN1. This application will include 35% affordable housing as it is providing the 'edge road'.

- CALA propose that the BEN1 Phase 2 Parameter Plans that currently benefit from a resolution to grant are amended to show a safeguarded route for the Edge Road and an amended S106 to include an obligation to transfer the land (required to deliver the 'edge road' which is not incorporated into the scheme design) to the Parish Council on implementation of the current planning scheme for £1 but with the scheme as per the proposal which is subject to the resolution grant in all other respects (including 40% affordable housing provision). A full planning application would then be submitted for the development but with 35% affordable housing and its main access off the Oxford Road (in the safeguarded 'edge road' land area) to enable the connection of all points of the 'edge road'.

In the above scenario, it would be for SODC to ensure, through its development management function, that the road between BEN1 and BEN2 connects.

At this stage, the developers propose a solution which would (ultimately) secure the delivery of the road but as we discussed, the delivery of the road leads to additional development costs and as such it is proposed that the affordable housing provision on each of the three sites be reduced to 35% accordingly.

We trust that this email is useful in setting out the position of the three developers.

David Murray-Cox
Associate Director

Turley

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Appendix B

From: **Wisdom, Aron - E&E** <Aron.Wisdom@oxfordshire.gov.uk>

Date: Mon, Feb 12, 2018 at 6:17 PM

Subject: RE: Follow up to our conversation

To: Philip Murray <pgandcsmurray@gmail.com>

Hi Phil,

As per our discussion on Friday, I can confirm that Oxfordshire County Council supports the Benson Edge Road (by-pass) in principle and consider it a suitable proposal to mitigate the transport impacts of developments in Benson. The edge road would be preferable to improvements to existing junctions due to the potential to remove much of the newly generated traffic from the centre of Benson.

In addition to this, the Benson Edge Road is recognised within the Oxfordshire Infrastructure Strategy (OxIS). This is detailed on P.51 in the link below:

https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/communityandliving/partnerships/GrowthBoard/oxis_stage2.pdf

Given the recent approvals and forthcoming applications within Benson (critical to delivery of edge road), the county council has confidence in its delivery. This is particularly relevant given the recently signed S106 for BEN 1 which safeguards the western section of the edge road within P16/S1139/O.

The county council does, however, need to manage its risk. Whilst the edge road is the preferred solution, it is dependent on third parties to develop the edge road. For example, even with planning approval, there is no absolute guarantee that sites required to develop the edge road will implement. There will also be a requirement for planning permission for the final section. For this reason, the county council needs to have a mitigation strategy that can be delivered without the need for third party land or planning permission i.e. at Church Road.

Without a form of mitigation, it is the view of OCC that the current highway network cannot accommodate the level of growth expected in Benson. Therefore, a condition is required to prevent full buildout prior to a mitigation proposal being in place. It is not possible to place a condition upon a developer that is outside of their control i.e. on land not within their ownership or development site redline boundary. Any condition needs to be 'positive'. To enable a 'positive condition' OCC has suggested that S278 works to Church Road can be undertaken by the developer to mitigate its harm in the unlikely event that the edge road is not forthcoming. A S278 minimises the risk of delivery to OCC. There will then be a mechanism within the legal agreement that allows OCC to inform the developer, at an agreed and defined trigger point, that it would like to pursue the Church Road improvements rather than the edge road. This is not an unusual mechanism. This gives the developer full control over its development and allows time for agreements to be put in place prior to any condition taking hold.

I am available Thursday 15 Feb (10 to 11am and 2 to 4pm) or Friday 16 Feb (10am to 12pm and 2 to 4pm). Please do suggest alternatives if these dates are not convenient.

Kind regards,

Aron

Aron Wisdom BA (Hons) MSc

Principal Infrastructure Planner (South & Vale)

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