

Record of individual Cabinet member decision

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

Decision made by	Councillor Emily Smith
Key decision?	No
Date of decision (same as date form signed)	15/03/2021
Name and job title of officer requesting the decision	Robyn Tobutt Senior Planning Policy Officer (Neighbourhood)
Officer contact details	Tel: 07917 088349 Email: Robyn.Tobutt@southandvale.gov.uk
Decision	<ol style="list-style-type: none"> 1. To accept all modifications recommended by the Examiner; 2. To determine that the Cumnor 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 a NDP; and 3. To take all appropriate actions to progress the Cumnor Neighbourhood Development Plan to referendum.
Reasons for decision	<ol style="list-style-type: none"> 1. The Cumnor Neighbourhood Development Plan (the Plan) as modified by the Examiner's recommendations, 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 to a significant effect. A neighbourhood plan must not constrain the delivery of important national policy objectives. The principal document in which national planning policy is contained is the National Planning Policy Framework (February 2019) (NPPF) and this conclusion is reached bearing this in mind. The advice within National Planning Practice Guidance ("NPPG") has also been borne in mind in reaching this conclusion. 2. Paragraph 13 of the National Planning Policy Framework is clear that neighbourhood plans should support the delivery of strategic policies contained in

local plans and spatial development strategies. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside these strategic policies. More specifically paragraph 29 of the National Planning Policy Framework states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

3. Beyond this, the content of a draft neighbourhood plan will determine which other aspects of national policy are or are not a relevant consideration to take into account. The basic condition allows qualifying bodies, the independent examiner and local planning authority to reach a view in those cases where different parts of national policy need to be balanced.
4. Having considered all relevant information, including representations submitted in response to the Plan, the Examiner's considerations and recommendations, the council has come to the view that the Plan recognises and respects relevant constraints. 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, heritage assets and designated local green spaces.
5. The Plan, as modified by the Examiner's recommendations, 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. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes a policy for care homes and other residential institutions (Policy RES2). In the social role, it includes policies on local green spaces (Policies LGS1) and on community, sports and recreation facilities (Policy EBC1). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy DBC1), important views (Policy DBC7) and on heritage assets (Policies DBC2 and DBC6).
6. As a whole, the council is satisfied that the policies in the Plan pursue net gain across each of the different dimensions of sustainability in a mutually supportive

way.

7. The Plan, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the current 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.
8. Cumnor is identified as a Larger Village within the Abingdon-on-Thames and Oxford Fringe-area in the adopted Local Plan Part 1 (Core Policy 3). Within Larger Villages unallocated development will be limited to providing for local needs and to support employment, services and facilities within local communities. Farmoor is identified as a Smaller Village in the hierarchy in Core Policy 3 which sets out that Smaller Villages have a low level of services and facilities, where any development should be modest and proportionate in scale and primarily be to meet local needs. None of the other settlements in the neighbourhood area are identified within Core Policy 3, therefore are considered to form part of the open countryside. The Cumnor Plan is not proposing to allocate any sites for housing.
9. The Plan, as modified by the Examiner's recommendations, would not breach, and be otherwise incompatible with EU obligations, as incorporated into UK law, 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 issues arise in respect of equality under general principles of EU law or any EU equality directive.
10. In order to comply with the basic condition on the European Union legislation the Vale of White Horse District Council prepared a Strategic Environmental Assessment (SEA) screening statement for Cumnor Neighbourhood Plan on 28 October 2019, which concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require a SEA.
11. The Plan, as modified by the Examiner's recommendations, would not give rise to significant

environmental effects on European sites. The Council screened the Plan potential impact on EU Special Areas of Conservation (SACs) and this was completed October 2019. The HRA screening report concluded that the Plan would not have any likely significant effects on the integrity of European sites in or around the Vale of White Horse, either alone or in combination with other plans or programmes. Natural England confirmed on 10 October 2019 that the proposals within the plan will not have significant effects on sensitive sites and that an Appropriate Assessment is therefore not required.

12. The Plan, as modified by the Examiner's recommendations, 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, complies with the definition of a Neighbourhood Plan and the provisions that can be made by a Neighbourhood Plan. 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 12 January 2017.
15. 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 Report is available in Appendix 2.
16. 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

	<p>appropriate for VOWHDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. The qualifying body and council have agreed factual and consequential updates, these are set out in Appendix 3. Modifications to documents supporting the Neighbourhood Plan are set out in Appendix 4.</p> <p>17. The council has taken account of all the representations received.</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>Make a decision that differs from the Examiner’s recommendation</p> <p>If the council deviates from Examiner’s recommendations, the council is required to:</p> <ol style="list-style-type: none"> 1. Notify all those identified on the consultation statement of the parish council and invite representations, during a period of six weeks, 2. Refer the issue to a further independent examination if appropriate. <p>Refusing to progress the Plan</p> <p>The council can decide that it is not satisfied with the plan proposal with respect to meeting basic conditions, compatibility 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>These options were rejected because the district council is minded to agree with all of the Examiner’s modifications and his conclusion that the Plan, as modified, meets the basic conditions and relevant legal requirements.</p>
<p>Legal implications</p>	<p>The process undertaken and proposed accords with planning legislation.</p>
<p>Financial implications</p>	<p>The Government makes funding available to local authorities to help them meet the cost of their responsibilities around</p>

	<p>neighbourhood planning. A total of £20,000 can be claimed for each neighbourhood planning area. The council becomes eligible to apply for this additional grant once the council issue a decision statement detailing the intention to send the plan to referendum.</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 Government grants 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. It is expected that costs associated with progressing this neighbourhood plan can be met from with existing neighbourhood planning budget.</p>			
Other implications	There are no other implications.			
Background papers considered	<ol style="list-style-type: none"> 1. Cumnor Neighbourhood Plan and supporting documents. 2. National Planning Policy Framework (2019) 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. Representations submitted in response to the Cumnor Neighbourhood Plan 8. Relevant Ministerial Statements. 			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?				
List consultees		Name	Outcome	Date
	Ward councillors	Cllr Alison Jenner Cllr Judy Roberts	Agreement Agreement	28/02/2021 26/02/2021
	Legal		No comment	Consulted 26/02/21 – 04/03/21
	Finance	Roger McLeod	No comment	10/03/2021
	Human resources		No comment	Consulted 26/02/21 – 04/03/21
	Sustainability		No comment	Consulted 26/02/21 – 04/03/21
	Diversity and equality		No comment	Consulted 26/02/21 –

				04/03/21
	Climate and biodiversity		No comment	Consulted 26/02/21 – 04/03/21
	Communications		No comment	Consulted 26/02/21 – 04/03/21
	Senior Management Team	SMT	No comment, subject to internal consultation.	10/03/2021
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 ____ Councillor Emily Smith _____ Date _____ 15 March 2021 _____			

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

For Democratic Services office use only		
Form received	Date: 15 March 2021	Time: 08:00
Date published to all councillors	Date: 15 March 2021	
Call-in deadline	Not applicable as this is not a key decision.	

Appendix 1: Examiner's recommendations

Policy/Section	Examiner's recommendations	Council's Decision	Justification/Reason
Front Cover	<i>On the front cover of the Plan insert '2021 to 2031' after 'Development Plan'</i>	Agree	The council consider the proposed modifications to the text to be necessary to achieve the clarity that is required by national policy and guidance.
Page 8 – Paragraph 6	<i>In paragraph 6 insert 'from 2021' after 'the period'</i>	Agree	The council consider the proposed modifications to the text to be necessary achieve the clarity that is required by national policy and guidance.
Page 11/12 – Paragraph 24	<p><i>Paragraph 24 – Replace the first sentence with:</i></p> <p><i>'Given the increase in housing and the predominant Green Belt nature of the parish, all new development which involves the construction of new buildings in the Green Belt will be regarded as inappropriate, unless it is one of the exceptions set out in the paragraphs 145 or 146 of the NPPF'</i></p> <p><i>Paragraph 24 – In the third sentence delete 'The Vale'sthat'</i></p>	Agree	The council consider the proposed modifications by the examiner to the supporting text to be necessary to ensure that it has regard to national policy and guidance and so that it has the clarity required by national policy and guidance.
Page 15 – Paragraph 39	<i>Paragraph 39 – Replace 'inspector' with 'examiner'</i>	Agree	The council consider the proposed modification necessary to correct an error to ensure that it has the clarity that is required by national policy and guidance.
Page 17 – Aims and Objectives	<i>In the Aims and Objectives Aim 4 i (pages 16/17) replace 'enhance' with 'preserve or enhance'</i>	Agree	The council consider the proposed modification necessary to ensure that the

			text is not overly prescriptive and is deliverable as required by national policy and guidance.
Page 22 – Policy LGS1: Local Green Spaces	<p>In part A of the policy delete the tabular presentation and simply list the various LGSs (numbers and names)</p> <p>In LGS14 delete the pavilion, the nets, the hard surfacing and the access drive from the site’s boundary to relate to the map at appendix 1 of this report.</p> <p>Replace part B of the policy with: ‘Development proposals within the designated local green spaces will only be supported in very special circumstances’</p> <p>Delete parts C and D of the policy.</p>	Agree	<p>The council consider the proposed modifications to part A of the policy proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.</p> <p>The council consider the proposed modifications to LGS14 proposed by the examiner to exclude the pavilion, the nets, the hard surfacing and the access drive to be necessary ensure that the proposed Local Green Space has regard to national policy and meets the criteria in the NPPF.</p> <p>The council consider the proposed modification to part B of the policy proposed by the examiner to be necessary to ensure that the policy has regard to paragraph 101 of the NPPF.</p> <p>In addition, parts C and D of the policy sought to go beyond the approach in the NPPF and were overly restrictive and unduly onerous. The council consider the proposed deletion of parts C and D of the policy by the examiner necessary to ensure it has regard to national policy and guidance.</p>
Page 24 – Map 5 and Page 64	<i>Amend Map 5 and the Policies Map Inset 2 to take account of the changed boundary of LGS14.</i>	Agree	The council consider the proposed modifications to Map 5 and Policies Map

– Policies Map Inset 2			Inset 2 proposed by the examiner to be necessary to reflect the changed boundary of LGS14.
Page 23 – Paragraph 57	<p><i>At the end of paragraph 57 add:</i></p> <p><i>‘Part B of the policy takes the matter-of-fact approach set out in paragraph 101 of the NPPF. In the event that development proposals within the Plan period the District Council will be able to assess development proposals within designated LGSs for any very special circumstances on a case-by-case basis. This will particularly apply to the LGSs which are in active recreational use in general, and for the CCC in particular. The information about the various green spaces in the LGS Report will be a helpful starting point for any such assessment</i></p>	Agree	The council consider the proposed modifications to the supporting text proposed by the examiner to be necessary to ensure that it has the clarity that is required by national policy and guidance and is consistent with Policy LGS1.
Page 26 – Policy QA1: Quiet Areas	Delete the policy	Agree	The council consider the proposed deletion of this policy proposed by the examiner to be necessary as the policy approach does not meet the basic conditions. The policy tried to identify Quiet Areas through planning acts rather than the appropriate DEFRA Regulations.
Page 25 – Supporting text	<p><i>Delete ‘Quiet Areas designation’, ‘Purpose’ and ‘Rationale’ headings and paragraphs 58-63.</i></p> <p><i>Delete Maps 6-8.</i></p>	Agree	The council consider the proposed modifications to the supporting text by the examiner to be necessary to ensure it is consistent with the proposed deletion of Policy QA1 and has the clarity required by

<p><i>Replace paragraph 167 with the following paragraphs:</i></p> <p><i>‘An approach to designating Quiet Areas was introduced in Part F of the Department for Environment, Food & Rural Affairs (DEFRA) Noise Action Plan: Agglomerations (Urban Areas) Environmental Noise (England) Regulations 2006 (as amended) and as published on 2 July 2019. The Action Plan applies to the relevant authorities within the identified agglomerations across the country. Oxford is one of those agglomerations, including part of the Cumnor Neighbourhood Plan area (the eastern part of Cumnor Village and the slopes of Cumnor Hill down to Dean Court).</i></p> <p><i>The requirements for designating a Quiet Area are set out in Part F of the DEFRA Environmental Noise Regulations. One of the requirements is that the area needs to have been identified as a Local Green Space in the relevant Local or Neighbourhood Plan. In this context the Parish Council has assessed each of the proposed Local Green Spaces in the submitted Plan that are in the agglomeration area as possible Quiet Areas.</i></p> <p><i>Three candidate areas for possible designation are set out in this Plan. They are the areas identified as Local Green Spaces 2, 5 and 6 in Policy LGS1 of this Plan. They are shown in Maps [insert numbers]. The Parish Council commits to working with the District Council and other relevant bodies to designate Quiet Areas in the Parish’</i></p> <p><i>Reproduce Maps 6-8 within the Community Actions</i></p>		<p>national policy and guidance.</p>
---	--	--------------------------------------

	<p><i>part of the Plan.</i></p> <p><i>Renumber the paragraphs in the Non-planning issues/Community Actions section of the Plan accordingly.</i></p>		
Page 28 – Paragraph 67	<p><i>Paragraph 67 – In the second sentence replace ‘must’ with ‘should’</i></p>	Agree	The council consider the proposed modification to the supporting text necessary to ensure that the text is not overly prescriptive and is deliverable as required by national policy and guidance.
Page 29 – Policy DBC1: General Design Principles in the Parish	<p>At the end of the seventh principle add ‘where this approach is appropriate to the wider development proposal’.</p> <p>Replace the eleventh principle with: ‘Farmstead and agricultural conversions should, where appropriate, retain and complement the historic fabric and character of the existing buildings’</p>	Agree	The council consider the proposed modifications to the policy proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.
Page 31 – Policy DBC2: Cumnor Conservation Area	<p>In A ‘must sustain and enhance’ with ‘should preserve or enhance’</p> <p>In B replace ‘In doing so,’ with ‘As appropriate to their scale, nature and location within the conservation area development’</p>	Agree	The council consider the proposed modifications to the policy text proposed by the examiner to be necessary to ensure that the policy uses appropriate language and has regard to national policy and has the clarity that is required by national policy and guidance.
Page 33 – Policy DBC3: Design in the Low-Density Areas	<p>After ‘essential characteristics’ add ‘as appropriate to their scale, nature and location within the low-density areas’</p>	Agree	The council consider the proposed modifications to the policy proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.

Page 33 – Supporting text	<p><i>In paragraph 85 replace ‘allows’ with ‘has been designed to guide’</i></p> <p><i>In paragraph 87 replace ‘must be included’ with ‘should be included where appropriate’</i></p>	Agree	The council consider the proposed modifications to the supporting text proposed by the examiner to be necessary so that they correctly reflect Policy DBC3 and take a proportionate approach.
Page 34 – Policy DBC4: Development in the Green Belt	<p>Replace the policy with:</p> <p>‘The Green Belt is shown on the Policies Map. The Green Belt will continue to be protected to maintain its openness and permanence.</p> <p>Development proposals in the Green belt will be determined against principles set out in Core Policy 13: The Oxford Green Belt in the adopted Vale of White Horse Local Plan Part One. Proposals for inappropriate development will not be supported except in very special circumstances.’</p>	Agree	The council consider the proposed modification to the policy to replace the text proposed to be necessary to ensure that the policy has regard to national policy on Green Belt and is in general conformity with the strategic policies in the development plan.
Page 35 – Supporting text	<p><i>Replace paragraph 90 with:</i></p> <p><i>‘Policy DBC4 provides a local iteration of national and local Green Belt policy. It recognises the importance of the Green Belt to the neighbourhood area. The settlement of Cumnor is inset in the Green Belt. In these circumstances proposed development within the existing built area of the village will be determined in accordance with Core Policies 3 and 4 of the Vale of White Horse Local Plan Part 1 and any other specific policies which may affect development in the Conservation Area’</i></p>	Agree	The council consider the proposed modifications to the supporting text to be necessary to ensure that it reflects Policy DBC4 and has the clarity that is required by national policy and guidance.

<p>Page 35 – Policy DBC5: Lower Cumnor Hill/Third Acre Rise Area of Special Local Character</p>	<p>In B delete ‘as set out.... report of 2007’</p> <p>Replace C and D with:</p> <p>‘The effect which development proposals would have on the character of the Area of Character will be taken into account in determining the planning applications concerned. In weighing proposals that directly or indirectly affect the character or appearance of the Area of Character, a balanced judgement will be taken having regard to the scale of any harm or loss to its character or appearance and the public benefits which may otherwise arise from the proposed development’</p>	<p>Agree</p>	<p>The council consider the proposed modifications to the policy to be necessary to ensure that it is positively worded and to ensure that it has regard national policy, particularly Section 16 of the NPPF, which sets out the approach to be taken in relation to non-designated heritage assets. The proposed modifications will also ensure that the policy has the clarity that is required by national policy and guidance.</p>
<p>Page 35 – Supporting text</p>	<p><i>Replace paragraphs 91 and 92 with:</i></p> <p><i>‘This policy recognises the distinct character of the area of Lower Cumnor Hill and Third Acre Rise. It has considerable local importance in terms of its low-density nature, the character of individual properties, the relationship between the houses and their gardens, the topography of the area and its open spaces</i></p> <p><i>Development proposals within the Area of Special Character are expected to respond positively to these very distinctive features. Part C of the policy comments about the way in which any proposed harm to its character would be assessed against any wider public benefits which may arise from the development’</i></p>	<p>Agree</p>	<p>The council consider the proposed modifications to the supporting text to be necessary to ensure that it reflects Policy DBC5 and has the clarity that is required by national policy and guidance.</p>

<p>Page 36 – Policy DBC6: Conserving and Enhancing Local Heritage Assets</p>	<p>Replace part B of the policy with:</p> <p>‘The effect which development proposals would have on the significance of the identified Local Heritage Assets in Appendix A should be taken into account in determining the planning applications concerned. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be taken having regard to the scale of any harm or loss and the significance of the heritage asset’</p>	<p>Agree</p>	<p>The council consider the proposed modifications to the policy to be necessary to ensure that it is positively worded and to ensure that it has regard national policy, particularly Section 16 of the NPPF, which sets out the approach to be taken in relation to non-designated heritage assets.</p>
<p>Page 36/37 – Policy DBC7: Important Views</p>	<p>Replace part B of the policy with:</p> <p>‘Development proposals should preserve, or where practicable enhance, the local character of the landscape in general and should take account of the important views as identified on map 12 and as listed in table 5 in particular.</p> <p>Development proposals which would have an unacceptable impact on the local character of the landscape and/or on an identified important view will not be supported’</p>	<p>Agree</p>	<p>The council consider the modifications to the policy proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.</p>
<p>Page 39 – Paragraph 101</p>	<p><i>Paragraph 101 – Replace the first sentence with: ‘The majority of the parish has Green Belt designation, apart from the built area of Dean Court, Cumnor Hill and Cumnor Village’</i></p>	<p>Agree</p>	<p>The council consider the modifications to the supporting text to be necessary to ensure that it has the clarity that is required by national policy and guidance.</p>
<p>Page 41 – Paragraph 112</p>	<p><i>Paragraph 112 – replace ‘Diversity’ (in brackets) with ‘Biodiversity’</i></p>	<p>Agree</p>	<p>The council consider the modifications to the supporting text to be necessary to correct an error to ensure that it has the clarity that is required by national policy and guidance.</p>

<p>Page 42 – Policy RNE1: Green Infrastructure</p>	<p>Insert at the beginning of the policy:</p> <p>‘Development proposals should protect, and where practicable enhance, valued landscapes, sites of biodiversity or geological value and soils as shown on Map 13 in a manner commensurate with their statutory status or identified quality in the development plan and minimise impacts on and providing net gains for biodiversity where it is practicable to do so. As appropriate to their scale, nature and location development proposals should:</p> <p>Insert A/B/C from the submitted policy with the following modifications:</p> <p>In A replace the initial wording with: ‘take particular account of the following elements of green infrastructure:’</p> <p>In B delete ‘Development proposals should’ and replace ‘possible’ with ‘practicable’</p> <p>In C remove the initial C so that this part of the policy sits as a free-standing element.</p>	<p>Agree</p>	<p>The council consider the modifications to the policy proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.</p>
<p>Page 44 – Policy RNE2: Flood Risk</p>	<p>Replace the policy with:</p> <p>‘A. Development proposals should be located and designed to take account of flood risk. Particular attention should be given to potential flood risk impacts in the following wards:</p> <ul style="list-style-type: none"> • Farmoor (as shown on map 14); 	<p>Agree</p>	<p>The council consider the modifications to the policy proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance and to ensure it has regard to national policy, specifically paragraphs 155, and 159/160 of the NPPF, which are concerned with planning and flood risk.</p>

	<ul style="list-style-type: none"> • Cumnor Hill (as shown on map 15); and • Dean Court area (as shown on map 15) <p>B. Inappropriate development in areas at risk of flooding will not be supported unless the exception tests in paragraph 159 of the NPPF are met. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.</p> <p>C. Development proposals should take account of impacts in terms of runoff generation and surface water drainage and should provide the required mitigation measures to ensure no that there is no unacceptable increase in surface water discharge off site.</p> <p>D. Where it is appropriate to do so new developments should incorporate Sustainable Drainage Systems</p> <p>E. As appropriate to their scale, nature and location sustainable drainage should be suitably designed to ensure that discharge rates do not exceed greenfield rates with systems designed to add to the area’s biodiversity. Systems should be designed with full consideration for future maintenance’</p>		<p>The council consider the removal of specific reference to Filchampstead in the policy necessary to ensure the policy avoids unnecessary duplication as required by national policies and guidance.</p>
<p>Page 48 – Paragraph 121</p>	<p><i>Paragraph 121 - replace the second sentence with: ‘With the exception of the built-up areas of Dean</i></p>	<p>Agree</p>	<p>The council consider the modifications to the text to be necessary to ensure that it has the</p>

	<i>Court, Cumnor Hill and Cumnor Village, the majority of the parish lies in the Oxford Green Belt.'</i>		clarity that is required by national policy and guidance.
Page 52 – Policy RES1: Residential Mix and Standards	Replace the second sentence of B with: 'Where practicable such storage facilities should be located in positions not visible from street frontages'	Agree	The council consider the modifications to the policy proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.
Page 52 – Policy RES2: Care Homes and Residential Institutions	In ii replace 'possible' with 'practicable' In iii replace 'should be' with 'are' Replace iv with 'The development would not have an unacceptable impact on the amenities of residential properties in the locality'	Agree	The council consider the modifications to the policy proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.
Page 56 – Policy EBC1: Community, Sports & Recreation Facilities	Replace Part B of the policy with: B. Development proposals which would affect the use of the identified facilities in Part A of the policy will be determined against the provisions of Policies DP8 (Community Halls, Community Play Areas, Churches and Allotments) and DP34 (Sports Pitches) of the Local Plan C. Development proposals to change the use of part of a community, sports & recreation facility (as identified in Part A of the policy) that is surplus to requirements will be supported where they will not undermine the overall viability and importance of the community, sports & recreation facility concerned'	Agree	The council consider the modifications to the policy proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance. In addition the council consider the proposed modifications are necessary to ensure the policy is avoiding unnecessary duplication of policies as required by national policy and guidance.

<p>Page 56 – Supporting text</p>	<p><i>At the end of paragraph 144 add:</i></p> <p><i>Plainly different proposals will have different effects on the facility concerned and will need to be supported by evidence which is proportionate both to the facility itself, and to the proposal concerned. However, in general terms any such proposals should demonstrate the circumstances which have arisen to generate the planning application, the extent to which the former use of that part of the premises is now being delivered through another facility and the ongoing ability of the substantive part of the facility to continue to provide community facilities to the local population in the event that the proposal is approved'</i></p>	<p>Agree</p>	<p>The council consider the modifications propped by the examiner to the supporting text to be necessary so that it has the clarity that is required by national policy and guidance.</p>
<p>Page 57 – Policy EBC2: Farmoor Reservoir</p>	<p>Replace the policy with:</p> <p>'Development proposals located within the environs and setting of Farmoor Reservoir (map 17) which would enhance the recreational use of the reservoir and its surroundings will be supported subject to the following criteria:</p> <ul style="list-style-type: none"> • they do not have an unacceptable impact on the residential amenity of houses in the locality by reason of noise, disturbance, vibration or other impacts; • the reservoir's function and setting are retained; • public access to the reservoir is safeguarded and where practicable 	<p>Agree</p>	<p>The council consider the modifications to the policy proposed by the examiner to be necessary to ensure that the policy has regard to national policy and to ensure that the policy has the clarity that is required by national policy and guidance.</p>

	<p>enhanced; and</p> <ul style="list-style-type: none"> the proposals preserve the openness of the Green Belt and do not conflict with the purposes of including land within it' 		
Page 58 – Policy EBC3: River Environment and Access	<p>Replace the first sentence with: ‘The Plan safeguards the River Thames and its immediate environs (as shown on map 18)’</p> <p>In i replace ‘harmful’ with ‘unacceptable’</p> <p>In iii replace ‘to allow public access’ with ‘or prevent existing or potential future public access’</p>	Agree	The council consider the modifications to the policy proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.
Page 60 – Policy T11: Sustainable Transport	<p>At the beginning of A add: ‘As appropriate to its scale, nature and location’</p> <p>In B replace the initial wording with: ‘New development should not have an unacceptable impact on the free and safe flow of traffic in general, and at the following locations in particular:’</p>	Agree	The council consider the modifications to the policy proposed by the examiner to be necessary to ensure that the policy has regard to national policy, particularly paragraph 109 of the NPPF, which sets out that circumstances in which development should be prevented or refused on highways grounds. The modifications also achieve the clarity that is required by national policy and guidance.
Page 61 – Policy TI2: Cycle Routes	<p>Replace the policy with:</p> <p>‘A. The B4044 cycle route (as shown on map 19) is safeguarded, to enable a new cycle path to be provided. New development adjacent to the route should be designed to enhance the safety and amenity of the proposed cycle path.</p>	Agree	<p>The council consider the modifications to the policy proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.</p> <p>The repositioning of the element of the policy</p>

	<p>Development proposals should not compromise the scope for public access to the protected route.</p> <p>B. Development proposals that maximise opportunities for cycle movements to promote connectivity within and between the settlements in the Parish will be supported'</p>		<p>on developer contributions into the interpretation of the policy is necessary as it relates to a procedural matter rather than a policy approach.</p>
Page 61 – Supporting text	<p><i>At the end of paragraph 159 add:</i></p> <p><i>'The development of the path is an important initiative. Financial contributions from proposed developments may be sought via legal agreements towards the improvement of the route where they would meet the tests of the Community Infrastructure Levy Regulations'</i></p>	Agree	<p>The council consider the repositioning of the element of the policy on developer contributions into the supporting text as proposed by the examiner to be necessary as it relates to a procedural matter rather than a policy approach.</p>
Page 62 – Policy T13: Footpaths and Bridleways	<p>Replace the policy with:</p> <p>'New development proposals should take into account the safety, accessibility and visual amenity of Cumnor's network of footpaths and bridleways. Development proposals which would have an unacceptable impact on their accessibility and recreational amenity value will not be supported.</p> <p>Where it is practicable to do so new development should take opportunities to enhance the accessibility, connectivity and amenity of footpaths and public rights of way'</p>	Agree	<p>The council consider the proposed replacement policy by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.</p>
Page 63 –	Delete 'so as to.....are upgraded'	Agree	The council consider the modifications to the

Policy T14: Digital Connectivity			policy proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.
Other matters	<i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i>	Agree	The council agrees with the examiner that it may be necessary to amend the plan where consequential changes to the text are required directly as a result of the examiners recommended modifications.

APPENDIX 2 – Examiner’s Report

The Examiner’s Report is available here: <https://www.whitehorsedc.gov.uk/wp-content/uploads/sites/3/2021/02/Cumnor-Neighbourhood-Development-Plan-Examiners-REport.pdf>

APPENDIX 3 – Consequential and/or Factual Changes

Section	Agreed change	Justification/Reason
Front Cover	Replace ‘September 2020’ with ‘February 2021’.	Factual correction.
Table of Contents	Update table of contents to be consistent with Examiner’s recommendations.	Factual correction.
Footers	Replace ‘September 2020’ with ‘February 2021’.	Factual correction.
Page 18 – Table 2 Cumnor NDP Policy v Aims Matrix	Delete QA1 Quiet Area Designation.	Factual correction to be consistent with Examiner’s recommendation to delete the policy.

Page 22 – Policy LGS1: Local Green Spaces	Replace '64' with '63'.	Factual correction to page reference to be consistent with Examiner's recommendations.
Page 23 – Paragraph 57	Replace 'that' with 'of' between 'event' and 'development', and replace 'CCC' with ' <i>Cumnor Cricket Club</i> '.	Grammatical corrections to the Examiner's recommended text.
Page 31 – Policy DBC2: Cumnor Conservation Area	In A replace '6464' with '63'.	Factual correction.
Page 33 – Policy DBC3: Design in the Low-Density Areas	Replace '64' with '63'.	Factual correction to page reference to be consistent with Examiner's recommendations.
Page 35 – Policy DBC5: Lower Cumnor Hill/Third Acre Rise Area of Special Local Character	Replace '64' with '63'. In criteria C proposed by the Examiner replace 'Area of Character' with ' <i>Area of Special Local Character</i> '.	Factual correction to page reference to be consistent with Examiner's recommendations. Grammatical correction to the examiner's recommendation to be consistent with criterion A of the policy which refers to the designation as an Area of Special Local Character.
Page 37 – Policy DBC7: Important Views	Replace '64' with '63'.	Factual correction to page reference to be consistent with Examiner's recommendations.

	In table 5, transpose 'Chawley Lane' with 'Hids & Shadwell Copses'.	Factual correction to error of labelling in the table.
Page 44 – Policy RNE2: Flood Risk	In C delete the first 'no' between 'ensure' and 'that'.	Grammatical correction to Examiner's recommendation.
Page 69 – Paragraphs 164 and 165 Paragraph 167	Update paragraph references in text to be consistent with Examiner's recommendations. Insert table containing list of candidate areas for possible quiet area designations.	Factual corrections and to provide clarity.
Page 71 – Appendix A	Replace 'NPPF, 2018' with ' <i>NPPF, 2019</i> '.	Factual correction.
Page 76 – Appendix A	Hurst Lane Cottages – Correct '20thc' to ' <i>20th century</i> '.	Factual correction.

APPENDIX 4 – Modifications to supporting documents

Document	Agreed change	Reason
Important Views Report	Transpose 'Chawley Lane' with 'Hids & Shadwell Copses'.	The council agrees that the change to the Important Views Report to correct a labelling error is necessary.
Local Green Space Report	Amend Map relating to LGS14 to take account of the changed boundary of LGS14 proposed by the Examiner.	The council agrees that the change the Local Green Space Report so that the map of LGS14 is consistent with the proposed modification is necessary.

