

**OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO THE FOLLOWING
CONSULTATION:**

District: Cherwell

Consultation: Bodicote Neighbourhood Area Application

This report sets out Oxfordshire County Council's view on the proposed Bodicote Neighbourhood Area

Overall View of Oxfordshire County Council

Oxfordshire County Council (OCC) has no objection to the proposed neighbourhood area designation but requests that the following is considered:

- 1) The proposed boundary severs two strategic site allocations (South of Salt Way East and Bankside Phase 1); and
- 2) The outcome of Cherwell's parish/town council boundary review.

In preparing the Bodicote Neighbourhood Plan, the Parish Council are advised to refer to the guidance contained in OCC's Neighbourhood Planning toolkit:

<https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/planning/planningpolicy/neighbourhoodplanning/NeighbourhoodPlanningToolkit.pdf>

The Parish Council may also find the following guidance useful:

Transport for New Developments; Transport assessments and Travel Plans (March 2014):

<https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/Transport%20assessments%20and%20travel%20plans.pdf>

Communities & Parish Guide to Biodiversity

<https://www.oxfordshire.gov.uk/cms/content/my-community>

Biodiversity & Planning Guide:

<https://www.oxfordshire.gov.uk/cms/content/planning-and-biodiversity>

Officer's Name: David Flavin

Officer's Title: Senior Planning Officer

Date: 16 December 2015

Banbury Town Council

Mark Recchia MA FCIS FILCM
Town Clerk



Town Hall
Bridge Street
Banbury
OX16 5QB

Tel: 01295 250340
Fax: 01295 250820

Our Ref: MC/Bodicote NP 10/12/2015
Your Ref:
Please ask for: Matthew Coyne
Email: matthew.coyne@banbury.gov.uk

Date: 10/12/2015

Dear Shukri,

Neighbourhood Area Application – Bodicote Parish, Cherwell District, Oxfordshire

Banbury Town Council supports Bodicote Parish Council in their pursuit of a Neighbourhood Plan. However, Banbury Town Council strongly objects to their proposed designation of the Bodicote Parish Neighbourhood Area.

Bodicote Parish Council has submitted their plans for a Neighbourhood Area based on the current parish boundaries. However, the Cherwell (Electoral Changes) Order 2015, to implement recommendations made by the Local Government Boundary Commission for England (LGBCE) for new boundaries in Cherwell, was made on 5 November 2015 and was published in November 2015. This means that the new electoral arrangements for Cherwell, including consequential changes to parish boundaries, have successfully completed a 40 day period of Parliamentary scrutiny and will come into force at the local elections in 2016.

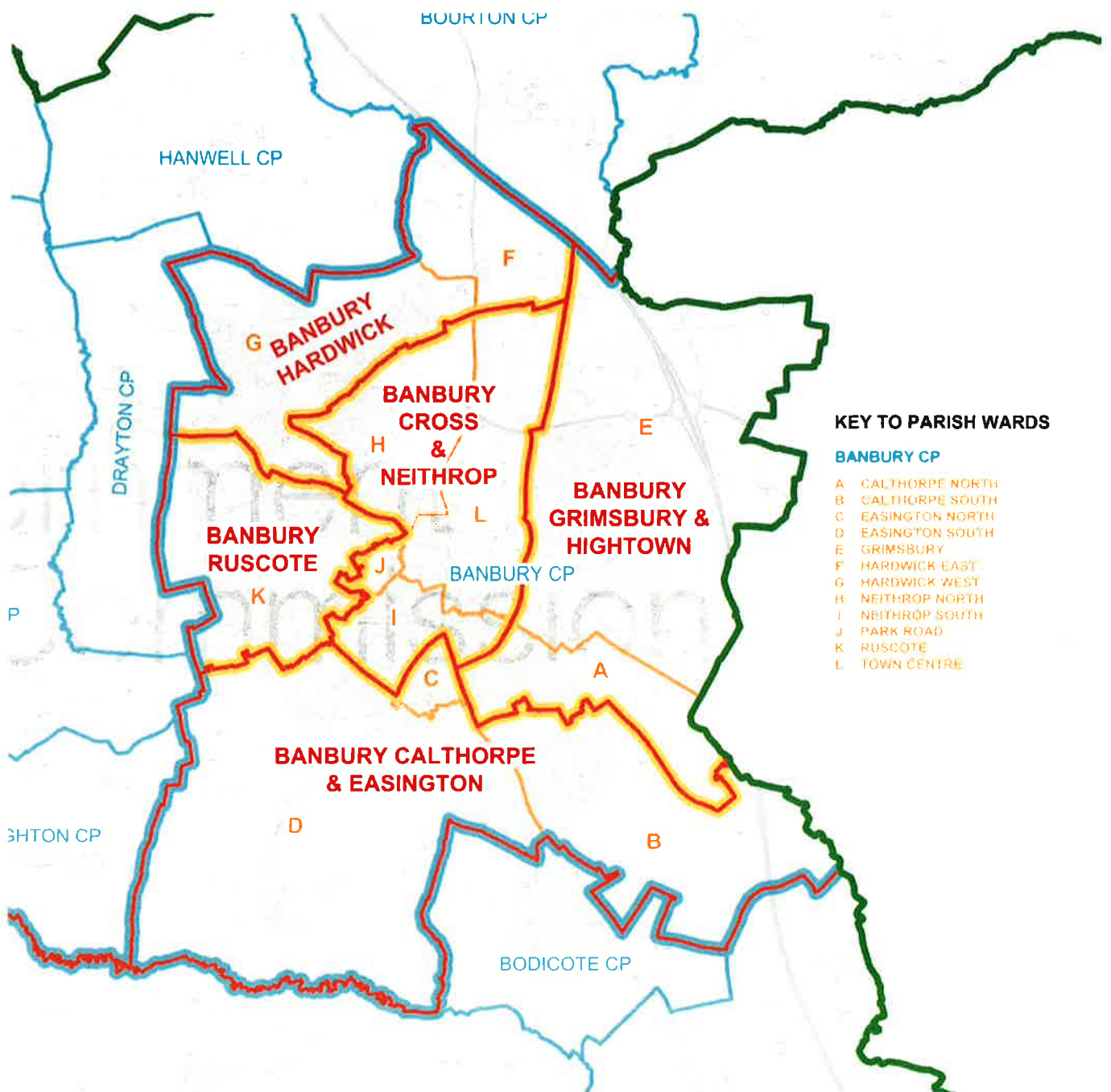
Bodicote Parish Council have inadvertently taken responsibility for planning part of Banbury, including Longford Park which has long been intended to be in Banbury, as an urban extension. Banbury Town Council has been informed that proposed Neighbourhood Areas do not automatically flex with changed ward boundaries, and as such, Banbury Town Council would have to object to this application.

Banbury Town Council would suggest that Bodicote Parish Council reconsider their designation of their Neighbourhood Area and keep it in line with the new parish boundaries and urge Cherwell District Council to refuse this application based on the reasons stated in this letter.

Yours sincerely,

PP.
Matthew Coyne BA (Hons), MSc, PGDip
Planning & Administration Officer

THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND
ELECTORAL REVIEW OF CHERWELL
Final recommendations for ward boundaries in the district of Cherwell May 2015
Sheet 1 of 1



Planning
Cherwell District Council
Bodicote House
Bodicote
Banbury
OX15 4AA

(Representations submitted by email to planning.policy@cherwell-dc.gov.uk)

15th December 2015

Re: Bodicote Neighbourhood Development Plan – Application for Neighbourhood Area Designation

Dear Sirs,

Gladman Developments Ltd (Gladman) specialise in the promotion of strategic land for residential development with associated community infrastructure. This letter provides Gladmans' representations on the application made by Bodicote Parish Council for the designation of a Neighbourhood Area, for the purposes of preparing a Neighbourhood Development Plan.

At this stage Gladman have no specific comments to make on the application for the Neighbourhood Area designation. However, as the first formal stage of preparing a Neighbourhood Plan, Gladman would like to take the opportunity to comment on the Bodicote Neighbourhood Area application to highlight a number of key requirements to which the development of the emerging Neighbourhood Plan should have regard. Gladman wish to participate in the Neighbourhood Plan's preparation and to be notified of further developments and consultations in this regard.

Neighbourhood Plans - Guidance and Legislation

The National Planning Policy Framework (The Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out requirements for the preparation of neighbourhood plans and the role these should take in setting out policies for the local area. The requirements set out in the Framework have now been supplemented by the guidance contained in the Neighbourhood Planning chapter of the PPG.

Paragraph 16 of the Framework sets out the positive role that Neighbourhood Plans should play in meeting the development needs of the local area. Its states that:

"The application of the Presumption (In Favour of Sustainable Development, set out in paragraph 14 of Framework) will have implications for how communities engage in neighbourhood planning. Critically it will mean that neighbourhoods should:

- Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- Plan positively to support local development, shaping and directing development in their area that is outside of the strategic elements of the Local Plan"*

Further guidance on the relationship between Neighbourhood Plans and strategic policies for the wider area set out in a Council's Local Plan is included in paragraph 184 of the Framework:

"The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood Plans...should not promote less development than set out in the Local Plan or undermine its strategic policies".

Before a Neighbourhood Plan can proceed to referendum it must be tested against the Neighbourhood Plan Basic Conditions, set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 and further detailed in paragraph 065 of the Neighbourhood Plan PPG. These Basic Conditions are:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan*
- b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order*
- c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order*
- d) The making of the neighbourhood plan contributes to the achievement of sustainable development*
- e) The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority*
- f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations*
- g) Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan*

If a Neighbourhood Plan is not developed in accordance with the Neighbourhood Plan Basic Conditions there is a real risk that it will fail when it reaches Independent Examination.

Relationship with Local Plans

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, Neighbourhood Plans should be prepared to conform to up-to-date strategic policy requirements set out in Local Plans. Where an up-to-date Local Plan has been adopted and is in place for the wider authority

area, it is the strategic policy requirements set out in this document that a Neighbourhood Plan should seek to support and meet.

Gladman note that the Cherwell Local Plan Part 1 was formally adopted by Cherwell District Council on 20th July 2015. This plan provides the overarching planning policy framework for Cherwell for the period to 2031. The Bodicote Neighbourhood Plan must be consistent with the strategic policies contained in the adopted version of the Cherwell Local Plan.

Gladman note Policy Banbury 17: South of Salt Way East allocates land to deliver a new neighbourhood of up to 1,345 dwellings with associated facilities and infrastructure as part of south west Banbury. The Neighbourhood Plan should therefore be consistent with Policy 17 and should not set out any prescriptive requirements or unsubstantiated policy burdens which may affect the delivery of this scheme.

Neighbourhood Plan Policies and Proposals

In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the Framework and the wider strategic policies for the area set out in the Council's Local Plan. Neighbourhood Plans should provide a policy framework that complements and supports the requirements set out in these higher-order documents, setting out further, locally-specific requirements that will be applied to development proposals coming forward.

The Framework is clear that Neighbourhood Plans cannot introduce policies and proposals that would prevent development from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to meet the strategic development needs for the area. Policies that are clearly worded or intended to place an unjustified constraint on further sustainable development taking place would not be consistent with the requirements of the Framework or meet the Neighbourhood Plan Basic Conditions.

Communities should not seek to include policies in Neighbourhood Plans that have no planning basis or are inconsistent with national and local policy obligations. Proposals should be appropriately justified by the findings of a supporting evidence base and must be sufficiently clear to be capable of being interpreted by applicants and decision makers. Policies and proposals should be designed to add value to policies set out in Local Plan and national guidance, as opposed to replicating their requirements. The community should liaise with the Council's planning team to seek advice on the appropriateness of the Neighbourhood Plan's proposals.

Sustainability Appraisal/Strategic Environmental Assessment

The preparation of a Neighbourhood Plan may fall under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) that require a Strategic Environmental Assessment (SEA) to be undertaken where a Plan's proposals would be likely to have significant environmental effects. The requirement to undertake an SEA will be dependent on a Neighbourhood Plan's proposals, but is likely to be necessary where a Plan is proposing specific allocations or site designations.

In accordance with Schedule 1 of the SEA Regulations, a Screening Assessment of a Neighbourhood Plan's proposals should be completed to assess whether an SEA must be prepared. Where an SEA is required this should be commenced at the earliest opportunity, alongside the preparation of the emerging Neighbourhood Plan, to ensure the Neighbourhood Plan's proposals have been properly considered through the SEA process, and appropriately justified against other reasonable alternatives.

Where an adequate SEA has not been undertaken a Neighbourhood Plan is unlikely to meet the Neighbourhood Plan Basic Conditions.

Although Neighbourhood Plans do not require a Sustainability Appraisal (SA) of their proposals, preparing an SA can help to show how a Neighbourhood Plan will contribute to the achievement of sustainable development, a Neighbourhood Plan Basic Condition. Where an SEA is required, extending this assessment to the preparation of an SA is unlikely to require significant additional input.

The Council's planning team will be able to advise on the likely need for an SEA of the Neighbourhood Plan's proposals. To be compatible with EU obligations, further appraisals, such as a Habitats Regulations Assessment, may also be required depending on local circumstances.

Site Submission – West of White Post Lane, Banbury

As the Parish Council will be aware Gladman have land interests in Banbury at land at White Post Lane. This site falls within the proposed Bodicote Neighbourhood Area. Gladman have submitted a planning application to Cherwell District Council for up to 280 dwellings (including 30% affordable housing), structural planting, landscaping, and informal public open space (reference: 15/01326/OUT). The application was validated on 14th July 2015 and is yet to be determined. A site location is contained in appendix 1.

The site comprises three agricultural fields with a number of mature trees and hedgerows which denote the boundaries of each of the fields. The site is well contained, the eastern edge of the site is bound by White Post Road, with the south-eastern boundaries being formed around Banbury Cricket Club. The southern boundary is defined by Wykeham Lane. The northern boundary abuts existing residential development on Sycamore Drive. The western boundary is defined by a hedgerow interspersed with a number of mature trees.

The application site forms part of the Banbury 17 allocation to the west of White Post Lane. Gladman have developed extensive evidence to support the planning application which demonstrates that the site complies with the provisions set out in Policy Banbury 17.

Gladman consider that the site will bring real benefits to the local area to support the creation of a mixed community whilst assisting Cherwell District Council in delivering its objectively assessed housing needs. The proposed development advocates the three principles of sustainable development and will provide numerous benefits to existing and future residents. These include;

- Delivering market housing to meet an identified need, in an area where there has been historical under-delivering;
- The application proposals would deliver 30% affordable housing.
- The site will deliver an extensive network of public open space comprising of a variety of elements totalling 45.5%. This will benefit existing community residents and future generations.
- The site is in both walking and cycling distance to numerous services and facilities within the settlement.
- New Homes Bonus of £2.1m and the wider economic benefits associated with construction and job creation.
- Ecological benefits through the protection and enhancement of existing wildlife corridors and the provision of new green infrastructure with the development.

I hope you have found this letter to be constructive. Should you have any queries in relation to our response please do not hesitate to contact us.

Yours faithfully

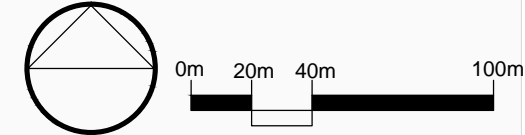
John Fleming

Gladman Developments Ltd

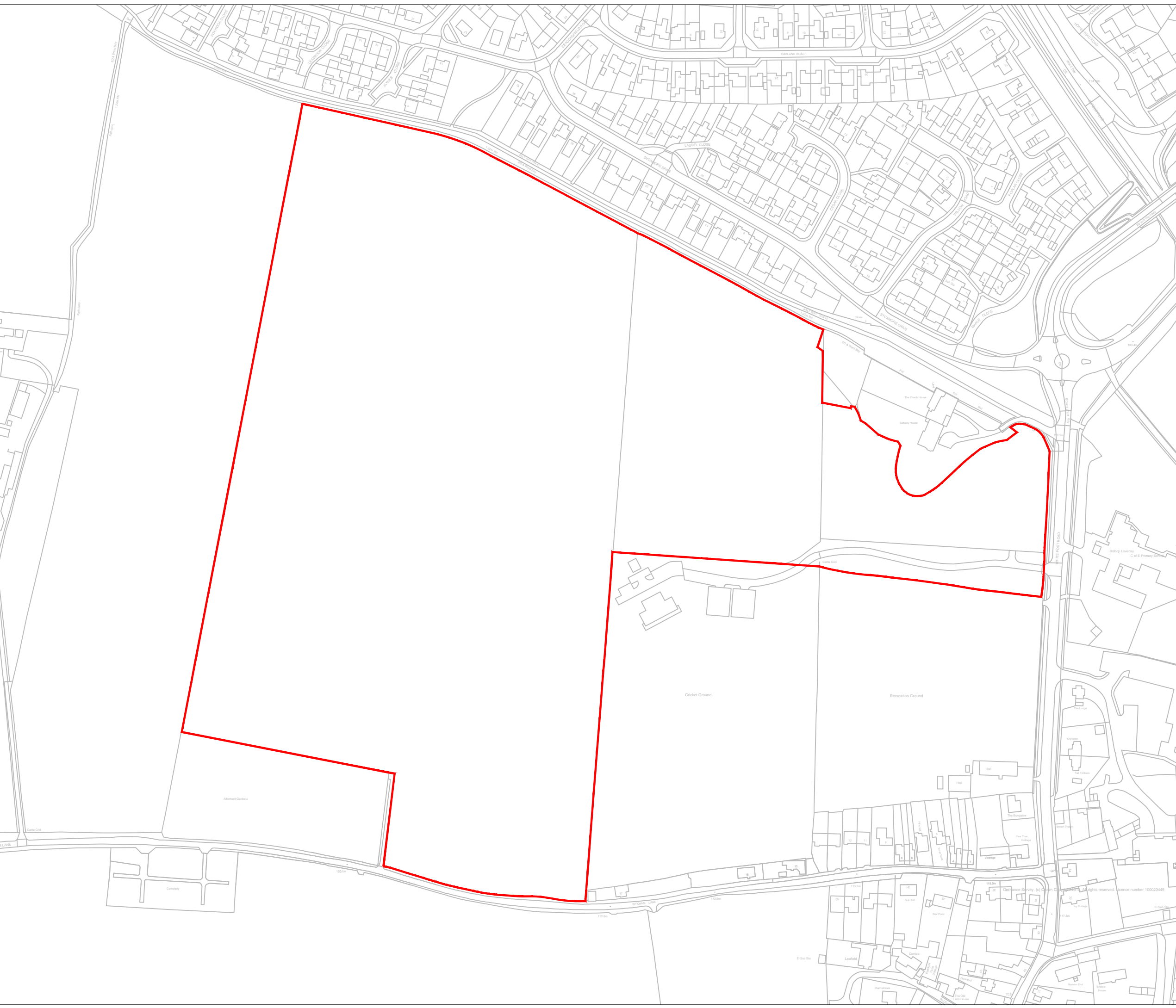
NOTES:
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No Dimensions to be scaled from this drawing.



KEY:
 Site Boundary



REV	DATE	NOTE	DRAWN	CHK'D
REVISIONS				

aspect landscape planning

TITLE
**White Post Road, Banbury
 Location Plan**

CLIENT
Gladman Developments Ltd

SCALE 1:2500@A3	DATE JUN 2015	DRAWN SLB
DRAWING NUMBER 5713/ ASP01		REVISION

Our ref:
Your ref:

Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

David Abbott
2nd Floor
Woodlands
Manton Lane
Bedford MK41 7LW

Direct Line: 01234 796221

25 November 2015

Dear Sir/Madam

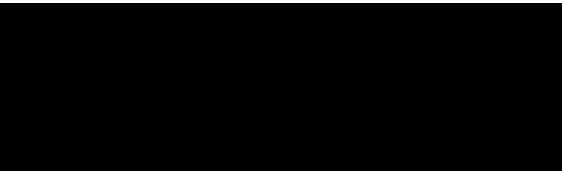
RE: Neighbourhood Area Application – Bodicote Parish, Cherwell District, Oxfordshire

Thank you for consulting us on your plan received on the 17 November 2015.

Highways England has reviewed the neighbourhood plan and has no comments to make at this time.

We look forward to continuing to work with you as your plan develops.

Yours faithfully,



David Abbott
NDD East Asset Development
Email: david.abbott@highwaysengland.co.uk

Date: 03 December 2015
Our ref: 171719



Public Protection & Development Management
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6JC

T 0300 060 3900

BY EMAIL ONLY

Dear Sir/Madam,

Neighbourhood Area Application – Bodicote Parish, Cherwell District, Oxfordshire

Thank you for notifying Natural England of/requesting information in respect of your Neighbourhood Planning Area dated 17/11/2015

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning. We must be consulted on draft Neighbourhood Development Plans where the Town/Parish Council or Neighbourhood Forum considers our interests would be affected by the proposals. We must be consulted on draft Neighbourhood Development Orders and Community Right to Build Orders where proposals are likely to affect a Site of Special Scientific Interest or 20 hectares or more of Best and Most Versatile agricultural land. We must also be consulted on Strategic Environmental Assessments, Habitats Regulations Assessment screening and Environmental Impact Assessments, where these are required. Your local planning authority will be able to advise you further on environmental requirements.

The following is offered as general advice which may be of use in the preparation of your plan.

Natural England, together with the Environment Agency, English Heritage and Forestry Commission has published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans and development proposals. This is available at: <https://www.gov.uk/consulting-on-neighbourhood-plans-and-development-orders>

Local environmental record centres hold a range of information on the natural environment. A list of local records centre is available at: <http://www.nbn-nfbr.org.uk/nfbr.php>

Protected landscapes

If your neighbourhood planning area is within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB), we advise that you take account of the relevant National Park/AONB Management Plan for the area. For Areas of Outstanding Natural Beauty, you should seek the views of the AONB Partnership.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. Their boundaries follow natural lines in the landscape rather than administrative boundaries, making them a good decision making framework for the natural environment.

<http://www.naturalengland.org.uk/publications/nca/default.aspx>

Protected species

You should consider whether your plan or proposal has any impacts on protected species. To help you do this, Natural England has produced standing advice to help understand the impact of particular developments on protected or Biodiversity Action Plan species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, you should undertake further consultation with Natural England.

[Natural England Standing Advice](#)

Local Wildlife Sites

You should consider whether your plan or proposal has any impacts on local wildlife sites, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) or whether opportunities exist for enhancing such sites. If it appears there could be negative impacts then you should ensure you have sufficient information to fully understand the nature of the impacts of the proposal on the local wildlife site.

Best Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. Paragraph 112 of the National Planning Policy Framework states that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'

General mapped information on soil types is available as 'Soilscapes' on the www.magic.gov.uk and also from the LandIS website; <http://www.landis.org.uk/index.cfm> which contains more information about obtaining soil data.

Opportunities for enhancing the natural environment

Neighbourhood plans and proposals may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Opportunities to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes should also be considered as part of any new development proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again at consultations@naturalengland.org.uk

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours faithfully

James Hughes
Consultations Team

