

Independent Examiner's Report of the
Eynsham Neighbourhood Plan

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SECTION 2

Summary

As the Independent Examiner appointed by West Oxfordshire District Council to examine the Eynsham Neighbourhood Plan, I can summarise my findings as follows:

- 2.1 I find the Eynsham Neighbourhood Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2.2 I am satisfied that the Referendum Area should be the same as the Plan Area, should the Eynsham Neighbourhood Plan go to Referendum.*
- 2.3 I have read the Eynsham Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Development Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 2.4 I find that the Eynsham Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.*
- 2.5 At the time of my examination the Development Plan for West Oxfordshire comprises the West Oxfordshire Local Plan adopted 27th September 2018*

SECTION 3

Introduction

3. Neighbourhood Plan Examination.

3.1 *My name is Deborah McCann and I am the Independent Examiner appointed to examine the Eynsham Neighbourhood Plan.*

3.2 *I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.*

3.3 *My role is to consider whether the submitted Eynsham Neighbourhood Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Eynsham Neighbourhood Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.*

3.4 *The Eynsham Neighbourhood Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*

3.5 *The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I concluded that it was not necessary to hold a Hearing.*

3.2. The Role of Examiner including the examination process and legislative background.

3.2.1 *The examiner is required to check whether the neighbourhood plan:*

- *Has been prepared and submitted for examination by a qualifying body*
- *Has been prepared for an area that has been properly designated for such plan preparation*
- *Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that*
- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

3.2.2 *As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:*

1. *The Plan can proceed to a Referendum*

2. The Plan with recommended modifications can proceed to a Referendum

Where a policy does not meet the basic conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community’s intent in producing their neighbourhood plan.

3. The Plan does not meet the legal requirements and cannot proceed to a Referendum

3.2.3 I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Eynsham Neighbourhood Plan go to Referendum.

3.2.4 In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004*
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect*
- the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.*

3.2.5 I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- Contributes to the achievement of sustainable development; and*
- Is in general conformity with the strategic policies contained in the Development Plan for the area.*

There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act-

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

3.2.6 West Oxfordshire District Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the District Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

4.1. Appointment of the Independent Examiner

West Oxfordshire District Council appointed me as the Independent Examiner for the Eynsham Neighbourhood Plan with the agreement of Eynsham Parish Council.

4.2. Qualifying Body

I am satisfied that Eynsham Parish Council is the Qualifying Body.

4.3. Neighbourhood Plan Area

West Oxfordshire District Council approved the designation of Eynsham's Neighbourhood Development Plan Area on the 2nd of December 2014. The designated Neighbourhood Area covers the whole of the parish.

4.4. Plan Period

It is intended that the Eynsham Neighbourhood Plan will cover the period 2018-2031.

4.5. West Oxfordshire District Council Regulation 15 Assessment of the Plan.

Eynsham Parish Council, the Qualifying Body for preparing the Eynsham Neighbourhood Plan, submitted it to West Oxfordshire District Council for consideration under Regulation 15. West Oxfordshire District Council has made an initial assessment of the submitted Eynsham Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.

4.6. Site Visit

I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on the 23rd of April 2019.

4.8. The Consultation Process

The Eynsham Neighbourhood Plan has been submitted for examination with a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation; the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

(a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;

(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant,

addressed in the proposed neighbourhood development plan.

A list of statutory bodies consulted is included in the Consultation Statement.

4.9 Regulation 16 consultation by West Oxfordshire District Council and record of responses.

West Oxfordshire District Council placed the Eynsham Neighbourhood Plan out for consultation under Regulation 16 for 6 weeks to the 28th February 2019.

A number of detailed representations were received during the consultation period and these were supplied by the District Council as part of the supporting information for the examination process. I considered the representations, have taken them into account in my examination of the plan and referred to them where appropriate.

4.10 Compliance with the Basic Conditions

The Eynsham Neighbourhood Plan Committee produced a Basic Conditions Statement on behalf of Eynsham Parish Council. The purpose of this statement is for the Neighbourhood Plan Committee to set out in some detail why they believe the Neighbourhood Plan as submitted does meet the Basic Conditions. Following the Exploratory Meeting the Qualifying Body have submitted an updated Basic Conditions Statement, and this is available to view on the West Oxfordshire District Council website. It is the examiner's role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Eynsham Neighbourhood Plan:

1. Has regard to national policies and advice
2. Contributes to sustainable development
3. Is in general conformity with the strategic policies in the appropriate Development Plan
4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.
5. There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012, Schedule 2 para 1 has stated:

"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

Documents brought to my attention by the District Council for my examination include:

- (i) The Eynsham Neighbourhood Plan - the main document which includes policies developed in consultation with the community at various engagement events and workshops.
- (ii) Consultation Statement – sets out how the community, and other stakeholders, have been involved in preparing the Plan. (revised February 2019)

- (iii) *Basic Conditions Statement - An appraisal of the Plan policies against European Union (EU) and national policies, as well as the strategic policies of NHDC and any other policies and guidance. (revised February 2019)*
- (iv) *Eynsham Neighbourhood Plan Area Map*
- (v) *SEA-HRA Screening Opinion.*

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Eynsham Neighbourhood Plan does, subject to the recommended modifications, meet the Basic Conditions.

4.11 Planning Policy

National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) 2012. During the course of my examination the government published the revised NPPF.

The revised NPPF provides for transitional arrangements as follows:

“214. The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted (69) on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.

(69) For neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

(22 Footnote to paragraph 48) During the transitional period for emerging plans submitted for examination (set out in paragraph 214), consistency should be tested against the previous Framework published in March 2012.”

Therefore, for the purposes of my examination the relevant national policy document is the NPPF (2012).

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”. Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.

The Eynsham Neighbourhood Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

I have examined the Eynsham Neighbourhood Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to modification does meet the Basic Conditions in this respect.

Local Planning Policy- The Development Plan

2.6 *Eynsham is within the area covered by West Oxfordshire District Council. At the time of my examination the Development Plan for West Oxfordshire comprises the West Oxfordshire Local Plan adopted 27th September 2018*

4.12 Other Relevant Policy Considerations

European Convention on Human Rights (ECMR) and other European Union Obligations

As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC.

The screening assessment to determine the need for a SEA in line with regulation and guidance was undertaken by Oxfordshire District Council. Paragraph 5.3 of the assessment report states:

"West Oxfordshire District Council considers that the submission draft Eynsham Neighbourhood Plan (ENP2031, December 2018) is unlikely to have significant environmental effects and thus does not require a Strategic Environmental Assessment (SEA)".

The following organisations are the statutory bodies for the purposes of the SEA screening:

- *Natural England*
- *Historic England*
- *Environment Agency*

I am satisfied with the Council's conclusion.

Habitats Regulations Assessment (HRA)

4.13.1 An HRA is required by the Habitats Directive (92/43/EEC) in appropriate circumstances. Land use plans may require the undertaking of an HRA to assess their implications for European sites. The purpose of HRA is to assess the impacts of a land use plan against the conservation objectives of a European site and to ascertain whether it would have a likely significant effect on the integrity of that site, whether alone or in combination with other plans and projects.

4.14 HRA Screening of the Neighbourhood Plan

4.14.1 The conclusion of the HRA screening report (January 2019) carried out by ENFUSION on behalf of Oxfordshire District Council was that:

"6.2 In consideration of the small geographical area of the ENP, and its distance from European sites outside the ENP boundary, the HRA screening considers that the ENP is not likely to have significant effects on EU designated sites, either alone or in combination with other plans and projects. The implications of effects from planned development on the integrity of European sites has been previously tested through HRA of the Local Plan 2031."

The following organisation is the statutory body for the purposes of the HRA screening:

- *Natural England*

I am satisfied with the Council's conclusion.

Sustainable development

The Basic Conditions Statement sets out the neighbourhood plan's approach to achieving sustainable development. The Eynsham Neighbourhood Plan (ENP) relies on the SEA / HRA assessment presented in support of the West Oxfordshire adopted Local Development Plan 2031 (WODC LDP 2031).

I am satisfied that the Eynsham Neighbourhood Plan has satisfactorily addressed the issue of achieving sustainable development.

I am therefore satisfied that the Eynsham Neighbourhood Plan meets the basic conditions on EU obligations.

Excluded development

I am satisfied that the Eynsham Neighbourhood Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

Development and use of land

I am satisfied that the Eynsham Neighbourhood Plan, subject to modification covers development and land use matters.

General Comments

Planning Guidance on preparing Neighbourhood Plans and policies is clear, it states:

"A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex."

In order to provide clarity and to ensure that the policies in the Eynsham Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where:

- Policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.*
- A policy has not been drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.*
- Policies have not been written as a planning policy as they do not address the development and use of land.*

As I have found it necessary to modify a number of policies it will also be necessary to modify the supporting text within the plan to align with the modified policies. The details of these modifications are set out within my comments on the related policies.

My comments on policies are in **blue** with the modified policies in **red**.

Due to the number of modifications to the policies there are consequentially a number of text modifications required as follows:

Last Paragraph, Page 7. The Neighbourhood Plan cannot require safe junctions and modification Junctions and crossings on classified roads as these are under the control of the Highway Agency.

Modify text:

The ENP supports the inclusion of safe crossings and measures such as minimising extra junctions to maintain traffic flow on the A40. These will be put in by the developer specifically to enable the housing development. The ENP also recommends that land which will be needed to widen the A40 is protected against any form of development, so it is available in the future.

Paragraph 4, Page 8 The policies in the Eynsham NP have to be in general conformity with the strategic policies of the Development Plan.

Modify text:

By law, the ENP has to be in “general conformity” with the strategic policies of the Development Plan, the WOLP 2031.

Paragraph 1.6, Page 11. This paragraph does not reflect the modified policy. Modify text:

1.6 Development should ideally be within reasonable walking distance of key facilities (see Notes A and B) to ensure the village feel is retained and to achieve the social and physical benefits set out in NPPF 69. It is accepted that the ideal target for the village centre may not always be achievable given that the Village Centre is not in the geographical centre. This could be mitigated by building new key facilities within the target distances and providing the most direct path access to Village Centre facilities (p12, ENP8).

Paragraph 1.9, Page 12 This policy does not reflect the revised policy. Modify text:

1.9 The distances in Table 1 will be applied flexibly, particularly where it can be demonstrated that it offers compensating benefits while not detracting significantly from the compact nature of the village – Row 2, Table 1. An additional 200m is added, representing nearly a 40% increase in potential area, which should be more than adequate to meet housing requirements. ENP1.10 offers one strong case of a compensating benefit; housing for workers in local businesses might also be suitable (ENP1.4).

Table 1- It should be made clear that the distances set out are for **guidance only** and will be applied flexibly.

Page 13 Note B final sentence. Modify text:

“should consider the distances set out in table 1”

Paragraph 2, Page 15. The distances in Table 1 are not absolute requirements but a guide to development.

Modify text:

Guidance such as the distances of Table 1 should not be seen as absolute requirements but as a clear way of establishing what is wholly acceptable, what is considered less than ideal but potentially justifiable on a case-by-case basis and what requires exceptional justification due to the perceived harm that might otherwise be caused.

Paragraph 3.1, Page 18. CIL will not be required for “all development”. The timescale for the provision of facilities will be agreed as part of any S106 agreement and cannot be determined by the NP. The last sentence should be deleted.

Modify text:

3.1 Where applicable developments shall contribute to extra facilities through S106 and CIL payments (see Appendix E) as appropriate according to the WODC schedule of charges and in accordance with regulation 122i of the CIL Regulations. Essential facilities necessary for each new home should where possible be provided at the time of occupation and shall be adequate to meet the needs of all residents at all times during and after completion of the development.

Paragraph 3.9, Page 19. The last sentence should be modified the NP cannot control the delivery of healthcare facilities

Modify text:

3.9 Provision of adequate Primary Healthcare, particularly the opportunity for a routine appointment within a few days, has been a regular concern raised during our consultations. While the ENP cannot resolve a national GP shortage, it can support the delivery of adequate infrastructure to enable patients to be seen and treated within the local community.

Paragraph 3.12, Page 19. The provision of healthcare services falls outside the control of the NP and the LPA.

Modify text:

3.12 An additional Primary Healthcare facility should be considered as part of the infrastructure of a new settlement, particularly if built to Garden Village principles, e.g. OCGV. However, it is not clear if EMC would be in a position to operate a third premises and the site is below the threshold of 10,000 people normally used by a Clinical Commissioning Group (CCG) to trigger the creation of a new practice.

Paragraph 4.13, Page 22. The NP cannot require any applicant to enter into a maintenance agreement with the Parish Council or community group prior to the grant of planning permission but it could be achieved through agreement.

Modify text:

4.13 Eynsham Parish Council or other body representative of local residents will seek to agree a maintenance plan for all areas of green infrastructure as part of any planning consent.

Paragraph 6.6, Page 26. Needs to be modified and relocated to reflect the modification of Policy ENP6. The decision on the provision of education facilities lies with the CC and the NP cannot set out policy requirements in that respect.

Modify text:

6.6 The Primary School is already close to capacity and the prospect of 'bussing' of primary-age children to schools outside the village is particularly undesirable.

6.8, Page 26. Modify text:

change "expected" to anticipated

Paragraph 7.2, Page 27. This paragraph is overly restrictive and should be modified to reflect the modified policy.

Modify text:

7.2 To prevent further congestion within the village, new developments should, where achievable connect vehicle access with existing main roads (A40, B4044, B4449 and connecting roads such as Cuckoo Lane and Lower Road). Traffic modelling as part of the AAP and SDA processes will determine the details but every effort should be made to encourage smooth traffic flow, including where appropriate, minimising the number of junctions.

Access through the village is acceptable and appropriate for gated access points for emergency service vehicles. It may also be acceptable for traffic to filter into the village centre to give access for local people to services and as through routes for public transport. These access points should be designed and have weight / size limits so that the use by through traffic which does not need to be within the village centre is discouraged. See also ENP17A, 17.1,

Paragraph 7.3, Page 27. This is not policy but can be achieved through agreement.

Modify text:

7.3 Heavy construction traffic causes more distress to residents than private cars. Therefore, traffic relating to the construction of any new development should be controlled through the existing village roads (except as noted in 7.2) as part of LTP4 Routing Agreements with OCC. All building work should be preceded by the construction of access roads direct to the main routes such as the A40.

Paragraph 7.4, Page 27. The design of highways the role of the highway authority modified to reflect modified policy.

Modify text:

7.4 To meet the requirement of ENP 7B, new Link Roads between main routes necessary for and passing through or past new developments should be designed according to OCC Residential Road Design Guide and be provided with a combined cycle way and pedestrian path along their full length; appropriate safe crossing places should be provided in support of policy ENP 8C to ensure easy access to countryside. Due to their use for through and HGV traffic should have appropriate noise-reduction features. For ENP definition of road types - see Appendix D.

Paragraphs 8.1 and 8.6. Page 29. Text should be modified to reflect policy modification.

Modify Text:

8.1 All developments should where achievable be able to demonstrate at least one

designated route for direct, secure, safe and 24/7 access to the relevant village centre and to key facilities such as the primary and secondary schools and bus routes for pedestrians, cycles, push-chairs and mobility vehicles. Paths, as defined earlier, should comply with OCC Guidelines (referenced above), Sustrans Handbook for Cycle- friendly Design or recognised equivalent.

8.6 To meet ENP 8B, paths of designated routes should where achievable and appropriate be wide enough for use by mobility vehicles. Where it is not practical to have paths wide enough for two motorised buggies to pass, places should be provided which are wide enough for two such vehicles to pass so that a passing place is always in sight and never further away than 30m so that there is no need for users to 'back up' to allow others to pass.

Paragraph 11.2 Page 34 Modify text to reflect that the walking distances in Table 1 are for guidance only.

Paragraph 14.6 should be deleted as this no longer relates to ENP14 D

Paragraph 14.8 should be modified as follows:

14.8 ENP14C-G seek to mitigate the issues that the scale of so much development could have on the existing village. Numbers of residents need not result in loss of amenity if the facilities are built to support them. The ENP seeks to guide the size of development by including the consideration of the distance from the centre for residential development (ENP 1, Note A and B) to maintain a village environment and feel.

Paragraph 14.13 should be modified as follows:

14.13 NPPF 100-103 requires Sequential Testing of sites to minimise Flood Risk. The assessment of landscape and biodiversity impact should be included when determining impact on the village setting.

Paragraph 14.14 should be modified as follows:

14.14 NPPF 112 requires the prioritising the use of less valuable agricultural land. The choice of sites for development should include an assessment of agricultural land as a significant criterion. Similarly, the impact on biodiversity should be a significant criterion in any such assessment.

14.Eynsham Neighbourhood Plan Vision

Our vision for the Parish of Eynsham at the end of the plan period is that both new and existing residents will be enjoying the same benefits of living in the village as current residents do and that the area will be an even more attractive community in which to live and work.

COMMENT

I am satisfied that the vision has been developed from the consultation process and the aims and policies flow from the vision.

14.1 Eynsham Neighbourhood Plan Policies

ENP1 Housing.

New development shall ensure that both Eynsham and OCGV has a mix of housing types and tenures to make balanced communities. The ideal community will include a wide range of ages, incomes, education and skills so that the community could be largely self-sustaining.

This shall be achieved by:

- 1. A. Implementing WOLP Policy H4 with a presumption towards Eynsham's existing housing balance favouring smaller homes for market, affordable and social housing. H4 requirements for housing adapted for older residents and those with special needs should be prioritised given the local need.*
- 2. B. Affordable housing as defined within WOLP Policy H3 should address the particular local need for staff to support local tech businesses, research, medical and similar activities typical of a location close to Oxford.*
- 3. C. Developments shall include homes to meet the different requirements of starter homes and for older or less-able residents to downsize into, typically in the 2 / 3 bed categories.*
- 4. D. Residential development should be within walking distance of key village facilities* to maintain the compact, inclusive community nature of the village. Longer distances between new housing and community facilities may be appropriate when significant alternative benefits ensuring inclusion within the community can be demonstrated to the satisfaction of the LPA (e.g. ENP1.8,10,11) and such homes are in character with their location. *see Note A, Note B, Table 1*

COMMENT

Policy ENP1 seeks to address housing mix and location however it is in places confusing and includes elements of repetition. New development of the scale proposed for Eynsham will inevitably have an impact on the area. Whilst the aspiration to ensure that any new development is designed to ensure that new residents will be able to walk to facilities, the distances set out in Note A,B and Table 1 are inflexible and whilst it is appropriate for these figures to guide the design and layout of new development they will not always be achievable. Whilst I understand the desire to limit the impact of new development on the existing village paragraph D is very prescriptive and could impact on the viability and deliverability of a strategic housing allocation and therefore does not meet the Basic Conditions. For clarity and to meet the Basic conditions the policy should be modified as follows:

ENP1 Housing.

Larger residential developments should include a mix of housing types and tenures to make balanced communities. The ideal community will include a wide range of ages, incomes, education and skills so that the community could be largely self-sustaining.

This shall be achieved by:

A. Implementing WOLP Policy H4 with a presumption towards Eynsham's existing housing balance favouring smaller homes for market, affordable and social housing, including starter homes, homes for downsizing typically in the 2 / 3 bed categories and addressing the local need for housing adapted for older residents and those with special needs.

B. Providing affordable housing in accordance with WOLP Policy H3, addressing local need including provision for essential local workers.

C. New residential development designed, where possible to enable residents to walk to key village facilities* to maintain the compact, inclusive community nature of the village. Where this is not achievable, proposals should include appropriate mitigation which will ensure integration with the existing village.

***see Note A, Note B, Table1**

ENP2 Design.

All new development in the Parish shall be well related to, and in keeping with, its immediate setting and character and, where relevant, to the wider village and landscape context, providing a pleasant and safe place for all residents to live.

A Proposals for development within the conservation area or in its setting that do not sustain or, where practicable, enhance its character or appearance and should conform to the WODC design guide. ENP15

B Building styles shall always be used with due consideration of their immediate setting and location. Where the context permits, high quality modern design is to be encouraged.

C A mix of different styles, particularly pastiche renditions of local styles, in close proximity should not be used (ENP 2.5). The height of buildings shall match their contextual setting.

D Streets and public areas shall be planned and designed to be aesthetically pleasing and constructed using materials that will ensure long life and low maintenance costs. Street trees and appropriate planting are encouraged as an integral element of the design.

E Residential development proposals will be expected to comply with Building for Life (BfL12) or equivalent principles unless it can be demonstrated that these cannot be achieved or are being met in an alternative way.

F Appropriate use shall be made of well- designed Green Infrastructure in creating an attractive setting – see also ENP4.

G Large-scale residential development proposals of more than 100 homes and/or where this is a clear inter-relationship between one residential development and an adjoining proposal, should be supported by a masterplan.

H Sustainable drainage systems shall be incorporated in line with national guidelines

COMMENT

The policy seeks to promote high quality design in line with the NPPF and the

Development Plan. However, the policy includes repetition and includes issues covered by existing policy whilst not reflecting the policies accurately. For clarity and to meet the Basic Conditions the policy should be modified as follows:

ENP2 Design.

All new development in the Parish, including streets and public areas should be of high quality in keeping with its immediate setting and character and where relevant, to the wider village and landscape context, providing a pleasant and safe place for all residents to live. The height of new buildings should reflect their setting and where the context permits, high quality modern design is to be encouraged. Street trees and appropriate planting are encouraged as an integral element of the design.

A. Proposals for development within the conservation area or affecting its setting that do not conserve and enhance its character will not be supported. Proposals will be required to demonstrate that they are in accordance with National Policy, Policy EH10 of the WODC Local Plan and conform to the WODC design guide.

B. Residential development proposals will be expected to comply with Building for Life (BfL12) or equivalent principles unless it can be demonstrated that these cannot be achieved or are being met in an alternative way.

C. Development should, where appropriate include well designed Green Infrastructure – see also ENP4.

D. Large-scale residential development, proposals of more than 100 homes and/or where this is a clear inter-relationship between one residential development and an adjoining proposal, should be supported by a masterplan.

E. Sustainable drainage systems should be incorporated in line with national guidelines.

ENP3 Community facilities including Infrastructure and Utilities.

New development shall ensure, as far as is reasonable, that new residents have at least the same access to community facilities as existing residents and shall preserve or enhance the facilities of the entire community.

Specifically, this shall be achieved through contribution of funding and, where appropriate, land to ensure:

A. Essentials such as utility services, schools and healthcare shall be available when needed.

B Reasonable access to facilities including healthcare, schools, pre-schools and nurseries, sports facilities, allotments, play areas, pubs, restaurants and places of worship.

C Reasonable access to a multi-functional community building suitable for activities such as play-groups, older persons day-centres, clubs and societies in accord with NPPF 38, 58 & 69.

D Reasonable access to local pre-schools / nurseries providing before and after school care as necessary.

E Primary healthcare facilities within an appropriate distance for each community.

F Allotments shall be provided on site or contributions made towards provision elsewhere within the community.

For larger developments subject to a masterplan:

G Should, where appropriate and in accordance with their scale, contribute towards a 'local centre' including a community building.

H Such proposals will have a potential impact on the capacity of existing facilities and/or their ability to serve the local population will be expected to address this situation either through direct provision or through an appropriate alternative mechanism such as a financial contribution.

COMMENT

The requirement for development to make provision for community facilities is made on the basis of the need generated by and directly attributable to that development and S106 obligations cannot be required to compensate for any shortfall in existing provision. The policy as currently worded does not meet the Basic Conditions and should be modified as follows:

ENP3 Community facilities

Larger development shall ensure that new residents have convenient access to appropriate community facilities including education, health, recreation and leisure. Where appropriate and in accordance with the scale of development this may include a 'local centre' including a community building.

Where larger development proposals have an impact on the capacity of existing facilities and/or their ability to serve the local population will be expected to address this situation either through direct provision or through an appropriate alternative mechanism such as a financial contribution.

ENP 3a Health Care Facilities

I Adequate Primary Health Care should be available within the local community, ideally within the distances suggested in Table 1.

J Support will be given to proposals that help to improve the quality and range of health care services within the ENP area.

K Where new development is likely to have an effect on existing provision (e.g. capacity of the facility to serve the future population) appropriate mitigation will be required and sought through a planning obligation or other appropriate mechanism. A Health Impact Assessment (HIA) will be required as part of a masterplan

COMMENT

The requirement to deliver health care services falls outside the scope of the

Neighbourhood Plan and thus planning policy can only seek to ensure that provision is made, in land use terms for such a facility in any development of an appropriate scale. In addition, the specific distances set out for access to such facilities are overly prescriptive with the potential to impact on viability and deliverability. Most of ENP3a is covered in ENP3 and for clarity and to meet the Basic Conditions the policy should be modified as follows:

ENP 3a Health Care Facilities

A. Support will be given to proposals that help to improve the quality and range of health care services within the ENP area.

B. Where new development is likely to have an effect on existing provision (e.g. capacity of the facility to serve the future population) appropriate mitigation will be required and sought through a planning obligation or other appropriate mechanism. A Health Impact Assessment (HIA) will be required as part of any masterplan process.

ENP 3b Infrastructure and Utilities

Utility networks shall demonstrate adequate capacity for the needs of new residential developments without causing problems elsewhere.

L Developers shall demonstrate before development consent is given that each utility network (listed in the following text) has or will have adequate capacity before occupation as set out in details in sections 3.15 to 3.18.

M No residential occupation should be permitted unless appropriate utility services are in place for the property.

COMMENT

I have no comment.

ENP4 Green Infrastructure* – the setting for new developments.

New developments shall integrate all aspects of design, connectivity and natural environment. Due consideration shall be given to the setting of new development and the relationship between village and countryside.

Within the framework of WOLP Policies EH2 – EH4, this shall be achieved for both residential and non-residential development by:

A. Appropriate and carefully planned landscaping including the creation of appropriate visual buffers between the edges of developments and open countryside by the planting of suitable hedgerows and trees.

B Appropriate inclusion of open spaces within and at the edges of developments.

C Proposed planting shall use appropriate species and planting distances for their location. Public amenity and bio-diversity shall be balanced appropriately.

D Planting adjacent to paths and other publicly accessible areas shall be designed to maximise user's safety and minimise opportunities for anti-social behaviour.

E Existing Green Infrastructure shall be protected, particularly where it is prominent in the public realm, particularly the specific locations set out in ENP12, 13. Exceptions should only be made where public amenity benefit or bio-diversity gain can be clearly demonstrated (see also ENP4a)

F A viable plan shall be in place for the long- term maintenance of any included Green Infrastructure before consent is granted.

COMMENT

For clarity the policy should be modified as follows:

ENP4 Green Infrastructure* – the setting for new developments.

New developments should integrate all aspects of design, connectivity and the natural environment. Consideration should be given to the setting of new development and the relationship between village and countryside.

Within the framework of WOLP Policies EH2 – EH4, this should be achieved for both residential and non-residential development by:

- A. Appropriate and carefully planned landscaping including the creation of visual buffers between the edges of developments and open countryside by the planting of suitable hedgerows and trees.***
- B. Inclusion of open spaces within and at the edges of developments***
- C. using species and planting distances appropriate for their location, balancing public amenity and bio-diversity.***
- D. designing the planting adjacent to paths and other publicly accessible areas to maximise user's safety and minimise opportunities for anti-social behaviour.***
- E. Protecting existing Green Infrastructure, where it is prominent in the public realm, particularly the specific locations set out in ENP12, 13. Exceptions should only be made where public amenity benefit or bio-diversity gain can be clearly demonstrated (see also ENP4a)***
- F. Where necessary in respect of larger development proposals, a viable plan shall be in place for the long-term maintenance of any included Green Infrastructure secured through a legal agreement or other appropriate mechanism before consent is granted.***

ENP 4a Enhancing Biodiversity.

Preserving the natural environment and increasing biodiversity is a positive benefit both to the human population and in its own right.

This shall be achieved for both residential and non-residential development by:

G New development should result in appropriate but demonstrable net bio-diversity gain for the neighbourhood area unless such gain can be shown to be impractical.

H Measures shall ensure areas close to water- courses are protected to preserve the sensitive environment on site and downstream, including preserving or enhancing their status as defined by the Water Framework Directive

I Development shall, unless demonstrably impractical, seek to protect 'Best and Most Versatile' agricultural land (see ENP14.14)

J Development shall not adversely affect the integrity of the Oxford Meadows SAC.

COMMENT

The policy as currently worded lacks clarity. For clarity the policy should be modified as follows:

ENP 4a Enhancing Biodiversity.

In order to contribute to the achievement of increased biodiversity within the Eynsham Neighbourhood Plan Area proposals for both residential and non-residential development should where appropriate:

- A. Include a biodiversity action plan which demonstrates how net bio-diversity gain will be achieved.**
- B. Include measures to ensure that water- courses are protected to preserve the sensitive environment on site and downstream, including preserving or enhancing their status as defined by the Water Framework Directive**
- C. seek to protect 'Best and Most Versatile' agricultural land (see ENP14.14) unless demonstrably impractical,**
- D. not adversely affect the integrity of the Oxford Meadows SAC.**

ENP5 Sustainability: Climate Change.

Particular support will be given for proposals that help meet the intentions of the Climate Change Act 2008 including development that makes the most efficient use of land and materials and maximises the opportunities for the use of renewable and low-carbon forms of energy in accordance with WOLP policy EH4.

COMMENT

I have no comment on this policy.

ENP6 Education.

New developments shall, as appropriate for their size and nature, contribute to the expansion or new building of educational facilities to ensure that there is the opportunity for the local community to maintain an excellent education for its children from pre-school to sixth-formers.

A New development proposals likely to have an impact on school capacity within the ENP area should be supported by a robust assessment to determine whether there is a requirement for additional provision (e.g. increased school capacity or new provision). Proposed development that has an unacceptable impact on education capacity that cannot be mitigated will be refused.

B Particular support will be given to development proposals that help facilitate or deliver improved skills and education such as apprenticeships or other training opportunities. The loss of any existing education and training facilities will be refused unless there is clear and convincing justification or appropriate replacement provision is made elsewhere within the ENP area.

C For larger development sites where new school provision is made, access arrangements should emphasize both walking and safe pick-up and drop-off arrangements for vehicle-borne students and staff. OCC recommends that new schools be co-located with local centres as part of an integrated design.

COMMENT

This policy is long, covering issues which fall outside the scope of the Neighbourhood Plan (the Statutory Authority for education services is the County Council) and part of which is community aspiration. It also repeats elements of ENP3 for clarity and to meet the Basic Conditions the policy should be modified and combined with policy EPN3 with the exception of paragraph C which would be better combined with ENP7- Sustainable Transport.

ENP3c Education.

New developments shall, as appropriate for their size and nature, contribute to the expansion or new building of educational facilities.

A. New development proposals likely to have an impact on school capacity within the ENP area should be supported by a robust assessment to determine whether there is a requirement for additional provision (e.g. increased school capacity or new provision). Proposed development that has an unacceptable impact on education capacity that cannot be mitigated will be refused.

B. The loss of any existing education and training facilities will be not be supported unless there is clear and convincing justification or appropriate replacement provision is made elsewhere within the ENP area.

ENP7 Sustainable Transport.

In support of WODC Policy T1, new development shall have safe access to local transport networks by private car and public transport.

A. New developments shall only be accessed by motor vehicle from existing main roads (A40, B4044, B4449) and not through existing village roads except as noted in 7.2. This provision shall apply to both construction and residential traffic.

B. Link Roads between main roads or connecting main roads to residential streets intended for more than 20mph use shall have pedestrian and cycle paths where appropriate and suitable noise-reduction measures to protect residents from noise pollution.

C. Residential streets (those giving access to individual properties) shall be designed and constructed in accordance with best practice such as Manual for Streets or OCC guidance and to ensure a 20mph speed limit to complement other village streets that will also have the

same speed limits in force.

D. Measures to utilise and improve Eynsham's existing good public transport shall be included in all masterplans particularly to ensure an equally good service within a new settlement

E. Encouragement shall be given to the use of alternatives to private cars (NPPF 177) and documented in Travel Plans submitted with each planning application where appropriate.*

COMMENT

This policy is overly restrictive, particularly criteria A, B and C. The standard of highway design is dealt with by the Highway Authority through the implementation of adopted standards. Classified roads are controlled by the Highways Agency. For clarity and to meet the Basic Conditions the policy should be modified as follows:

ENP7 Sustainable Transport.

In support of WODC Policy T1, new development shall have safe access to local transport networks by private car and public transport.

A. Where achievable, new developments should be accessed by motor vehicle from existing main roads (A40, B4044, B4449) and not through existing village roads. This provision should apply to both construction and residential traffic.

B. Link Roads between main roads or connecting main roads to residential streets should be designed and constructed in accordance with best practice such as Manual for Streets or OCC guidance and include as appropriate, suitable noise reduction measures to protect residents from noise pollution.

C. Residential streets (those giving access to individual properties) should be designed and constructed in accordance with best practice such as Manual for Streets or OCC guidance and include where appropriate a 20mph speed limit to complement other village streets that will also have the same speed limits in force.

D. Measures to utilise and improve Eynsham's existing good public transport should be included in all masterplans particularly to ensure an equally good service within a new settlement

E. Encouragement shall be given to the use of alternatives to private cars and documented in Travel Plans submitted with each planning application where appropriate.*

F. For larger development sites where new school provision is made, applications should include access arrangements which include both safe walking and pick-up and drop-off arrangements for vehicle-borne students and staff.

ENP8 Connected Place – integration of new developments with the village.

Note A & Table 1 of ENP 1 explain how local services such as schools, shops, doctors, dentists, buses and community facilities within the village should be closely linked to new

development by paths for walkers, cyclist and mobility scooters. To achieve this effectively:

A Where appropriate, new developments shall demonstrate at least one 'Designated Path' providing direct, secure, safe and 24/7 access to 'key facilities' (ENP1 D) and the village centre for pedestrians, cycles, push-chairs and mobility vehicles. These designated routes shall be constructed to standards compatible with their purpose and have provision for ongoing maintenance.

B Paths within new developments or necessary to connect new developments to existing paths shall be wide enough for concurrent use by permitted wheeled equipment and pedestrians in accordance with guidance from OCC.

C Paths shall be designed to provide, wherever practical, a green corridor to the open countryside and link up with existing footpaths and bridleways while not having any adverse effect on the village character.

COMMENT

I share West Oxfordshire District Council's concerns regarding the prescriptive nature of the distances to key facilities set out in Table 1. The on-going maintenance of adopted footpaths and highways lies with the Local Highway Authority. For clarity and to meet the Basic Conditions the policy should be modified as follows:

ENP8 Connected Place – integration of new developments with the village.

The village should be connected and integrated with new developments, having regard to the walking distances set out in Note A and Table 1. To achieve this effectively development proposals should:

A Where appropriate, demonstrate at least one 'Designated Path' providing direct, secure, safe access to 'key facilities' (ENP1 D) and the village centre for pedestrians, cycles, push-chairs and mobility vehicles. These designated routes should be constructed to adopted standards

B Provide paths wide enough for concurrent use by permitted wheeled equipment and pedestrians in accordance with guidance from OCC.

C Provide, wherever practical, a green corridor to the open countryside and link up with existing footpaths and bridleways while not having any adverse effect on the village character.

ENP9 Parking

In support of WODC Policy T4, new developments should not exacerbate existing parking problems within the existing village centre and shall ensure adequate and appropriate parking for new residents.

A Development that reduces the available parking space in Eynsham village centre will not normally be permitted.

B New development shall include appropriate parking for both residents and visitors.

C Safe storage for bicycles and, where appropriate, motorised mobility vehicles, shall be provided.

D Provision shall be made for charging of electric vehicles at each new home.

COMMENT

There is no requirement in national or local policy for provision to be made for the charging of electric vehicles for every new home. This requirement could have an impact on the viability and deliverability of new development although it is a laudable aspiration. In order to meet the Basic Conditions paragraph D of the policy should be modified as follows:

D Where possible provision should be made for the charging of electric vehicles at each new home. Where this cannot be achieved provision for the charging of plug-in and other ultra-low emission vehicle should be made in safe, accessible and convenient locations.

ENP10 Building a strong sustainable economy.

In support of WOLP Policies E1 & E2 and NPPF paragraph 21, new developments shall support the existing and potential scale of local employment in the Eynsham area.

A The loss of existing business land will generally be resisted unless it can be robustly demonstrated that the site is no longer able to play a beneficial role to the local economy and/or the alternative use would deliver a significant community benefit.

B Residential use could be permitted where it was clearly demonstrated to support the operation and retention of local businesses.

C Developments in otherwise residential areas may include business premises of appropriate type and scale for the context in which they are located.

D Expansion of employment opportunities through redevelopment of the existing industrial and business areas will be supported unless the proposal would lead to specific concerns such as loss of amenity or additional noise disturbance and traffic congestion.

E New commercial and employment sites shall have appropriate infrastructure and utility services provided.

F Provision of additional hotel accommodation will be supported where unlikely to cause inconvenience to residents or exacerbate problems such as access and parking. The scale, size and design of a new hotel shall be in keeping with its location, context and local need.

COMMENT

As previously stated, the ENP has been examined under the provisions of the NPPF 2012 it is not necessary to include reference to NPPF paragraphs in individual policies. The reference to the NPPF paragraph 21 should be removed.

ENP11 Retail

New retail development shall preserve or enhance the existing range and scale of local shopping opportunities.

A Retail development should only be permitted where it can be demonstrated that no significant harm will be done to the current retail provision that meets the community's day to day needs without the need to travel by car.

B New homes should have ready access to a local convenience store according to the guidelines in ENP1 D. The size of such local stores should be appropriate for the area which they serve.

C Conversions resulting in a reduction of the total number of shops, pubs, restaurants and similar facilities should not normally be permitted as the village is set to expand significantly so improving the viability of such establishments. Only where it can be clearly demonstrated that there is no reasonable likelihood of business use being viable will such conversions be considered favourably.

D Where practical, retail development should support healthier food choices and the use of locally produced food.

COMMENT

West Oxfordshire District Council have raised concerns relating to paragraph B of this policy being overly restrictive as it links to Policy ENP1 D. In order to meet the Basic Conditions, I have modified Policy ENP 1 and am satisfied no further modification to paragraph B is required. However, for clarity and to meet the Basic Conditions I have modified paragraph C and deleted paragraph D which is not a land use planning issue but can be supported through community aspiration. For clarity and to meet the Basic Conditions the policy should be modified as follows:

ENP11 Retail

New retail development should preserve or enhance the existing range and scale of local shopping opportunities.

A Retail development will only be supported where it can be demonstrated that no significant harm will be done to the current retail provision that meets the community's day to day needs without the need to travel by car.

B New homes should have ready access to a local convenience store according to the guidelines in ENP1 C. The size of such local stores should be appropriate for the area which they serve.

C A change of use resulting in a reduction of the total number of shops, pubs, restaurants and similar facilities will not normally be supported to ensure that the village can meet the needs of existing and future residents following proposed new development. Only where it can be clearly demonstrated that there is no reasonable likelihood of business use being viable will such a change of use be supported.

ENP12 Local Green Space.

The sites listed below and identified on Map 3 are all designated as Local Green Space LGS:

LGS 1 Eynsham Millennium Wood

LGS 2 Witney Road Green

LGS 3 A40/B4449 barrier strip / village entrance LGS 4 Dovehouse Close open space

LGS 5 Hazeldene Close open space

LGS 6 The Gables – paddock and orchard

LGS 7 Abbey site grounds

LGS 8 Abbey Farm Barns orchard & meadow

LGS 10 Fruitlands Wood – parts of site

LGS 11 Litchfield

LGS 12 Abbey Farm Barns field

LGS 14 Land north of B4449 southern bypass

LGS 15 Land south of B4449

LGS 16 Land south of B4449 southern bypass.

Development within any LGS shall only be permitted as part of a landscape design to enhance community enjoyment of the green space and contribute to improvement of the character, bio- diversity, appearance and general quality or amenity value of the space.

Any other development will not be normally be allowed.

COMMENT

The policy seeks to designate 14 Local Green Spaces as listed in the policy and identified on Map 3. There is inconsistency in the numbering of the Local Green Spaces, for clarity the LGS should be numbered consecutively and Map 3 amended accordingly. The NPPF sets out the tests applicable to the designation of a Local Green Space and gives them the policy protection afforded to the Green Belt. The supporting text for this policy should be revised to explain more clearly what a local green space designation is and what it is intended to achieve. The text should also set out the qualifying criteria for LGS designation i.e. spaces that are demonstrably special to the local community. I note that the supporting information is available in a separate document but for ease of reference it would be useful to include some further explanation in the ENP itself perhaps with a brief summary of each proposed LGS and why it is being designated.

The NPPF states:

“76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed and be capable of enduring beyond the end of the plan period.

77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;*
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- where the green area concerned is local in character and is not an extensive tract of land.*

78. Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.”

With reference to LGS10 there is a discrepancy between the supporting evidence and Map 3. in terms of the area to be designated. Having sought clarification from the QB regarding the intended designation it appears that the desire is to designate the whole area not the areas shown on Map 3 of the submitted plan. Whilst I am minded to consider the area appropriate for LGS designation I am concerned that the allocation of the whole area has not been the subject of regulation 16 consultation. When looking at designation of the areas illustrated on Map 3, it would appear that the boundaries have been drawn to accommodate a planning application which has subsequently been refused. I acknowledge that despite there currently being no public access I am satisfied that the site as identified on Map 3, not the whole site does meet the criteria for designation as a Local Green Space.

I am satisfied that the areas proposed for Local Green Space Designation do meet the requirements of paragraph 77 with the exception of:

LG3 –This area forms a highway verge and does not meet the criteria of being demonstrably special.

LG7- As with a number of the other proposed LGS designations LG7 sits adjacent to areas which have not been proposed for LGS designation but are similar in nature and character. As stated, earlier paragraph 77 of the NPPF LGS designation will not be appropriate for most green areas or open space. I have examined the evidence provided and am not satisfied that this area meets the requirement to be demonstrably special.

LGS8- As with a number of the other proposed LGS designations LGS8 sits adjacent to areas which have not been proposed for LGS designation but are similar in nature and character. As stated, earlier paragraph 77 of the NPPF LGS designation will not be appropriate for most green areas or open space. I have examined the evidence provided and am not satisfied that this area meets the requirement to be demonstrably special.

LGS11- As with a number of the other proposed LGS designations LG11 sits adjacent to areas which have not been proposed for LGS designation but are similar in nature and character. As stated, earlier paragraph 77 of the NPPF LGS designation will not be appropriate for most green areas or open space. I have examined the evidence provided and am not satisfied that this area meets the requirement to be demonstrably special.

LGS12- As with a number of the other proposed LGS designations LGS12 sits adjacent to areas which have not been proposed for LGS designation but are similar in nature and character. As stated, earlier paragraph 77 of the NPPF LGS designation will not be appropriate for most green areas or open space. I have examined the evidence provided and am not satisfied that this area meets the requirement to be demonstrably special

LG14- As with a number of the other proposed LGS designations LGS14 sits adjacent to areas which have not been proposed for LGS designation but are similar in nature and character. As stated, earlier paragraph 77 of the NPPF LGS designation will not be appropriate for most green areas or open space. I have examined the evidence provided and am not satisfied that this area meets the requirement to be demonstrably special

LG15- As with a number of the other proposed LGS designations LGS15 sits adjacent to areas which have not been proposed for LGS designation but are similar in nature and character. As stated, earlier paragraph 77 of the NPPF LGS designation will not be appropriate for most green areas or open space. I have examined the evidence provided and am not satisfied that this area meets the requirement to be demonstrably special

LG16- As with a number of the other proposed LGS designations LGS16 sits adjacent to areas which have not been proposed for LGS designation but are similar in nature and character. As stated, earlier paragraph 77 of the NPPF LGS designation will not be appropriate for most green areas or open space. I have examined the evidence provided and am not satisfied that this area meets the requirement to be demonstrably special

The policy should be modified to remove these areas and Map 3 amended to reflect the modified policy.

Inappropriate development in Local Green Spaces can only take place in very special circumstances. The Final two paragraphs of the policy should be modified as follows:

Inappropriate development within any designated LGS will only be permitted in very special circumstances.

ENP13 Trees

Trees frame the landscape context of the village and development should, as far as practical, preserve or enhance the quality and quantity of tree cover of sites affected by development:

A Whenever possible existing healthy mature trees should be preserved, particularly as part of hedgerows and site boundaries.

B Trees lost or in poor condition should be replaced on site (or nearby) to preserve and enhance the landscape context of the village and the new development.

COMMENT

I have no comment on this policy

ENP14 Sustainable Growth.

Development shall protect the character and community of Eynsham and seek to establish similar qualities in any new settlement such as the proposed Garden Village.

All proposals shall be required to:

A Sustain the village character, which results which results from its walkability and its designated and non-designated heritage assets while protecting these assets and their various settings.

B Protect the wider village setting including its relationship to the Oxford Green Belt, Thames floodplain and the wider countryside. This should include evidence of sequential testing as part of all masterplans.

SDA / AAP - scale sites shall additionally:

C Make provision to mitigate infrastructure constraints including the main access roads (A40, B4449, B4044) and the capacity of existing employment, education and health facilities.

D Have approved by the LPA a masterplan and associated planning brief covering contiguous sites, particularly if allocated as one area in the Local Plan, before consideration is made of an individual proposal.

A new settlement in the Neighbourhood Area during the term of this Plan can be acceptable if it is planned together with a future expansion of the village, maintaining distinct communities while sharing to their mutual benefit facilities that neither can support alone, e.g.

E All the relevant policies of the ENP shall apply to a new settlement.

F A green buffer zone to define the boundary between the two settlements including suit- able walking, cycling and riding connectivity.

G Mitigation of the negative impact on A40 and Toll Bridge traffic caused by both developments due to their scale.

Additional details are given in ENP16 and 17.

COMMENT

I have considered carefully how best to deal with policies ENP14, ENP16 and ENP17. As currently worded all three policies have elements of repetition and lack clarity. In addition, there are elements which either fall outside the scope of a neighbourhood plan or are overly restrictive. My conclusion is that all three policies require modification and should be combined to form a single policy with subdivisions to deal with elements of the policy which relate to overarching sustainable growth, the strategic growth area to the West of Eynsham and the new “garden village”

ENP14 Sustainable Growth.

New development should protect the character and community of Eynsham and seek to establish similar qualities in any new settlement such as the proposed Garden Village.

All proposals shall be required to:

- A. Sustain the village character, which results from its walkability and its designated and non-designated heritage assets.***
- B. Development should sustain and enhance the significance of designated and non-designated heritage assets and avoid harm to them and their settings.***
- C. Protect the wider village setting including its relationship to the Oxford Green Belt and the wider countryside.***
- D. Have regard to the impact on the natural environment and safeguard existing trees, hedgerows and water-courses.***
- E. Protect the Thames floodplain including Flood Risk Assessment and sequential testing in proposals where required.***
- F. Ensure that the rural setting of the village is retained in terms of the long-term quality and stability of any new Urban – Countryside boundary.***
- G. The form of any development should have regard to its impact on the village edge as viewed from public paths and bridleways, particularly over open fields towards the historic village centre and significant distant landscape features such as Wytham Hill. Developments should include new paths to link in with the existing path network wherever practical.***
- H. Provide accessible and safe connectivity between new development and Eynsham for pedestrians, cyclists, riders and motorised vehicles designed to minimise the impact on through traffic and existing road users.***
- I. Avoid congestion in the village by limiting vehicular access through the village to new developments.***
- J. Where appropriate include housing specifically adapted for the elderly or disabled close to relevant services.***

ENP14a Strategic Development Area and “Garden Village”

In addition, development in Strategic Development Areas and the proposed “Garden Village” should:

- A. Be brought forward in accordance with the Area Action Plan, including a***

masterplan agreed with WODC and in consultation with the Parish Council. Requirements for supporting infrastructure and services shall be established through the masterplan and, where necessary, through legally binding agreements.

- B. Include an assessment of the impacts of the new development on residents of Eynsham Village, particularly the impact on local services and facilities such as education and healthcare?*
- C. Include a mechanism to ensure the timely provision of adequate community facilities.*
- D. Where appropriate, make provision for new employment opportunities as part of the overall mix of development'*
- E. Make provision to mitigate infrastructure constraints including the main access roads (A40, B4449, B4044), where necessary.*
- F. Include an appropriate assessment of any impact on A40 and Toll Bridge traffic.*
- G. In respect of the garden village, ensure that development is taken forward in accordance with garden village principles (as set out by DCLG)*
- H. Have regard to the need to provide extensive and high-quality green infrastructure to include opportunities for walking, cycling and riding.*

ENP15 Eynsham Village Centre.

Development proposals shall have regard to the need to sustain and to create opportunities to improve the character, quality, vitality and viability of Eynsham and particularly its Historic Centre and Conservation Area.

This will be achieved through:

A Maintaining and enhancing the significance of the Conservation Area.*

B Preserving and enhancing the Village Square as a space for markets and public events and as the context for its historic buildings.

C Retention of retail and other public facilities.

D Preserving and enhancing the public realm to allow people to move around easily and make use of any open spaces.

COMMENT

Paragraph A should be modified to reflect national and local policy:

- A. Conserve and enhance the significance of the Conservation Area*.*

ENP16 New Settlements.

A new settlement shall include adequate provision of employment, educational, cultural and social facilities and be in accordance with the provisions of the Eynsham Neighbourhood Plan.

Development shall be in accordance with a masterplan approved by WODC and in

consultation with the Parish Council. Requirements for supporting infrastructure and services shall be established through the masterplan and, where necessary, through legally binding agreements, and shall include the following:

A. Appropriate connectivity, in terms of movement, and visual separation from Eynsham including the provision of safe road crossing places for students and other residents accessing services which are shared between Eynsham and the proposed Garden Village.

B Careful assessment of the positive and negative impacts on residents of Eynsham Village particularly in relation to any shared facilities such as secondary education and healthcare.

C Vehicular access designed to minimise delays to through traffic and existing road users.

D The timely provision of adequate facilities, including a neighbourhood centre, to meet the social, educational, health, religious and cultural needs of the new community.

E The provision of appropriately designed and located employment opportunities as part of or adjacent to the development.

F Priority should be given to housing specifically adapted for the elderly or disabled close to the services at the centre of the new community.

G A free-standing new settlement shall conform to the principles of a 'Garden Village' (as set out by DCLG) in terms of its built form, inter-connected green spaces, infrastructure, layout and impact on the wider countryside.

As these are strategic sites, ENP17 B to D are applicable in terms of heritage and landscape.

COMMENT

See comments on ENP14 above.

ENP17 Strategic Development Areas.

Strategic developments shall be in accordance with a masterplan approved by WODC and in consultation with the Parish Council. Requirements for supporting infrastructure and services shall be established through the masterplan and, where necessary, through legally binding agreements, and should include the following:

A Vehicular access through the village to new developments shall be limited ENP 7.2

B Development should sustain and enhance the significance of designated and non-designated heritage assets and avoid harm to them and their settings.

C Developments shall ensure that the rural setting of the village is retained in terms of the long-term quality and stability of any new Urban – Countryside boundary.

D The form of any development should have regard to its impact on the village edge as viewed from public paths and bridleways, particularly over open fields towards the historic village centre and significant distant landscape features such as Wytham Hill. Developments should include new paths to link in with the existing path network wherever practical.

E Due regard must be given to impact on the natural environment and safeguard existing trees, hedgerows and water-courses.

F Adequate Primary and Secondary School capacity shall be provided together with other key local services necessary to meet the requirements of ENP1 D

G Such large developments should contribute wherever appropriate to the wider community by providing or enabling new facilities of which the village is currently in need.

COMMENT

See comments on ENP14 above.

SECTION 5

Conclusion and Recommendations

- 5.1 *I find that the Eynsham Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
- 5.2 *The general text in the plan should be modified to conform with the policy modifications.*
- 5.3 *The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
- 5.4 *The Eynsham Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
- 5.5 *The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening, meet the EU Obligation.*
- 5.6 *The policies and plans in the Eynsham Neighbourhood Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Development Plan for West Oxfordshire. At the time of my examination the Development Plan for West Oxfordshire comprises the West Oxfordshire Local Plan adopted 27th September 2018*
- 5.7 *I therefore conclude that the Eynsham Neighbourhood Plan subject to the recommended modifications can proceed to Referendum.*

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22nd July 2019

