

# **Bloxham Neighbourhood Development Plan**

## **Independent Examiner's Report**

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## Summary

I have been appointed as the independent examiner of the Bloxham Neighbourhood Development Plan.

Bloxham is the second largest village within Cherwell District. Together with a wealth of historic buildings, it boasts a number of businesses and services and attracts visitors to see its Church and Museum amongst other things and to enjoy literary and music festivals.

Although recognising the need for growth and development, the Plan seeks to ensure that future growth is managed so that the unique attributes of the Parish and its character are respected and that infrastructure is provided appropriately.

Further to consideration of the policies in the Plan I have recommended a number of modifications that are intended to ensure that the basic conditions are met satisfactorily and that the Plan is clear and consistent.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Cherwell District Council that the Bloxham Neighbourhood Development Plan go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI, Chartered Town Planner  
Ann Skippers Planning  
7 July 2016



## 1.0 Introduction

This is the report of the independent examiner into the Bloxham Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

Bloxham is described as an entrepreneurial village with an estimated 250 plus businesses.<sup>1</sup> As well as being a hub for economic activity, it attracts visitors to see its Church, visit the Museum and other buildings and attractions, to visit a range of services and to enjoy literary and music festivals. A variety of issues to address have been identified alongside attributes of the village that the Plan seeks to ensure are protected and wherever possible enhanced.

## 2.0 Appointment of the independent examiner

I have been appointed by Cherwell District Council (CDC) with the agreement of the Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors and have examined a number of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

## 3.0 The role of the independent examiner

The examiner is required to check<sup>2</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation

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<sup>1</sup> Basic Conditions Statement page 9

<sup>2</sup> Set out in paragraph 8 (1) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

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

The basic conditions<sup>3</sup> are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in primary legislation and referred to in the paragraph above. This is:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site<sup>4</sup> or a European offshore marine site<sup>5</sup> either alone or in combination with other plans or projects.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>6</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements or
- The neighbourhood plan can proceed to a referendum subject to modifications or

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<sup>3</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

<sup>4</sup> As defined in the Conservation of Habitats and Species Regulations 2012

<sup>5</sup> As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>6</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Cherwell District Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

## **4.0 Compliance with matters other than the basic conditions**

I now check the various matters other than the basic conditions set out above in section 3.0 of this report.

### **Qualifying body**

Bloxham Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### **Plan area**

The Plan area is coterminous with the Parish Council administrative boundary. Cherwell District Council approved the designation of the area on 3 June 2013. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 6 of the Plan.

### **Plan period**

The front cover of the Plan clearly states that the period for the Plan is 2015 -2031 and so this requirement is satisfactorily met.

### **Excluded development**

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also confirmed in the Basic Conditions Statement (BCS).

### **Development and use of land**

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the

community's priorities for the future of their local area, but are not related to the development and use of land. Where I consider a policy or proposal to fall within this category, I have recommended it be moved to a clearly differentiated and separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>7</sup> Subject to any such recommendations, this requirement can be satisfactorily met.

## 5.0 The examination process

It is useful to bear in mind that the examination of a neighbourhood plan is very different to the examination of a local plan. I am not examining the Plan against the tests of soundness used for Local Plans,<sup>8</sup> but rather whether the submitted Plan meets the basic conditions, Convention rights and the other statutory requirements. I have set out this role in some detail earlier in this report.

The general rule of thumb is that the examination will take the form of written representations.<sup>9</sup> However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. After consideration of the documentation and all the representations, I decided that neither circumstance applied and therefore it was not necessary to hold a hearing.

The submission (Regulation 16) consultation was carried out between 27 November 2015 and 22 January 2016 sensibly allowing more time over the festive period. This attracted a number of representations which I have carefully considered and taken into account in preparing my report. On occasion I refer to a specific representation, but I have not felt it necessary to comment on each of them. In accordance with the statutory requirements I have focused on giving reasons for any recommendations I make.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

During the course of the examination I clarified a number of factual matters. The list of my questions is appended to this report and included a request for a map showing the amenity green spaces referred to in the Plan. The responses to this request are publicly available. I would like to record my thanks for the helpful and quick responses that I received from the officers at CDC and the Parish Council.

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<sup>7</sup> PPG para 004 ref id 41-004-20140306

<sup>8</sup> NPPF para 182

<sup>9</sup> Schedule 4B (9) of the Town and Country Planning Act 1990

I undertook an unaccompanied site visit to the neighbourhood plan area on 22 May 2016.

I would also like to record my appreciation of the presentation of documents to me from CDC which was exemplary.

## **6.0 Consultation**

A Consultation Statement has been submitted which provides details of the engagement process and meets the requirements of the Regulations. A lot of information is contained in the Consultation Statement, its appendices and on the Parish Council website.

The Plan has built upon an earlier Parish Plan. A number of events were held and ranged from presence at events such as BloxFest or more formal meetings.

Three Working Groups considering housing and landscape, infrastructure and business and recreation and leisure were established to lead on these issues.

Four separate questionnaires were developed including one specifically aimed at young people and one at businesses. What is described as the “full questionnaire” sent to all homes and businesses in the village in Spring 2014 attracted a response rate of about 45%.

Publicity and information about the Plan were also made available through a bespoke website, use of the Bloxham Broadsheet website, newspapers and leaflet drops.

Pre-submission (Regulation 14) consultation took place between 10 January and 22 February 2015. A summary of the responses received from some 140 individuals, organisations and other bodies is to be found in Appendix 1.

It is clear that various and numerous efforts have been made to engage the community and that these efforts have taken place over a long period of time. I am confident that the submission version of the Plan has been the result of sustained effort and consultation.

## **7.0 The basic conditions and human rights**

### **Regard to national policy and advice**

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the



presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.<sup>10</sup>

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.<sup>11</sup>

On 6 March 2014, the Government published a suite of planning guidance. This is an online resource available at [www.planningguidance.planningportal.gov.uk](http://www.planningguidance.planningportal.gov.uk). The planning guidance contains a wealth of information relating to neighbourhood planning and I have had regard to this in preparing this report. This is referred to as Planning Practice Guidance (PPG).

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.<sup>12</sup>

PPG indicates that a policy should be clear and unambiguous<sup>13</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.<sup>14</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>15</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>16</sup>

The Basic Conditions Statement sets out how the Plan has responded to national policy and guidance, focusing on the core principles of the NPPF.

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<sup>10</sup> NPPF paras 14, 16

<sup>11</sup> *Ibid* para 184

<sup>12</sup> *Ibid* para 17

<sup>13</sup> PPG para 041 ref id 41-041-20140306

<sup>14</sup> *Ibid*

<sup>15</sup> *Ibid* para 040 ref id 41-040-20160211

<sup>16</sup> *Ibid*

## **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole<sup>17</sup> constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.<sup>18</sup>

A Sustainability Report has been produced by the Group. It rightly confirms on the front cover that this is not a Sustainability Appraisal (SA). It is important that it does so because it does not in itself meet the requirements of a formal Strategic Environmental Assessment (SEA) or SA and I would be concerned if other Groups took it as a basis for formal SEA or SA and some could unintentionally do so given some of the language used and diagrams contained within it. Nevertheless it is sufficiently clear that the report is not a SA or SEA. It demonstrates that the Parish Council has kept sustainability issues in mind all the way through the evolution of the Plan.

The Basic Conditions Statement also includes a section detailing how the Plan contributes to sustainable development. Whilst a little more detail about the specifics would have been welcomed, the commentary provided is straightforward and deals with the topic headings detailed in the NPPF.

## **General conformity with the strategic policies in the development plan**

The Plan evolved in the context of the Local Plan 1996. However, the development plan now consists of the Cherwell Local Plan 2011 - 2031 Part 1 (LP) which was adopted on 20 July 2015 together with various other documents including the saved and retained policies of the Local Plan 1996 (LP 1996) which are detailed in Appendix 7 of the LP. CDC has helpfully confirmed that they do not consider any of the saved policies of the LP 1996 which have been retained to be strategic in nature.

I note that a partial review of the LP is underway and concerns Oxford's unmet housing need. In addition an 'issues' consultation on the LP Part 2 was undertaken earlier this year. This will contain detailed policies to assist the implementation of strategic policies in Part 1 of the LP and development management and will also, I understand, identify smaller, non-strategic development sites.

It is important to be clear that the basic conditions relate to the adopted development plan rather than any emerging plan. This has been confirmed by judgments handed down from the Courts.<sup>19</sup> However, it is common sense that the Plan's evolution has an eye to future policy produced at District Council level and it is clear that the Plan has tried to do this.

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<sup>17</sup> NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

<sup>18</sup> *Ibid* para 7

<sup>19</sup> *BDW Trading v Cheshire West and Chester Borough Council* [2014] EWHC 1470 and *R. (Gladman Developments Ltd) v Aylesbury Vale District Council* [2014] EWHC 4323 (Admin)

It is also important to note it is widely accepted that a neighbourhood plan can be developed before or at the same time as the production of a local plan.<sup>20</sup> There is therefore no need as some representations suggest, for the Plan to ‘wait’ until LP Part 2 has been adopted.

The Basic Conditions Statement<sup>21</sup> refers to the situation that for much of time the Plan was being developed, it was the LP 1996 that was the relevant development plan. The Parish Council has clearly tried to ensure that all documents are updated to reflect the adoption of the LP in July 2015. The BCS encourages readers to read any references to the “Adopted Plan (1996)” as “the Past Plan (1996)”. This is not correct as the saved and retained policies of the LP 1996 still form part of the development plan. This then should be changed in the interests of accuracy so that the BCS cannot be open to allegations of being misleading.

References to “Past Local Plan (1996)” also appear in the Plan itself and this requires amendment in the interests of accuracy. A check should also be carried out to make sure that any such policies referred to in the neighbourhood plan remain extant after the adoption of the LP last July.

**The following modifications are therefore recommended and apply throughout the Plan:**

- **Change any references to “Past Local Plan (1996)” to “Local Plan 1996” and ensure that it is clear that the saved and retained policies of the Local Plan 1996 are part of the development plan for the area**
- **Ensure that any Local Plan 1996 policies referred to in the neighbourhood plan remain extant after the adoption of the LP Part 1 (see Appendix 7 of the LP) and remove any references to policies which have not been retained**

Moving on from this issue, the BCS only considers the strategic objectives of the LP and not any specific policies. Therefore the BCS is deficient. However, this does form part of my own assessment and therefore despite this, I am able to carry out the examination.

### **European Union Obligations**

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

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<sup>20</sup> PPG para 009 ref id 41-009-20160211 and Gladman Developments Ltd v Aylesbury Vale District Council [2014] EWHC 4323 (Admin)

<sup>21</sup> Basic Conditions Statement page 12

## **Strategic Environmental Assessment**

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

Cherwell District Council issued a screening opinion on 9 September 2015 which confirmed that the Plan is unlikely to result in significant environmental effects. Whilst I accept points made in representations that the screening assessment could have taken place earlier in the process, the screening statement has nevertheless been prepared with the requirements set out in Regulation 9 of the Regulations. This included the requirement to consult the three statutory bodies namely the Environment Agency, Historic England and Natural England; all three bodies concur with the conclusion a SEA is not needed. I have taken the screening statement to be the statement of reasons. I am therefore satisfied that the requirements in this respect have been satisfactorily met.

## **Habitats Regulations Assessment**

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identified whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.<sup>22</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

The Sustainability Report and BCS consider whether there is a need to prepare a HRA. As there are no European sites in or near to the Plan area, it was considered that there was no requirement for such an assessment. No objection indicates that any European site would be or might be affected by the Plan and no such site has been identified in or in close proximity to the Parish. I am therefore satisfied that the Plan is not likely to have a significant effect on any such site.

## **European Convention on Human Rights (ECHR)**

The BCS contains a short statement about human rights. I consider that the Plan has had regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. There is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it.

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<sup>22</sup> PPG para 047 ref id 11-047-20150209

## 8.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. As a reminder, where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is well presented with the vision right at the start of the Plan. This is followed by a comprehensive table of contents to help readers find their way around the document.

As a general comment the Plan is interspersed with photographs or shots of the covers of documents or information from studies; this adds a unique style to the Plan, but whether it is my failing eyesight or not, I did find many of these very hard to read and see properly. May I therefore suggest that the inclusion of this material at a larger scale is considered? This is not a recommendation that I need to make to ensure the Plan meets the basic conditions.

The front cover of the Plan makes reference to the Sustainability Report and indicates that the Plan should be read in conjunction with it. The Plan should be a freestanding document and given the contents of the Sustainability Report it is not necessary or appropriate for this given the stage the Plan has now reached. It is also referred to as Appendix 1, but it is more akin to a supporting evidence document. Therefore in order to provide the practical framework national policy and guidance seeks, this reference on the front cover should be deleted.

**The following modification is therefore suggested:**

- **Delete the words “This should be read in conjunction with the Separate Appendix 1 – The BNDP Sustainability Report” from the front cover of the Plan**

## 1. Foreword

This section helpfully and clearly sets the scene for the Plan explaining the background to the Plan and setting out the stages of plan making. It explains the status of the Plan once it has been adopted.

I find the phrase “We seek to build upon recent unplanned development...” in the Foreword a little odd and I am unsure what it means. This could be more positively worded perhaps to acknowledge that the Plan seeks to support new development by ensuring it is achieved in a manner that respects the rural heritage and which is sustainable.

Section 1.1 indicates that the stages and timeline the Plan has been through and of course will need some updating as the Plan reaches the latter stages.

Section 1.2 summarises the basic conditions and there is always a danger that they are lost in translation; I do not think that is the case here, but the second bullet point could be made more precise and accurate as CDC indicates and there could be some doubt as to what the phrase “strategic local policy” means.

Section 1.3 refers to the importance of reading the Sustainability Report alongside the Plan indicating it “greatly clarifies the context of the Plan”. Given my earlier recommendation that the Plan needs to stand on its own two feet and the Sustainability Report is essentially a contextual and evidence base for the Plan, this section should be reworded to ensure that the Sustainability Report does not assume the status of the Plan.

**Therefore the modifications suggested are:**

- **Reword the second sentence in paragraph two on page 4 of the Plan to read: *“We seek to support new sustainable development which respects our rural heritage.”***
- **Update section 1.1 as necessary for the final version of the Plan**
- **Reword the second bullet point in section 1.2 on page 5 to read: *“is in general conformity with the strategic policies contained in the development plan for the area”***
- **Reword section 1.3 on page 5 of the Plan to read: *“We have produced a Sustainability Report which sets out further contextual information about the policies in the Plan and forms part of the evidence base for it. The report is available at...”***

## **2. Our Bloxham**

The Plan area is coterminous with the Parish area and is shown on a map on page 6 of the Plan. I consider it would be helpful if the heading for the map could also make it clear that the Plan area is the same as the Parish area and that the map is included at a larger scale so that it is more readily deciphered.

The section details the history, key issues and some of the challenges facing the Parish today.

CDC point out that the reference at the bottom of page 5 is inaccurate and this should be changed.

Reference is made to the “past” adopted Local Plan 1996 on page 6 of the Plan. As previously explained this is inaccurate as the LP 1996 remains part of the development plan at the time of writing.

Oxfordshire County Council (OCC)<sup>23</sup> refer to paragraphs 2.5.1 and 2.5.2 on page 11 of the Plan and indicate there are no plans to revise catchment areas and that with the passage of time since the draft Plan was written feasibility work has begun on the expansion of Warriner School. In the interests of accuracy, both these paragraphs should be revised to take account of OCC comments so that they reflect the most up to date position given reference is made in the text to OCC.

**The following modifications are therefore recommended:**

- **Add “*and Plan area*” to section 2.1 heading and include the map at a larger scale**
- **Delete “Part 2, S.5(1)” from the final bullet point on page 5 of the Plan**
- **Delete the word “past” before “adopted Local Plan (1996)” on page 6 of the Plan**
- **Revise paragraphs 2.5.1 and 2.5.2 to reflect the most up to date information from Oxfordshire County Council**

### **3. Our voice**

Section 3 offers a summary of the engagement which has taken place and rightly draws attention to the greater detail contained in the Consultation Statement. The summary offers a useful insight to the work that has been sustained over a long period of time.

The second part of the section highlights key issues raised by residents which emerged from the consultation phases. Not all are strictly development and use of land issues, but most are related and as an account of the issues of most concern to residents this is a useful and succinct summary.

### **4. A vision for Bloxham**

The clearly articulated vision states:

“Bloxham will appeal to people of all stages of their lives as a great place to live, work and visit. It will be a village that strives to maintain and improve a high quality of social, economic and environmental wellbeing by meeting the challenges of the future whilst properly respecting our historic rural past.”

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<sup>23</sup> See OCC representation of 21 January 2016

## 5. Themes and objectives

Four themes have been identified from the issues and challenges. These are:

- Deliver the houses the village needs
- Protect and enhance our rural heritage
- Promote economic vitality
- Ensure a safe, healthy, cohesive community

Each theme is underpinned by a number of objectives; all are clearly articulated and reflect the concerns and priorities of the community.

Reference is made to a “Conservation Area document” in Theme 2, objective A. It is not clear to me what this refers to although I suspect it is the Conservation Area Appraisal. If this is the case, then it would be preferable to give the full title of the document and to indicate that account will be taken of it rather than all developments need to fully accord with it as this then becomes a policy statement and the appraisal document is not a policy document. Of equal importance is that the objective should better reflect the statutory provision. Therefore I have recommended a reworded objective to address these points.

**The modification recommended is:**

- **Change objective A in Theme 2 to read: “All developments in the Conservation Area should protect or enhance its character or appearance and take account of the latest Conservation Area Appraisal.”**

## 6. Policies

### Theme 1 Deliver the houses the village needs

The LP seeks to boost the supply of housing in line with national policy and to that end 22,840 homes are provided for over the LP plan period to 2031. Of this figure, some 5,392 houses are to be provided in the rural areas (LP Policy BSC 1 refers). The LP recognises that a substantial amount of housing in the rural areas has already taken place in recent years, but that some further development is needed.

Policy Villages 1 of the LP identifies the most sustainable villages (Category A) where minor development (typically a site for less than 10 dwellings) within built up limits will, in principle, be supported through minor development, infilling and conversions. CDC<sup>24</sup> advise that some 754 dwellings are anticipated through this policy as “windfalls”.

LP Policy Villages 2 provides for a further 750 homes to be provided within or outside the built up limits of Category A villages and this figure does not include windfalls. The

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<sup>24</sup> See CDC representation



base date is 31 March 2014. This provision will usually be for 10 or more dwellings on identified sites. The LP explains that these sites will be identified through neighbourhood plans, in the Local Plan Part 2 or through planning applications. The LP makes it clear that this is in addition to previously approved sites. The housing figures reflect the need within the District itself. At the time of writing, an Issues Consultation on Part 2 of the Local Plan has been held.

Bloxham is the second largest village in the District and is identified as a Category A service village in the LP. I understand that the Plan and its supporting documents seek to challenge this categorisation. Nevertheless the strategy in the LP has identified Bloxham as a Category A service village. This means that Bloxham has been identified in LP Policy Villages 1 as being suitable for minor development, infilling and conversions, but the LP explains that the appropriate form of development will depend on the character of the village and development in the immediate locality.

A table on page 19 of the Plan details the major developments that have been approved. CDC<sup>25</sup> indicate that clarification is required as an allocation of 750 dwellings has been made for new sites of ten or more units in the rural areas including Kidlington in LP Policy Villages 2 and an additional allowance of 754 homes is made for sites of less than ten dwellings “windfalls”. It would be unfortunate if the table were to be construed as misleading in any way and so a modification is suggested to help address any concern.

The same point applies to the last paragraph on page 20; this paragraph specifies that Bloxham will accommodate at least 220 new dwellings over the Plan period, but recognises the situation outlined above that 135 of those dwellings fall outside the base date for either this Plan or indeed the LP. As a result the paragraph could also be construed as misleading and so requires modification.

The opportunity for the Plan to continue to be misinterpreted is continued at the top of page 21. This paragraph indicates that given the community’s concerns about the capacity of infrastructure including the transport system and the availability of places at the primary school, a policy supporting some 85 dwellings which have already been approved and infill, conversion and minor development “will be seen as in conformity with the NPPF and with the adopted Local Plan (2015).”

Bloxham has had a considerable amount of development over recent years; indeed at my site visit I could see a number of new estates and construction work was being undertaken at various sites. I also recognise the community’s concerns about the ability of infrastructure in its many forms to cope with new development. I note that one of the criteria in LP Policy Villages 2 relates to the necessary infrastructure being provided and this should help to address the community’s concerns in this respect.

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<sup>25</sup> See CDC representation

OCC point out<sup>26</sup> that the figure for accidents involving pedestrians and cyclists given on page 20 of the Plan is 10% rather than 46%. In the interests of accuracy, this should be checked and if confirmed, the figure changed.

**In the interests of accuracy and clarity, the following modifications are recommended:**

- **Change the text in red in the table on page 19 to read:**

*“Permissions granted before March 2014 are not included in the Local Plan numbers of 750 dwellings on new sites of ten or more units allocated in the rural areas or in the additional allowance of 754 homes in the rural areas for sites of less than ten units.”*

- **Change the last paragraph on page 20 to read:**

*“During the creation of this Plan three major developments highlighted in the table on page 19 have been granted permission and amount to 220 new homes. However, permissions granted before March 2014 are not included in the Local Plan numbers of 750 dwellings on new sites of ten or more units allocated in the rural areas. Therefore 85 dwellings count towards the housing requirements that Bloxham will contribute in the current Local Plan period in respect of Local Plan Policy Villages 2. In addition small site windfalls within the built up limits of the village will also make a contribution to the additional allowance of 754 homes in the rural areas for sites of less than ten units.”*

- **Change the first paragraph on page 21 to read:**

**“Given the emphasis the NPPF, the NPPG and the adopted Local Plan place upon infrastructure and sustainability, residents are confident that a policy to include a major development of 85 recently approved dwellings (Policy BL1) plus additional sustainable development by infill, conversion and minor development (Policy BL2) will be seen as making a significant contribution to boosting housing supply and the dwellings numbers outlined in the Local Plan. A significant aim of this NDP is to ensure that in future years Bloxham can truly be said to be a sustainable village.”**

- **Check the figure for accidents on page 20 and update the % figure as necessary**

## **Policy BL1**

Policy BL1 supports detailed proposals (or reserved matters) for a development on land to the south of Milton Road where such proposals comply with the detailed policies of the Plan. Outline planning permission has been granted<sup>27</sup> for a scheme of up to 85

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<sup>26</sup> See CDC representation

<sup>27</sup> Planning application 14/01017/OUT

dwellings on this site. The restriction on “up to” 85 dwellings even though in line with the outline grant of permission may prevent acceptable schemes for more houses on this site springing from detailed work or a design-led solution from being supported.

In addition, the policy despite indicating the need for any scheme to comply with the other policies of the Plan could be interpreted as offering unconditional support for a detailed scheme and this would potentially pre-determine any planning application. Any reserved matter or other proposal for this site would be assessed against the policies in this Plan in any case.

Therefore the policy as currently worded does not provide the practical framework sought by the NPPF and may even prevent the achievement of sustainable development. It does not meet the basic conditions.

However, it is important to recognise that the Plan supports development on this site. Even though it has outline consent, this permission may lapse over the lifetime of the Plan. For that reason a policy should be included in the Plan to recognise the support for development on this site and this would also make a contribution to, and be in general conformity with, LP Villages 2. In the interests of clarity the site should be shown on a plan that accompanies the policy.

**The modifications recommended are:**

- **Reword Policy BL1 to read:**

***“Development of approximately 85 dwellings is supported to the south of Milton Road as shown on Map XX subject to compliance with the other policies of this Plan.”***

- **Insert a map of the site south of Milton Road which clearly identifies the site alongside the policy**

## **Policy BL2**

Policy BL2 refers to the previous policy which supports development of 85 or so dwellings on land to the south of Milton Road. It then supports conversions, infilling and minor development within the existing built up limits reflecting LP Policy Villages 1.

With regard to the details of Policy BL2, criterion a. seeks to restrict development to typically five dwellings or fewer. Although the LP indicates in the supporting text to LP Policy Villages 1 that minor development is typically less than ten units, Policy BL2 does not impose a blanket ban on more than five units and it is not at odds with the higher level policy. Therefore there is sufficient flexibility in this respect.

Policy BL2 then expects that all proposals will have “proper regard” to other policies in the Plan and draws particular attention to Policy BL9d which I refer to later in this report and recommend modifications to in any case. There is however no need or benefit in singling out a particular policy no matter how important this is to the community. Any developer must take account of all the relevant policies in the Plan when promoting schemes as there is little benefit in not doing so as any proposal contrary to them should be refused unless other material considerations indicate otherwise.

**The recommended modification is:**

- **Delete criterion b. of the policy in its entirety**

### **Policy BL3**

This policy seeks to improve connectivity around the village and promotes improvements to, or new, pedestrian and cycle routes, particularly to village services. This is in line with national policy and guidance. The policy is worded clearly and has sufficient flexibility. I note that Oxfordshire County Council considers the policy to be positive and also has the potential to assist in seeking developer contributions as appropriate. It meets the basic conditions and **no modifications are recommended**.

### **Policy BL4**

Policy BL4 sets out minimum car parking standards for new residential development.

Oxfordshire County Council (OCC)<sup>28</sup> note that they have published information about parking standards and that these state that no minimum or maximum is imposed on residential developments but rather an ‘optimal’ standard is sought. With this in mind OCC consider it inappropriate that a neighbourhood plan sets its own minimum standards whilst noting that the standards set differ only marginally to OCC guidance, but I consider the principle of setting of a local parking standard is supported by national policy. The supporting text explains that parking and congestion are particular problems in this area. The evidence indicates that car ownership levels are high compared to both the District and national average. In addition I recognise that in certain locations other means of transport cannot always be practical.

The policy identifies an appropriate on-site parking provision for new development which reflects the circumstances in the Plan area. However, it also seeks “nearby shared visitor parking of 0.5 spaces per dwelling” and whilst this could arguably be practicably provided for developments of more than one house, it would be difficult to

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<sup>28</sup> Representation from OCC of 21 January 2016

achieve this for single dwellings. In addition I envisage there may be some feisty arguments about the meaning of “nearby”. To try and address the impracticability of implementing the policy’s requirements as currently worded, a modification is suggested.

OCC also consider criterion e. resisting parking courts springs from a concern that they can encourage crime. However, OCC point out that Secured by Design guidance points to these usually being rear parking courtyards. I do consider this criterion to be overly restrictive and onerous with the potential for this to prevent the achievement of sustainable development given that there may well be appropriately designed schemes and so such a blanket restriction is difficult to support. To address this concern and to make sure the policy complies with the basic conditions, I have added in some flexibility to the reworded policy.

**The recommended modifications are:**

- **Reword Policy BL4 so that it reads:**

***“In the case of new residential development, a minimum of one parking space will be required for dwellings with one or two bedrooms and a minimum of two spaces will be required for dwellings with three or more bedrooms to be provided on the plot.***

***In addition to this on-site provision, shared and visitor parking is expected to be provided in a location convenient to the dwellings it serves. It is expected that this will usually be provided at a rate of at least 0.5 space per dwelling served.***

***Where garages are provided they should be physically well related to the properties they serve and be of an appropriate size to accommodate modern cars.***

***Parking courts will not be generally considered to be an acceptable alternative to on-site provision.”***

## **Policy BL5**

Relying on Policy BL4, this policy seeks to ensure that any proposals to modify or extend an existing dwelling would not result in the levels of parking provision falling below the new standard set by Policy BL4. This would be difficult to enforce because it may well be the case that dwellings built prior to this Plan have been built with a lower parking provision; in fact it is more than likely. This would then potentially mean that dwellings could not be extended unless the provision in Policy BL4 could be attained.

Nevertheless the intent behind the policy seems to me to be a practical one borne out by local circumstances. Therefore I suggest a rewording of this policy that would have the same intent, but allow for greater flexibility and also recognise that many alterations to existing dwellings do not require the submission of a planning application.

**The modification suggested is:**

- **Reword Policy BL5 to read:**

***“Insofar as planning permission is required any proposal to alter or extend an existing dwelling that would reduce the existing level of off-street parking provision will be resisted unless it can be satisfactorily demonstrated that the amount of overall parking provision retained is satisfactory.”***

## **Policy BL6**

The Government has created a new approach to setting technical standards for new housing development. A Written Ministerial Statement (WMS)<sup>29</sup> made it clear that neighbourhood plans cannot set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. Optional new technical standards can now only be required through Local Plan policies. This policy sets water efficiency standards for new housing. I note that it mirrors a requirement in LP Policy ESD 3. As it does not introduce any new technical standards, but simply restates the LP policy, I consider that the policy can be retained although it is arguably unnecessary to repeat the LP policy. **No modifications are recommended.**

## **Policy BL7**

Policy BL7 reflects the community’s clear concern about flooding and desire to seek more sustainable solutions.

There is little doubt that consideration of flood risk will proactively help to meet one of the challenges of climate change. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.<sup>30</sup> It advocates a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property.<sup>31</sup> The NPPF sets out the circumstances in which a site-specific flood risk assessment will be

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<sup>29</sup> Written Ministerial Statement of 25 March 2015

<sup>30</sup> NPPF para 100

<sup>31</sup> *Ibid*

required.<sup>32</sup> PPG advises that the general approach and requirements for site-specific flood risk assessments should be applied to developments in areas at risk from flooding.

A Written Ministerial Statement (WMS)<sup>33</sup> advises that from 6 April 2015, policy and decisions on major development should ensure that sustainable drainage systems (SuDs) are put in place where appropriate.

I have some concerns about the application of this policy and some of those are shared by CDC. Therefore this policy should be modified so that it takes better account of national policy and guidance on the location of development in relation to flood zones and to encourage the use of SuDs.

**The modification recommended is:**

- **Reword Policy BL7 as follows:**

***“Development should not increase flood risk. Planning applications for development within the Plan area must be accompanied by a site-specific flood risk assessment in line with the requirements of national policy and advice, but may also be required on a site by site basis based on locally available evidence. All proposals must demonstrate that flood risk will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant.***

***Information accompanying the application should demonstrate how any mitigation measures will be satisfactorily integrated into the design and layout of the development.***

***Where pumped drainage is employed, design features which help to ensure that property flooding will not occur in the event of a temporary failure of the mains electricity supply must be incorporated.***

***The use of sustainable urban drainage systems will be encouraged where appropriate.”***

## **Policy BL8**

The need to provide housing for older people is critical given that the projected increase in the number of households aged 65 and over accounts for over half of new households.<sup>34</sup> Policy BL8 specifically encourages housing for older people wherever practicable as part of housing schemes sending out a clear message, but with sufficient flexibility to respond to market conditions and also the most up to date evidence on

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<sup>32</sup> NPPF para 103

<sup>33</sup> Written Ministerial Statement 18 December 2014

<sup>34</sup> PPG para 021 ref id 2a-021-20160401

housing need. This is a good example of positive planning, is in line with national policy and advice, reflects LP Policy BSC 4 and will help to achieve sustainable development.

The second part of the policy refers to Lifetime Homes Standard selecting four of the criteria to focus on. As mentioned in relation to Policy BL6, in a WMS,<sup>35</sup> the Government announced that it is not now appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. In the light of this WMS and to have regard to national policy, I have little option but to recommend deletion of the reference to Lifetime Homes Standards in the policy.

**The modification recommended is:**

- **Delete criterion d. in its entirety**
- **Consequential amendments to the supporting text will be required**

## **Policy BL9**

This is a well intentioned policy that seeks to achieve a number of things. The first is to ensure that development does not adversely harm the amenity of nearby residents. Its aim is laudable, but the wording would benefit from more precision and so in order to provide a practical framework, a reworded criterion a. is put forward.

Criterion b. refers to wastewater and water supply capacity and seeks to ensure that capacity is adequate and no adverse issues arise for existing users. Again this is a laudable aim, but the phrasology would benefit from greater clarity.

The supporting text at the top of page 30 indicates that “it may be necessary for developers to fund studies to ascertain whether development would lead to overloading of existing wastewater and water infrastructure.” in relation to this criterion. This might be regarded as an onerous requirement, but the wording is flexible and given that it would largely be the statutory undertakers who would identify any concerns in these regards, it can be retained in the Plan.

Criterion c. seeks to minimise the impact of additional traffic especially for infill or live-work developments; I am not sure why these type of development has been singled out and it seems to me more appropriate that new development has an acceptable impact and so a modification is recommended to address this.

Criterion d. seeks to ensure that there is capacity to educate children of primary school age within the village and that the proposed development will not lead to a lack of school places for residents. This is clearly an issue of particular concern to this

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<sup>35</sup> Written Ministerial Statement of 25 March 2015



community and one that I empathise with. The NPPF explains that the Government attaches great importance to ensuring that a sufficient supply of school places is available to meet new and existing needs.<sup>36</sup> There is a strong emphasis then on ensuring that schools have sufficient capacity, but it comes at this issue from the provision of choice. It emphasises the need for the planning system to support the creation, extension or alteration of schools and highlights working with schools promoters to identify and resolve key planning issues before applications are submitted.

I also understand the community's desire to ensure that locally based children can attend the local school and appreciate the strong sense of community that this can foster as well as the desire to avoid children travelling elsewhere. However, the criterion would mean that all development, even a minor householder application, would need to show that adequate capacity existed and that the proposed development would not adversely affect the availability of school places. This is not feasible or practicable.

**The recommended modifications are:**

- **Reword criterion a. to read: *“Ensure that the living conditions of neighbouring residents are not materially harmed;”***
- **Reword criterion b. to read: *“Ensure that there is adequate wastewater and water supply capacity to serve the new development and to avoid the exacerbation of any existing problems;”***
- **Reword criterion c. to read: *“Ensure that the impact of any additional traffic likely to be generated by the development has been satisfactorily mitigated and will not adversely affect the highway network.”***
- **Reword criterion d. to read: *“For new housing developments, ensure that a sufficient supply of local primary school places is available to meet the needs of existing and new residents.”***

## **Theme 2 Protect and enhance our rural heritage**

### **Policy BL10**

Bloxham has a wealth of history and heritage and this policy seeks to ensure that any development within its Conservation Area is acceptable. The policy cross-references the Conservation Area Appraisal of 2007 which is now relatively elderly and I feel that given the reference seems to be made in order to identify the Conservation Area it

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<sup>36</sup> NPPF para 72

would be preferable for a map of the Conservation Area and its extent be included in the Plan so that this is more practical for its users.

There is then a small typo I think in the first line of the policy as it says development shall be permitted “where if”; I think the “if” is superfluous.

Criterion a. reflects the statutory test for development in Conservation Areas, but needs a small, but important correction so that the test is portrayed accurately.

Criterion b. refers to guidance in the Conservation Area Appraisal of 2007. Usually these types of documents are not regarded as guidance and so it would be preferable to rephrase this so that account is taken of the Appraisal or any successor documents given the age of the latest one.

Criterion c. seeks to preserve important open spaces, gaps and views. It seems to me that the significance of all or any of these features would fall to be considered within the first criterion of the policy and are subject to Policy BL12 anyway which I discuss later. There is then no need for this criterion which does not meet with the statutory duty referred to above.

The final sentence of the policy then resists any proposals which do not accord with all three criteria. This is too ‘black and white’ and does not meet either the statutory tests or the advice in national policy and guidance and so does not accord with the basic conditions and should be deleted.

**The modifications suggested are:**

- **Delete the words “...as identified in Cherwell D.C Bloxham Conservation Area Appraisal (2007)” and replace with “*shown on Map XXXX*” and include the map of the Conservation Area in the Plan**
- **Delete the word “if” from the first sentence of the policy**
- **Replace the word “and” in criterion a. with “or” so that it reads “the character or appearance of the area”**
- **Replace criterion b. with the words: “*Takes account of the Conservation Area Appraisal (2007) or any successor documents; and*”**
- **Delete criterion c. in its entirety**
- **Delete the last sentence of the policy that states “Where these criteria are not met planning permission will not be granted.”**

## Policy BL11

A strong sense of pride comes through this section of the Plan and a keen desire to ensure that new development is of the highest standard and reflects the rural character of the village and its surrounds. Policy BL11 is generally worded clearly and will achieve these aims. I have one or two concerns about specific criteria.

Criterion a. caps density at 30 dwellings per hectare. The NPPF enables local approaches to density to be set out reflecting local circumstances.<sup>37</sup> However, in this instance there is little explanation for the maximum density and the imposition of a maximum figure may be unnecessarily restrictive and lead to an inefficient use of land.

It is important that the policy reflects the NPPF's aim of ensuring new development functions well and adds to the overall quality of the area; responds to local character and history; and reinforces and promotes local distinctiveness. The imposition of a maximum density could prevent development at a higher density which is otherwise acceptable coming forward.

The NPPF is clear that good design (of which density is one consideration) is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.<sup>38</sup> It continues<sup>39</sup> that permission should not be refused for development that promotes high levels of sustainability because of "concerns about incompatibility with an existing townscape" if those concerns are mitigated by good design.

In other words higher density may well be acceptable if there is a design-led approach. In addition I note that LP Policy BSC 2 seeks density of at least 30 dwellings per hectare unless there is justification for a lower density. Therefore in order to take account of the NPPF and to be in general conformity with the LP, this part of the policy should be reworded more positively and flexibly.

CDC note the reference to a draft LP at the bottom of page 33 and top of page 34. CDC confirm that this paragraph no longer reflects the adopted LP including the reference to the generally lower densities in rural areas. With the passage of time, this sort of thing often occurs and is readily remedied.

Criterion f. preserves public open space which is important to retain local distinctiveness, but it also seeks the creation of new open space. This would potentially be difficult to achieve for smaller scale development, but I note the LP identifies a shortfall of such space in the rural areas and that such provision would broadly be in line with LP Policies BSC 10 and Village Policy 4. Therefore a modification to make this more flexible is suggested.

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<sup>37</sup> NPPF para 47

<sup>38</sup> *Ibid* para 56

<sup>39</sup> *Ibid* para 65

Criteria g. and i. also need to have more flexibility so that they encourage rather than require.

The other criteria largely reflect the principles of good planning and are appropriate.

**The modifications recommended are therefore:**

- **Reword criterion a. to read: “Relate in scale, massing and layout to neighbouring properties and the density of new housing development *should be consistent and compatible with the existing and prevailing density and reflect the locally distinctive character of the locality in which the new development is proposed and should not usually exceed 30 dwellings per hectare.*”**
- **Change criterion f. to read: “*Preserve existing areas of open space and take every available opportunity to create new open space to help retain rural character;*”**
- **Add “*wherever possible*” to the end of criterion g.**
- **Add “*wherever possible*” after “...protect and...” and before “...enhance...” in criterion i.**
- **Update the last paragraph on page 33 and the following page to reflect the adopted LP**

## **Policy BL12**

This is a complex policy that tries to achieve a number of different things. I had a number of queries of clarification in relation to this policy.

Firstly, this policy seeks to resist development that would “endanger the visual impact” of key views identified in the Bloxham Conservation Area Appraisal (2007) of which there are a considerable number.

Secondly, the policy seeks to ensure that development “does not inflict significant harm” on rural character and heritage. It indicates that this will include the effect on views, the rural character gained from amenity green spaces, the views from, and the tranquility of, public rights of way and the Red Lion garden.

The preceding text on page 34 of the Plan specifies the views in the Conservation Area Appraisal, views of the Church and other key views identified in the Plan. These other views are a) the area fronting Bloxham School, b) Hobb Hill across Bloxham School’s rugby grounds from Courtington Lane and a public footpath and c) the Red Lion garden.

The Parish Council has helpfully confirmed in response to a query that there are five areas of amenity green space and at my request has shown these spaces on a plan. I consider it would be helpful in the interests of providing a practical framework for the five amenity green spaces to be identified and shown on a plan included in the Plan.

The policy also refers to an Appendix 5, but the Parish Council confirms that this should be a reference to page 48 which shows a map of public rights of way in the Plan area.

In principle, it is important that the views identified by the community as being of particular importance are protected. The key views referred to in the Conservation Area Appraisal are clearly documented. The three other key views are clearly documented within the Plan itself. With the inclusion of plans of the amenity green spaces and the public rights of way, the other views will also be clearly documented.

It is important to ensure that new development is not precluded per se, but that any new development respects those views so that there is an appropriate balance between development and the protection of local distinctiveness. It is also important to ensure that the wording is without ambiguity and as currently worded I find this part of the policy to be a little nebulous. For that reason I have suggested a variety of modifications to this policy.

Bloxham School has objected to the inclusion of the area fronting the main building and the playing fields off Courtington Lane making the point that future development will be constrained. This is a matter of concern as the school is a major employer in the village and supports the local community in a variety of ways. With the suggested modification I consider that the balance referred to above can be achieved; I do not believe it is the intention of the Plan to prevent development per se, in fact the Plan clearly expresses that it is the expectation that any future development will “show great sensitivity to visual impact”.<sup>40</sup> The area in front of the main school building also falls within a Conservation Area and the significance of this area and the contribution it makes to the character and appearance of the Conservation Area is substantial.

Criteria c. and d. prevent development on residential gardens and on land designated for amenity use. The latter criterion refers to recently approved schemes and refers to country park and an amenity space next to Bloxham Mill Business Park. A note explains that this includes all the amenity green spaces in the CDC Open Space, Sport and Recreational Facilities Needs Assessment Audit and Strategy (2006) and any open space allocated as such as part of any planning permission granted since 2006. CDC advise me that an update to the 2006 assessment was carried out in 2011. The Parish Council confirms it is the intention of the policy to apply to all amenity areas in approved developments.

In line with the NPPF<sup>41</sup> policies which resist the inappropriate development of residential gardens, for example where such a scheme would cause harm to the local area are acceptable.

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<sup>40</sup> Pages 35 and 36 of the Plan

<sup>41</sup> NPPF para 53

The NPPF<sup>42</sup> also indicates that existing open spaces and recreational land should not be built upon and the amenity green spaces referred to in the Plan would fall in this category. The NPPF does not impose a blanket ban on such development, but rather indicates a number of scenarios when development might be acceptable. However, I note the provisions of LP Policies BSC 10 and BSC 11 and the deficiencies in open space provision and that Bloxham is identified for priority provision of amenity open space in the LP.

I consider that criteria c. and d. would benefit from some clearer wording so that they are precise and will stand the test of time; for example “recently approved” will change over the lifetime of the Plan.

**The recommended modifications are:**

- **Reword criterion a. to read:**

***“Any development proposed within or near the key views identified in the Conservation Area Appraisal 2007 or any successor document must ensure that key features of the view can continue to be enjoyed and that any development has an acceptable impact in relation to the visual qualities of those views.”***

- **Reword criterion b. to read:**

***“All development shall demonstrate that it does not result in harm to the rural or heritage character of the village. This will include consideration of the impact of the development on:***

- i. The key features of the views of the Church, the area fronting Bloxham School main buildings, towers or arches and views from Courtington Lane to Hobb Hill***
- ii. The open character of the five amenity green spaces named and identified on Map XXXX***
- iii. The key features of the views from, and the tranquillity of, public rights of way within the Parish show on Map XXXX***
- iv. The historic and open character of the Red Lion garden.”***

- **Insert Maps into the Plan in line with the reworded criterion b. above to i) show the five amenity green spaces and ii) the public rights of way within the Parish**

- **Reword criterion c. to read:**

***“Development on residential gardens will not usually be permitted.”***

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<sup>42</sup> *Ibid* para 74

- **Reword criterion d. to read:**

*“Development on open spaces and sports and recreational land including those areas designated for amenity use through planning permissions, will not be supported unless it can be demonstrated the loss would be replaced by equivalent or better provision in a suitable location. This also applies to the country park at Tadmarton Road shown on Map XXXX and the amenity space at the Bloxham Mill Business Park shown on Map XXXX.”*

- **Consequential amendments to the text and the Plan will be needed including the updating of the note at the bottom of page 40**

### Theme 3 Promote economic vitality

#### Policy BL13

The NPPF<sup>43</sup> sets out the Government’s commitment to sustainable economic growth and the role this plays in creating jobs and prosperity. Support for businesses is clearly indicated. Policy BL13 seeks to protect and retain existing employment land. The NPPF is keen to avoid the long-term protection of employment sites where there is no reasonable prospect of a site being used for that purpose. This policy includes consideration of viability which will be an important factor in determining this and reflects LP Policy SLE 1. Given the local circumstances described in the Plan, this policy has sufficient flexibility and meets the basic conditions. **No modifications are therefore suggested.**

#### Policy BL14

This policy seeks to support start-up and small businesses within the built up area subject to a number of criteria. The principle of supporting flexible working practices such as live work units is promoted in the NPPF.<sup>44</sup> Criterion a. contains a number of criteria which are all principles of good planning, but the wording should be more precise to avoid ambiguity thereby providing the practical decision-making framework required by national policy and guidance.

The second element of the policy supports Class B1 uses of up to 150 square metres, again providing local amenity is protected. The policy cross references (the existing) Policy BL9, but only some of this policy would be relevant to this type of proposed use. I consider it better to do away with the cross-reference and make this policy stand on its own two feet.

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<sup>43</sup> NPPF Section 1

<sup>44</sup> *Ibid*

Incidentally the reference to the NPPF paragraph on page 43 should be 21 rather than 22 I think.

The recommended modifications are:

- Change reference to the NPPF on page 43 of the Plan to “Para 21”
- Reword criterion a. to read:

“Proposals for new live-work development combining living and small-scale employment space will be viewed favourably within the built up area provided it:

  - i. does not result in the loss of Class A1 units or community facilities;*
  - ii. does not adversely affect the living conditions of neighbouring occupiers;*
  - iii. does not unacceptably affect the local road network through the amount or type of vehicles associated with the proposed use and has sufficient parking provision*
  - iv. does not exacerbate flood risk.”*
- Renumber criterion b. (which needs to be numbered *b.* due to a small typo) and delete the words “...provided they do not harm local amenity – as set out in Policy BL9.” and replace with “...provided *that the living conditions of neighbouring residents are not materially harmed and the impact of any additional traffic likely to be generated by the development has been satisfactorily mitigated and will not adversely affect the highway network.*”

## Policy BL15

Policy BL15 supports technology and plans positively for high quality communications infrastructure. Poor infrastructure such as broadband and mobile phone coverage is often a key barrier to economic growth. The policy has regard to the NPPF particularly in relation to building a strong, competitive economy, supporting a prosperous rural economy and supporting high quality communications infrastructure. It is in general conformity with LP Policy BSC 9 and will help to achieve sustainable development. The policy meets the basic conditions and **no modifications are recommended.**

## Policy BL16

The Plan recognises that now that Bloxham has expanded, more people use their car to access village services. This policy seeks to ensure that any additional retail activity in the High Street and Church Street considers the impact on traffic flow and pedestrian safety.



The policy raises a number of issues; there is an assumption that only retail uses might contribute to traffic issues, but more importantly the policy seems to support retail use as long as a statement accompanies any planning application rather than any implementation of any measures identified in such a statement. Statements of this nature would also impose an additional burden on the local planning authority.

Given that the issue identified in the supporting text indicates that the root cause of concern is parking, this policy may well have the unintended consequence of preventing more retail uses in the area or reducing the ability of existing retailers to expand their businesses and therefore decreasing the vitality and viability of the High Street and Church Street. For this reason, I am not convinced the policy as currently worded takes sufficient account of national policy and guidance or would help to achieve sustainable development. Therefore in order for it to meet the basic conditions it should be reworded.

**The modification recommended is:**

- **Reword Policy BL16 to read:**

***“New retail units or the expansion of existing retail units in the High Street and Church Street will be supported provided that the impact of any additional traffic likely to be generated by the development has been satisfactorily mitigated and will not adversely affect the highway network and pedestrian safety.”***

## **Theme 4 Ensure a safe, healthy, cohesive community**

### **Policy BL17**

This policy seeks to designate three areas of Local Green Space (LGS); South Newington Road Recreation Ground, Jubilee Park and The Slade. All three areas are shown on a map on page 47 of the Plan.

The NPPF<sup>45</sup> is clear that local communities have the opportunity of designating LGS, but that such a designation will not be appropriate for most green areas or open space. The NPPF lists a number of criteria that such a designation needs to meet. It further states that identifying land should be consistent with local planning of sustainable development. I consider that the three areas proposed as LGS meet the NPPF requirements.

Criterion a. of the policy says the right things but could be structured more clearly. In addition it allows ancillary recreation and sport development. As the protection this

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<sup>45</sup> NPPF paras 76, 77, 78

designation offers is similar to Green Belt, the Parish Council should ensure that this designation will not unintentionally thwart any potential development sought.

The policy also seeks to protect public rights of way. Reference is made to Oxfordshire County Council's definitive map which is reproduced in part on page 48 of the Plan, but which I found very hard to read. A better map of the Bloxham Circular Walk is found on page 49 of the Plan and when finalising the Plan, if there is an updated map as this was in draft form I understand from a representation, then the final map should be included, but this is not a recommendation I need to formally make.

There is also reference in the 'consistency' box on page 49 to a previously included area proposed for LGS designation which has not been included in later versions of the Plan. At this stage of the Plan's evolution and as things move on, it is no longer appropriate or necessary for such commentary to remain in the Plan.

**The recommended modifications are:**

- **Reword criterion a. as follows:**

***"The three areas identified below and shown on Map XXXX are designated as Local Green Spaces. Proposals for development other than those ancillary or necessary to the use of the sites for recreational and sport purposes which preserve the purposes of designating the areas will be resisted."*** Add the three areas of Jubilee Park, the Recreation Ground and The Slade Nature Reserve. (for the avoidance of any doubt criterion b. is retained)

- **Remove references to a proposed LGS at Bloxham School from page 49 of the Plan**

## **Policy BL18**

This policy supports the upgrading and expansion of the Jubilee Village Hall as long as the play area and pitches are retained. This is in line with the NPPF<sup>46</sup> as it seeks to promote the retention and development of this community facility and sports venue. This in turn will help to promote health and well being facilitating shared spaces and social interaction. This will help to achieve sustainable development. This policy should be considered in the light of the proposed designation of Jubilee Park as a LGS in the previous policy and ensure that no conflict arises between the two policies. It might be possible to designate a smaller area of Jubilee Park so that the village hall facilities can be improved for example. The policy meets the basic conditions and **no modifications are recommended.**

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<sup>46</sup> NPPF para 28 and Section 8

## Policy BL19

An all-weather pitch is supported at Warriner School subject to a Joint Use Agreement between the School and the community and provided the development meets Policy BL9. The implication here is that such a pitch would not be supported unless an agreement was forthcoming. I think the linking of support for such a facility and the joint use clause causes some difficulty as the latter might be considered to be a non development and use of land matter. So I think that either support for the pitch is given or this can be retained as a community aspiration which would send out a strong signal about the desired joint use.

If the policy is to be retained in its current form, then it also refers to Policy BL9. It would be preferable for the policy to stand on its own two feet in the interests of providing a practical framework and so if it is retained then a new form of words is recommended for this policy.

Unusually then there is some uncertainty about what I can recommend here as it relies on the Parish Council deciding whether it wishes to offer support for such a facility without a joint use agreement or whether it prefers to delete the policy in its entirety and to include it as a community aspiration in a separate section of the Plan.

### **The suggested modification is:**

- **Decide whether a) the policy is to be deleted, b) the policy is deleted and moved to a separate community aspirations section of the Plan or c) whether the policy is retained, but without the reference to the joint use agreement. If option c) is selected and the policy is retained the policy should be reworded to read:**

***“Development of an all-weather pitch at Warriner School is supported provided that the living conditions of neighbouring residents are not materially harmed and the impact of any additional traffic likely to be generated by the development has been satisfactorily mitigated and will not adversely affect the highway network.”***

## Other matters

Section C. on page 51 of the Plan refers to Policy BL9 and in particular criterion d. I have recommended changes to that policy. This section will therefore need amendment so that the Plan is internally consistent.

- **Revise Section C. on page 51 of the Plan as appropriate**

## 7. Bloxham projects

This is a useful section that refers to the non-development and use of land community aspirations which are to be found in the Consultation Statement.

## 8. Monitoring and delivery

It is good to see that the Plan will be reviewed regularly and the Parish Council is to be commended for this approach.

## 9. The evidence base

This is a useful section that details relevant supporting information and other published documents. This practice is to be commended to other Groups.

## Appendices

This part of the Plan contains four appendices. I particularly like Appendix 3 which is an unusual diagram of the Plan making process and clearly shows the links and how the community has become involved from an initial 72 ideas and 15 people to 152 issues and 300 people. Appendix 4 showing a timeline of engagement is also a very interesting idea for demonstrating this on one side of A4.

## 9.0 Conclusions and Recommendations

I am satisfied that the Bloxham Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore recommend to Cherwell District Council that, subject to the modifications proposed in this report, the Bloxham Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Bloxham Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan can proceed to a referendum based on the Bloxham Neighbourhood Plan area as approved by Cherwell District Council on 3 June 2013.

*Ann Skippers MRTPI*

Ann Skippers Planning  
7 July 2016

## **Appendix List of Key Documents specific to this Examination**

Bloxham Neighbourhood Plan Submission Version 19 November 2015

Appendix 1 Sustainability Report

Area Map

Basic Conditions Statement Submission Version 19 November 2015

Consultation Statement Submission Version 19 November 2015

Screening Statement by CDC on the need for SEA dated 9 September 2015

The Cherwell Local Plan 2011- 2031 Part 1 adopted 20 July 2015

Cherwell Local Plan November 1996 and Proposals Map

Various evidence documents and other information on the Parish website and links within the documents referred to above

**List ends**

## Appendix Questions from the Examiner

### Bloxham Neighbourhood Plan Examination

#### Questions of clarification from the Examiner to the Parish Council and CDC

Having completed an initial review of the Neighbourhood Plan (the Plan) and some of the evidence submitted in support of it, I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information.

Please ensure that your answers are as brief as possible and factual in nature. Please do not send or direct me to evidence that is not already publicly available.

1. Does Bloxham have a defined settlement boundary or built up area boundary or an otherwise defined extent of the “existing built up limits” referred to in Policy BL2 in the (CDC) development plan or anywhere else?
2. Policy BL10 refers to development within the Bloxham Conservation Area and in particular refers to the Conservation Area Appraisal of 2007 (CAA). Please confirm whether or not that it was the intention of this policy to:
  - a) refer to the Conservation Area boundary as shown in the CAA and if so confirm that this is still the up to date/current Conservation Area boundary
  - b) any guidance in the CAA was to be complied with
  - c) the “preservation of important open spaces, important gaps in the built form and significant views into and out of the area” were those defined and identified in the CAA.
3. Policy BL11 refers to the preservation of “public open space”, but there is no indication of the location of public open spaces. Was it the intention that the policy would preserve public open space generally?
4. Policy BL12 refers to a number of things:
  - a. Key views
  - b. The Church
  - c. Key views and street scenes which are then identified as 1) Bloxham School main building, 2) Hobb Hill from i) Courtington Lane across the Bloxham School rugby pitch and ii) from the public footpath and 3) Red Lion Garden
  - d. Amenity green spaces referred to in the Open Space Assessment of 2006
  - e. Views from public rights of way in Appendix 5
  - f. Recently approved schemes including the Country Park and space adjacent to Barford Road and entrance to the Business Park

Please confirm or not whether it is the intention to restrict development that would endanger visual impact on all of the key views identified in the CAA (Policy BL12a.).

Please confirm whether it is the amenity green spaces identified in the Open Space Assessment of 2006 that Policy BL12 b. ii. seeks to cover. If this is the case, please list the spaces concerned, numbering them and identify and define each numbered space on a map.

I cannot find an appendix 5. Please advise.

Is it intended that Policy BL12 b. iii. applies to all public rights of way in the Parish?

Please confirm or not whether it was the intention to preserve all amenity areas in recently approved developments.

5. Page 14 of the Plan refers to appendices 3 and 4, but I cannot find any such appendices. Please advise.
6. Page 52 of the Plan refers to an appendix in the Consultation Statement in relation to the Bloxham projects, but I cannot find any such appendix. Please advise.
7. On which date was the neighbourhood plan submitted to CDC?
8. The Basic Conditions Statement only refers to the CDC Local Plan and not the saved policies of the Local Plan 1996 which still forms part of the development plan. Please indicate whether you consider any of the saved policies of the Local Plan 1996 are 'strategic' and if so whether the neighbourhood plan is in general conformity with those, providing me with a list of those relevant policies as appropriate.
9. A representation (Cerde Planning Ltd on behalf of Cala Homes) indicates that an outline planning application was submitted on land south of Ells Lane. Please update me on the latest position with the application i.e. has it been determined and if so, what was the outcome?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.

Ann Skippers

9 May 2016