

Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

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| Decision made by | Cllr Catherine Webber |
| Key decision? | No |
| Date of decision (same as date form signed) | 30 April 2020 |
| Name and job title of officer requesting the decision | Nina Merritt Planning Policy Officer |
| Officer contact details | Tel: 07717 271906 Email: nina.merritt@southandvale.gov.uk |
| Decision | To; <ol style="list-style-type: none"> 1. Accept the majority of the modifications recommended by the Independent Examiner; 2. To retain Policy BU1 as modified by the council; 3. To determine that the North Hinksey Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by an NDP; and 4. To take all appropriate actions to progress the North Hinksey Neighbourhood Development Plan to referendum. |
| Reasons for decision | <ol style="list-style-type: none"> 1. The council has committed to supporting neighbourhood planning in its Strategic Objective on facilitating sustainable communities, and more specifically through the commitment in the Corporate Plan 2016-2029 of 'Supporting and resourcing the development of neighbourhood plans for our towns and villages.' 2. The council is required to consider the recommendations made by the Independent Examiner. The individual modifications proposed by the Examiner are set out in Appendix 1 alongside the council's decision in response to each recommendation and the reasons for them. The Examiner's full Report is available in Appendix 2 3. The council have decided to deviate from the examiner's recommendations in relation to Policy BU1. Policy BU1 |

as modified by the council is considered to meet the basic conditions.

4. The council's justification to disagree with the examiners recommendation to delete policy BU1 can be found in appendix 1. The alternative policy wording is shown in appendix 4. The justification and proposed policy wording were both subject to a six-week public consultation.
5. The North Hinksey Neighbourhood Development Plan (the Plan), as modified by the Examiner's recommendations and the council, has had regard to national policies and advice contained in guidance issued by the Secretary of State. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but it is intended to have and does have a significant effect. The principal document in which national planning policy is contained in is the National Planning Policy Framework (February 2019) (NPPF) and this conclusion is reached bearing this in mind. The advice within the National Planning Practice Guidance (NPPG) has also been borne in mind in reaching this conclusion.
6. North Hinksey Parish Council submitted the Plan to VOWHDC on 25 January 2019. The district council appointed Mr Andrew Ashcroft as Independent Examiner to examine the Plan. The Plan has been successful at examination, with the Examiner's report, received on 30 July 2019, concluding that subject to modifications proposed, the North Hinksey Neighbourhood Plan should proceed to referendum.
7. Having considered all relevant information, including representations submitted in response to the Plan, the Examiner's considerations and recommendations, the council's view is that the Plan recognises and respects relevant constraints such as the Oxford Green Belt and flooding within the area. The housing policies (HS1-HS5) provide useful local context and sets out parts of the neighbourhood planning area where higher densities may be allowed due to a lack of land availability. This is in accordance with paragraph 123 of the NPPF. The plan also designates local green spaces which meets the criteria required within paragraphs 99 and 100 of the NPPF. The reasoning is set out clearly within the appendices of the plan and is therefore in accordance with the NPPF.
8. The Plan, as modified by the Examiner's recommendations and the council, contributes to the achievement of sustainable development. This condition relates to the making of the plan as a whole. It does not require that each policy in it must contribute to sustainable development. Sustainable development has

three principal dimensions – economic, social and environmental. In the economic dimension the Plan includes policies on housing development and house types (HS1-5) and for business development (EE1-4). In the social role, it includes policies on leisure and social facilities (S11) and on a range of transport improvements. In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on local green spaces (GS1), biodiversity (GS2) and on locally important views (GS3). As a whole, the council is satisfied that the policies in the Plan pursue net gains across each of the different dimensions of sustainability in a mutually supportive way.

9. The Plan, as modified by the Examiner's recommendations and the council, is in general conformity with the strategic policies contained in the Development Plan for the area. The Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. For example, the modified BU1 policy of the neighbourhood plan supplements Core Policy 9 of Local Plan 2031 Part 1 which supports the redevelopment of Oxford Brookes Harcourt Hill Campus. The revised BU1 policy of the neighbourhood plan provides additional policy guidance on the redevelopment of the campus which sits within the neighbourhood plan area.

10. The Plan, as modified by the Examiner's recommendations and the council, would not breach, and be otherwise incompatible with EU obligations, including the following Directives: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). In addition, no issue arises in respect of equality under general principles of EU law or any EU equality directive. In order to comply with the basic condition on the European Union legislation the council prepared a Strategic Environmental Assessment (SEA) screening statement for North Hinksey Neighbourhood Plan in March 2018, which confirmed that a SEA was not required on the Plan. The council's screening opinion was subject to consultation with the relevant statutory consultees. Both Historic England and Natural England supported the council's decision that a SEA was not required. The Environment Agency were unable to provide a response.

11. The Plan, as modified by the Examiner's recommendations and the council, would not give rise to significant environmental effects on European sites. The Council produced a Habitat Regulations Assessment

(HRA) screening report on the impact of development proposed in the Plan on European sites which was completed on the 13 March 2018. The HRA screening report concluded that the Plan would not have any likely significant effects on the integrity of European sites in the Vale of White Horse District from policies in the Neighbourhood Plan. Natural England note that there are no designated sites or protected landscapes within the impact zones of the Neighbourhood Plan area and the plan does not allocate any additional sites for development. Natural England agree with the Council's opinion that the Neighbourhood Plan does not require an Appropriate Assessment.

12. The Plan, as modified by the Examiner's recommendations and the council, is in all respects fully compatible with Convention rights contained in the Human Rights Act 1988. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known.
13. The Plan, as modified by the Examiner's recommendations and the council, complies with the definition of an NDP and the provisions that can be made by an NDP. The Plan sets out policies in relation to the development and use of land in the whole of the neighbourhood area. It specifies the period for which it is to have effect and it does not include provision about development that is 'excluded development'.
14. The council is satisfied that it is not necessary to extend the referendum area beyond the boundaries of the designated plan area as they are currently defined and approved by the District Council on 19 June 2015.
15. The examiner noted in his report that he has recommended a series of modifications both to policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of his recommended modifications to the policy concerned, they are highlighted in his report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. The examiner noted that it would be appropriate for VOWHDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. These are set out in appendix 3.
16. The revised National Planning Policy Framework was published in February 2019 and sets out the government's planning policies for England and how these are expected to be applied. The council is satisfied that the policies in the North Hinksey Neighbourhood Plan

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| | <p>are consistent with the revised National Planning Policy Framework (2019).</p> <p>17. The council has taken account of all the representations received from both the Regulation 16 consultation and the recent consultation to deviate from the examiner's recommendations in relation to policy BU1.</p> <p>18. The Counting Officer is responsible for determining the date of the referendum. The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 sets out that neighbourhood planning referendums cannot take place until 6 May 2021. The Government is committed to keep these regulations under review, they may be amended or revoked in response to changing circumstances. The Counting Officer will endeavour to arrange the referendum as soon as practically possible in consultation with the qualifying body.</p> |
| <p>Alternative options rejected</p> | <p>Continue with the plan without deviating from examiner's recommendation</p> <p>The council can decide to agree with all of the modifications proposed by the examiner and choose not to deviate from the modification proposed for policy BU1.</p> <p>Refer the plan back to examination</p> <p>If the council propose to make a decision which differs from that recommended by the examiner, and the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the council as to a particular fact, the council must notify prescribed persons of their proposed decision (and the reason for it) and invite representations.</p> <p>If the council consider it appropriate to do so, it may refer the issue to independent examination.</p> <p>The council's disagreement with the examiner's recommendation to delete Policy BU1 does not relate (wholly or partly) to new evidence or a new fact or a different view taken by the council as to a particular fact. However, to be prudent and to invite proper scrutiny, with the agreement of the parish council, the council notified prescribed persons and invited representations on its proposed decision to deviate from the examiner's recommendation to delete Policy BU1.</p> <p>Refuse the Plan</p> <p>The council can decide that it is not satisfied with the plan proposal with respect to meeting basic conditions, compatibility</p> |

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| | <p>with Convention rights, definition and provisions of the NDP, even if modified. Without robust grounds which are not considered to be present in this case, refusing to take the Plan to a referendum could leave the Council vulnerable to a legal challenge.</p> <p><u>Reason for rejecting alternative options:</u></p> <p>The alternative options are rejected because the district council is minded to agree with a majority of the Examiner's modifications and his conclusions that the Plan, as modified meets the basic conditions and relevant legal requirements.</p> <p>Paragraph 12(6) of Schedule 4B of the Town and Country Planning Act 1990 provides that the council may make modifications to the plan to ensure it meets basic conditions. The council has consulted on the proposal to modify instead of deleting Policy BU1. The proposed modifications and the reasons for them are set out in appendix 1. As the council is exercising its powers to make modifications which are considered necessary to secure that the draft plan meets the basic conditions the council does not consider appropriate or necessary to refer the issue to examination.</p> |
| Legal implications | The process undertaken and proposed accords with planning legislation. |
| Financial implications | <p>The Government funding is available to local authorities to help them meet the cost of their neighbourhood planning responsibilities. A total of £20,000 can be claimed for each neighbourhood planning area. Previously the council became eligible to apply to receive this single payment once a date is set for the referendum, after a successful examination. However, in order to minimise the financial implications of postponed neighbourhood planning referendums local planning authorities in 2020/21 will be able to submit claims for New Burdens grant at the point when the local planning authority issues a decision statement confirming the decision to proceed to referendum, rather than when a referendum date has been set.</p> <p>The Government grant funds the process of progressing neighbourhood plans through the formal stages, including the referendum. Any costs incurred in the formal stages in excess of £20,000 is borne by the council. Staffing costs associated with supporting community groups and progressing neighbourhood plans through the formal stages are funded by the council.</p> |
| Other implications | There are no other implications. |
| Background papers considered | <ol style="list-style-type: none"> 1. North Hinksey Neighbourhood Plan and supporting documents 2. National Planning Policy Framework (2019) |

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| | <ol style="list-style-type: none"> 3. National Planning Practice Guidance (July 2014 and subsequent updates) 4. Vale of White Horse District Council Local Plan 2031 Part 1 5. Vale of White Horse District Council Local Plan 2031 Part 2 6. Vale of White Horse District Council SEA/HRA Screening Statement 7. The reports to the VWHDC Cabinet and Council (February 2019) on the adopted policies map 8. Representations submitted in response to the North Hinksey Neighbourhood Plan 9. Relevant Ministerial Statements | | | |
| <p>Declarations/conflict of interest?</p> <p>Declaration of other councillor/officer consulted by the Cabinet member?</p> | | | | |
| <p>List consultees</p> | | <p>Name</p> | <p>Outcome</p> | <p>Date</p> |
| | <p>Ward councillors</p> | <p>Emily Smith Debby Hallett</p> | <p>Content to progress Neighbourhood plan to referendum</p> | <p>04/04/2020 04/04/2020</p> |
| | <p>Legal</p> | <p>Ian Price</p> | <p>Approved</p> | <p>17/04/2020</p> |
| | <p>Finance</p> | <p>Richard Spraggett</p> | <p>No Comment</p> | <p>17/04/2020</p> |
| | <p>Human resources</p> | <p>Capita HR</p> | <p>Confirmed they had no comments</p> | <p>05/04/2020</p> |
| | <p>Sustainability</p> | <p>Heather Saunders</p> | <p>Confirmed they had no comments</p> | <p>05/04/2020</p> |
| | <p>Diversity and equality</p> | <p>Yvonne Cutler Greaves</p> | <p>No Comment</p> | <p>17/04/2020</p> |
| | <p>Communications</p> | <p>Communications Team</p> | <p>No Comment</p> | <p>17/04/2020</p> |
| | <p>Senior Management Team</p> | <p>Margret Reed Andrew Down Liz Hayden</p> | <p>Approved</p> | <p>20/04/2020</p> |

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| Confidential decision? If so, under which exempt category? | No |
| Call-in waived by Scrutiny Committee chairman? | N/A |
| Has this been discussed by Cabinet members? | No |
| Cabinet portfolio holder's signature To confirm the decision as set out in this notice. | Signature _____ Catherine Webber _____ Date _____ 30 April 2020 _____ |

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

| For Democratic Services office use only | | |
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| Form received | Date: 30 April 2020 | Time: 20:00 |
| Date published to all councillors | Date: 1 May 2020 | |
| Call-in deadline | Not applicable | |

Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must hand-sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.
Tel. 01235 422520 or extension 2520.

Email: democratic.services@southandvale.gov.uk
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
 - refer the decision back to the Cabinet portfolio holder for reconsideration or
 - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
 - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:

- (a) to incur expenditure, make savings or to receive income of more than £75,000;
- (b) to award a revenue or capital grant of over £25,000; or

- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
 - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
 - Changes to the household waste collection policy (affects all households in the district)
 - Reviewing a housing strategy (could have a significant impact on residents in many wards)
 - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
 - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.

Appendix 1: Examiner's recommendations

In the below table, 'clarity of the policy' is cited as the justification/reason for some modifications. For the avoidance of doubt, clarity is defined in Paragraph 41 of the Planning Practice Guidance in March 2014 (41-041-20140306): "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."

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
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| Policy HS1: Characteristics of New Housing | In the first sentence replace ' will ' with ' should ' In the second and third sentences replace ' must ' with ' should ' | Agree | The council consider a modification is necessary to the text within the first three sentences of the policy to ensure there is clarity as required within the NPPF and so that the policy can be applied consistently by development management. |
| Policy HS2: Low Rise Housing Design | In the opening part of the policy delete ' and promote a balanced community ' | Agree | The council agree that this modification is necessary as the submitted text is an aspiration outside of land use and should not be included within this policy. |

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
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| Policy HS2: Low Rise Housing Design | In the detailed bullet points 1 and 3 replace 'is not to' with 'should not' | Agree | The council consider this modification to be necessary to ensure that the wording is appropriate policy wording and has the clarity the NPPF requires. |
| Policy HS3: Housing Density | Replace the opening part of the policy with: 'New housing developments will be supported where they incorporate a minimum density of 30 dwellings per hectare (net) unless specific local circumstances indicate that this would have an adverse effect on the character of the area, highway safety or the amenity of neighbours.' | Agree | The council consider a modification to the policy to be necessary to address the descriptive nature of the policy as submitted. The modification will provide more detail and will be in general conformity with the strategic policies in the adopted development plan. |
| Policy HS3: Housing Density | Replace the initial component of the second part with: 'New housing developments will be supported at densities above the minimum figure identified in the first part of this policy in the following locations' | Agree | The amendment to the policy is considered necessary by the council as this will offer the necessary clarity and policy support to appropriate development proposals. |
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| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
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| Policy HS4: Flexibility, Future- Proofing and Sustainable Design | In the opening part of the policy replace ' are required to ' with ' should '. Thereafter end the sentence after ' energy efficiency '. | Agree | The council consider a modification is required to the text within the policy to ensure there is clarity as required within the NPPF. |
| Policy HS4: Flexibility, Future- Proofing and Sustainable Design | Replace the remainder of the opening part of the policy with ' Proposals for new housing which include any of the following features will be particularly supported ' | Agree | The council consider a modification is required to the text within the policy to ensure there is clarity as required within the NPPF. |
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| Policy HS5: Balance of Housing Types | As a separate section at the end of the policy add: ' Proposed developments should demonstrate through appropriate and up-to-date evidence the way in which they address local housing needs in the neighbourhood area '. | Agree | The council consider that this modification is necessary. Paragraph 11 of the NPPF states that plans should be sufficiently flexible to adapt to rapid change. Housing needs may change over the plan period and so this modification will ensure that the different housing needs are met and that there is sufficient flexibility within the policy for this to happen. |
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| Policy HS6: Housing in Conservation Areas and on Land | Delete the policy. | Agree | The council consider that this policy should be deleted as part of the policy repeats local and national policy. The policy fails to accord with the National Planning Policy |

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
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| released from the Green Belt | | | Framework and therefore fails to meet the basic conditions test. |
| Supporting text to Policy HS6: Housing in Conservation Areas and on Land released from the Green Belt | In the sixth section of paragraph 4.1.4.6 delete the second and third sentences. | Agree | The council consider this modification is required as a consequential modification following the deletion of the policy. |
| Policy EE1: Flexible Design and Mix of Business Types | Delete the third component of the policy. | Agree | The reference to the community action within the policy is removed as this action is not a land use policy. The council consider this modification necessary. |
| Policy EE2: Key Principles of New Employment Development | Replace ' will need to address.... separate evidence ' with ' will be supported where they deliver the following principles as appropriate to the development concerned ' | Agree | The council consider the modification necessary as it would help to place the issues within a planning policy context. The modification would provide support to proposals for employment development where it would deliver the principles within the policy. |

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
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| Policy EE2: Key Principles of New Employment Development | <p>At the end of the second paragraph of section 4.2.3.6 add:</p> <p>'Policy EE2 sets out a series of principles which proposals for employment development should seek to incorporate as appropriate to their scale and design. They should be included with the details of the proposal at the planning application stage either through the design and access statement or through the production of separate evidence'</p> | Agree | The council consider the modification necessary, as the policy as submitted contains wording which would be better suited to supporting text rather than policy |
| Policy EE3: Designated Sites for Business Use | <p>In the opening part of the policy delete 'and should.... that purpose'</p> <p>In the second part of the policy replace 'Applications requesting.... sites for business use' with 'Proposals for the use of buildings and premises within the identified sites for business uses for non-business use'</p> <p>Delete criterion a)</p> | Agree | The council consider this modification is necessary to ensure the policy can be implemented appropriately through the planning application process and to remove conflict between the policy and supporting text. |

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
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| | In criterion e) replace ' nett ' with ' net ' | | |
| Supporting Text for Policy EE3: Designated Sites for Business Use | In paragraph 4.2.3.2.2 delete ' and does not allow.....employment sites ' | Agree | The council considers this modification to be necessary to ensure there is no conflict between the policy and the supporting text. |
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| Policy TR1: Cyclists, Pedestrians and Public Transport | At the beginning of the policy add ' As appropriate to their scale and location ' In the opening part of the policy replace ' shall ' with ' should ' | Agree | The council considers this modification to be necessary. The majority of proposals brought forward will be on a smaller scale and so the amount of provision should be dependant of the scale and location of the proposal. |
| Policy TR1: Cyclists, Pedestrians and Public Transport | In the third bullet point replace ' contribute to and where appropriate deliver ' with ' as appropriate contribute towards the provision of, or deliver, ' In the fourth bullet point replace ' require that contributions are sought from developments for ' with ' as appropriate contribute towards the provision of, or deliver, ' | Agree | The council considers that a modification to the third and fourth criteria is necessary. This is to ensure that the policy can be implemented to smaller developments as well as larger developments. Developer contributions needs to relate to the CIL regs which establish a link and relationship between the development and the need or otherwise for a contribution to be made. |
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| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
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| Policy TR2: Parking, Access and electric Vehicle Charging | At the beginning of the policy add ' As appropriate to their scale and location ' In the opening part of the policy replace ' shall ' with ' should ' | | The council considers this modification to be necessary. The majority of proposal brought forward will be on a smaller scale and so the amount of provision should be dependant of the scale and location of the proposal. |
| Policy TR3: West Way Junctions and traffic control | Delete the policy Reposition the approach into the schedule of community actions (as CATR2). | Agree | The policy is highway related and beyond the planning system, therefore the council consider the modification to be necessary to make the policy a community action. |
| Policy TR4: Connectivity | Delete the policy Reposition the approach into the schedule of community actions (as CATR3). | Agree | The policy is highway related and beyond the planning system, therefore the council consider the modification to be necessary to make the policy a community action. |
| Policy TR5: A34 Improvements | Delete the policy | Agree | The policy is highway related and beyond the planning system, therefore the council consider the modification to be necessary to make the policy a community action. |

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
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| | Reposition the approach into the schedule of community actions (as CATR4). | | |
| Policy SI1: Leisure and Social Facilities | <p>In the list of facilities remove both SF4 – Brookes University Harcourt Hill Campus and LF4 – Brookes Sport Harcourt Hill and insert 'Brookes University Harcourt Hill' under a new heading of 'Academic with ancillary leisure' and with a prefix AF1</p> <p>At the end of paragraph 4.4.3.2.3 add: 'The schedule of facilities included in Policy SI1 includes the Harcourt Hill Campus. It acknowledges that the leisure facilities at the Campus are ancillary leisure uses associated with a university campus.'</p> | Agree | The campus is used by staff, students and members of the public and is ancillary to the university. The council consider the modification necessary to ensure that the policy is factually correct. |
| Policy UT2: Sustainable Design, Energy Efficiency and Renewable Energy | <p>Replace the policy with: 'Development proposals which incorporate higher sustainable design, energy efficiency and renewable energy initiatives than those included in the Building Regulations at that time will be supported. Proposals which provide the highest standards of sustainable design and energy efficiency and/or renewable energy and heating sources</p> | Agree | The Planning and Energy Act 2008 only allows the council to include policies requiring development in their area to comply with energy efficiency standards that exceed the energy requirements of building regulations within development plan documents. Neighbourhood Plans are not development plan documents but form part of the district's development plan. This is consistent with guidance issued by the Secretary of State which states |

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
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| | <p>will be particularly supported. Development proposals for free-standing shared and/or community renewable energy initiatives will be supported'</p> | | <p>that "<i>local planning authorities and qualifying bodies preparing neighbourhood plans <u>should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.</u></i>"</p> <p><i>"...For the specific issue of energy performance, <u>local planning authorities will continue to be able to set and apply policies in their Local Plans ...</u>"</i></p> <p>Policy UT2 also lacks any locally specific evidence which demonstrates the viability of the policy requirements and conflicts with the government's expectation that such policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes.</p> <p>The modifications recommended by the examiner are necessary to ensure the policy is appropriate having regard to national planning policy and guidance. The resulting policy encourages development to go beyond Building Regulations requirements.</p> |
| Supporting Text for Policy UT2: Sustainable Design, Energy | Delete the final two sentences of paragraph 4.5.2.2.2.1 and the final section of paragraph | Agree | The council considers the amendment to be necessary as the final three paragraphs of the submitted policy provide for a more descriptive approach rather than provide a |

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
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| Efficiency and Renewable Energy | <p>4.5.2.2.2.2 (from 'As new housing....to.... seeking high standards').</p> <p>At the end of paragraph 4.5.2.2.3.2 add: 'Policy UT2 sets out a positive context within which sustainable and energy efficient developments can be assessed. It has been designed to be future-proofed throughout the Plan period in the event that the Building Regulations are changed.'</p> <p>Thereafter add the final three paragraphs of the submitted policy.</p> | | <p>policy direction and should therefore be in the supporting text.</p> <p>The council considers the amendments to the supporting text to be necessary to reflect the changes to the policy.</p> |
| Policy GS1: Local Green Spaces | <p>Replace the second part of the policy with: 'Development will only be supported on the designated local green spaces in very special circumstances'</p> | Agree | <p>The council consider the recommended modification to be necessary to direct development and bring the policy in line with the format anticipated by the NPPF.</p> |
| Supporting Text for Policy GS1: Local Green Spaces | <p>At the end of paragraph 4.6.3.1 add: 'Policy GS1 designates various areas as local green space and applies the national policy approach in the NPPF. Plainly circumstances may arise during the Plan period where very special</p> | Agree | <p>The council considers the modification to be necessary as it represents a consequential change due to the above changes to policy, it also provides context for development and provides the clarity required by the NPPF.</p> |

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
|---|--|---------------------------|--|
| | <p>circumstances may exist and therefore support limited new development within the designated areas. This will be a matter of judgement for the District Council based on the evidence included in relevant planning applications. However, proposals which might be considered to be very special circumstances include those which are ancillary to the use of any of the sites for public recreational or community purposes or where replacement land and facilities of an equivalent size, quality and accessibility are provided as part of the wider development proposal'</p> | | |
| | | | |
| <p>Policy GS2: Biodiversity, Wildlife Corridoes, TPOs and Tree Canopy Cover</p> | <p>Replace the opening part of the policy with: 'Development proposals will be supported where they meet the following criteria as appropriate to their location in the neighbourhood area'</p> | <p>Agree</p> | <p>The council consider the proposed modification to be necessary to provide clear policy wording, in line with the National Planning Policy Framework and ensures that the policy criteria will be applied where appropriate.</p> |
| <p>Policy GS2: Biodiversity, Wildlife Corridoes, TPOs and Tree Canopy Cover</p> | <p>Replace criterion i. with: 'they include initiatives that actively increase biodiversity, enhance natural habitats and enrich the quality of green spaces wherever practicable. Where planting schemes are included as part of the</p> | <p>Agree</p> | <p>This modification recognises that different development proposals will have different impacts on the biodiversity within the area.</p> |

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
|-------------------------------------|--|---------------------------|---|
| | development, they should include the use of native species' | | |
| | | | |
| Policy GS3: Locally Important Views | <p>Replace the policy with: 'The Plan identifies the following Locally Important Views and as shown on Map [Insert number]</p> <p>[List the various views with their VP reference numbers]</p> <p>Development proposals should take account of the Locally Important Views insofar as they would be affected by the proposed development.</p> <p>Development proposals which would have an unacceptable detrimental impact on an identified Locally Important View will not be supported.</p> <p>Development proposals which would make a positive contribution to an identified Locally Important View will be supported. Proposed</p> | Agree | The council considers the new policy wording necessary to provide clear policy guidance which would be implementable by development management. The modification ensures that any proposed new development should take account of any of the identified views which are affected by that development. |

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
|--|---|---------------------------|---|
| | developments which have the potential to have a detrimental impact on a Locally Important View should be accompanied by a Visual Impact Assessment which addresses the impact of the proposal on any of the identified Views' | | |
| Policy GS3: Locally Important Views | Reproduce Figure G.4 within the Plan itself. On Figure G.4 correct VP16 to read VP15 . | Agree | The council considers this addition to the plan to be necessary to distinguish the areas referenced. This will help provide the necessary clarity. The amendment is a typographical error which will ensure the numbering is consistent with the evidence. |
| | | | |
| Policy BU1: Oxford Brookes University Harcourt Hill Campus | Delete policy | Disagree | <p>The council agrees with the examiner that the policy as submitted does not meet basic conditions. The council accepts that the concerns raised by the examiner require modifications to be made to the policy.</p> <p>The council however disagrees that the deletion of the policy is necessary.</p> <p>The council considers the first part of the submitted policy which requires any masterplan prepared for the site to be to a standard suitable for adoption as an SPD overly onerous and the council proposes to remove this requirement.</p> <p>There is also a requirement within the submitted policy</p> |

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
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| | | | <p>on Oxford Brookes University to repair any road damages caused by development works. This requirement is considered to be outside the remit of Neighbourhood Plan and as such it is proposed to be removed from the policy.</p> <p>Overall, the council considers the submitted policy overly restrictive. It fails to have regard to National Planning Policy guiding development in the Green Belt and supporting a prosperous economy. It also fails to consider the viability of development and the long-term business needs of the university. As such the council proposes modifications to the policy which remove the following requirements:</p> <ul style="list-style-type: none"> • Restrictions to the number of students, staff and visitors travelling to the site. • Restrictions to the amount of car parking spaces on the campus. • that new housing or student accommodation should only be used for staff or students at Brookes University and will be predominantly for those who work or study at the campus. • Limiting future major development to the <i>development site boundary of the campus as indicated on the Oxfordshire County Council Map of the site included as Map H.1</i> <p>The modifications proposed by the council are considered necessary to ensure it meets basic conditions. The revised policy, as set out in appendix 4, deals with the</p> |

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
|-----------------------|-----------------------------------|---------------------------|---|
| | | | <p>issues raised by the examiner and recognises that the topic is of particular interest to the community.</p> <p>The revised policy along with the councils reasoning to deviate from the examiners recommendation was subject to a six-week public consultation. In this time, we received five responses, four of which supported the council's decision to deviate, including one from the parish council, and one being against the decision to deviate. The objection was from Oxford Brookes University.</p> <p>The council note the comments raised by Oxford Brookes University (OBU). This consultation was run by the district council and provided the opportunity for OBU to be involved in this process. They raised concerns about the consultation statement not being updated to reflect this consultation. The consultation statement was submitted by the qualifying body and contained the necessary information relating consultations up until the submission of the neighbourhood plan. Comments received in response to consultations run by the district council have been published on the council's website.</p> <p>OBU also raised a concern that the revised policy wording repeats Core Policy 9 of Local Plan 2031 Part 1. The NPPF advises that plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. The council acknowledge that there is some repetition within the amended neighbourhood plan policy BU1 with Core Policy 9 in the Local Plan 2031 Part</p> |

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
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| | | | <p>1, however the council is satisfied that the policy as modified adds detail and aids the interpretation of Core Policy 9 in a locally distinctive manner. Furthermore, it is important to highlight that the modified Policy BU1 is not in conflict with Core Policy 9.</p> <p>We note concerns raised regarding the amended policy compelling the university to maximise student accommodation, minimise car parking and supporting sustainable utilities and services. It is important to note that the policy offers a clear direction and supports the delivery of sustainable development. The policy wording is sufficiently flexible to ensure the requirements do not become unduly onerous.</p> <p>The university expressed a concern that the revised policy ignores the need for positive planning to deliver a masterplan that meets the needs of the university. The council disagrees with this view. Policy BU1 complements Core Policy 9 and identifies aspects that should be addressed through the planning process.</p> |
| Supporting Text for Policy BU1: Oxford Brookes University Harcourt Hill Campus | <p>In Section 4.7.1 delete paragraph 4.7.1.5</p> <p>Delete sections 4.7.2 and 4.7.3</p> | Disagree | The council has modified the supporting text to reflect the modifications made to the policy. This is set out in appendix 4. |

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
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| | | | |
| Community Actions | Display the Community Actions in a different colour from the land use policies | Agree | The council considers this modification to be necessary to ensure the necessary clarity is achieved within the plan. |
| | | | |
| Supporting Text: Paragraph 4.1.3.2.2 | Delete the second 'in' on the fourth line | Agree | The council consider this modification necessary to remove the repetition of the word, achieve the necessary clarity and ensure the plan reads well. |
| | | | |
| Supporting Text: Paragraph 4.2.1.9 | Delete 'Emerging revision to' in the first sentence and 'emerging' in the tenth line | Agree | The council consider these amendments to be necessary following the finalised revision of the NPPF. |
| | | | |
| Supporting Text: Paragraph 4.2.2 | Replace the third bullet point with 'The NPPF 2019 (and provide the appropriate link) | Agree | The council consider the change necessary to ensure the plan is up to date with correct links and references |
| | | | |
| Supporting Text: Paragraph 4.3.1.6 | Replace 'Map 2 in Appendix B' with 'Map D.2 in Transport Appendix D' | Agree | The policy as submitted directed to the wrong map. This modification is considered necessary to ensure that the reference to the map showing the cycling routes is correct. |
| | | | |

| <u>Policy/Section</u> | <u>Examiner's recommendations</u> | <u>Council's Decision</u> | <u>Justification/Reason</u> |
|-------------------------------------|---|----------------------------------|---|
| Supporting Text: Paragraph 4.3.2 | Replace the first bullet point with 'The NPPF 2019 (and provide the appropriate link) | Agree | The council consider this change necessary to ensure the plan is up to date with correct links and references |

Appendix 2 - Examiner's Report

North Hinksey Neighbourhood Development Plan 2019-2031

**A report to Vale of White Horse District Council on
the North Hinksey Neighbourhood Development
Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Vale of White Horse District Council in April 2019 to carry out the independent examination of the North Hinksey Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 20 April 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character in general and the Green Belt in particular. It proposes the designation of a suite of local green spaces. It also includes a policy on locally important views. It includes a series of bespoke policies on housing and employment matters.
- 4 The Plan has been significantly underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
30 July 2019

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the North Hinksey Neighbourhood Development Plan 2019-2031 ('the Plan').
- 1.2 The Plan has been submitted to the Vale of White Horse District Council (VWHDC) by North Hinksey Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a clear focus on safeguarding its distinctive local character and promoting housing and employment development to meet the specific needs of the neighbourhood area.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by VWHDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the VWHDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan

examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.10 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 In order to comply with the Regulations VWHDC produced a screening report in June 2018. It indicates that the Plan is not likely to have any likely significant effects on the environment. The report is both comprehensive and thorough. The necessary engagement with the consultation bodies was undertaken and their responses are included within the report.
- 2.8 VWHDC also prepared a Habitats Regulations Assessment (HRA) screening report on the Plan. This report is also thorough, comprehensive and professionally-prepared. It concluded that the Plan was not likely to have any significant effect on a European site. In reaching this conclusion it assessed the impact of the implementation of the Plan's policies on the Cothill Fen SAC and the Oxford Meadows SAC.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the

contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan and its various appendices.
 - the Basic Conditions Statement.
 - the Consultation Statement.
 - the VWHDC Screening Report.
 - the representations made to the Plan.
 - the Parish Council's responses to my Clarification Note.
 - the Vale of White Horse Local Plan 2011
 - the Vale of White Horse Local Plan 2031 Part 1
 - the Vale of White Horse Local Plan 2031 Part 2.
 - the reports to the VWHDC Cabinet and Council (February 2019) on the Adopted Policies Map;
 - the National Planning Policy Framework (February 2019).
 - Planning Practice Guidance (March 2014 and subsequent updates).
 - relevant Ministerial Statements.
- 3.2 I carried out an unaccompanied visit to the Plan area on 20 April 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing.
- 3.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019. The NPPF has been updated recently and transitional arrangements were introduced to address emerging plans. For clarity all references to paragraph numbers within the NPPF in this report are to those in the 2019 version.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is very thorough and comprehensive. It includes a very detailed assessment of the consultation undertaken as part of the various stages of Plan production. It helpfully reproduces details of the various consultation and engagement events which took place during the plan-making process.
- 4.3 The Statement sets out details of the comprehensive range of consultation techniques that were used during the preparation of the Plan. It provides details about:
- the establishment of the Steering Group and the various working parties (October 2014);
 - the questionnaire for local residents and businesses (November 2014);
 - the establishment of a dedicated website;
 - the organisation of public feedback events;
 - the engagement exercises (October/November 2017); and
 - the organisation of specific events within the pre-submission consultation exercise.
- 4.4 The Statement also comments about how its key policies were influenced by a variety of engagement sessions private and public bodies.
- 4.5 Appendix 8 provides specific details on the consultation processes that took place on the pre-submission version of the Plan (June-July 2018). It does so in a very thorough and effective way. It helps to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. In proceeding with the examination VWHDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council. It ended on 27 March 2019. Comments were received from the following persons and organisations:

- Cumnor Parish Council
- Historic England
- VWHDC
- Oxfordshire County Council
- Woolf Bond
- David Wyatt
- Oxford University
- Oxford Brookes University
- National Grid
- Natural England
- Gladman Developments Limited

4.9 Where it is relevant to do so I make specific reference to the various representations later in this report where I assess the Plan against the basic conditions.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the of parish of North Hinksey. It is located to the immediate west of the City of Oxford. The A34 runs through the neighbourhood area in a north to south-east direction. It creates distinctive parts of the neighbourhood area. Its northern and southern parts are within the Oxford Green Belt. The Plan indicates that its population in 2016 was 4,750 persons. It was designated as a neighbourhood area on 17 June 2015.
- 5.2 The neighbourhood area is one of great interest and contrasts. At its heart is the urban area of Botley. It sits on either side of Botley Road/West Way, one of the main arterial roads leading into Oxford. The area off Botley Road to the east of the A34 is primarily in commercial use. Botley expanded significantly between 1918 and 1961 and this heritage and character continues to define much of the neighbourhood area.
- 5.3 The other parts of the neighbourhood area are more open and less intensively developed. The traditional village of North Hinksey sits to the north-east of the A34. It has retained its character and appearance. Its position within the Green Belt has also helped to retain its separation from Oxford to the east. The Oxford Brookes University Harcourt Hill campus is located in the southern part of the neighbourhood area. It includes a core of academic buildings and student accommodation together with a sports centre and extensive playing fields.

Development Plan Context

- 5.4 The Vale of White Horse Local Plan (Part 1): Strategic Sites and Policies (LPP1) was adopted in December 2016. It sets out the basis for future development in the District up to 2031. All of the policies in this part of the Local Plan are strategic policies of the development plan (see paragraph 2.5 of this report). A number of policies in the Vale of White Horse Local Plan 2011 will remain as saved policies until such time as Part 2 of the Local Plan 2031 has been adopted. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan.
- 5.5 The following policies in the LPP1 are particularly relevant to the submitted Plan:

| | |
|----------------|--|
| Core Policy 3 | Settlement Hierarchy |
| Core Policy 4 | Meeting our Housing Needs |
| Core Policy 9 | Harcourt Hill Campus |
| Core Policy 13 | The Oxford Green Belt |
| Core Policy 22 | Housing Mix |
| Core Policy 34 | A34 Strategy |
| Core Policy 37 | Design and Local Distinctiveness |
| Core Policy 39 | The Historic Environment |
| Core Policy 40 | Sustainable Design and Construction |
| Cote Policy 44 | Landscape |
| Core Policy 45 | Green Infrastructure |
| Core Policy 46 | Conservation and Improvement of Biodiversity |

The neighbourhood area is located within the Abingdon-on-Thames and Oxford Fringe Sub-area in the LPP1. In Core Policy 3 Botley is identified as a Local Service Centre and North Hinksey village as a Smaller Village.

- 5.6 The submitted Basic Conditions Statement properly assesses the policies in the submitted Plan against development plan policies. It comments that the policies in the Neighbourhood Plan support the settlement hierarchy by promoting levels of facilities, services and local employment within the Botley part of the neighbourhood area appropriate to its identification as a Local Service Centre.
- 5.7 The emerging Local Plan 2031 Part 2 (LPP2) was submitted for its own examination on 23 February 2018. It adds to the detail already set out in the LPP1. Main Modifications to the Plan were published for consultation on 18 February 2019. The LPP2 has a specific focus on policies and locations for housing to meet the District's proportion of Oxford's housing needs up to 2031 which cannot be met within the City boundaries. The Planning Inspector's final report on LPP2 was sent to VWHDC on 25 June 2019.
- 5.8 The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Unaccompanied Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 20 April 2019. I was fortunate in selecting a dry and pleasantly warm day.
- 5.10 I drove into the neighbourhood area from the A34 to the north. This provided a helpful introduction into the wider context of the neighbourhood area in general, and its location in relation to the Oxford urban area in particular. I immediately saw the concentration of commercial activities along the Botley Road.
- 5.11 I looked initially at the village centre of North Hinksey. I saw the way in which the character and appearance of the neighbourhood area changed dramatically as I drove along North Hinksey Lane. I saw an attractive range of vernacular buildings including Ruskin Cottage, The Fishes and the Old Manor House. I saw the prominence of St Lawrence Church in the heart of the village. I continued along the road to the tennis and rugby club sites. Whilst I was in this part of the neighbourhood area, I looked at the proposed local green spaces off North Hinksey Lane.
- 5.12 I then drove along Westminster Way and Harcourt Hill to the Oxford Brookes University campus. In doing so I saw the way in which this part of the neighbourhood area was significantly higher than Botley and North Hinksey. I saw the various academic and student accommodation buildings. I saw the public transport access to and from the campus. I also saw that several students braving the gradient as they walked to the campus.
- 5.13 I then drove to Lime Road so that I could see some of the proposed local green spaces and the locally important views. I saw some of the distant views to the east into the City of Oxford. I looked at the recent residential development off Ruskin Drive. I saw the very effective way in which it connected both into the university campus and the Upper Louie Memorial field.
- 5.14 I then walked down the hill to West Way. I saw the significance of the road and its relationship to Oxford. It helped me to understand some of the transport policies in the Plan in a clearer fashion. I also saw the range of local shops and commercial services off Elms Parade and the way that they were being used by local residents.

- 5.15 I then looked at the development of Westway Place. Its combination of mixed-use facilities, student accommodation a hotel and residential units will further reinforce the sustainability of the Botley commercial centre throughout the Plan period. I then took the opportunity to walk around the commercial units to the north and to the south of the Botley Road to the east of the A34. I saw a very eclectic range of businesses. The Seacourt Tower Retail Park was very popular.
- 5.16 I finished my visit by looking at the western parts of the neighbourhood area off both Eynsham Road and Cumnor Road. I saw the way in which the residential development took advantage of the rising levels and generally was set in larger plots. I drove to Cumnor. This helped me to understand the wider landscape setting of the neighbourhood area.

6 The Neighbourhood Plan as a whole

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019.

6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the North Hinksey Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and Part 1 of the Local Plan 2031 and the saved elements of the 2011 Local Plan;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas including protecting Green Belts;
- always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.

6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It includes a series of policies that seek to ensure that its character and appearance are safeguarded. It includes specific policies on locally important views, on drainage matters and on the Harcourt Hill Campus of the Oxford Brookes University. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d).

This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.

- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies on housing development and house types (HS1-6), for business development (EE1-4) and on the Harcourt Campus site (Policy BU1). In the social role, it includes policies on leisure and social facilities (SI1) and on a range of transport improvements (TR1-5). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on local green spaces (GS1), biodiversity (GS2) and on locally important views (GS3). The Parish Council's assessment of this matter is set out in the Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Vale of White Horse District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Local Plan 2031 Part 1. Subject to the incorporation of the package of recommended modifications included within this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and the parish council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.

- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. The Plan also includes a series of Community Actions
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.6 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan

- 7.7 The Plan has been prepared to a high standard. It is thorough in the way it addresses the issues important to the area. It makes an appropriate distinction between the policies and their supporting text. It also ensures that the vision and the objectives for the Plan set the scene for the various policies.
- 7.8 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. The Introduction is particularly effective in the way in which it comments about the context to the Plan, the challenges faced along the way and the process followed. It includes general information on the neighbourhood area, its close association with Oxford City and details about its population.
- 7.9 The Introduction also comments about the development of the Plan. This overlaps with the more detailed information in the Consultation Statement.
- 7.10 Section 2 comments about the Plan's Vision and Objectives. It is also well-constructed. It describes how the Vision and the Objectives of the Plan were developed. Its key strength is the way in which the objectives directly stem from the Vision.
- 7.11 Section 3 identifies the major factors which have impacted on the overall strategy of the Plan. It provides a helpful and distinctive context to the national and local planning policies.
- 7.12 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 and 7.6 of this report.

Policy HS1 Characteristics of New Housing

- 7.13 This policy sets out the Plan's overarching approach to the development of new housing. It requires that new developments should respect and enhance the character of the area in which they are located and take account of the scale, grain and alignment of building footprints. It takes positive account of both the VWHDC Design Guide and the North Hinksey Parish Character Assessment.
- 7.14 In general terms the policy is appropriate to the neighbourhood area and meets the basic conditions. I recommend a series of detailed word changes so that the policy has the clarity required by the NPPF and is capable of being applied consistently through the development management process.

In the first sentence replace 'will' with 'should'

In the second and third sentences replace ‘must’ with ‘should’

Policy HS2 Low Rise Housing Design

- 7.15 This policy continues the approach included in Policy HS1. It has a specific focus on ensuring that any new housing should reflect the predominantly low-rise character of the neighbourhood area. In particular it sets out specific guidelines about identified Character Areas, in Botley centre, and on building heights.
- 7.16 The initial part of the policy includes an assertion that the development of low-rise housing design will ‘promote a balanced community’. This may well be the case. However, this issue is not directly a planning policy. On this basis I recommend that it is deleted from the policy.
- 7.17 I also recommend detailed modifications to the wording in the policy on building heights so that they incorporate appropriate policy wording.

In the opening part of the policy delete ‘and promote a balanced community’

In the detailed bullet points 1 and 3 replace ‘is not to’ with ‘should not’

Policy HS3 Housing Density

- 7.18 This policy specifically refers to housing densities for proposed new development. It overlaps significantly with Local Plan Core Policy 23 on this matter and takes a complementary approach. It identifies two parts of the neighbourhood area where significantly higher densities would be supported.
- 7.19 The policy takes a responsible approach to this matter. In particular it will ensure that the best use of urban land is achieved. However, its opening section is largely descriptive rather than directly taking a policy approach. In addition, the second section on specific parts of the neighbourhood area simply encourages higher density rather than offer such proposals support in policy terms. Whilst this approach was appropriate in the context of the preparation of the LPP1 a more detailed approach is needed in a neighbourhood plan. I recommend modifications to address these matters. Otherwise the policy meets the basic conditions.

Replace the opening part of the policy with: ‘New housing developments will be supported where they incorporate a minimum density of 30 dwellings per hectare (net) unless specific local circumstances indicate that this would have an adverse effect on the character of the area, highway safety or the amenity of neighbours.’

Replace the initial component of the second part with: ‘New housing developments will be supported at densities above the minimum figure identified in the first part of this policy in the following locations’

Policy HS4 Flexibility, Future-Proofing and Sustainable Design

- 7.20 This policy relates to the flexibility and the future-proofing of proposed new housing development. It cross-refers to other policies in the submitted Plan (Policy TR2- Parking, Access and Electric Vehicle Charging and Policy UT2 Sustainable Design, Energy Efficiency and Renewable Energy). In addition, it offers particular support to proposals which would:
- allow homeworking;
 - provide flexible and adaptable spaces;

- incorporate smart technology; and
- incorporate green roofs/sustainable means of water retention.

- 7.21 I am satisfied that the policy is appropriate to the neighbourhood area and meets the basic conditions in general terms. It is an important part of the way in which the Plan seeks to bring forward sustainable development.
- 7.22 I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF. Otherwise it meets the basic conditions.

In the opening part of the policy replace ‘are required to’ with ‘should’. Thereafter end the sentence after ‘energy efficiency’.

Replace the remainder of the opening part of the policy with ‘Proposals for new housing which include any of the following features will be particularly supported’

Policy HS5 Balance of Housing Types

- 7.23 This policy supports developments which would be principally designed to meet one or more of a series of identified local housing needs. They include those of older persons, younger persons and key workers.
- 7.24 The policy is both supportive and non-prescriptive. Plainly housing needs may change during the Plan period. On this basis I recommend that the policy includes an element that requires any proposals to submit an assessment of the need to be met by its proposed development. Otherwise it meets the basic conditions.

As a separate section at the end of the policy add: ‘Proposed developments should demonstrate through appropriate and up-to-date evidence the way in which they address local housing needs in the neighbourhood area’.

Policy HS6 Housing in Conservation Areas and on Land released from the Green Belt

- 7.25 This policy addresses two separate issues – housing in conservation areas and land released from the Green Belt. On the latter issue the Plan seeks to establish general design principles for land which may be released from the Green Belt
- 7.26 I recommend the deletion of the element of the policy on Green Belt releases. It is not specific to any part of the neighbourhood area and therefore does not have the clarity required by the NPPF. In any event the NPPF is clear that changes to Green Belt boundaries should be addressed in Local Plans and not in neighbourhood plans. In addition, the general matter of the potential release of such land from the Green Belt is satisfactorily addressed in the sixth part of paragraph 4.1.4.
- 7.27 I have considered carefully the way in which the other element of the policy on housing in conservation areas meets the basic conditions. On balance I am not satisfied that this is the case. The LPP1 includes a comprehensive policy on development in conservation areas and there is no need for a neighbourhood plan to repeat national or local policies. In addition, the requirements in the submitted policy for design competitions for larger developments are both onerous and beyond the control of VWHDC in any event. As such I also recommend the deletion of this part of the policy. I also recommend consequential modifications to the supporting text.

Delete the policy.

In the sixth section of paragraph 4.1.4.6 delete the second and third sentences.

Policy EE1 Flexible Design and Mix of Business Types

- 7.28 This policy seeks to encourage the flexible design of business premises and a mix of business types. It has three related components. The first supports new businesses where they are flexible in design in order to attract a wide range of businesses. The second supports new development where it would result in its clustering with existing businesses in the area. The third aspect of the policy requires any such proposals to conform to the Community Action later in the Plan which seeks to establish a single business identity for the local area
- 7.29 The first two components meet the basic conditions.
- 7.30 In the third part of the policy there is immediate tension between referencing a community action in a land use policy. By definition the various community actions are not included in the main body of the Plan as they are not land use policies. As such I recommend the deletion of this aspect of the policy. It remains elsewhere in the Plan appropriately as a community action (CAEE2).

Delete the third component of the policy.

Policy EE2 Key Principles of New Employment Development

- 7.31 This policy sets out key principles that will apply to the development, the redevelopment or the intensification of existing employment sites. The principles include matters such as promoting business clusters, improving air quality and ensuring new superfast communications.
- 7.32 The issues included in the policy are both appropriate and distinctive to the neighbourhood area. However, the policy is not a policy as its focus is on the issues to be addressed in employment development proposals. I recommend a modification to address this matter. It affects the opening part of the policy and provides support to proposals for employment development where it would deliver the principles included in the policy.
- 7.33 I also recommend that the process issues included in the submitted policy are repositioned into the supporting text

Replace 'will need to address.... separate evidence' with 'will be supported where they deliver the following principles as appropriate to the development concerned'

At the end of the second paragraph of section 4.2.3.6 add: 'Policy EE2 sets out a series of principles which proposals for employment development should seek to incorporate as appropriate to their scale and design. They should be included with the details of the proposal at the planning application stage either through the design and access statement or through the production of separate evidence'

Policy EE3 Designated Sites for Business Use

- 7.34 This policy is at the heart of the Plan's approach to safeguarding employment development in the neighbourhood area. It identifies twelve sites which it proposes to designate as 'sites for business use'. Some of the sites are identified as strategic employment sites in the LPP1. There is a degree of tension between the submitted policy and the supporting text in paragraph

4.2.3.2.2. The former refers to sites being maintained 'primarily for that purpose'. The latter comments that the policy 'does not allow any reduction in the provision of employment floorspace for strategic employment sites. I recommend a modification to the supporting text to remedy this matter. I also recommend an associated modification to the initial part of the policy. Its reference to 'primarily be maintained for that purpose' does not have the clarity required for a development plan policy. In any event the policy's approach is properly addressed in the criteria within the policy.

- 7.35 The remainder of the policy seeks to resist proposals for non-employment use other than where one of a series of specific local exceptions are met. They include ambitious proposals for a smart centre focusing on professional services and IT companies, and to meet type 1 or type 2 service needs as identified in the Plan. The final section of the policy also identifies two other specific vehicle technology facilities which would be supported in the designated sites for business uses.
- 7.36 I am satisfied that the ambitions of the policy meet the basic conditions. In particular the proposed sites for business use have been well-chosen and are distinctive to the neighbourhood area both in general terms, and given its position to the immediate west of Oxford in particular. I recommend detailed modifications to the wording used in the first and second parts of the policy insofar as they relate to the safeguarding of existing employment uses and in the support for the package of other uses that would be supported. In particular I recommend the deletion of the first criterion in the policy that refers to the need for an independently assessed business plan showing improvements to the financial, social and environmental productivity and sustainability of the site. VWHDC comments that this approach would be difficult to apply through the planning application process. I agree with its comments. Whilst the overall ambitions of the policy would be retained the structure of the policy would have the necessary clarity. As a result, it would be capable of clear and consistent application by VWHDC during the Plan period.

In the opening part of the policy delete 'and should.... that purpose'

In the second part of the policy replace 'Applications requesting.... sites for business use' with 'Proposals for the use of buildings and premises within the identified sites for business uses for non-business use'

Delete criterion a)

In criterion e) replace 'nett' with 'net'

In paragraph 4.2.3.2.2 delete 'and does not allow.....employment sites'

Policy EE4 Child Care Facilities

- 7.37 This policy supports proposals for new child care facilities on or in close proximity to land designated for business purposes (and as defined in Policy EE3).
- 7.38 It meets the basic conditions.

Policy TR1 Cyclists, Pedestrians and Public Transport

- 7.39 This policy requires that development proposals should provide a range of facilities to assist with sustainable transport. They include providing safe access for pedestrians and cyclists,

providing secure bicycle storage and making contributions towards wider public transport facilities.

7.40 As worded the policy would apply to all development proposals. Given that the majority of new development in the Plan period will be of a minor/domestic nature I recommend a modification to the policy so that it would apply in a proportionate way based on both the location and the scale of the development proposed.

7.41 I also recommend modifications to the third and fourth criteria of the policy which require that proposals contribute towards wider transportation initiatives. Whilst this will apply to some larger proposals it will not apply to many others. In any event developer contributions need to relate to the Community Infrastructure Levy regulations which establish a direct link and relationship between the proposed development and the need or otherwise for a contribution to be made.

At the beginning of the policy add ‘As appropriate to their scale and location’

In the opening part of the policy replace ‘shall’ with ‘should’

In the third bullet point replace ‘contribute to and where appropriate deliver’ with ‘as appropriate contribute towards the provision of, or deliver,’

In the fourth bullet point replace ‘require that contributions are sought from developments for’ with ‘as appropriate contribute towards the provision of, or deliver,’

Policy TR2 Parking, Access and Electric Vehicle Charging

7.42 This policy continues the approach taken in Policy TR1. In this case the focus is on parking, access and electric vehicle charging facilities.

7.43 As worded the policy would apply to all development proposals. Given that the majority of new development in the Plan period will be of a minor/domestic nature I recommend a modification so that it would apply in a proportionate way based on both the location and the scale of the development proposed. Otherwise the policy meets the basic conditions.

At the beginning of the policy add ‘As appropriate to their scale and location’

In the opening part of the policy replace ‘shall’ with ‘should’

Policy TR3 West Way junctions and traffic control

7.44 This policy offers support for improvements on any section of West Way. It is an important arterial road access leading into Oxford City.

7.45 Such improvements would be helpful within the neighbourhood area. However, they would be highways-related matters. Their delivery is beyond the planning system. As such I recommend a modification that replaces the policy with a further community action.

Delete the policy

Reposition the approach into the schedule of community actions (as CATR2).

Policy TR4 Connectivity

- 7.46 This policy continues the approach of Policy TR3. In this case it refers to wider proposals for public transport in central Oxfordshire in general, and for a rapid transit system to serve the West Way Shopping Centre in particular.
- 7.47 Such improvements would be helpful within the neighbourhood area. However, they would be highways-related matters. Their delivery is beyond the planning system. As such I recommend a modification that replaces the policy with a further community action.

Delete the policy

Reposition the approach into the schedule of community actions (as CATR3).

Policy TR5 A34 Improvements

- 7.48 This policy continues the approach of Policies TR3/4. In this case it refers to wider proposals to improve the A34 which runs through the heart of the neighbourhood area. The type of improvements envisaged are included in paragraph 4.3.1.3 of the Plan.
- 7.49 Such improvements would be helpful within the neighbourhood area. However, they would be highways-related matters. Their delivery is beyond the planning system. As such I recommend a modification that replaces the policy with a further community action.

Delete the policy

Reposition the approach into the schedule of community actions (as CATR4).

Policy SI1 Leisure and Social Facilities

- 7.50 This policy sets out a comprehensive approach to leisure and social facilities in the neighbourhood area. It has two related parts. The first identifies a series of such facilities and then applies a policy approach which would resist their change of use to other uses. The second part of the policy offers support to the development of new or extended leisure and social facilities in general, and in the built-up areas of Botley or within North Hinksey village in particular.
- 7.51 Oxford Brookes University comments that the Brookes University Harcourt Hill Campus (SF4 as identified in the policy) should not be considered as a social facility. It comments that the Campus is a private site that is run as a higher education institution. It is acknowledged that the sports facilities are opened for use by the general public in addition to their use by students and staff of the University. In its response to my clarification note the Parish Council comments that ‘...Brookes Sports provides a wide range of sports facilities for use by the wider community in addition to its own students, including some that would not otherwise be available anywhere else nearby (e.g. their swimming pool)’.
- 7.52 I looked at the Campus when I visited the neighbourhood area. I saw the way in which the sports facilities sat within the wider campus site. I also saw that they were being used during non-term time.
- 7.53 From the evidence available to me there is no fundamental disagreement on the facts of this matter. The sports facilities are opened for use by the general public in addition to their use by students and staff of the University. Nevertheless, leisure facilities at the Campus are effectively ancillary leisure uses associated with a university campus. On this basis I

recommend that the reference to the campus in the policy (as a social facility) is deleted and replaced under a separate heading (Academic with ancillary leisure). In this context the remainder of the first part of the policy would continue to apply to the site.

- 7.54 Otherwise I am satisfied that the policy meets the basic conditions. It properly takes account of the importance of both the provision and the quality of the provision of leisure and social facilities in the neighbourhood area.

In the list of facilities remove both SF4 – Brookes University Harcourt Hill Campus and LF4 – Brookes Sport Harcourt Hill and insert ‘Brookes University Harcourt Hill’ under a new heading of ‘Academic with ancillary leisure’ and with a prefix AF1

At the end of paragraph 4.4.3.2.3 add: ‘The schedule of facilities included in Policy SI1 includes the Harcourt Hill Campus. It acknowledges that the leisure facilities at the Campus are ancillary leisure uses associated with a university campus.’

Policy UT1 Flooding and Groundwater

- 7.55 This policy sets out a comprehensive approach to flooding and groundwater. It has been significantly underpinned by a Groundwater Assessment commissioned by the Parish Council in July 2017.
- 7.56 It is a well-considered policy that is underpinned by detailed research. It meets the basic conditions.

Policy UT2 Sustainable Design, Energy Efficiency and Renewable Energy

- 7.57 This policy sets out a thorough and ambitious approach to these related matters on sustainable design and energy efficiency. The supporting text at section 4.5.2.2.3 provides a useful context to the matter in general, and to the approach in the EU Renewable Energy Directive.
- 7.58 The policy has various components as follows:
- developments should reduce carbon emissions by a minimum of 40% (of regulated energy use) compared with base business regulations;
 - non-residential proposals will be supported where they achieve a level of performance equivalent to BREEAM excellent or above; and
 - proposals for free-standing renewable energy projects will only be supported where they are for shared and community ownership.
- 7.59 Plainly the policy has been considered and developed within the wider context of the government’s approach to this important matter. The supporting text and the policy reference a series of policy documents, including the emerging Local Plan in the City of Oxford. Nevertheless, in a neighbourhood plan context the test of a policy is against the basic conditions in general, and against national policy and the strategic policies in the development plan in particular.
- 7.60 National policy is principally set out in the NPPF. Paragraph 148-169 of this document set out how local planning authorities should adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk, coastal change and water supply and demand issues. The focus in the NPPF is on the role of local planning authorities rather than qualifying bodies for neighbourhood plans.

- 7.61 Planning Practice Guidance comments in significant detail about proposals for the generation of renewable energy. It comments in less detail about wider sustainable design and energy efficiency matters insofar as they apply more to general development. Paragraph ID:5-004-20140306 however comments that ‘Neighbourhood plans are an opportunity for communities to plan for community led renewable energy developments. Neighbourhood Development Orders and Community Right to Build Orders can be used to grant planning permission for renewable energy development. To support community-based initiatives a local planning authority should set out clearly any strategic policies that those producing neighbourhood plans or Orders will need to consider when developing proposals that address renewable energy development. Local planning authorities should also share relevant evidence that may assist those producing a neighbourhood plan or Order, as part of their duty to advise or assist. As part of a neighbourhood plan, communities can also look at developing a community energy plan to underpin the neighbourhood plan.’
- 7.62 This approach is further reinforced in the ministerial statement of March 2015 which comments that local planning authorities and qualifying bodies preparing neighbourhood plans should consider their existing plan policies on technical housing standards or requirements and update them as appropriate, for example through a partial Local Plan review, or a full neighbourhood plan replacement in due course. Local planning authorities may also need to review their local information requirements to ensure that technical detail that is no longer necessary is not requested to support planning applications. It further comments that ‘the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the [National Planning Policy Framework and Planning Guidance](#). Neighbourhood plans should not be used to apply the new national technical standards.’ In this context Core Policy 40 of LPP1 actively encourages developers to incorporate climate change adaptation and design measures within all new development. It includes a series of examples which overlap with the various matters within the submitted policy. In addition, Core Policy 41 of LPP1 supports proposals for renewable energy proposals. However, neither of these policies provide a strategic context for the development of the ambitious and challenging approach included in the submitted neighbourhood plan policy.
- 7.63 Taking account of all these matters I recommend that the policy is reconfigured so that it offers support to development proposals which go beyond the requirements in the Building Regulations. I also recommend that the final three paragraphs of the policy are deleted and repositioned into the supporting text. They have a descriptive role rather than a policy application. I also recommend consequential modifications to the supporting text.

Replace the policy with:

‘Development proposals which incorporate higher sustainable design, energy efficiency and renewable energy initiatives than those included in the Building Regulations at that time will be supported. Proposals which provide the highest standards of sustainable design and energy efficiency and/or renewable energy and heating sources will be particularly supported.

Development proposals for free-standing shared and/or community renewable energy initiatives will be supported’

Delete the final two sentences of paragraph 4.5.2.2.1 and the final section of paragraph 4.5.2.2.2 (from 'As new housing.....to.... seeking high standards').

At the end of paragraph 4.5.2.3.2 add: 'Policy UT2 sets out a positive context within which sustainable and energy efficient developments can be assessed. It has been designed to be future-proofed throughout the Plan period in the event that the Building Regulations are changed.'

Thereafter add the final three paragraphs of the submitted policy.

Policy GS1 Local Green Spaces

- 7.64 This policy identifies a series of proposed local green spaces (LGSs). In doing so it makes appropriate reference to paragraphs 99-101 of the NPPF on this important matter. The NPPF indicates that the designation of LGSs allows local communities to rule out new development in such locations other than in very special circumstances. The supporting text comments about the particular character of the neighbourhood area and how this policy seeks to respond to this matter. It also makes appropriate reference to the North Hinksey Parish Character Assessment (January 2018).
- 7.65 The Parish Council has produced a separate assessment of the proposed LGS (Appendix G of the submitted Plan). It is a particularly effective document in the way in which it assesses the various sites against the NPPF criteria. It also includes detailed maps showing their boundaries. I looked at several of the proposed LGSs when I visited the neighbourhood area. I saw that in the majority of cases they are open spaces within residential areas or more substantial parks and recreation areas.
- 7.66 I am satisfied that the various sites comfortably meet the NPPF criteria.
- 7.67 The policy itself sets out to follow the matter of fact approach towards LGSs as included in the NPPF. Nevertheless, it includes both elements of supporting text and an attempt to identify potential 'very special circumstances' where development will be supported within the boundaries of the various designated areas. Whilst this approach was designed with the potential to be helpful throughout the Plan period it also has the ability either to encourage such development proposals to come forward or to exclude other similar proposals from being considered and/or supported.
- 7.68 To remedy this matter I recommend that the policy is simplified so that it follows the format anticipated by the NPPF. However, I recommend that the helpful suggestions which the Parish Council make about potential very special circumstances are incorporated into modified supporting text.

Replace the second part of the policy with: 'Development will only be supported on the designated local green spaces in very special circumstances'

At the end of paragraph 4.6.3.1 add: 'Policy GS1 designates various areas as local green space and applies the national policy approach in the NPPF. Plainly circumstances may arise during the Plan period where very special circumstances may exist and therefore support limited new development within the designated areas. This will be a matter of judgement for the District Council based on the evidence included in relevant planning applications. However, proposals which might be considered to be very special circumstances include those which are ancillary to the use of any of the sites for public recreational or community

purposes or where replacement land and facilities of an equivalent size, quality and accessibility are provided as part of the wider development proposal'

Policy GS2 Biodiversity, Wildlife Corridors, TPOs and Tree Canopy Cover

- 7.69 This policy seeks to safeguard biodiversity, wildlife corridors and trees. It has been comprehensively prepared.
- 7.70 I recommend a modification to the wording of the opening element of the policy. The effect of the modification will be to introduce traditional policy wording and to apply the policy's criteria as appropriate to the development concerned. The latter point recognises that different development proposals will have different impacts on biodiversity in the neighbourhood area.

Replace the opening part of the policy with: 'Development proposals will be supported where they meet the following criteria as appropriate to their location in the neighbourhood area'

Replace criterion i. with: 'they include initiatives that actively increase biodiversity, enhance natural habitats and enrich the quality of green spaces wherever practicable. Where planting schemes are included as part of the development, they should include the use of native species'

Policy GS3 Locally Important Views

- 7.71 This policy seeks to ensure that new development proposals take account of a series of locally important views. The background to the policy is set out in paragraphs 4.6.3.4 and 4.6.3.5. Map G.4 shows the views on a map base.
- 7.72 The policy is part policy and part process requirements. Its second part sets out a policy requirement that development should make a positive contribution to affected locally important views or have limited adverse harm on the views. Its first part sets out process requirements for the submission of a Visual Impact Assessment where there is a likely impact on the locally important views.
- 7.73 In general terms I am satisfied that the locally important views have been carefully chosen. They reflect detailed work and feedback from public consultation. In particular I am satisfied that they are public vistas.
- 7.74 The policy has attracted three representations. Oxford University considers that the policy should be deleted as there is insufficient evidence to support the approach towards locally important views. Gladman Developments comment that the policy must allow a decision-maker to come to a view as to whether particular locations contain physical attributes that would 'take it out of the ordinary' rather than selecting views which may not have any landscape significance and are based solely on community support. It concludes by suggesting that this element of the policy is deleted. David Wyatt suggests the deletion of views VP3/11/13.
- 7.75 I looked at the various locally important views when I visited the neighbourhood area. I have also taken account of the representations received to this policy. In this context I am satisfied that the selected views are sufficiently important within the wider neighbourhood area to warrant this approach. This is particularly so for the locally important views which incorporate views of the City of Oxford to the east. The work included in the appendix of the Plan is

thorough and proportionate to the neighbourhood area and the intent of the policy. This is further refined in the recommended modifications.

7.76 However I recommend a series of modifications to the policy itself. In general terms they reverse the order of its two main components in the submitted policy. In specific terms the modifications ensure that any proposed new development should take account of any of the identified views which are affected by that development. As submitted the policy is designed to support schemes which would make a positive contribution to the identified views.

7.77 I also recommend that the viewpoints are directly listed in the policy and that Map G.4 is reproduced into the main part of the Plan. Whilst the information is contained within the appendices the Plan would have the clarity required by the NPPF by having all this important information in the same place. I also recommend the correction of an error in the numbering of the Views on Map G.4.

Replace the policy with:

‘The Plan identifies the following Locally Important Views and as shown on Map [Insert number]

[List the various views with their VP reference numbers]

Development proposals should take account of the Locally Important Views insofar as they would be affected by the proposed development.

Development proposals which would have an unacceptable detrimental impact on an identified Locally Important View will not be supported

Development proposals which would make a positive contribution to an identified Locally Important View will be supported.

Proposed developments which have the potential to have a detrimental impact on a Locally Important View should be accompanied by a Visual Impact Assessment which addresses the impact of the proposal on any of the identified Views’

Reproduce Figure G.4 within the Plan itself.

On Figure G.4 correct VP16 to read VP15.

Policy BU1 Oxford Brookes University Harcourt Hill Campus

7.78 The Oxford Brookes University (OBU) Campus at Harcourt Hill is a key part of the social and educational fabric of North Hinksey. It also occupies an extensive parcel of land in the higher part of the neighbourhood area.

7.79 The policy has an unusual structure. It is based on providing more detailed advice to all concerned, including OBU, on the development of a masterplan for the Campus. The broader matter of a masterplan is contained in Core Policy 9 of the LPP1.

7.80 In detail the policy requires that the masterplan should:

- be prepared to a suitable standard for adoption as a Supplementary Planning Document;
- include a traffic assessment and travel plan for the scale of development proposed;
- include a landscape and tree planting strategy; and

- include a flood risk assessment and drainage strategy
- 7.81 Within this context the policy offers support to development which would:
- contribute towards sustainable modes of transport which access the campus, does not increase the number of car parking spaces on the Campus and will not result in a significant (20%) increase in student, staff and the general public travelling to the site; and
 - deliver new housing or student accommodation on the site where they would be used by students or staff at OBU and will be predominantly for the use of staff and students principally assigned to work or study on the campus.
- 7.82 I have considered this policy carefully. In doing so I have taken into account the representation made by OBU, the comments from VWHDC and the Parish Council's response to my clarification note. It is clear that the Parish Council has put a significant amount of time and effort into the policy in the submitted Plan. At the same time the Plan provides evidence about the way in which the community has supported the development of the policy approach.
- 7.83 Nevertheless I have significant reservations about the way in which the policy has regard to national policy and is in general conformity with the development plan. I set out these concerns in the following sections of this report.
- 7.84 In terms of its relationship with national policy the submitted policy raises two issues. The first is its lack of clarity on the element on the occupancy of any new housing on the site. It does not define the 'predominantly' for the use of staff and students assigned to work or study at the campus. This would be impractical for OBU to keep up-to-date and accurate records and for VWHDC to monitor and to take any enforcement action where necessary. The second is the lack of any reference to the wider implications of the policy on the viability of development. For example, the need for future development to contribute towards sustainable modes of transport and not to increase car parking on the wider campus may have significant implications on the overall efficiency and viability of proposed developments.
- 7.85 In terms of its relationship with strategic policies in the development plan the submitted policy raises the following issues:
- the requirement for any master plan to be produced to a standard suitable for adoption as a supplementary planning document is beyond the requirements in Core Policy 9 of the LPP1 without any justification;
 - the restrictions proposed on the number of car parking spaces on the campus extend beyond the general approach included in Core Policy 9 without any compelling evidence to warrant such an approach; and
 - the restrictions on the numbers of student, staff and other persons travelling to the site is artificial and fails to take account of the element of Core Policy 9 which recognises that an emerging master plan should (amongst other things) meet the long-term business needs of OBU.
- 7.86 Taking account of all these matters I recommend that the policy is deleted as it does not meet the basic conditions. In reaching this conclusion I have considered carefully the option of recommending modifications to the policy. I have not done so as the resulting policy would largely be a new policy. In any event it would largely replicate Core Policy 9 in the adopted LPP1.
- 7.87 In recommending the deletion of the policy I have also considered the extent to which some or all of the supporting text should be retained in the Plan. On the one hand it highlights the importance of the OBU site to the wider community and sets out the Parish Council's views about the nature of any masterplan which may eventually be prepared for the Campus. On

the other hand, it provides a degree of background and context to the detailed policy in the submitted Plan. On this basis I recommend that Section 4.7.1 is retained (with modifications) and that sections 4.7.2 and 4.7.3 are deleted.

Delete policy

In Section 4.7.1 delete paragraph 4.7.1.5

Delete sections 4.7.2 and 4.7.3

Community Actions

- 7.88 The plan-making process has generated significant interest in a wide range of related non-land use matters. They are properly captured in a discrete part of the Plan separate from the land use policies.
- 7.89 The Community Actions are however displayed in policy boxes using the same colour as the land use policies. This may generate a degree of confusion during the Plan period. On this basis I recommend that the Community Actions are displayed using a different colour from the land use policies

Display the Community Actions in a different colour from the land use policies

- 7.90 The various actions are comprehensive. They also overlap with some of the land use policies. Paragraphs 5.1.3 and 5.1.4 comment about how the Parish Council will co-ordinate and manage the necessary work on the community actions. This is good practice.
- 7.91 I am satisfied that the various Community Actions are appropriate for inclusion within a neighbourhood plan. They are also distinctive to the neighbourhood area.

Other Matters

- 7.92 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. This will apply to policy numbering where I have recommended the deletion or the merging of policies in the submitted Plan. It will be appropriate for VWHDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other Matters – Specific

- 7.93 VWHDC have suggested a series of contextual changes to the supporting text in the Plan. Some of these comments relate to the general text in the introductory sections of the Plan. I have found the various suggestions to be very helpful both in my understanding of the Plan and in testing it against the basic conditions.

7.94 As I have highlighted in paragraph 1.4 of this report my remit is limited to examining the Plan against the basic conditions. I cannot recommend modifications which would simply improve the Plan or which would result in it being presented in a different fashion. As such my recommended modifications below are related purely to the areas where modifications are necessary to ensure that the Plan meets the basic conditions.

Paragraph 4.1.3.2.2 – delete the second ‘in’ on the fourth line

Paragraph 4.2.1.9 – delete ‘Emerging revision to’ in the first sentence and ‘emerging’ in the tenth line

Paragraph 4.2.2 – replace the third bullet point with ‘The NPPF 2019 (and provide the appropriate link)’

Paragraph 4.3.1.6 – replace ‘Map 2 in Appendix B’ with ‘Map D.2 in Transport Appendix D’

Paragraph 4.3.2 - replace the first bullet point with ‘The NPPF 2019 (and provide the appropriate link)’

Other Matters – the Judicial review of VWHDC’s decision to correct the boundaries of the Green Belt in the adopted Local Plan Part 1

7.95 The representation by Douglas Bond draws my attention to a matter which has been taking place in parallel with the preparation and the examination of the submitted neighbourhood plan. It relates to the Adopted Policies Map prepared by VWHDC and, in particular the depiction in the Plan (Map 1) of a parcel of land to the immediate south-east of North Hinksey village as within the Green Belt.

7.96 VWHDC advise that the depiction in the Adopted Policies Map of the parcel of land as being outside the Green Belt has been an administrative error that arose during the preparation of the LPP1. It sought to correct the administrative error by taking a report to its Cabinet and Council meetings in February 2019. The Council’s decision at those meetings is now the subject of a judicial review. In this regard Douglas Bond asserts that ‘the submitted Neighbourhood Plan is not consistent with either national policies (NPPF) in respect of the Green Belt or Adopted Vale of White Horse Part 1 Local Plan on how the Green Belt is defined around North Hinksey when the Part 1 local plan is read with Core Policy 13 and the Adopted Policies Map 2016. As drafted, Neighbourhood Plan Map 1.2 incorrectly defines the Green Belt boundary around North Hinksey Village. This needs to be corrected. Without such a correction the Neighbourhood plan is not in general conformity with the strategic policies of the development plan for the area. The Local Plan Part 1 does not establish any need to change the Green Belt boundary at North Hinksey. Nor does the Local Plan Part 2. Thus, the Neighbourhood Plan is not able to suggest a change to the Green Belt boundary.’

7.97 Plainly these circumstances are unfortunate. Nevertheless, I note that VWHDC is defending the judicial review and the eventual outcome of the matter will be determined by the courts.

7.98 I have considered carefully whether or not it would be appropriate to continue with the examination in these circumstances. On balance I have concluded that it would be appropriate to do so. I have reached this conclusion for two reasons. The first is that it is not known when the judicial review will reach a conclusion. The second is that the definition of the Green Belt boundary is a discrete matter which has no wider implications on the range of policies in the submitted neighbourhood plan.

7.99 On the basis of the factual information in the Cabinet and Council reports of February 2019 I am satisfied that the Parish Council has correctly identified the boundaries of the Green Belt in the neighbourhood area on Map 1.2. In doing so it has relied on information from VWHDC on the administrative error which has arisen during the processing of the LPP1 and the associated preparation of the Adopted Policies Map. In the event that the judicial review finds in favour of the case pursued by Douglas Bond on the LPP1 and the Adopted Policies Map, the Parish Council and VWHDC would need to assess whether any consequential changes would be necessary to the neighbourhood plan if it was 'made' at that time.

8 Summary and Conclusions

Summary

8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.

8.2 Following my independent examination of the Plan I have concluded that the North Hinksey Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

8.3 This report has recommended a package of modifications to the policies in the Plan. Whilst the recommended modifications affect the policies in different ways, the Plan remains fundamentally unchanged in its role and purpose.

Conclusion

8.4 On the basis of the findings in this report I recommend to Vale of White Horse District Council that subject to the incorporation of the modifications set out in this report that the North Hinksey Neighbourhood Plan should proceed to referendum.

Referendum Area

8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 17 June 2015.

Other comments

8.6 I am grateful to the Vale of White Horse District Council and to the Parish Council for the ways in which they ensured that this examination has run in as smooth and efficient manner as possible. In particular the responses to my Clarification Note were very helpful in preparing this report.

Andrew Ashcroft
Independent Examiner
30 July 2019

Appendix 3 - Consequential and/or Factual Changes

| Section | Agreed change | Justification/Reason |
|---------------------|---|---|
| Paragraph 2.2.2 | Replace the wording “ Oxford Brookes University is also recognised as a major landowner providing local employment opportunities... ” with “ Oxford Brookes University is also recognised as a long lease holder of a significant area of land within the Parish, providing local employment opportunities... ” | The council considers this modification necessary in order to ensure the plan is factually correct. |
| Paragraph 4.1.3.1.2 | Replace “ Transport Policies TR1 to TR5 ” with “ Transport Policies TR1 and TR2 ” | The council considers this to be necessary to reflect the removal of the three transport policies which have been moved to community actions. |
| Paragraph 4.1.3.1.3 | Remove reference to HS6 as follows: Policies HS1, HS2 and HS3 below. | The council considers this to be necessary to reflect the removal of Policy HS6 from the plan |
| Paragraph 4.1.3.2.5 | Remove “ identified in Policy BU1 ” In the second bullet point remove “ Overall the redevelopment of Harcourt Hill Campus will need to meet the requirements of Policy BU1, which in this context requires any accommodation to be used primarily for students, academics and staff based on the campus. ” | The council considers this to be necessary to reflect the revised wording of policy BU1. |

| Section | Agreed change | Justification/Reason |
|------------------------|--|--|
| | Also change “Transport Policies TR1 to TR5” to “Transport Policies TR1 and TR2” | |
| Paragraph 4.1.4.2 | Remove paragraph 4.1.4.2. | The council considers this change necessary as there is no longer reference to the inclusion of an Energy Advisor within the policy. |
| Paragraph 4.1.4.5 | Amend reference to housing policies as “...NHPNP policies HS1 to HS5.” | The council considers this to be necessary to reflect the removal of policy HS6. |
| Community Action CAS14 | Remove the following wording; “before the cut-off date of 2016, after which they could be lost” | The council considers this to be necessary as it currently refers to a cut-off date to provide information which has now gone. |
| Appendix B Table B.1 | <p>Replace “TR1 to TR5” with “TR1 and TR2” from column 6: Harcourt Hill, field opposite Brookes campus.</p> <p>Replace “TR1 to TR5” with “TR1 and TR2” in column 7: Oxford Brookes University Playing fields.</p> <p>Remove reference to “See also policies HS5 and HS7” from column 9: Field House Site.</p> | The council considers this to be necessary to reflect the removal of policies TR3, TR4 and TR5. The references to HS5 and HS7 are incorrect and should therefore be removed. |

| Section | Agreed change | Justification/Reason |
|-----------------------------------|--|---|
| Appendix G Maps G.2 and G.3 | <p>To include the following designations within the list in Appendix G and on Maps G.2 and G.3:</p> <p>NC4 - Louie Memorial fields Local Wildlife Site</p> <p>NC5 - Raleigh Park Local Wildlife Site</p> <p>NC6 - Harcourt Hill Scrub Local Wildlife Site</p> <p>NC7 - Oxford Heights West Conservation Target Area</p> <p>Remove reference NC4 – Raleigh Park and SRA – Upper Louie Memorial Field within the last paragraph.</p> | <p>The council considers this modification necessary to ensure existing green routes and wildlife corridor are identified in order to help the policy achieve the clarity required by the NPPF.</p> |

Appendix 4 – Policy BU1 revised wording and revised supporting text.

In section 4.7.1 replace the submitted text with the following:

4.7.1 Context and community feedback

4.7.1.1 The former Westminster College site on Harcourt Hill was taken over by Oxford Brookes University (OBU) on a 60-year lease in 2000. Up to that time the College had been used by the Methodist Trust to teach Education and Theology. OBU continued to use the campus for the same purposes and based part of its Departments of Education, History and Theology on the site. Gradually the Education Department has been decreasing in numbers as funding for teaching Education has changed with successive Government policies to the extent that it is no longer viable for the campus to be used primarily for that purpose. In 2012 OBU published a masterplan for development of the campus with the aim of having this adopted as a Supplementary Planning Document by the local planning authority. It became apparent once this document had been published that this plan had not been adequately consulted upon with the relevant authorities and stakeholders and was not considered 'fit for purpose'. Although not officially withdrawn the document was not pursued.

4.7.1.2 Since that time OBU has undertaken a review of its estate and decided to close the campus at Wheatley and move the departments based there elsewhere. This process is ongoing and the transfer of the Business school from Wheatley to the Headington campus occurred in September 2017, with the remaining faculties vacating by 2020. This has also led to a review by OBU of the location of various faculties and departments within their estate and they have expressed the desire to develop the facilities at Harcourt Hill.

4.7.1.3 Core Policy 9, of the Vale of White Horse Local Plan Part 1 (LPP1), supports the principle of upgrading or redeveloping the Harcourt Hill Campus provided it meets the University's longer term business needs for predominately educational uses in a manner that respects its Green Belt setting and urban-rural fringe context.

4.7.1.4 Regarding the retention of the site within the Green Belt, the Local Plan Inspector concluded, when considering the LPP1:

“...that the campus's continued inclusion within the Green Belt is unlikely to significantly prejudice or make difficult appropriate redevelopment at the campus. The retention of the site within the Green Belt for the present time is therefore soundly-based.”

4.7.1.5 Core Policy 9 also sets out that an agreed master plan, including a clear vision for the future of the site, should be prepared. North Hinksey Parish Council and Harcourt Hill Estate Residents' Association will continue to work with Oxford Brookes University and the Vale of White Horse District Council to facilitate the creation of a masterplan that will encourage a thriving campus experience which is a good place to live, study and teach. This could include:

- The safeguarding of the green open spaces;
- The involvement with the local community in education; and,
- The formation of links with the knowledge and leisure activities of the University.

4.7.1.6 Public consultations throughout the Neighbourhood Plan process have consistently resulted in 90% plus support figures for the developing a policy for the OBU campus. Comments have raised particular concern about potential worsening of traffic issues related to any expansion of the Harcourt Hill Campus.

In section 4.7.2 replace the submitted text with the following:

4.7.2 The following plans, documents and strategies support Policy BU1

- VOWHDC Local Plan 2031 Part 1, in particular Core Policies: 9, 13, 33, 34, 35, 38 and 44.
- Vale of White Horse District Council Design Guide (March 2015).
- North Hinksey Parish Character Assessment (January 2018).

In section 4.7.3 replace the submitted text with the following:

4.7.3 Further justification and evidence, and Brookes Harcourt Hill Policies

4.7.3.1 Building on Core Policy 9 the key elements of the following Policy BU1 have been developed to focus on:

- Seeking to avoid adverse impacts on traffic by encouraging fewer journeys to the site, and promoting the use of public transport and other sustainable modes of travel in preference to car use;
- The Campus's Green Belt location; preserving openness as necessary and ensuring good design and landscaping; and,
- Energy efficiency and carbon neutrality.

4.7.3.2 As noted previously the primary concern of many Parishioners relates to traffic issues, and several sections of Policy BU1 have been developed to engage with these issues. It is reported in successive iterations of the VoWH Evaluation of Transport Impacts (final reports published in 2014 and 2017) that:

"... the A34 is forecast to be operating at or above operational capacity in the northbound and southbound directions between Botley and Lodge Hill and between Marcham and Milton in the morning peak. In the evening peak the northbound section between Chilton and Botley is operating at or above operational capacity. In the southbound direction the A34 is operating at or above operational capacity between Botley and Lodge Hill.

"The A34 is forecast to operate at capacity at the following approaches and junctions:

"In the morning peak hour:

At Botley interchange:

- *The A34 northbound towards the Botley interchange*
- *The A34 northbound mainline through the junction*
- *The northbound on-slip to the A34 and the merge*
- *The southbound off-slip from the A34*

"In the evening peak hour: At Botley interchange:

- *The A34 northbound mainline through the junction*
- *The northbound on-slip to the A34 and the merge"*

And,

"...the A420 westbound is generally forecast to be operating below operational capacity in the morning peak in both direction but at or above operational capacity

on short stretches near Buckland, Fyfield and Cumnor in the eastbound direction. In the evening peak the A420 is forecast to be operating below operational capacity except at Buckland where it operates at or above operational capacity in both directions. The westbound sections near Fyfield and Cumnor are also forecast to operate at or above operational capacity in the evening peak.

“The A420 is forecast to operate at capacity at the following approaches and junctions:

- In the morning peak hour, the eastbound direction towards Buckland, Southmoor, Fyfield; northbound direction towards Bessels Leigh and Cumnor.*
- In the evening peak hour, the westbound directions towards Tubney Wood, Fyfield, Kingston Bagpuize, Pusey, Caswell.”*

Increase in traffic to the site could impact negatively on the local, and already busy, narrow minor roads system. Local concerns include Westminster Way and Harcourt Hill, alongside the potential issues recorded above on the nearby A34, and pinch points on the A420. The development of a masterplan that considers these matters at any early stage to provide context for subsequent Transport Assessments (TA) will be of particular value.

4.7.3.3 As reported above, the site has a relatively long history of different educational uses and tenants. Oxfordshire County Council reported in response to the 2012 draft Brookes Masterplan shows that they had considerable transport concerns relating to any expansion. OBU has been reviewing the activities and faculties to be housed there. Given this level of change, and indeed changing requirements, attitudes and behaviours toward travel, a review of parking arrangements on the site might be appropriate. It could be that previous uses required more parking than what might be proposed in the future. This is a matter that should be considered through the master planning process.

4.7.3.4 The master planning process provides for an opportunity to consider a more innovative approach to managing transport access and parking. Encouraging a higher percentage of students (and possibly staff) housed on the campus and a larger number using public transport, car sharing schemes or other sustainable methods of transport could reduce the number of staff and students finding it necessary to travel to the site using their own personal car. Managing the overall number of parking spaces on the site would also help to enhance and promote more sustainable alternative travel to the private car. Appropriate parking for the site will be determined in line with Oxfordshire County Council parking standards.

4.7.3.5 As is also noted above, opportunities for development on the Campus should not be prejudiced by its Green Belt location. However, the Green Belt is protected by both national and local planning policy. Any development on the Campus must be appropriate to its location and help maintain a sense of openness. Furthermore, the overall prominent landscape setting of the campus is discussed in policy GS2 of this plan and must be considered in any masterplan and subsequent planning application.

4.7.3.6 A local character assessment has been undertaken alongside the production of this plan and informs its policies. The prevailing character of North Hinksey should be considered and reflected as appropriate in any masterplan and associated planning applications for the campus.

4.7.3.7 The community of North Hinksey has a clear aspiration – which is set out in this plan – to encourage the best practices in sustainable and energy efficient development, construction and resource use as we move towards a carbon neutrality. There is an exciting

opportunity on the Campus, especially as a place of higher education and learning, to create exemplar development from which others can follow. Strong encouragement is therefore included in policy BU1 for innovative and forward thinking design and use of materials and energy.

4.7.3.8 North Hinksey Parish Council and the local community will work proactively with the developers and Local Planning Authority to help facilitate this process.

Replace submitted BU1 policy with:

Policy BU1 - Oxford Brookes University Harcourt Hill Campus

Any masterplan or subsequent proposals should clearly identify and address the following key issues (amplifying those set out in Core Policy 9):

- i) Transport: An assessment of likely transport impacts that includes, but is not limited to, the A34, A420, Westminster Way and Harcourt Hill. Subsequent Transport Assessments and Travel plans, for the scale of development proposed, should include mitigation measure as appropriate.
- ii) Landscape and setting: A landscaping and tree planting strategy which:
 - Reflects the Campus's Green Belt location and helps maintain a sense of openness.
 - Ensures the integration of the campus' built form into the landscape and to maintain its rural aspect as viewed from the surrounding hills to the west.
 - Conserves and enhances views across Oxford, especially those recorded in the Oxford View Cones study 2015 (or subsequent updates).
- iii) An Integrated Water Management Strategy should be considered for the whole campus to consider, in particular flood risk and water-related constraints including sewerage capacity and drainage strategy.

Development should;

- (a) Be focused on the previously built up part of the site,
- (b) Minimise parking provision,
- (c) Encourage the use and where appropriate enable the provision of sustainable modes of transport,
- (d) Maximise opportunities for students (and/or staff) to live, work and study on campus and;
- (e) Utilise sustainable means of utilities and services including but not restricted to energy, waste and surface water.

Development proposals should have regard to the Vale of White Horse District Council Design Guide and the North Hinksey Parish Character Assessment.