

[REDACTED]

From: Chris Gaskell [REDACTED]
Sent: 12 September 2014 08:01
To: Planning Policy
Subject: Mid-Cherwell Neighbourhood Plan Area Application

Kate,

I refer to your message below in respect of the above topic / locations and I can confirm that, at this present time, I have no comments to make.

Regards,

[REDACTED]
Chris Gaskell
Network Investment Engineer

Scottish and Southern Energy Power Distribution | 1 Woodstock Road, Yarnton, Kidlington, Oxfordshire, OX5 1NY, UK.

[REDACTED]
www.ssepd.co.uk

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From: "Planning Policy" <Planning.Policy@Cherwell-DC.gov.uk>
To: <Undisclosed recipients:>
Date: 10/09/2014 16:12
Subject: Mid-Cherwell Neighbourhood Plan Area Application

Dear Sir / Madam

Neighbourhood Area Application – Mid Cherwell, Cherwell District

Cherwell District Council has received an application for the designation of the following parishes as a Neighbourhood Area to be known as 'Mid Cherwell':

- Kirtlington Parish
- Duns Tew Parish
- Lower Heyford Parish
- Middleton Stoney Parish
- Somerton Parish
- Steeple Aston Parish
- Middle Aston Parish
- North Aston Parish

- Ardley with Fewcott Parish
- Fritwell Parish
- Upper Heyford Parish

The application has been made by Ardley with Fewcott Parish Council as lead parish for a consortium of parish councils, the Dorchester Group and Heyford Park Residents Association, under Regulation 5 of The Neighbourhood Planning (General) Regulations 2012. The application can be viewed on-line at: <http://www.cherwell.gov.uk/neighbourhoodplanning/> or at the District Council's offices at Bodicote House, Banbury.

The application is advertised for representations as to whether there is any reason why the District Council should not make the area designation.

Representations can be made in writing to the Head of Strategic Planning and the Economy, Cherwell District Council, Bodicote House, Banbury, OX15 4AA, or by email to planning.policy@cherwell-dc.gov.uk no later than 23 October 2014.

The application is the first formal step in preparing a Neighbourhood Development Plan and seeks designation of a group of parishes as the Neighbourhood Area. A Neighbourhood Development Plan is a community-led framework for guiding the future development, regeneration and conservation of an area. Those preparing plans are required to undertake Community and stakeholder consultation

The Plan must comply with European and national legislation, have appropriate regard to national policy and be in general conformity with strategic local planning policy. The Plan will be subject to an independent examination and a referendum. Upon completion, the Neighbourhood Development Plan will become part of the statutory development plan for the area.

Please do not hesitate to contact me if you have any questions.

Yours sincerely

Kate Gordon
Planning Officer

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By email: planning.policy@cherwell-dc.gov.uk

Our reference: 756

12 September 2014

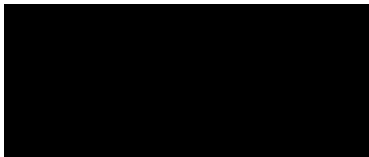
Dear Sir/Madam,

Re: Neighbourhood Area Application – Mid Cherwell, Cherwell District

Thank you for inviting the Marine Management Organisation (MMO) to comment on the above consultation. I can confirm that the MMO has no comments on this consultation as the geographical area it covers does not include any area of the sea or tidal river and is therefore not within our remit.

If you have any questions or need any further information please just let me know. More information on the role of the MMO can be found on our website www.gov.uk/mmo

Yours sincerely



Angela Gemmill
Relationship Manager

E stakeholder@marinemanagement.org.uk



INVESTORS
IN PEOPLE

From: Meera Loader [REDACTED]
Sent: 15 September 2014 08:54
To: Planning Policy
Cc: Nicola Mathers
Subject: FW: Neighbourhood Area Application - Mid Cherwell, Cherwell District

Dear Kate,

We have received your notification of an application for the designation certain parishes as a Neighbourhood Area to be known as 'Mid Cherwell'. Whilst it is not appropriate for Cabe to comment on individual applications we do encourage all forums and town and parish councils to put design at the heart of their plans and offer the following advice and support. Please do forward to your applicant.

Neighbourhood planning is a great opportunity to shape how your local area will change over time; using local knowledge to help address local issues whilst protecting the things that make your place special. Design can help you achieve this and we offer the following advice, based on our experience of supporting hundreds of planning documents across England.

1. Tell the story of your place

Telling the story helps everyone understand how the unique character of your area shapes the priorities for the future. Summarise the important history of your area; what have been the physical, economic, environmental and social influences? Describe who lives, works and visits here and what draws them here. Highlight the qualities and distinguishing features including individual buildings and spaces, views and the feel of the place. Explain how the place works including traffic and transport, jobs, schools, shopping, community facilities, green spaces and homes. Highlight how your place relates to neighbouring areas. Focus on the issues that are important locally and the opportunities for change.

2. Set the agenda

Be clear about what your vision is for your neighbourhood area for the period of your plan. Be positive and proactive about the future. What will it look and feel like? How will you have tackled problem issues? Who, how, when and where will you deliver the priority actions? Be explicit about how your expectations for the design quality of new or refurbished buildings and spaces. Think strategically – look at how different topics such as transport, public spaces, shops, jobs, housing support each other and what solutions and policies can impact on more than one issue.

3. Say it clearly

A good neighbourhood plan is written in language that people can understand. This can be a challenge for any planning document. Be clear, concise and use plain English. Tell a compelling story prioritising the important issues. Using maps, graphics and photos can help make the plan much easier to read and understand. Maps can illustrate information about the neighbourhood such as demographics, land uses and priority areas. Graphics can express ideas. Photos can highlight the special qualities of your place.

Cabe can support you in the development of your neighbourhood plan. We can help at any stage of the project from project planning, creating your vision, how to articulate your aspirations for design quality in new development to policy writing and evidence gathering. We offer qualified experts in your region in planning, housing, traffic and transport, high streets, community engagement, heritage, economics, public space, sustainability and mediation with key organisations.

Please have a [look at our brochure](#) for how we can help you. We can develop a package specifically for your project to meet your budget, that compliments the skills and knowledge you already have in your team.

If you have any questions please do get in touch, we'd be happy to hear from you.

Best wishes,
Nicola

From: Planning Policy [<mailto:Planning.Policy@Cherwell-DC.gov.uk>]
Sent: 12 September 2014 15:12
Subject: Neighbourhood Area Application - Mid Cherwell, Cherwell District

Dear Sir / Madam

Neighbourhood Area Application – Mid Cherwell, Cherwell District

Cherwell District Council has received an application for the designation of the following parishes as a Neighbourhood Area to be known as 'Mid Cherwell':

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The application is advertised for representations as to whether there is any reason why the District Council should not make the area designation.

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The Plan must comply with European and national legislation, have appropriate regard to national policy and be in general conformity with strategic local planning policy. The Plan will be subject to an independent examination and a referendum. Upon completion, the Neighbourhood Development Plan will become part of the statutory development plan for the area.

Please do not hesitate to contact me if you have any questions.

Date: 16 September 2014
Our ref: 131950
Your ref: Neighbourhood Area Application – Mid Cherwell



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

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

T 0300 060 3900

BY EMAIL ONLY

Dear Ms Gordon,

Neighbourhood Area Application – Mid Cherwell, Cherwell District

Thank you for notifying Natural England of/requesting information in respect of your Neighbourhood Planning Area dated 12/09/2014

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: <http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf>

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 sincerely

James Hughes
Sustainable Development Consultation Team

[REDACTED]

From: Marquiss Sally (NHS Property Services) [REDACTED]
Sent: 17 September 2014 08:56
To: Planning Policy
Subject: FW: Neighbourhood Area Application - Mid Cherwell, Cherwell District

Dear Kate

Can you please advise if there are any plans for this yet and whether or not there are any health facilities within the proposed areas.

We would like to be kept informed as this progresses.

Thank you

Sally Marquiss | Operational Commissioning and Projects Manager
South Region (North)

NHS Property Services Ltd

St Martin's Hospital, Clara Cross Lane, Bath BA2 5RP

[REDACTED]

@NHSPROPERTY | www.property.nhs.uk

From: Planning Policy [mailto:Planning.Policy@Cherwell-DC.gov.uk]
Sent: Thursday, September 11, 2014 3:15 PM
To: Ausareny Aneta (NHS Property Services)
Subject: Neighbourhood Area Application - Mid Cherwell, Cherwell District

Neighbourhood Area Application – Mid Cherwell, Cherwell District

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Please do not hesitate to contact me if you have any questions.

Yours sincerely

Kate Gordon
Planning Officer

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NHS Property Services Ltd, 451C Skipton House, 80 London Road, London SE1 6LH, Registered in England, No: 07888110

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[REDACTED]

From: Alan Hedges [REDACTED]
Sent: 03 October 2014 12:28
To: Planning Policy
Cc: Sue Muir
Subject: Neighbourhood Area Application – Mid Cherwell, Cherwell District
Attachments: Neighbourhood Planning advice from RTPI.docx

Dear Sir or Madam

We have some questions about the proposed Mid Cherwell area Neighbourhood Plan

I write on behalf of:

- Sue Muir, a Somerton parish councillor and
- myself, Alan Hedges, a resident of Upper Heyford village who has been involved in advising the Upper Heyford Parish Council about the threat of new development on the former RAF Upper Heyford site.

We also have the support of a group of Upper Heyford village residents.

We are in principle in favour of parishes developing Neighbourhood Plans, either individually or (as in this case) collectively.

Nevertheless there are features that concern us about the present application. These revolve round the very close involvement of a developer, The Dorchester Group, owner of the former RAF site, in the proposed plan. While developers, like any other local organisations or individuals, clearly have an important role in providing input to a Neighbourhood Plan we were concerned that in this case the developer was not only funding the Neighbourhood Plan (NP), but also proposing to act as a principal in the NP process, and indeed taking a controlling role in its procedures. It struck us and a number of our colleagues that this violates the important principle that someone with a direct financial interest should not be a full partner in a statutory decision-making process which relates directly to that interest.

We were sufficiently concerned to take expert advice on the matter. Sue Muir had correspondence with Kat Salter, Planning Advisor from Planning Aid England at the Royal Town Planning Institute. I attach a Word file containing the full texts of two emails from Planning Aid England, dated 8th August (Item A) and 1st September (Item B). Kat Salter was briefed about the situation at the outset by Sue Muir, and sent a copy of the letter of application submitted to yourselves by Ardley with Fewcott as lead parish.

The advice from Planning Aid England in both emails was that this application would not be acceptable for reasons they spell out, but mainly related to the developer's role. Kat Salter raised a number of interesting points - including the possibility of judicial challenge from other developers who might argue that Dorchester were getting preferential access to development decision-making.

Upper Heyford Parish Council also sought advice from Mike Gilbert, an independent Oxfordshire planning consultant, and his view was very similar, the conclusion again being that this would

not run.

We had also come to the same conclusion ourselves from your Neighbourhood Planning Protocol booklet.

We were therefore surprised that you seemed to accept the application without demur. We would be grateful to hear your responses to the points raised in the Planning Aid emails, and to the observations we have made above.

Yours faithfully

Sue Muir

Alan Hedges



P Please consider the environment before printing this email. Thank you

Item A

From: Kat Salter [REDACTED]

Sent: 08 August 2014 12:23

To: 'Sue Muir'

Subject: RE: Neighbourhood Planning advice

Hi Sue,

Thanks for your email.

This document will have no weight as the area is entirely Parished. The Government has recently published National Planning Practice Guidance which explicitly states that 'In a designated neighbourhood area which contains all or part of the administrative area of a town or parish council, the town or parish council is responsible for neighbourhood planning.' The developer (or any other organisation such as the residents association) would therefore not be accepted as a body to lead neighbourhood planning in an area that is Parished. Furthermore a Neighbourhood Forum cannot be established in Parished areas. Further information is available here: <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/who-leads-neighbourhood-planning-in-an-area/> If you did decide to proceed with a neighbourhood plan in this area the application could only be submitted by the 11 Parishes that make up the area and you would have to identify a lead Parish. The residents group and developers can then be involved in the process of developing the neighbourhood plan (as can everyone else within the area) but they cannot lead it.

As I have said neighbourhood planning is a right that communities can take up and there is nothing in legislation that says Parish Councils must develop a neighbourhood plan. Furthermore, in a multi-Parished area all Parishes must sign a consent form indicating that they wish to be included. It is for you to decide whether to give your consent.

The document identifies terms of reference for the neighbourhood plan and it is unclear how this strategy has been arrived at. As I advised your colleague Jo the neighbourhood plan will need to be based on robust evidence and the policies and approach justified. I therefore do not see how you can have identified the growth and distribution strategy without reviewing the evidence, the Policy context and seeking the views of the community.

I would advise that you speak to the Local Planning Authority and discuss your concerns with the Planning Officers. They will also be able to advise on the other methods you can use to engage with the developers and ways in which you can shape the development of the strategic site.

Kind regards,
Kat

Kat Salter
Planning Advisor
Planning Aid England
Royal Town Planning Institute
41 Botolph Lane

London
EC3R 8DL
Tel: 0203 206 1884
www.rtpi.org.uk/planningaid

Item B

From: Kat Salter [REDACTED]
Sent: 01 September 2014 10:49
To: 'Sue Muir'
Subject: RE: Re Heyford Park

Dear Sue,

Apologies for the delay in providing you with this additional information.

I have asked colleagues whether they can provide any examples of terms of reference between Parish Councils who are developing / have produced a neighbourhood plan. The best example is Upper Eden as this neighbourhood plan was produced by 17 Parish Councils. However, their supporting statement is quite short:

<http://uecp.org.uk/wp-content/uploads/2012/05/Upper-Eden-NDP-Area-Application.pdf>

I note that the draft terms of reference below is similar to the version you sent me on the 8th August and I have reattached my original response.

I would advise that you seek legal advice on the process and legal implications of a developer funding the neighbourhood plan. It is vital that independence is maintained between the neighbourhood plan and those with an interest in land within the area and in order to maintain this independence a separate independent fund may need to be established. I would advise that you discuss this with the Local Planning Authority as this process could be challenged by others (for example other developers) by way of Judicial Review of the Plan.

Planning Aid England have produced briefing notes which explain the various tools and mechanisms communities can use to engage in the planning system:

<http://www.rtpi.org.uk/media/686803/Existing-Tools-for-Neighbourhood-Planning.pdf>

<http://www.rtpi.org.uk/media/687360/Statutory-Tools.pdf>

<http://www.rtpi.org.uk/media/686914/Non-Statutory-Tools.pdf>

Cherwell District Council are currently consulting on main modifications to the Local Plan and this provides an opportunity for you to put forward any comments and / or concerns. In the document it is identified that the Former RAF base at Upper Heyford is a strategic site that will deliver 2361 homes over the Plan period. As discussed, I would advise you to discuss the proposed development with the LPA in order to identify what further

opportunities there will be for the local communities to influence the future development of this site, for example, will it be supported a masterplan, Area Action Plan or Supplementary Planning document?

http://www.cherwell.gov.uk/media/pdf/l/i/Proposed_Main_Modifications_Part_1_of_2.pdf

One of the basic conditions against which neighbourhood plans are assessed in general conformity with the adopted Local Plan. I would advise you to discuss with the LPA whether the proposed development of Upper Heyford is considered to be a strategic policy and what influence a neighbourhood plan would be able to have over the future development of this site. We have seen examples of LPAs excluding strategic sites from proposed neighbourhood plan areas and I would advise that you discuss whether Cherwell are likely to adopt this approach.

I understand that you are concerned that your fellow Parish Councils do not fully understand the neighbourhood planning process. Please feel free to forward on my advice. I would also suggest that you seek a meeting with the LPA and ask the officers to explain to all of the Parish Councils the neighbourhood planning process, the limitations of the neighbourhood planning approach and the other mechanisms and processes available for you to influence the future development of your area and the proposed redevelopment of the former RAF air base.

I hope that you find this information useful,

Kind regards,
Kat

Kat Salter
Planning Advisor
Planning Aid England
Royal Town Planning Institute
41 Botolph Lane
London
EC3R 8DL
Tel: 0203 206 1884
www.rtpi.org.uk/planningaid



The Coal
Authority



INVESTOR IN PEOPLE

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG
DX: 716177 Legal Mansfield 5

Telephone: 01623 637 119 (Planning Enq)

Email: planningconsultation@coal.gov.uk

Web: www.coal.decc.gov.uk/services/planning

Kate Gordon
Planning Policy
Cherwell District Council
[BY EMAIL ONLY: planning.policy@cherwell-dc.gov.uk]

13 October 2014

Dear Ms Gordon

Mid Cherwell Neighbourhood Plan – Consultation on Plan Area

Thank you for the email of the 10 September 2014 consulting The Coal Authority on the above.

The Coal Authority is a non-departmental public body which works to protect the public and the environment in coal mining areas. Our statutory role in the planning system is to provide advice about new development in the coalfield areas and also protect coal resources from unnecessary sterilisation by encouraging their extraction, where practical, prior to the permanent surface development commencing.

As you will be aware the Mid Cherwell group of parishes is outside of the defined coalfield and therefore The Coal Authority has **no specific comments** to make on the definition of the Neighbourhood Plan Area.

In the spirit of ensuring efficiency of resources and proportionality it will not be necessary to provide The Coal Authority with any future drafts or updates to the emerging Neighbourhood Plan. This letter can be used as evidence for the legal and procedural consultation requirements.

The Coal Authority wishes the Parish Council consortium every success with the preparation of the joint Neighbourhood Plan.

Yours sincerely


Miss Rachael A. Bust *B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MCMI, MRTPI*
Chief Planner / Principal Manager



ENGLISH HERITAGE

SOUTH EAST

Head of Strategic Planning and the Economy
Cherwell District Council
Bodicote House
Banbury, OX15 4AA

Our ref: HD/P5352/02/PC1
Your ref:
Telephone 01483 252040
Fax

16th October 2014

Dear Sir or Madam,

Proposed Mid-Cherwell Neighbourhood Plan Area

Thank you for your e-mail of 10th September giving notice that the Council has received an application for the designation of a number of parishes as a Neighbourhood Area to be known as "Mid Cherwell" under Regulation 5 of the Neighbourhood Planning (General) Regulations 2012.

English Heritage has no objection to the proposed Area application. However, we are a little surprised to see that the Dorchester Group is part of the consortium that will prepare the Plan if this is to be a community-led plan.

We would like to take the opportunity of your consultation to raise the following issues setting out the support English Heritage is able to offer in relation to Neighbourhood Plans.

Research has clearly demonstrated that local people value their heritage¹ and Neighbourhood Plans are a positive way to help them manage it. English Heritage wants to support you in helping communities protect what they care about.

English Heritage is expecting that as Neighbourhood Planning Fora such as the consortium for Mid-Cherwell come to you to seek advice on preparing Neighbourhood Plans they will value advice on how best to understand what heritage they have and assistance on preparing appropriate policies.

Information held by the Council and used in the preparation of your Core Strategy/ Local Plan is often the starting point for Neighbourhood Plans. Other useful information may be available from the Historic Environment Record Centres or local environmental and amenity groups. English Heritage also publishes a wide range of relevant guidance. Links to these can be found in the appendix to this letter.

Cont'd

¹ English Heritage, *Heritage Counts*, 2008

Plan preparation also offers the opportunity to harness a community's interest in the historic environment by getting them to help add to the evidence base, perhaps by creating and or reviewing a local heritage list, inputting to the preparation of conservation area appraisals and undertaking historic characterisation surveys.

English Heritage has a statutory role in the development plan process and there is a duty on either you as the Local Planning Authority or the Neighbourhood Planning Forum to consult English Heritage on any Neighbourhood Plan where our interests are considered to be affected (as well as a duty to consult us on all Neighbourhood Development Orders and Community Right to Build Orders, and on the Sustainability Appraisal/Strategic Environmental Assessment for the Plan if one is necessary).

English Heritage will target its limited resources efficiently. We will directly advise on proposals with the potential for major change to significant, nationally important heritage assets and their settings. Our local offices may also advise communities where they wish to engage directly with us, subject to local priorities and our capacity.

Of course the nature of the locally-led neighbourhood plan process is that the community itself should determine its own agenda based on the issues about which it is concerned. At the same time, as a national organisation able increasingly to draw upon our experiences of neighbourhood planning exercises across the country, our input, agreed on a case by case basis, can help those communities reflect upon the special (heritage) qualities which define their area to best ensure that optimum and sustainable outcomes are achieved.

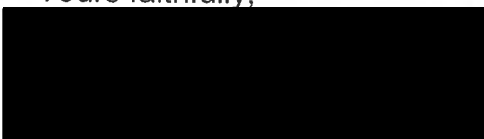
To this end information on our website might be of initial assistance
<http://www.english-heritage.org.uk/caring/get-involved/improving-your-neighbourhood/>

Should you wish to discuss any points within this letter, or if there are issues about this particular Neighbourhood Plan Area where the historic environment is paramount, please do not hesitate to contact me.

Could I respectfully ask that you please copy this response to Ardley-with-Fewcott Parish Council for the information of the consortium of which it is the lead parish.

Thank you.

Yours faithfully,



Martin Small
Historic Environment Planning Adviser (Bucks, Oxon, Berks, Hants, IoW, South Downs and Chichester)
E-mail: martin.small@english-heritage.org.uk

Appendix

The National Heritage List for England: a full list with descriptions of England's listed buildings: <http://list.english-heritage.org.uk>

Heritage Gateway: includes local records of historic buildings and features
www.heritagegateway.org.uk

Heritage Counts: facts and figures on the historic environment <http://hc.english-heritage.org.uk>

<http://www.english-heritage.org.uk/caring/get-involved/improve-your-neighbourhood/>
information on neighbourhood planning and the historic environment .

HELM (Historic Environment Local Management) provides accessible information, training and guidance to decision makers whose actions affect the historic environment.
www.helm.org.uk or www.helm.org.uk/communityplanning

Heritage at Risk programme provides a picture of the health of England's built heritage alongside advice on how best to save those sites most at risk of being lost forever.
<http://www.english-heritage.org.uk/caring/heritage-at-risk>

Placecheck provides a method of taking the first steps in deciding how to improve an area.
<http://www.placecheck.info/>

The Building in Context Toolkit grew out of the publication 'Building in Context' published by EH and CABE in 2001. The purpose of the publication is to stimulate a high standard of design when development takes place in historically sensitive contexts. The founding principle is that all successful design solutions depend on allowing time for a thorough site analysis and character appraisal of context. <http://building-in-context.org/toolkit.html>

Knowing Your Place deals with the incorporation of local heritage within plans that rural communities are producing,
<http://www.english-heritage.org.uk/publications/knowning-your-place/>

Planning for the Environment at the Neighbourhood Level produced jointly by English Heritage, Natural England, the Environment Agency and the Forestry Commission gives ideas on how to improve the local environment and sources of information.
<http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf>

Good Practice Guide for Local Heritage Listing produced by English Heritage uses good practice to support the creation and management of local heritage lists. <http://www.english-heritage.org.uk/caring/listing/local/local-designations/local-list/>

Understanding Place series describes current approaches to and applications of historic characterisation in planning together with a series of case studies
<http://www.helm.org.uk/server/show/nav.19604>

Oxford Character Assessment Toolkit can be used to record the features that give a settlement or part of a settlement its sense of place
<http://www.oxford.gov.uk/PageRender/decP/CharacterAppraisalToolkit.htm>

EASTGATE COURT 195-205 HIGH STREET GUILDFORD SURREY GU1 3EH

Telephone 01483 252000 Facsimile 01483 252001
www.english-heritage.org.uk

Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available



[REDACTED]

From: Jane Hennell [REDACTED]
Sent: 21 October 2014 15:04
To: Planning Policy
Subject: Mid Cherwell Neighbourhood plan designation
Attachments: Mid cherwell NP.docx

Dear Sir

Please find our comments in relation to the designation of the mid Cherwell Neighbourhood Plan Area. If this designation is agreed we look forward to working closely with the Parish Council consortium in the future.

Kind regards

Jane Hennell
Area Planner South

The Canal & River Trust
The Dock Office
Commercial Road
Gloucester
GL1 2EB

[REDACTED]

The Canal & River Trust is a new charity entrusted with the care of 2,000 miles of waterways in England and Wales. Get involved, join us - Visit / Donate / Volunteer at www.canalrivertrust.org.uk

Canal & River Trust is a charitable company limited by guarantee registered in England & Wales with company number 7807276 and charity number 1146792. Registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB.

Elusen newydd yw Glandŵr Cymru sy'n gofalu am 2,000 o filltiroedd o ddyfrffyrdd yng Nghymru a Lloegr. Cymerwch ran, ymunwch â ni - Ewch i Rhoddion a Gwirfoddoli yn www.glandwrcymru.org.uk

Mae Glandŵr Cymru yn gwmni cyfyngedig drwy warant a gofrestrwyd yng Nghymru a Lloegr gyda rhif cwmni 7807276 a rhif elusen gofrestrdig 1146792. Swyddfa gofrestrdig: First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB.

The Canal & River Trust is a company limited by guarantee and registered as a charity. It is separate from government but still the recipient of a significant amount of government funding.

The Trust has a range of charitable objects including:

- To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;
- To protect and conserve objects and buildings of heritage interest;
- To further the conservation, protection and improvement of the natural environment of inland waterways; and
- To promote sustainable development in the vicinity of any inland waterways for the benefit of the public.

Thank you for consulting us on the Mid Cherwell Neighbourhood Plan Designation. The Oxford Canal runs through the middle part of the plan area, affecting several parishes. We consider that the Oxford Canal can contribute to the vision and aims of the Neighbourhood Plan.

The canal & River trust consider the canals are multi-functional. The multi-functional roles of the waterways include: an agent of or catalyst for regeneration; a contributor to water supply and transfer, drainage and flood management; a tourism, cultural, sport, leisure and recreation resource; a heritage landscape, open space and ecological resource; sustainable modes of transport; and routes for telecommunications; supporting climate change, carbon reduction and sustainability. These multi-functional roles can support a vision and the aspirations for the area.

Several of our structures within the Neighbourhood Plan Area are Grade II listed and the Canal is a designated Conservation Area.

There are visitor moorings at various points in the area.

Our aspirations for our infrastructure within the neighbourhood plan area could include: towpath and access enhancements; biodiversity projects; water quality improvements; waterway wall repairs; mooring enhancements; bridge and lock repairs; installing bank protection; angling enhancements etc.

It is hoped these comments are of assistance and we look forward to commenting on future consultations in due course.



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www.gladman.co.uk

Strategic Planning
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA

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

23rd October 2014

Re: Mid Cherwell – Application for Neighbourhood Area Designation

Dear Sirs,

Gladman Developments specialise in the promotion of strategic land for residential development with associated community infrastructure. This letter provides Gladman's representations on the application made for the designation of a Neighbourhood Area, for Mid Cherwell, for the purposes of preparing a Neighbourhood Development Plan.

Neighbourhood Plan Area

Gladman note that the proposed Neighbourhood Plan Area covers 11 Parish Areas. Gladman are concerned by and object to the vast extent of the proposed neighbourhood plan area. Gladman contend that it is not appropriate for a neighbourhood plan to cover 11 Parishes such as this.

Whilst Gladman note that a statement explaining why the area is considered appropriate to be designated as a neighbourhood area has been submitted to the local planning authority (as required by the regulations), Gladman do not consider the rationale within this justifies the vast scale of the proposed area. In fact if anything this demonstrates the intentions of the neighbourhood plan which are contrary to national policy.

This statement outlines that *"Through the Neighbourhood Plan process, the partner Parish Council's will seek to ensure that the majority of new development is directed to the Upper Heyford Site in order to protect the rural communities from speculative and inappropriate development proposals which, if approved, would result in the degradation of these rural communities and result in unsustainable patterns of development."* Gladman object to this statement, neighbourhood plans should not be used as a mechanism to restrict development in this manner. This statement in itself

outlines the clear intentions of the Parish Council's preparing this neighbourhood plan, which seeks to prevent development within these rural settlements by directing the majority of development to the Upper Heyford site.

Gladman contend that the settlements in these rural Parishes will have their own housing needs and the neighbourhood plan should not be used as a means to direct development away from these settlements to the Upper Heyford site. The proportion of housing growth to be directed to Upper Heyford (proposed through the Cherwell Local Plan) does not relate to addressing the needs of these rural settlements and as such they will require their own degree of sustainable housing growth. Sustainable Development in these rural settlements is essential in order to ensure they remain or become vibrant and thriving places to live, providing a good quality of life to their residents.

Gladman strongly disagree with the justification statement outlined previously, which infers that development in these rural settlements will result in unsustainable patterns of development. This is a blanket assumption and is not true. Gladman remind the Council of the need to consider the three dimensions of sustainable development, as outlined in paragraph 7 of the Framework. Gladman contend that development within these rural communities is needed and would conform to current national policy. The Planning Practice Guidance reinforces the approach of the Framework, stressing the importance that the Government attaches to the role of housing in supporting the broader sustainability of villages and smaller settlements. In the section entitled "*How do local authorities support sustainable rural communities?*" it makes clear that all settlements can play a role in delivering sustainable development in rural areas and that blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided (unless supported by robust evidence).

Gladman strongly object to the proposal to designate this area for the purpose of a neighbourhood plan. This is wholly inappropriate and has clearly been derived in order to prevent any development from coming forward within these rural settlements. Sustainable housing growth in these areas is necessary and would conform to national policy. The Framework is clear that neighbourhood plans should not be used to restrict development; they are required to plan positively for new development enabling sufficient growth to come forward in order to meet the needs of the area.

Neighbourhood Plans - Guidance and Legislation

Notwithstanding the above objection to the proposed neighbourhood plan area designation, as the first formal stage of preparing a Neighbourhood Plan, Gladman would like to take the opportunity to highlight a number of key requirements to which the development of the emerging Neighbourhood Plan should have regard. If this neighbourhood plan area designation is accepted and plan preparation proceeds (which Gladman strongly believe should not happen) Gladman wish to participate in the Neighbourhood Plan's preparation and to be notified of further developments and consultations in this regard.

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 guidance set out in the Framework has now been supplemented by the recently published Planning Practice Guidance (PPG) on Neighbourhood Plans.

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. When a Local Plan is emerging or is yet to be found sound at

Examination, there will be lack of certainty over what scale of development a community must accommodate or the direction the policies in the Neighbourhood Plan should take.

Although the Neighbourhood Plan section of the PPG indicates that Neighbourhood Plans can be advanced before an up-to-date Local Plan is in place, Gladman would strongly question the ability to progress a Neighbourhood Plan on this basis. If a Neighbourhood Plan is progressed prior to an up-to-date Local Plan being prepared, or the strategic policies and development requirements set out in an emerging Local Plan change, then the work on the Neighbourhood Plan is likely to be abortive. A Neighbourhood Plan cannot be consistent with the requirements of the Framework or the meet the Neighbourhood Plan Basic Conditions if it is progressed on a development plan that is out-of-date.

The Cherwell Local Plan was submitted for Examination on the 31st January 2014, and is currently going through the Examination process. Following the conclusion of the initial hearings in June 2014, the inspector suspended the examination due to his findings that the submitted plan housing requirement did not reflect the most up-to-date objective assessment of needs, that was instead provided by the 2014 Oxfordshire SHMA. The Council are now in the process of revising the submitted strategy in order to deliver the full requirements set out in the 2014 SHMA. Gladman Developments have actively taken part in the ongoing Examination of the Cherwell Local Plan, and note that hearings are scheduled to resume in December 2014.

There is currently no sound or up-to date Plan against which the Mid Cherwell Neighbourhood Plan could be prepared. Despite this the Cherwell Local Plan is at a very advanced stage in the Plan making process, and therefore its strategy and evidence should provide the strategic context for neighbourhood planning within the local planning authority.

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.

Should you have any queries in relation to our response please do not hesitate to contact us.

Yours faithfully

Nicole Penfold
Gladman Developments