

Adderbury Parish Council

Adderbury Neighbourhood Development Plan

A report to Cherwell District Council of the Independent
Examination of the Adderbury Neighbourhood Development
Plan

Independent Examiner Christopher Edward Collison

Christopher Edward Collison

BA (Hons) MBA MRTPI MIED MCMi IHBC

Planning and Management Ltd

collisonchris@aol.com

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Contents

Page

Overall Finding	4
Neighbourhood Planning	5
Independent Examination	6
Basic Conditions and other statutory requirements	8
Documents	10
Consultation	12
The Neighbourhood Plan taken as a whole	15
The Neighbourhood Plan policies	26
Policy AD1 Adderbury Settlement Boundary	
Policy AD2 Green Infrastructure	
Policy AD3 Local Green Spaces	
Policy AD4 Local Open Spaces	
Policy AD5 Local Gaps	
- Twyford and Bodicote/Banbury	
- West Adderbury and Milton	
Policy AD6 Managing Design in the Conservation Area and its Setting: Church Quarter	
Policy AD7 Managing Design in the Conservation Area: The Green	
Policy AD8 Managing Design in the Conservation Area: The Manors	
Policy AD9 Managing Design in the Conservation Area: The Streets	
Policy AD10 Managing Design in the Conservation Area: The Lanes	
Policy AD11 Managing Design in the Conservation Area: The Valley	
Policy AD12 Managing Design in the Conservation Area and its Setting: Former Farm Groups	
Policy AD13 Managing Design in the Crescent	
Policy AD14 Managing Design in Banbury Road	
Policy AD15 Managing Design in the Twyford Estate	
Policy AD16 Managing Design in Berry Hill Road and St. Mary's Road	

Policy AD17 Locally Listed Buildings	
Policy AD18 New Community Facilities	
Policy AD19 Community Assets & Local Services	
Policy AD20 Promoting New Employment	
Policy AD21 Community Infrastructure Levy	
Summary and Referendum	72
Annex: Minor corrections to the Neighbourhood Plan	74

Overall Finding

This is the report of the Independent Examination of the Adderbury Neighbourhood Development Plan. The plan area comprises the entire civil parish of Adderbury within the Cherwell District Council area. The plan period is 2014-2031. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for residential development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements. It is recommended the Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Adderbury Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Adderbury Parish Council (the Parish Council). The draft Plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Adderbury Neighbourhood Area which was formally designated by Cherwell District Council (the District Council) on 7 June 2013. Since January 2016 the Neighbourhood Plan has, building on the work of a previous group, been produced by a Neighbourhood Plan Steering Group (the Steering Group), made up of members of the Parish Council supported by neighbourhood representatives, with input from the District Council and supporting consultants.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to the District Council. The District Council arranged a period of publication between Thursday 12 October and Friday 24 November 2017. The District Council has submitted the Neighbourhood Plan to me for independent examination, which commenced on 1 March 2018.

¹ Paragraph 183 National Planning Policy Framework (2012)

Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.² The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.
6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the District Council. If 'made' the Neighbourhood Plan will come into force as part of the Development Plan for the neighbourhood area, and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area. The Housing and Planning Act requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. The Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted³.
8. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of

² Paragraph 10 Schedule 4B Town and Country Planning Act 1990

³ Paragraph 198 National Planning Policy Framework 2012

Neighbourhood Plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

9. As independent examiner, I am required to produce this report and must recommend either:

- that the Neighbourhood Plan is submitted to a referendum, or
- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

10. I make my recommendation in this respect and in respect to any extension to the referendum area,⁴ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁵

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁶ The Planning Practice Guidance (the Guidance) states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*”

12. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁶ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

Basic Conditions and other statutory requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁷ A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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 of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.⁸

14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁹ All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan policies’.

15. In addition to the Basic Conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹⁰ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 (the Regulations) which are made pursuant to the powers given in those sections.

⁷ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

⁸ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁹ The Convention rights has the same meaning as in the Human Rights Act 1998

¹⁰ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

16. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 7 June 2013. A map of the Neighbourhood Plan boundary is included as Plan A of the Submission Version Plan. The Neighbourhood Plan designated area is coterminous with the Adderbury parish boundary. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹¹ and no other neighbourhood development plan has been made for the neighbourhood area.¹² All requirements relating to the plan area have been met.
17. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;¹³ and the Neighbourhood Plan does not include provision about excluded development.¹⁴ I am able to confirm that I am satisfied that each of these requirements has been met.
18. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁵ The front cover of the Submission Version Plan clearly states the plan period to be 2014-2031. I have noted supporting documents have different start dates on their front covers (the Consultation Statement 2015, the Basic Conditions Statement 2016). These should be adjusted to be in conformity with the Submission Plan.

Recommended Modification 1

The Plan period should be consistently stated as 2014-2031 in all Plan documents.

19. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁶ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I

¹¹ Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

¹² Section 38B (2) Planning and Compulsory Purchase Act 2004

¹³ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁴ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁵ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

¹⁶ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.

20. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
21. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
22. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.¹⁷

Documents

23. I have given consideration to each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:
- Adderbury Neighbourhood Plan 2014-2031 Submission Plan March 2017 including explanation of abbreviations, and Submission Policies Map and insets A, B, C, and D
 - Adderbury Neighbourhood Plan Basic Conditions Statement September 2017 [*In this report referred to as the Basic Conditions Statement*]

¹⁷ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Adderbury Neighbourhood Plan Consultation Statement March 2017 including Appendices A to F inclusive [*In this report referred to as the Consultation Statement*]
- Adderbury Neighbourhood Plan – Submission Plan – (updated) September 2017. Screening Statement by Cherwell District Council on the need for a Strategic Environmental Assessment (SEA) [*In this report referred to as the SEA report*]
- Adderbury Neighbourhood Plan – Pre- Submission Plan – November 2016. Screening Statement by Cherwell District Council on the need for a Strategic Environmental Assessment (SEA)
- Evidence Base documents listed in Appendix A of the Submission Neighbourhood Plan; and those available on the Neighbourhood Plan part of the Adderbury Parish Council website at www.adderburypc.co.uk/adderbury-neighbourhood-plan/ including the Green Space and Local Gaps Report, and the Local Heritage Assets Report
- Representations received during the Regulation 16 publicity period and Cherwell District Council listing and summary
- Submission of Adderbury Parish Council dated 26 January 2018 setting out a schedule of minor amendments and associated illustrative maps and numbered list of community assets and local services
- Adopted Cherwell Local Plan 2011- 2031 (Part 1)
- Cherwell Local Plan 1996 (saved policies) (Appendix 7 of the Part 1 Local Plan above includes a list of replaced and retained saved policies)
- Interactive Local Plan – policies map available at: <https://www.cherwell.gov.uk/info/83/local-plans/216/interactive-adopted-policies->
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Permitted development rights for householders' technical guidance DCLG (April 2017) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act 2011
- The Housing and Planning Act 2016
- The Neighbourhood Planning Act 2017

- The Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations*].
- The Neighbourhood Planning (General) (Amendment) Regulations 2015
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016.

Consultation

24. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the Submission Plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.
25. The plan preparation process began with public meetings held in November 2012 and February 2013 to inform villagers of the intention to prepare a neighbourhood plan and to establish a vision of what the community wanted for Adderbury over the next 20 years. During this period a steering committee was formed to manage the plan preparation process. Approximately 40 people contributed to the development of a Residents Survey which was delivered to every home in June 2013 resulting in 661 responses. Analysis of the responses are presented in appendix A of the Consultation Statement. A Business Survey in May 2013 resulted in 70 responses. The Draft Neighbourhood Plan subsequently prepared was the subject of community consultation in August and September 2013. This was followed by considerable work to produce a Pre-Submission Plan that was published for a six-week period of consultation commencing March 2015.
26. Concerns of the District Council regarding the policy content and robustness of the Plan were confirmed by an independent health check. The Steering Group was reconfigured in January 2016 which, with the support of consultants and with input from reinstated task groups, prepared revised policies in June 2016. A consultation focussed on future leisure facilities resulted in 183 responses to a

questionnaire the analysis of which is presented as Appendix C of the Consultation Statement.

27. Pre-submission consultation in accordance with Regulation 14 was undertaken in the period between 1 November 2016 and 17 December 2016, and subsequently extended to February 2017. The consultation included a four-page article as part of the Adderbury Contact magazine delivered to all households; articles in the 'Around the Villages' section of the Banbury Guardian; hard copies of the Plan deposited at Adderbury Library; and postings on the village website and on the Parish Council website. The representations arising from the consultation are comprehensively presented within the Consultation Statement where responses, and amendments to the Neighbourhood Plan, are set out. The suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was approved by the Parish Council, for submission to the District Council.
28. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 12 October and 5.00pm on 24 November 2017. Representations from 26 different parties were submitted during the period of publication. I have been provided with copies of each these representations.
29. A representation states the text of paragraph 4.7 should repeat the approach stated in paragraph 3.8. I do not consider modification is necessary in this respect as the Neighbourhood Plan should be read as a whole. Representations submitted jointly by a group of six people include comment on the text of the Neighbourhood Plan up to paragraph 5.5. This group representation, and the representations of Natural England, do not necessitate any modifications of the Neighbourhood Plan in order to meet the Basic Conditions. Where representations include comment on the policies of the Neighbourhood Plan I have taken these into consideration when considering each of the plan policies later in my report.
30. Historic England compliment many aspects of the Neighbourhood Plan and the approach adopted and state the Plan is an exemplar in the use of policies relating to character. Milton Parish Meeting acknowledge the Neighbourhood Plan is well advanced and Highways England, Scottish and Southern Electric, and National Grid confirm they have no comments on the Plan. Sport England have referred to a

number of national policies and where they can be accessed but do not make any specific recommendations in relation to the Neighbourhood Plan. The representations of Oxfordshire County Council, Network Rail, Oxfordshire Clinical Commissioning Group, and Thames Water, and a number of other representations identify matters that should be the subject of additional text or policies in the Neighbourhood Plan. There is no requirement that a neighbourhood plan should refer to particular matters or include any particular policies. My role is limited to consideration whether the Submission Plan meets the Basic Conditions and other requirements. In preparing this report I have taken into consideration all of the representations submitted during the Regulation 16 period even though they may not be referred to in whole, or in part.

31. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - b) explains how they were consulted;
 - c) summarises the main issues and concerns raised by the persons consulted; and
 - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.¹⁸
32. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. It is evident the Neighbourhood Plan Steering Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.
33. In a letter dated 26 January 2018 Adderbury Parish Council has, following discussions with the District Council, submitted to the District Council a schedule of 'suggested Minor Amendments' in table form and supported by maps for further clarity. The Parish Council letter requests it should be passed to the Examiner. The District Council has included the letter in the bundle of documents sent to me. As the letter

¹⁸ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

in question has been submitted after the period for representations has closed this raises a procedural matter.

34. The requirement for a local planning authority to publicise a plan proposal in Regulation 16 (a) relates to the documents referred to in Regulation 15 (1), namely the submitted Neighbourhood Plan and map or statement identifying the area to which it relates; a consultation statement; and a document commonly referred to as a basic conditions statement. Regulation 17 requires the local planning authority to send to the person appointed to carry out an examination, *“any other document submitted to the local planning authority by the qualifying body in relation to the plan proposal”*, in addition to the plan proposal; any necessary information relating to Habitats Regulations; Regulation 16 representations; and the documents referred to in Regulation 15(1). I am proceeding on the basis that *“any other document submitted to the local planning authority by the qualifying body in relation to the plan proposal”* is not limited to those submitted in respect of Regulation 15 (1).
35. In my initial letter sent to the Parish Council and the District Council on 1 March 2018 at the commencement of my examination, which I requested should be published on the Parish Council and District Council websites, I stated *“It is essential that the examination process is open and transparent to all interested parties”* and *“I request that Cherwell District Council ensure that all documents sent to me are made available on the Council’s website.”* In this Independent Examination I have taken into consideration the letter of Adderbury Parish Council dated 26 January 2018 (including the schedule of ‘suggested Minor Amendments’ in table form and supporting maps).

The Neighbourhood Plan taken as a whole

36. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows

this. In considering all of these matters I have referred to the background and supporting documents and copies of the representations provided to me.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

37. The Basic Conditions Statement states “The Neighbourhood Plan has also had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.” I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).¹⁹ I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention.
38. Whilst no analysis has been undertaken to establish the impact the objectives and policies of the Neighbourhood Plan will have on persons with protected characteristics (as identified in the Equality Act 2010). From my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.
39. The objective of EU Directive 2001/42²⁰ is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of ‘plans and programmes’²¹ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²²

¹⁹ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

²⁰ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²¹ Defined in Article 2(a) of Directive 2001/42

²² Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

40. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to the District Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
41. The submission documents include a Screening Statement prepared by Cherwell District Council. This statement includes 'Appendix A Screening Assessment' that concludes "*As a result of the screening assessment it is considered unlikely there will be any significant environmental effects arising from Adderbury Neighbourhood Plan that were not covered/addressed in the Sustainability Appraisal of the Cherwell Local Plan. As such, it is considered that the Adderbury Neighbourhood Plan does not require a full SEA to be undertaken.*" The conclusion to the Screening Statement states "*Having regard to the screening at Appendix 1, it is considered that the Pre-submission ANP is unlikely to result in any significant environmental effects. On this basis, an SEA would not be required. The draft neighbourhood plan does not allocate land for development other than proposing to allocate one site for community facilities and associated buildings. The ANP also relies upon developments with planning permission and which are under construction. Some additional development at Adderbury was provided for by adopted Cherwell Local Plan 2011-2031 Policies Villages 1 and Villages 2 which was the subject of SEA/SA*". The District Council has confirmed the three statutory bodies: Historic England, Natural England, and the Environment Agency, were consulted on both an earlier draft and the current Screening Statement. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.
42. The SEA Screening Statement states "*Adderbury is located more than 20 km away from European designations for the purpose of the EC Habitats Directive 1992 and the Conservation of Habitats & Species Regulations 2010. It is concluded that an HRA is not required*". I conclude the Neighbourhood Plan meets the requirements of the EU Habitats Regulations.
43. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

44. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

45. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. Cherwell District Council as local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).²³

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

46. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans²⁴ which requires plans to be “*consistent with national policy*”.

47. Lord Goldsmith has provided guidance²⁵ that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in

²³ Planning Practice Guidance paragraph 080 Reference ID: 41-080-20150209

²⁴ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

²⁵ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

48. The Basic Conditions Statement includes at Section 3 a statement that assesses how the Neighbourhood Plan has regard to Paragraphs 16, 183, 184, and 185 of the Framework, and includes a Table that sets out a commentary how each of the Neighbourhood Plan policies have regard to identified paragraphs of the Framework. I am satisfied this assessment and the Table that follows it demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
49. The Neighbourhood Plan includes a positive vision for Adderbury Parish in 2031. The vision includes economic components with reference to “thriving”, “viable”, “grown” and “investment” as well as social components concerned with “community”, “meet local housing need”, and “community facilities and services”. The vision also refers to environmental matters including “well-designed”, “rural character”, “special landscape setting” and “conservation area” These statements are consistent with the underlying principles of the Framework, specifically, the need to jointly and simultaneously seek economic, social and environmental gains through the planning system.
50. The vision is supported by four objectives of the Neighbourhood Plan, which provide a link between the vision and the policies of the plan. These objectives relate to: growth of the village in its landscape setting; sense of place; the positive transformation of community facilities; conservation of heritage character and landscape setting; and protection of the ecological value and connectivity of green infrastructure. These objectives are consistent with the Framework. Four representations suggest the first objective should exclude backland and tandem development. One of these representations, and another representation, also suggests additional wording in the introductory paragraphs to the policies of the Plan. Modification in these respects is not necessary to meet the Basic Conditions.
51. The Neighbourhood Plan includes in Section 6 a list of infrastructure projects some or all of which could benefit from future community infrastructure levy funding allocated by the local planning authority to the Parish. The Neighbourhood Plan preparation process is a

convenient mechanism to surface and test local opinion on matters considered important in the local community. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The Guidance states, *“Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements.”* The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning is consistent with this guidance and represents good practice. The Guidance states, *“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. For example, set out in a companion document or annex.”* I am satisfied that the presentation of the community actions in a separate section of the Neighbourhood Plan adequately differentiates the infrastructure projects from the policies of the Plan and has sufficient regard for national policy.

52. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to *‘have regard to’* national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition *“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”*

53. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.²⁶ The Guidance states, *“This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to*

²⁶ Paragraph 14 National Planning Policy Framework 2012

how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions”²⁷.

54. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

55. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Table presented in section 4 of the Basic Conditions Statement confirms the approach adopted in plan preparation to align the Neighbourhood Plan policies with the aims of the Framework for each dimension of sustainability not least through the presentation of scoring of plan policies. Every Policy is found to have a positive effect in at least one of the environmental, social and economic dimensions and none of the policies is found to have a negative impact.

56. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate quality; will enhance social and economic facilities; and will protect important environmental features. In particular, I consider the Neighbourhood Plan seeks to:

- Support infill development within a defined settlement boundary;
- Protect and enhance the landscape in open countryside;
- Maintain or enhance value of defined green infrastructure;
- Designate seven Local Green Spaces;

²⁷ Planning Practice Guidance (Ref ID:41-072-20140306)

- Conditionally resist development of eighteen identified areas to be designated as Local Open Spaces;
- Define two Local Gaps where development will only be supported if it does not harm open character;
- Establish design principles for development in defined areas of the Parish;
- Resist loss or harm to the significance of ten buildings and structures identified as Locally Listed Buildings;
- Allocate identified land off Milton Road for sports and community uses;
- Conditionally support proposals to improve or extend community facilities at Lucy Plackett Fields;
- Conditionally support proposals to improve the viability of identified community assets and local services and guard against their unnecessary loss;
- Support proposals for new or expanded shops or commercial units and guard against their unnecessary loss;
- Conditionally support proposals for new employment and tourism uses, including tourism and leisure uses along the Oxford Canal, and proposals for intensification of uses on defined established business parks; and
- Resist unnecessary loss of land or buildings from business use.

57. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

58. The Framework states that the ambition of a neighbourhood plan should “*support the strategic development needs set out in Local Plans*”.²⁸ “*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 Local 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*”.²⁹

59. The Guidance states, “*A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.*”³⁰

60. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has informed me that the Development Plan applying in the Adderbury neighbourhood area and relevant to the Neighbourhood Plan comprises:

- a) the Adopted Cherwell Local Plan 2011-2031 Part 1 Adopted July 2015 (and incorporating Policy Bicester 13 re-adopted December 2016)
- b) Cherwell Local Plan 1996 (saved policies) (Appendix 7 of (a) above includes a list of replaced and retained saved policies)

61. The allocations from the above plans (a and b) are shown on the Interactive Local Plan – policies map available at: <https://www.cherwell.gov.uk/info/83/local-plans/216/interactive-adopted-policies-> . The District Council has confirmed to me that all the policies of the Adopted Cherwell Local Plan 2011-2031 Part 1 are considered to be strategic policies of the Development Plan, and that the Cherwell Local Plan 1996 (saved policies) are not strategic. As the Local Plan Saved Policies predate the Framework, the Framework takes precedence where there is a conflict. Cherwell District Council

²⁸ Paragraph 16 National Planning Policy Framework 2012

²⁹ Paragraph 184 National Planning Policy Framework 2012

³⁰ Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20140306

submitted the Local Plan Partial Review (Oxford's Unmet Housing Need) to the Secretary of State for Housing, Communities and Local Government for formal examination on 5 March 2018, and is also currently preparing the Cherwell Local Plan 2011-2031 Part 2 which will contain non-strategic site allocations and development management policies, but neither of these Plans is not yet part of the Development Plan.

62. The Neighbourhood Plan can proceed ahead of preparation of the new Local Plan Part 2. The Guidance states: *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*

- *the emerging neighbourhood plan*
- *the emerging Local Plan*
- *the adopted development plan*

with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the

development plan. Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”³¹

63. I am mindful of the fact that should there ultimately be a conflict between the Neighbourhood Plan, and the new Local Plan Part 2 when adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan, however the Guidance is clear in that potential conflicts should be minimised.
64. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging Local Plan Part 2 is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds.³² The Guidance states *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”*. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.
65. In considering a now repealed provision that *“a local plan shall be in general conformity with the structure plan”* the Court of Appeal stated *“the adjective ‘general’ is there to introduce a degree of flexibility.”³³* The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

³¹ Paragraph: 009 Reference ID: 41-009-20160211 Planning Practice Guidance

³² The District Council has work underway to prepare The Vale of Aylesbury Local Plan. The Local Development Scheme dated December 2014 indicates adoption is intended in July/August 2017

³³ *Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P & CR 31

66. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”³⁴

My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance.

67. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan policies

68. The Neighbourhood Plan includes 21 policies as follows:

Policy AD1 Adderbury Settlement Boundary

Policy AD2 Green Infrastructure

Policy AD3 Local Green Spaces

Policy AD4 Local Open Spaces

Policy AD5 Local Gaps

³⁴ Planning Practice Guidance (ID ref: 41-074 201 40306)

- Twyford and Bodicote/Banbury
- West Adderbury and Milton

Policy AD6 Managing Design in the Conservation Area and its Setting: Church Quarter

Policy AD7 Managing Design in the Conservation Area: The Green

Policy AD8 Managing Design in the Conservation Area: The Manors

Policy AD9 Managing Design in the Conservation Area: The Streets

Policy AD10 Managing Design in the Conservation Area: The Lanes

Policy AD11 Managing Design in the Conservation Area: The Valley

Policy AD12 Managing Design in the Conservation Area and its Setting: Former Farm Groups

Policy AD13 Managing Design in the Crescent

Policy AD14 Managing Design in Banbury Road

Policy AD15 Managing Design in the Twyford Estate

Policy AD16 Managing Design in Berry Hill Road and St. Mary's Road

Policy AD17 Locally Listed Buildings

Policy AD18 New Community Facilities

Policy AD19 Community Assets & Local Services

Policy AD20 Promoting New Employment

Policy AD21 Community Infrastructure Levy

69. The Framework states "*Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. 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.*" "*Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.*"³⁵

³⁵ Paragraphs 184 and 185 National Planning Policy Framework 2012

70. The Guidance states *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*³⁶
71. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*³⁷
72. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”*³⁸
73. Several policies refer to other policies of the Neighbourhood Plan. This is generally unnecessary and to a degree confusing as all of the policies of the Neighbourhood Plan apply throughout the entire plan area unless a specific area of application of a particular policy is identified. The identification of a particular policy or policies could mislead a reader to think other policies do not apply. The Neighbourhood Plan should in any case be read as a whole. I have, however, not recommended modification of policies in respect of these cross-references where there is advantage in avoiding repetition of criteria.
74. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status,

³⁶ Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306

³⁷ Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

³⁸ Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20140306

and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

Policy AD1 Adderbury Settlement Boundary

75. This policy seeks to define an Adderbury settlement boundary as shown on the Policies Map and establish conditional support for infill development within it, and a presumption in favour of local landscape protection and enhancement in open countryside outside it. The policy states proposals for changes of use and development outside the settlement boundary will only be supported if it can be demonstrated they are consistent with that presumption.
76. In a representation the District Council states *“There is no objection to the principle of a settlement boundary being included in the ANP. Although there is no specific requirement for such boundaries in the adopted Development Plan, the inclusion of a boundary in itself does not conflict with Local Plan policy. However, it is considered that some further justification for the proposed boundary and explanation of how it was identified is required as set out in government guidance on defining settlement boundaries.”* I have considered Policy AD1 in these two respects, firstly the approach to identify a settlement boundary, and secondly the settlement boundary alignment.
77. A representation considers the settlement boundary should include provision for a new primary school. There is no requirement for the Neighbourhood Plan to make provision for a new primary school. Another representation includes comment on a planning appeal relating to land west of Horn Hill Road and comment on a planning appeal at Hook Norton. I do not consider these comments necessitate modification of the policy to meet the Basic Conditions.
78. A further representation states *“This policy seeks to introduce a settlement boundary for Adderbury, undermining the current approach taken by the Council in the Local Plan Part 1. Cherwell District Council have not designated settlement boundaries preferring a criterion-based approach to allow the flexibility for demonstrably sustainable development to come forward without delay. The approach taken in the ANP policy is therefore more restrictive than the adopted Local*

Plan policy and could be seen to undermine the strategic objectives of the adopted Local Plan conflicting with basic condition (e). This is because the policy seeks to introduce a presumption in favour of local landscape protection and enhancement. There is no such presumption in the Framework, the only presumption is in favour of sustainable development as set out in paragraph 14 unless specific policies in the Framework indicate development should be restricted. One of the core planning principles seeks for the intrinsic character and beauty of the countryside to be recognised but there is not a presumption in favour of its protection and enhancement. Paragraph 113 of the Framework deals with landscape protection which sets out protection should be commensurate to its status with distinctions made between international, national and local designations. For these reasons Gladman suggest this approach is deleted in favour of the District Councils approach in the Local Plan Part 1.” Another representation considers the settlement boundary will not facilitate flexibility to accommodate changing circumstances in the plan period.

79. A further representation objects to the policy requesting modification to include RSL’s land south of Milton Road as a reserve housing site. A representation submitted by the same company at the Regulation 14 consultation stage of plan preparation, and included with the current representation, had proposed further housing allocations adjacent to the existing built up area, such as RSL’s land south of Milton Road. That earlier representation had stated alternatively land could be identified as a reserve site with a view to releasing it should a need arise as a result of changes in circumstances or otherwise to meet need from outside the District.
80. A settlement boundary is used in the Neighbourhood Plan as a policy tool to define where plan policies are to apply, and in particular where development proposals will normally be supported and where proposals must meet a landscape criterion. Proposals are subject to other policies of the Neighbourhood Plan including those which establish design principles. Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the Local Plan, as required by paragraph 184 of the Framework.
81. The District Council states *“The Council recognises the figures and assumptions provided in the Neighbourhood Plan provided in the Foreword and at paragraph 4.6 which were available when the*

Submission Plan was being finalised. The latest housing figures are available on the Council's website at <https://www.cherwell.gov.uk/monitoring>. The Council will be exploring how it can deliver the housing requirement for the rural area in Local Plan Part 1 – (Policy Villages 2) in Local Plan Part 2.” Clearly if there is a future conflict between a policy of the Local Plan Part 2 and the Neighbourhood Plan then the conflict is resolved in favour of the Plan that last became part of the Development Plan.

82. Strategic Policy Villages 1 of the Local Plan Part 1 categorises Adderbury as one of more than 20 Category A villages that are identified as the more sustainable villages in Cherwell District. Policy Villages 2 of the Local Plan provides for an additional 750 dwellings at Category A villages (2014-2031) in addition to the rural allowance for small site 'windfalls' and planning permissions as at 31 March 2014. Since 1 April 2014 a total of 664 dwellings have been identified as contributing to meeting the Policy Villages 2 requirement of 750 dwellings. These are sites with either planning permission or a resolution to approve and identified developable sites. At 31 March 2017 there are 86 dwellings remaining from the Policy Villages 2 requirement in the period to 2031.
83. *The Neighbourhood Plan states “The policy is consistent with LP1 Policies Villages 1 and Villages 2, although it makes no provision for housing site allocations over and above the current committed housing schemes on the edge of the village. Nor was there suitable land on the present edge of the village with potential for retail or employment development” and “The District benefits from having an up-to-date strategic planning policy framework and a five-year supply of housing land”. The Neighbourhood Plan states over 180 new homes have been approved since 2013 and that it will take a number of years for the effects on character and capacity to be absorbed. “The scale of those recently completed housing schemes, and of the schemes that will be built out in the next couple of years or so, is such that the District Council does not consider it desirable or necessary for any additional major contribution from Adderbury to meeting the needs of LP1 Policy Villages 2 in the plan period by way of new greenfield development on the edge of the village”.*
84. The Local Plan Part 1 does not allocate sites in the rural areas as only strategic sites were allocated in the Plan. The Local Plan Part 1 does not identify a need for a specific amount of development in the Neighbourhood Plan area. The Cherwell Annual Monitoring Report

2017 at Table 40 (which captures data relating to sites of 10 or dwellings in Category A villages) shows that together sites East of Deene Close, north of Milton Road, and off Banbury Road will accommodate, within the Neighbourhood Plan area, a total of 122 dwellings of which 61 were completed by 2017. The contribution arising from these sites amounts to a significant boost to the supply of housing. Whilst no total figure can be assumed there is undoubtedly potential for a significant number of additional dwellings to be provided on infill plots or through the redevelopment of sites within the proposed settlement boundary. The Neighbourhood Plan places no cap or limit on the number of homes that can be provided within the settlement boundary. I conclude Policy AD1 will not lead to the Neighbourhood Plan promoting less development than set out in the Local Plan, as required by paragraph 184 of the Framework.

85. Paragraph 55 of the Framework states *“Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: • the essential need for a rural worker to live permanently at or near their place of work in the countryside; or • where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or • where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or • the exceptional quality or innovative nature of the design of the dwelling. Such a design should: – be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; – reflect the highest standards in architecture; – significantly enhance its immediate setting; and – be sensitive to the defining characteristics of the local area.”* Policy AD1 is silent with respect to the possibility of special circumstances that would justify support of a proposal for an isolated home outside the settlement boundary. These special circumstances would have to be balanced with landscape considerations. I have recommended a modification so that the policy has sufficient regard for national policy in this respect.
86. Paragraph 54 of the Framework states *“In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.”* Strategic Policy Villages 3: Rural Exception Sites states *“The Council*

will support the identification of suitable opportunities for small scale affordable housing schemes within or immediately adjacent to villages to meet specific, identified local housing needs that cannot be met through the development of sites allocated for housing development.” Policy AD1 is silent with respect to the possibility of local housing need circumstances that would justify support for an exception site proposal outside the settlement boundary. These local circumstances would have to be balanced with landscape considerations. Policy AD1 does not have sufficient regard for national policy and is not in general conformity with strategic policy relating to exception sites. I have recommended a modification so that the policy has sufficient regard for national policy in this respect.

87. I have recommended the imprecise references in the policy to *“development management policies of the development plan”* and *“relevant policies of the Neighbourhood Plan”* are deleted so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The Development Plan should in any case be read as a whole, and similarly the Neighbourhood Plan within it should also be read as a whole.
88. I now consider issues relating to the precise alignment of the settlement boundary. A representation in two parts on behalf of two separate clients states *“It is submitted that the settlement boundary as presently defined is inappropriate in drawing a distinction between the confines of the settlement and the open countryside which have distinct land use and landscape characteristics”*. The representation proposes the settlement boundary should include identified domestic gardens in two locations on the basis they relate to domestic properties; are not open countryside; and do not justify the purpose of the policy in favour of landscape protection.
89. In the schedule of changes accompanying the letter of the Parish Council dated 26 January 2018 that I have referred to earlier in my report it is proposed *“On Policies Inset Maps A, B, C the boundary should be amended as follows: 1. To include the properties at the end of Mill Lane. 2. To exclude gardens at the end of Lambourne Way. 3. To exclude gardens behind properties on the south side of The Green”*. It is stated this proposal is *“In response to the comments of residents with regard to possible 'backland and tandem' development*

and developers /landowners with regard to consistency, and to provide further clarity and consistency. In response to CDC's comments."

90. A settlement boundary can represent the dividing line between built areas and open countryside, and can follow clearly defined features such as walls, hedgerows or water courses. Extant planning permissions and allocations can be included within the settlement boundary. The definition of the boundary however does not have to relate to some observable land use difference or dividing feature. A settlement boundary does not have to include the full extent of a settlement, and settlement boundaries do not have to reflect land ownership boundaries or the precise curtilages of properties. Settlement boundaries can be used to identify the limits to future development of a settlement. One approach is to exclude curtilages of properties which have the capacity to extend the built form of a settlement in areas where this is not considered desirable. Such areas could include parts of large residential gardens.
91. The Neighbourhood Plan states *"The Parish Council has followed the standard conventions adopted by local planning authorities for drawing boundaries of this type. The boundary therefore reflects the present observable, developed edge of the village and makes provision for the committed housing schemes approved in recent years"* and *"In some places, there are dwellings on the edge of village with long gardens extending into the countryside beyond. As the sub-division and development of such rear garden land is not considered an acceptable form of infill development in principle, they have been excluded from the Boundary"*. Representations have highlighted inconsistency in this respect and the Parish Council has proposed this error is corrected with respect to the alignment of the settlement boundary in the vicinity of Lambourne Way and south of Sir George's Lane/Lake Walk. The Parish Council has also proposed the error that excluded property in the vicinity of Mill Lane that should have been included in the settlement boundary is also corrected. I am able to recommend modification of the Neighbourhood Plan in order to correct errors. I have recommended a modification in these respects.
92. The settlement boundary proposed has been subject to community engagement and consultation during the plan preparation process. Consideration has been given to the character of the settlement and its development form. I am satisfied the settlement boundary indicates a physical limit to development over the plan period and will guide development to sustainable solutions. It is beyond my role to consider

whether any alternative alignment of the settlement boundary would offer a more sustainable solution (including those proposed in representations relating to land west of property fronting Horn Hill Road and north of the new development off Milton Road; and land east of a property fronting The Leys and south of the former railway line in the vicinity of Lucy Plackett playing fields).

93. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies. I have noted the Neighbourhood Plan states *“In the event of the District’s housing supply strategy having to change before the end of the plan period, then its implications will be considered by the Parish and District Councils and the Neighbourhood Plan may be reviewed to plan for that eventuality”*. This commitment to monitoring represents good practice.
94. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with supporting a prosperous rural economy; delivering a wide choice of high quality homes; conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 2:
In Policy AD1**

- **delete “provided they accord with the development management policies of the development plan and the relevant policies of the Neighbourhood Plan”**
- **replace the third paragraph with “Development proposals will not be supported outside the Adderbury Settlement Boundary unless it is demonstrated they will enhance, or at least not harm, local landscape character. New isolated homes in the countryside will not be supported except in the special circumstances described in paragraph 55 of the Framework. Proposals for the provision of affordable housing on rural exception sites immediately adjacent to the Adderbury Settlement Boundary will be supported**

where they meet an identified local need and relate well to the built form of the existing settlement.”

The Adderbury Settlement Boundary shown on the Policies Map and insets should be adjusted 1. To include the properties at the end of Mill Lane. 2. To exclude gardens at the end of Lambourne Way. 3. To exclude gardens behind properties on the south side of The Green” as illustrated on revised Policies Map Insets A, B, and C attached to the schedule of changes accompanying the letter of the Parish Council dated 26 January 2018.

Policy AD2 Green Infrastructure

95. This policy seeks to define the Adderbury Green Infrastructure Network which is shown on the Policies Map. Development schemes within or immediately adjoining the network must demonstrate how they maintain or enhance green infrastructure value in that location.
96. In the mid-west part of the Plan area shown on Inset A green infrastructure is indicated outside the plan area. The Neighbourhood Plan cannot relate to land outside the Plan area. I have recommended a modification in this respect.
97. A representation by Oxfordshire County Council supports this policy and states *“It would be very helpful for the Neighbourhood Plan to include a list of suggested schemes that address specific issues and could potentially be delivered by developers or for which developer contributions could be sought.”* This is not necessary to meet the Basic Conditions.
98. A representation on behalf of the Church Commissioners for England states with respect to the remaining employment development for Banbury Business Park *“The designation of the site for Green Network is at odds with the employment allocation and the previous planning permission for B1/B2, which demonstrates that employment uses are acceptable at the site”*. I agree that land with consent for business use cannot be identified as Green Infrastructure. This would not have regard for the component of the Framework concerned with building a strong, competitive economy. The policy would also undermine strategic policy that has allocated the land for employment use. I have recommended a modification in this respect

99. A representation states “*We note that upon our client's and adjacent to the public footpath running in a northerly direction from Chapel Lane a corridor has been indicated and a fairly large part of NG parcel number 0486 has also been included. Whilst this land and all land immediately adjoining it is highly unlikely to ever be developed we wish to make it clear that this land is private land with no access rights other than the footpath and the owner is not constrained with respect to his use of the land for its current agricultural use purposes.* Whilst the Guidance refers to “*safe and accessible environments*” and “*providing opportunities for recreation and exercise*” the Glossary to the Framework defines Green Infrastructure as a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. I am satisfied environmental and quality of life benefits of parts of a green infrastructure network can arise without access. In accordance with paragraph 173 of the Framework I have recommended the deletion of the requirement for public open space provision as this policy obligation may threaten the ability of certain schemes to be delivered viably.
100. Two representations suggest deletion of references to footpaths, bridleways and cycleways on the basis they do not fall within the definition of green infrastructure in the Guidance and are in any case protected under other legislation. The Framework states “*to minimise impacts on biodiversity*” planning policies should identify and map components of the local ecological network including wildlife corridors. The Green Infrastructure Network identifies linear features including the Oxford Canal and towpath, and rivers and watercourses including banks, that can perform the role of wildlife corridors. I am satisfied footpaths and other rights of way can also perform the role of wildlife corridors.
101. One representation states, with respect to Policies Map Inset A, Green Infrastructure has been incorrectly included south of Adderbury Fields and a footpath is shown in the wrong position. The Parish Council and the District Council agree these are incorrectly shown. I am not satisfied representation of green areas within new developments north of Aynho Road and south of Milton Road reflect the layouts as developed. In at least one case the mapping has been overtaken by events with the development of the Gracewell care home facility. I have recommended a modification to correct these errors.

102. In a representation the District Council states the policy “*could benefit from some flexibility to allow for the re-provision of green infrastructure if this is proposed to be lost through development proposals.*” The Framework states plans should “*be a creative exercise in finding ways to enhance and improve the places in which people live*”. The Framework also recognises that if significant harm to biodiversity arising from a development cannot be avoided or mitigated, then as a last resort compensation should be considered. I am satisfied the network shown on Policies Map Inset A serves a purpose of identifying areas of alert, in and adjacent to which, development proposals should, through evidence of investigation of green infrastructure, demonstrate that the integrity and green infrastructure value of the network is not diminished. I have recommended a modification that introduces flexibility into the policy so that maintenance or enhancement of green infrastructure does not have to occur “*in that location*”.
103. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
104. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting healthy communities; and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy AD2

- **after “enhance its” insert “integrity and”**
- **delete “in that location”**
- **delete “and public open space provision” and insert “,or through equivalent alternative provision nearby”**
- **on Policies Map Inset A delete the Green Infrastructure indication on land south of Adderbury Fields**
- **on the Policies Map amend the footpath locations in the area indicated on the Policies Map included with the letter of the Parish Council dated 26 January 2018**

- on the Policies Map delete the Green Infrastructure designation on Banbury Business Park
- on Policies Map Inset A correct the location of Green Infrastructure in newly completed developments south of Milton Road and north of Aynho Road and update loss of Green Infrastructure at the Gracewell site
- Green infrastructure indicated on Policies Map Inset A that is outside the Neighbourhood Plan area must be deleted

Policy AD3 Local Green Spaces

105. This policy seeks to designate seven Local Green Spaces. The wording of the policy reflects the terms of the designation of Local Green Spaces set out in paragraph 76 of the Framework where it is stated communities will be able to rule out development other than in very special circumstances.
106. The Policy makes specific reference to the Society of Friends Meeting House. A building cannot be designated as Local Green Space. I have recommended a modification in this respect. I have noted Policy AD18 seeks to establish support for the improvement and extension of the community facilities at Lucy Plackett Fields provided they do not undermine the integrity of the Local Green Space. Any proposals would have to be assessed in terms in the context of “very special circumstances”.
107. In a representation the District Council states *some of these sites in Policy AD3 are in public and private ownership. Planning Policy Guidance requires that the qualifying body should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space and states landowners will have opportunities to make representations in respect of proposals in a draft plan. Paragraph: 019 Reference ID: 37-019-20140306 Revision date: 06n 03 2014.* I am satisfied the extensive community consultation undertaken in Plan preparation is sufficient to demonstrate regard for the Guidance and that landowners have had opportunity to make representations. The Guidance states “Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance

and/or beauty). Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.”³⁹

108. The Framework states *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed and be capable of enduring beyond the end of the plan period.”*

109. In a representation the District Council supports this policy and states *“in order to understand the location of the sites referred to in these policies, it is suggested that these are either numbered or labelled on the policies map.* Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on the Policy Map insets at a scale that is insufficient to identify the precise boundaries of each Local Green Space proposed for designation. When viewed digitally the scale of the map can be adjusted so that boundaries can be precisely identified. I recommend a modification such that the Plan document when printed as hard copy includes maps of each Local Green Space at a larger scale so that the boundaries of each Local Green Space can be precisely identified.

110. In respect of the areas intended for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended designations have regard to the local planning of sustainable development contributing to

³⁹ Planning Practice Guidance Paragraph: 017 Reference ID: 37-017-20140306

the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

111. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*
- *where the green space is in reasonably close proximity to the community it serves;*
 - *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
 - *where the green area concerned is local in character and is not an extensive tract of land.”⁴⁰*

I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.

112. I now consider whether there is sufficient evidence for me to conclude that the areas proposed for designation as Local Green Space are demonstrably special to a local community and hold a particular local significance. The Green Spaces and Local Gaps report provides sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance. I find that the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 76 and 77 of the Framework concerned with the identification and designation of Local Green Space.

113. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the

⁴⁰ Paragraph 77 National Planning Policy Framework 2012

Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 4:

In Policy AD3

- **delete reference to the Society of Friends Meeting House**
- **identify each Local Green Space on the Policies Map with a reference number and include within the Plan document a map of each Local Green Space at a sufficient scale to identify the boundaries precisely**

Policy AD4 Local Open Spaces

114. This policy seeks to designate 18 Local Open Spaces, identified on the Policies Map where development will not be permitted unless three stated criteria are met.
115. In a representation the District Council supports this policy and states *“in order to understand the location of the sites referred to in these policies, it is suggested that these are either numbered or labelled on the policies map.”* I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
116. A representation by Oxfordshire County Council states *“It would be very helpful for the Neighbourhood Plan to include a list of suggested schemes that address specific issues and could potentially be delivered by developers or for which developer contributions could be sought.”* This is not necessary to meet the Basic Conditions.
117. A representation opposes inclusion of the *“Adderbury Fields Estate Open Space on the southern side”* as it is in long term arable use. The Parish Council has acknowledged this is an error. I am able to recommend modifications to correct errors. I have recommended a modification in this respect.
118. The policy includes the term *“permitted”*. The policy uses the term *“will be permitted”*. With regard to the issue of decision making the Framework states *“the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material*

considerations indicate otherwise". This basis for decision making should be made clear. Policies should use the term "will be supported" in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states development will be permitted or not permitted. I have recommended a modification so that the basis of decision making on planning applications should be clarified.

119. The Framework states it is "*proper to seek to promote or reinforce local distinctiveness*". The Framework also states "*Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities*". Paragraph 74 of the Framework states "*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:* • *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or* • *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or* • *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*" I have recommended a modification so that the policy has sufficient regard for national policy.
120. It is unnecessary and confusing for the policy to refer to other policies of the Neighbourhood Plan, as the Neighbourhood Plan should be read as a whole. The terms "*an essential justification*" and "*a financial contribution*" are imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
121. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
122. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has

regard to the components of the Framework concerned with promoting healthy communities; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 5:

In Policy AD4

- **Replace the text after the list of locations with “To be supported development proposals on land within any of the Local Open Spaces must demonstrate that, unless it can be clearly shown that the land is surplus to requirements as Local Open Space, that any loss of active or passive recreational amenity will be compensated by equivalent alternative provision in a no less convenient location for users.”**
- **identify each Local Open Space on the Policies Map with a reference number**
- **on Policies Map Inset B correct the location of Green Infrastructure in newly completed developments south Milton Road and north of Aynho Road. The Local Open Space shown extending south of the most extreme south-westerly extent of the settlement boundary should be deleted.**

Policy AD5 Local Gaps

- **Twyford and Bodicote/Banbury**
- **West Adderbury and Milton**

123. This policy seeks to prevent the coalescence of Adderbury with settlements to the north and west by defining two Local Gaps, identified on the Policies Map, within which development proposals will only be supported if they do not harm, individually or cumulatively the function and open character of the defined gap.

124. In the schedule of changes accompanying the letter of the Parish Council dated 26 January 2018 that I have referred to earlier in my report it is proposed paragraph 5.22 of the Neighbourhood Plan should make reference to the Local Gaps following historic field boundaries, and paragraph 5.24 should make reference to the Local Gaps reflecting the Parish boundary. It is beyond my role to

recommend modification of the Neighbourhood Plan on this basis as the changes proposed are not necessary to meet the Basic Conditions.

125. A representation by Oxfordshire County Council states *“Highway improvements and alterations should be specifically excluded from this policy.”* In a representation the District Council states *“Saved Policy C15 of the 1996 Cherwell Plan provides protection for settlements from coalescence but does not define areas. However, the local gaps identified by Policy AD5 have to be fully justified. For Local Plan Part 2 the Council will be exploring the potential allocation of non-strategic sites in the rural areas. It is noted that Policy AD1 provides for protection of the landscape and countryside on the edge of Adderbury”.*
126. A representation by Bodicote Parish Council supports the policy with several comments including *“We do not believe that any development would be appropriate in the Twyford Gap. This gap is increasingly diminishing and the coalescence of Bodicote with Twyford is ever closer. This policy talks about ‘visual’ coalescence, but we are also concerned about actual physical coalescence”.*
127. A representation states *“This policy seeks to introduce local gaps to prevent the coalescence of Adderbury and nearby settlements. Gladman consider the introduction of a gap policy, even if labelled as a local gap, to be a strategic policy beyond the remit of neighbourhood plans. The Local Plan does not deem it necessary to introduce strategic gaps between settlements with the preferred criterion-based approach more than capable of dealing with any potential coalescence issues that may arise through a development proposal. Gladman therefore suggest this policy is deleted to ensure that the plan meets the basic conditions”.*
128. Another representation that objects to this policy and suggests it should be deleted states *“At paragraph 3.6 of the Basic Conditions Statement, it is claimed in the context of paragraph 185 of the NPPF that the Plan avoids duplicating development plan policies by focussing on policies that translate the general requirements of the development plan into an Adderbury context. With regard to Policy AD5, there appears to be some confusion between duplication and translation. Policy ESD13 of the Local Plan is suitable and sufficient, as confirmed by the Local Plan Inspector, to protect vulnerable gaps between settlements from inappropriate development and avoid*

coalescence. Policy AD5 clearly duplicates Local Plan Policy ESD13 and to introduce such a further layer of restriction would be unsound for the same reasons the Local Plan Inspector identified in respect of Draft Local Plan Policy ESD15, which was duly deleted.” The representation includes a submission made at the Regulation 14 stage of Plan preparation. This earlier submission includes references to Local Plan preparation processes where soundness is tested.

129. The representation of the District Council, and the Neighbourhood Plan itself, refer to saved CLP Policy C15 which states *“the Council will prevent the coalescence of settlements by resisting development in areas of open land, which are important in distinguishing them”*. The text supporting Policy C15 includes *“Each town or village has its own separate identity, and it is important that development on areas of open land between them is restricted to prevent their coalescence”*. The Local Gaps to which Policy AD5 relates are not specifically identified by Policy C15 but that does not prevent a policy relating to them being included in the Neighbourhood Plan. I have noted the relevance of CLP Policy C15 but also note the District Council has stated this is not a strategic policy for the purposes of neighbourhood planning. General conformity with Policy C15 is therefore not a requirement to meet the Basic Conditions. Policy AD5 is however fulfilling a role of providing an additional level of detail to Policy C15.
130. Strategic Policy ESD15 refers to the need for new development proposals to respect local topography and landscape features and Strategic Policy ESD13 provides a policy that establishes an approach to landscape protection and enhancement. Neither of these policies specifically refer to coalescence of settlements nor do they identify specific areas where those policies will be of particular relevance.
131. Paragraph 109 of the Framework states the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The Adderbury Neighbourhood Plan Green Space and Local Gaps Report states *“The agricultural landscape around Adderbury is recognised as contributing to the character of this very special ironstone village. At present there are two weak areas in this surrounding belt, the diminishing gaps between Adderbury and the urban sprawl of Banbury and Bodicote in the north, and Milton to the south west. It is essential that the retention and protection of this open agricultural landscape between the settlements be achieved to prevent coalescence”*. Whilst the value of

the landscape is a factor in the explanation of Policy AD5 the primary motivation for the policy is the prevention of coalescence. Local Gaps as identified in Policy AD5 are a mechanism to direct the location of new development.

132. The absence of any specific reference to Local Gaps in the Framework does not invalidate their legitimacy as a planning policy mechanism in the Neighbourhood Plan to direct development so as “*to ensure local people get the right types of development for their community*” in accordance with paragraph 184 of the Framework. The term “*harm, individually or cumulatively, its function*” would prevent any change of use regardless of whether or not the proposal represented sustainable development. I have recommended a modification in this respect as this restriction does not have sufficient regard for national policy that establishes a presumption in favour of sustainable development. Subject to this modification the policy does not prevent all development in the Local Gaps, but adds a further consideration relating to open character, to be taken into account in any development proposals, which may, in some cases, be satisfied by appropriate siting, design or landscaping rather than the refusal of planning permission.
133. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies, in particular Policies ESD13 and ESD15.
134. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 6:
In Policy AD5 delete “function and”**

Policies AD6 to AD13: Heritage and Conservation

135. In a representation the District Council states “*Cherwell Local Plan Policy ESD15 protects the character of built and historic*

environment and the Adderbury Conservation Area Appraisal (CAA) provides an assessment of the character of the area. The assessments in the CAA for the character areas defined in it have formed the basis for the character areas in the ANP. As the ANP character areas are based on the CAA character areas it is suggested that all the areas from the CAA are included in the ANP character areas and illustrated accordingly on Submission Policies Map C. The ANP has included some of the assessment from the CAA in its policies AD6, AD7, AD8, AD9, AD10, AD11, AD12, and AD13 as policy. As there are no general policies that provide a baseline for development, it is suggested that a general baseline policy which covers these character areas may be useful to the Plan to guide development. Some of the information contained within the design policies is based on the existing character and in some cases the policies may be overly protective and not allow for change, positive improvements and investment.

Suggestions include:

- Materials - square and ashlar stone are formal, it might be appropriate to use coursed (rubble) ironstone.*
- Details on windows/doors could be provided if required*
- It may be helpful to define modest cottage in Policy AD10*
- It may be helpful if the buildings in Policy AD17 are defined and assessed against the Local Heritage Assets assessment process.*
- It might be problematic managing trees/planting in Policy AD6”*

Inclusion of additional character areas or changes to character areas, or inclusion of a baseline policy, are not necessary to meet the Basic Conditions. I am satisfied Policies AD6 to AD13 provide an additional level of detail or distinct local approach to that set out in strategic policy ESD15 without undermining that policy.

136. Policies AD7, AD8, AD9, AD14, AD15, and AD16 include reference to the retention or re-provision of hedges. The Hedgerow Regulations 1997 which set out requirements associated with the removal of hedgerows in the countryside do not apply to hedgerows in or marking the boundary of private gardens. Protection of garden hedges is limited to cases where there is a planning condition attached to any planning permission for the land that would prevent the hedge from being removed. This protection can be limited, for example up to 5 years after the implementation of an approved planning permission. It is only where a hedge is in place at the time of determination of a

planning proposal that retention can be required. In cases where no hedge exists new provision could be the subject of a planning condition. I have not recommended a modification in respect of references to hedges in the policies concerned.

137. In a representation Oxfordshire County Council states "*Policies AD 6, 7, 8, 9, 12, 14, 15, 16. These Managing Design policies make provision for proposals having to retain or re-provide natural verges to the highway or roadside verges. The Highway Authority has rights over verges through the Highway's Act and these policies may conflict with this. Indeed section 96(6) states: "No tree, shrub, grass verge, guard or fence shall be planted, laid out or erected under this section, or, if planted, laid out or erected under this section, allowed to remain, in such a situation as to hinder the reasonable use of the highway by any person entitled to use it, or so as to be a nuisance or injurious to the owner or occupier of premises adjacent to the highway."* The policies would not prevent the Highway Authority fulfilling its statutory functions and obligations with respect to highway land. Verges are often highway land. The carrying out of works by a local authority within the boundaries of a road is not itself development. The policies concerned are seeking to achieve specified treatment of highway frontages as part of development proposals. The policies only apply to land included within a development site. In recognition of the complexities of the interaction of different statutory provisions and the difference in circumstances that can apply from one location to another I have recommended a modification of the relevant policies so that the retention or re-provision of natural verges shall be a design principle "where possible."

138. In the schedule of changes accompanying the letter of the Parish Council dated 26 January 2018 that I have referred to earlier in my report it is proposed the key to Policies Map Inset C should explain that the non-coloured areas are 20th century infill where no vernacular design exists. The Parish Council letter also proposes insertion of text prior to Policies AD6 to AD12 making reference to the Adderbury Conservation Area Appraisal (2012), strategic policy ESD15, and the emerging District Council Design Guide. I consider the addition to the key and to supporting text will be helpful, to parties preparing development proposals and to decision makers, in interpreting the policies. I have recommended a modification in these respects so that the policies provide a practical framework within which decisions on planning applications can be made with a high degree of predictability

and efficiency as required by paragraph 17 of the Framework. The Parish Council suggest similar text should also be inserted earlier in the Plan document. Whilst I would have no objection to this I have not recommended a modification in this respect as I do not consider this to be necessary to meet the Basic Conditions.

139. Paragraph 58 of the Framework in stating planning policies should aim to ensure that developments establish a strong sense of place makes specific reference to *“streetscapes and buildings to create attractive and comfortable places to live, work and visit.”* Paragraphs 59 and 60 of the Framework state *“local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”* and *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”*. With the exception of those design principles where I have recommended a modification I am satisfied Policies AD6 to AD 13 inclusive seek to reinforce local distinctiveness whilst avoiding unnecessary prescription.

Recommended modification 7:

In the Key to Policies Map Inset C insert an explanation of non-coloured areas within the settlement boundary

Immediately before Policy AD6 insert “Managing Design Policies. The following policies AD6 to AD12 have been based on the descriptions of the characteristics provided in the Adderbury Conservation Area Appraisal (2012) and also cross reference strategic policy ESD15, and the emerging CDC Design Guide in order to reinforce the characteristics of each area”

Policy AD6 Managing Design in the Conservation Area and its Setting: Church Quarter

140. This policy seeks to establish design principles which development proposals in the Church Quarter must have full regard for

if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

141. The District Council states *“It might be problematic managing trees/planting”*. The Framework states *“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”* The approach of Policy AD6 does not adequately have regard for the balanced approach of national policy. Designation as a Conservation Area introduces a clear statutory framework for the control of loss or works to trees of a specific trunk dimension. The introduction of an alternative policy regime is not adequately explained. I have recommended a modification in this respect.
142. The District Council also state *“it might be appropriate to use coursed (rubble) ironstone”*. I agree alternative dressing of stonework would be appropriate and a less prescriptive approach would have greater regard for national policy. I have recommended a modification in this respect. I note the policy requirement is to *“include”* rather than require exclusive use of the specified materials. In this respect an appropriate design solution could demonstrate regard for local distinctiveness whilst also including innovative use of appropriate alternative materials.
143. In a representation Oxfordshire County Council states the policy would *“prevent provision of footways, which is not conducive to improving provision for pedestrians and may lead to a potential development being unable to provide appropriate pedestrian access to their site, a requirement all developments need to meet”*. The policy is seeking to achieve a particular design solution. The policy would not prevent the Highway Authority fulfilling its statutory functions and obligations with respect to land included within the site of a development proposal nor on any other land not included within the site of the development proposal.
144. The County Council has also stated *“To be sustainable, we suggest that any new development must be able to support the health, wellbeing and independence of all residents including those without access or unable to use motor vehicles. Where policies state or imply no pavements should be provided (AD6, 7 and 8), we strongly recommended that this is accompanied with appropriate policies to*

limit the volume and speed of traffic so that the mobility of more vulnerable road users such as children, parents with push chairs, disabled people and older people is not impaired.” It is appropriate for a Neighbourhood Plan to state design principles. The introduction of measures to limit volume and speed of traffic is not a matter that can be dealt with in a land use policy but is a matter for consideration by the Highway Authority.

145. Another representation states *“This policy will only support development if it avoids any obstruction of views from Banbury Road to the Church Quarter Character Area. This is considered to be overly restrictive and Gladman suggest a more flexible approach should be taken to accord with the Framework, where the impacts of any development in this area should be measured in the planning balance. Only where development in this area would have a significant adverse impact on the views to the Church Quarter Character Area should otherwise sustainable development be sought to be restricted. This policy also makes reference to obstructing views into the open countryside from the western end of Mill Lane. This should again be considered in the planning balance and not as restrictive as this policy is worded. It is not sufficient to seek to protect views simply for providing a nice view of the countryside and evidence is required to demonstrate how the view identified has demonstrable attributes that elevates the sites importance above the norm.”* It is appropriate for a community to identify views that are cherished locally. However, I agree that the requirement to avoid *“any obstruction”* of the defined views from the western end of Mill Lane and from Banbury Road does not have sufficient regard for national policy in favour of sustainable development and has not been sufficiently explained. I have recommended a modification in these respects.
146. Representations submitted by a group of six people includes comment on a planning appeal relating to land west of Horn Hill Road and comment on a planning appeal at Hook Norton. I do not consider the comments necessitate modification of the policy to meet the Basic Conditions.
147. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

148. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 8:

In Policy AD6

- **after “ironstone” continue “or coursed (rubble) ironstone”**
- **delete principle v**
- **delete “do not obstruct” and insert “do not significantly harm”**
- **after “highway” insert “where possible”**
- **delete “avoid any obstruction of” and insert “do not significantly harm”**

Policy AD7 Managing Design in the Conservation Area: The Green

149. This policy seeks to establish design principles which development proposals in The Green must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

150. The District Council also state “*it might be appropriate to use coursed (rubble) ironstone*”. I agree alternative dressing of stonework would be appropriate and a less prescriptive approach would have greater regard for national policy. I have recommended a modification in this respect. I note the policy requirement is to “*include*” rather than require exclusive use of the specified materials. In this respect an appropriate design solution could demonstrate regard for local distinctiveness whilst also including innovative use of appropriate alternative materials.

151. In a representation the County Council states “*To be sustainable, we suggest that any new development must be able to support the health, wellbeing and independence of all residents including those without access or unable to use motor vehicles. Where policies state or imply no pavements should be provided (AD6, 7 and 8), we strongly recommended that this is accompanied with appropriate policies to limit the volume and speed of traffic so that the*

mobility of more vulnerable road users such as children, parents with push chairs, disabled people and older people is not impaired.” It is appropriate for a Neighbourhood Plan to state design principles. The introduction of measures to limit volume and speed of traffic is not a matter that can be dealt with in a land use policy but is a matter for consideration by the Highway Authority.

152. The term “*spacious nature*” is imprecise. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
153. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
154. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 9:
In Policy AD7**

- **delete “spacious nature of the area and” and insert “the distinctive density and layout of the area including”**
- **after “ironstone” continue “or coursed (rubble) ironstone”**
- **after “highway” continue “where possible”**

Policy AD8 Managing Design in the Conservation Area: The Manors

155. This policy seeks to establish design principles which development proposals in The Manors must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

156. The District Council also state *“it might be appropriate to use coursed (rubble) ironstone”*. I agree alternative dressing of stonework would be appropriate and a less prescriptive approach would have greater regard for national policy. I have recommended a modification in this respect. I note the policy requirement is to *“include”* rather than require exclusive use of the specified materials. In this respect an appropriate design solution could demonstrate regard for local distinctiveness whilst also including innovative use of appropriate alternative materials.
157. In a representation the County Council states *“To be sustainable, we suggest that any new development must be able to support the health, wellbeing and independence of all residents including those without access or unable to use motor vehicles. Where policies state or imply no pavements should be provided (AD6, 7 and 8), we strongly recommended that this is accompanied with appropriate policies to limit the volume and speed of traffic so that the mobility of more vulnerable road users such as children, parents with push chairs, disabled people and older people is not impaired.”* It is appropriate for a Neighbourhood Plan to state design principles. The introduction of measures to limit volume and speed of traffic is not a matter that can be dealt with in a land use policy but is a matter for consideration by the Highway Authority.
158. Three representations propose the policy should include *“proposals promoting back land and tandem development will not be permitted as this will have a detrimental effect on the pastoral landscape of the Manors character area.”* A modification of this nature is not necessary to meet the Basic Conditions.
159. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
160. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 10:**In Policy AD8**

- after “ironstone” continue “or coursed (rubble) ironstone”
- after “highway” continue “where possible”

Policy AD9 Managing Design in the Conservation Area: The Streets

161. This policy seeks to establish design principles which development proposals in The Streets must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

162. The District Council also state “*it might be appropriate to use coursed (rubble) ironstone*”. I agree alternative dressing of stonework would be appropriate and a less prescriptive approach would have greater regard for national policy. I have recommended a modification in this respect. I note the policy requirement is to “*include*” rather than require exclusive use of the specified materials. In this respect an appropriate design solution could demonstrate regard for local distinctiveness whilst also including innovative use of appropriate alternative materials.

163. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

164. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 11:**In Policy AD9**

- after “ironstone” continue “or coursed (rubble) ironstone”
- after “walls or” insert “, where possible,”

Policy AD10 Managing Design in the Conservation Area: The Lanes

165. This policy seeks to establish design principles which development proposals in The Lanes must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.
166. In a representation Oxfordshire County Council states the policy would “*prevent provision of footways, which is not conducive to improving provision for pedestrians and may lead to a potential development being unable to provide appropriate pedestrian access to their site, a requirement all developments need to meet. Policy AD10 may also prevent bringing routes up to standard, as it requires maintaining the existing informal pattern of narrow routes with no footway*”. The policy is seeking to achieve a particular design solution. The policy would not prevent the Highway Authority fulfilling its statutory functions and obligations with respect to land included within the site of a development proposal nor on any other land not included within the site of the development proposal.
167. A representation states the policy identifies areas for views not to be obstructed. The representation raises the same points as identified in respect of Policy AD6 and suggest the same modifications are made. I agree the requirement to avoid “*any obstruction*” of the defined views from both ends of Chapel Lane does not have sufficient regard for national policy in favour of sustainable development and has not been sufficiently explained. I have recommended a modification in these respects.
168. Two other representations suggest the policy should oppose backland and tandem development as this will have a detrimental effect on the pastoral landscape of The Lanes character area. A modification of this nature is not necessary to meet the Basic Conditions. The term “*modest*” as used in paragraph 5.37 is imprecise. I have recommended a modification to make it clear the cottages in Church Lane are small and modest.
169. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

170. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 12:

In Policy AD 10

- In principles vii and viii delete “do not obstruct” and insert “do not significantly harm”
- In supporting text paragraph 5.37 before “modest” insert “small and”

Policy AD11 Managing Design in the Conservation Area: The Valley

171. This policy seeks to establish design principles which development proposals in The Valley must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

172. A representation states the policy identifies areas for views not to be obstructed. The representation raises the same points as identified in respect of Policy AD6 and suggest the same modifications are made. I agree the requirement to avoid “*any obstruction*” of the defined views from both ends of Chapel Lane does not have sufficient regard for national policy in favour of sustainable development and has not been sufficiently explained. I have recommended a modification in these respects.

173. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

174. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring

good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 13:

In Policy AD11 delete “do not obstruct” and insert “do not significantly harm”

Policy AD12 Managing Design in the Conservation Area and its Setting: Former Farm Groups

175. This policy seeks to establish design principles which development proposals in the Former Farm Groups area must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.
176. In a representation Oxfordshire County Council states “*this Policy may prevent developers from being able to provide appropriate access to their site, through boundary wall requirements restricting access visibility, for example.*” The policy is seeking to achieve a particular design solution. The policy would not prevent the Highway Authority fulfilling its statutory functions and obligations with respect to land included within the site of a development proposal nor on any other land not included within the site of the development proposal.
177. The Framework states “*planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.*” The approach of Policy AD12 does not adequately have regard for the balanced approach of national policy. Designation as a Conservation Area introduces a clear statutory framework for the control of loss or works to trees. The introduction of an alternative policy regime is not adequately explained. I have recommended a modification in this respect.
178. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

179. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 14:
In Policy AD12**

- **after “spaces and” insert “where possible”**
- **delete “as well as mature deciduous and coniferous trees within the gardens and along the roadsides, of a growth height and planting density”**

Policy AD13 Managing Design in the Crescent

180. This policy seeks to establish design principles which development proposals in the Crescent area must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

181. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

182. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with requiring good design; and conserving and enhancing the natural environment. This policy meets the Basic Conditions.

Policy AD14 Managing Design in Banbury Road

183. This policy seeks to establish design principles which development proposals in the Banbury Road area must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

184. In a representation Oxfordshire County Council states *“In terms of the retention of verges along Banbury Road, in addition to previous comments regarding verges, the A4260 is a strategic corridor and bus route and suffers severe congestion through Adderbury, which affects the reliability of bus services. This policy may affect the possibility of widening the road to increase capacity, particularly around the junction with Aynho Road. There may be other character area land use policies which affect highway verges along the A4260 and the B4100 – these should be amended to remove the requirement to retain or reinstate highway verges”*. As stated earlier in my report the policy would not prevent the Highway Authority fulfilling its statutory functions and obligations with respect to highway land. Verges are often highway land. The carrying out of works by a local authority within the boundaries of a road is not itself development. The policy is seeking to achieve specified treatment of highway frontages as part of development proposals. The policies only apply to land included within a development site. In recognition of the complexities of the interaction of different statutory provisions and the difference in circumstances that can apply from one location to another I have recommended a modification so that the retention or re-provision of natural verges shall be a design principle “where possible.”
185. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
186. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 15:

In Policy AD14 after “gardens and” insert “where possible”

Policy AD15 Managing Design in the Twyford Estate

187. This policy seeks to establish design principles which development proposals in the Twyford Estate must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.
188. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
189. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 16:

In Policy AD15 after “gardens and” insert “where possible”

Policy AD16 Managing Design in Berry Hill Road and St. Mary’s Road

190. This policy seeks to establish design principles which development proposals in Berry Hill road and St. Mary’s Road must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.
191. In a representation Oxfordshire County Council states *“Regarding the retention of verges along Berry Hill Road, in addition to previous comments regarding verges, there is currently no footway, which forces pedestrians into the carriageway on what is a busy through route to Bloxham. This policy may affect the possibility of constructing a footway along Berry Hill Road in future. The requirement to retain or re-provide highway verges should be removed.”* As stated earlier in my report the policy would not prevent the Highway Authority fulfilling its statutory functions and obligations with respect to highway land
192. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted

Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

193. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 17:

In Policy AD16 after “gardens and” insert “where possible”

Policy AD17 Locally Listed Buildings

194. This policy seeks to identify ten named buildings and structures as Locally Listed Buildings on the basis that they have local architectural or historic interest.
195. In a representation Historic England suggest that the policy should include local heritage assets that have not yet been identified but may be so during the life of the Neighbourhood Plan, rather than limiting itself to those that have already been identified e.g. include the wording *“Other Local Heritage Assets may be identified during the Plan period using the criteria...”*. “In a representation Oxfordshire County Council states *“Disappointingly there is still no mention of heritage assets of archaeological interest. The historic environment, as defined by the NPPF, does not consist of built heritage only and does include archaeological sites and features as historic assets. There is therefore no proposed protection or identification of these important assets within the plan and our original advice therefore remains unchanged. This is particularly surprising as the Archaeology team have had numerous emails and phone calls from the residents of Adderbury, including the parish council, about their archaeology; it is clearly something that they consider important”*. Representations submitted by a group of six people state archaeological findings north of Milton Road should be preserved. It is not within my role to add additional assets to which the policy should apply. There is no requirement for the Neighbourhood Plan to include reference to

archaeology, or to heritage assets that may in the future be identified, in order to meet the Basic Conditions.

196. The District Council states *“It may be helpful if the buildings in Policy AD17 are defined and assessed against the Local Heritage Assets assessment process”*. The Guidance states it is the role of the local planning authority to recognise non-designated heritage assets.⁴¹ The District Council website states *“In addition to Listed Buildings, Government policy advises us to have regard to non-designated heritage assets through the planning process. In 2013 Cherwell established a programme of Local Heritage Assets, working with local communities to nominate structures which have a specific local heritage value. This register will replace the former local list. The intention of the register is to identify buildings and structures of heritage value, which while not worthy of formal listing by Historic England, still play an important role in the history and architectural heritage of a community. We have run workshops with parish councils and local amenity groups and over 40 new assets have been added to the list by the community. Structures and buildings identified on the register do not have the same statutory protection as listed buildings.”* It is appropriate for a community to use the neighbourhood plan preparation process to identify buildings and structures of local interest and to include policies to require particular consideration of those assets in the determination of planning applications. It is not appropriate to imply those assets identified will be recognised by the District Council as heritage assets. I have recommended a modification in this respect.

197. Another representation states *“This policy seeks to resist any proposal that would result in harm to the significance of a Local Heritage Asset. This does not accord with the Framework, especially paragraph 135 which seeks for any harm or loss to the significance of a heritage asset to be considered in a balanced judgement, not simply to restrict development. Gladman suggest that this policy is modified to accord with national policy regarding non-designated heritage assets.”* Paragraph 135 of the Framework states *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any*

⁴¹ Planning Practice Guidance Reference ID 18a-041-20140306

harm or loss and the significance of the heritage asset.” I have recommended a modification in this respect so that the policy has regard for national policy and provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

198. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 18:

Replace Policy AD17 with “Proposals affecting the significance of the following locally important buildings and structures will be assessed having regard to the scale of any harm or loss and the significance of the locally important building or structure: (include list of properties)” and change the policy title to “Buildings and structures of local importance”

Include in ‘Chapter 6 Implementation’ of the Neighbourhood Plan a proposal that “The following buildings and structures are nominated for assessment as Local Heritage Assets: (include the list of heritage assets)”

Policy AD18 New Community Facilities

199. This policy seeks to allocate land off Milton Road, West Adderbury, as identified on the Policies Map, for sport and community uses subject to six conditions. The policy also seeks to establish support for the extension of the community facilities at the Lucy Plackett Fields provided they do not undermine the integrity of the Local Green Space.

200. In a representation the District Council states *“This policy guides the development of the new community facility which will include the provision of access, community building and sports pitches. This would form part of the planned development for the community on public owned land. The need for the leisure facility has been identified in the leisure survey, which forms part of the evidence base”*. Representations submitted by a group of six people comment on floodlighting issues. I am satisfied part vi of the policy satisfies the Basic Conditions. In a representation Oxfordshire County Council states points ii and iii *“are considered superfluous as they are as they will be assessed by the Highway Authority”*. I am satisfied points ii and iii seek to shape and guide development as envisaged in the Framework
201. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
202. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. This policy meets the Basic Conditions.

Policy AD19 Community Assets & Local Services

203. This policy seeks to establish:
- conditional support for proposals to improve the viability of community use of named buildings and facilities through extension or partial redevelopment;
 - that proposals that will result in loss or significant harm to any named facility will be resisted unless not financially viable or will be replaced;
 - support for new or expanded shops or commercial uses;
 - that proposals for loss of shops or commercial uses will be resisted unless commercially no longer viable.
204. In a representation the District Council states *“It would worth considering clarifying in the Policy or supporting text that new local*

shops or commercial properties should be small scale. It would be beneficial to identify the assets and local services on the policies map". The Framework sets out national policy relating to the location of new retail development. The reference to promotion of healthy communities includes the term "*local shops*". I have recommended a modification in this respect. I have recommended a modification so that the community assets and local services listed in the policy are identified on the Policies Map so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

205. Oxfordshire Clinical Commissioning Group state "*it may relevant to also list Gracewell Nursing Home*". It is not within my role to recommend additions to the list of community assets and services that are the subject of the policy. Any addition would not have been subject to consultation. I have however referred to the desirability to update the list with respect to any assets or facilities that no longer exist. Representations submitted by a group of six people state the policy does not adequately address issues relating to the general food store. There is no requirement that the policy should address the matters raised.
206. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
207. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 19:

In Policy AD19

- **after "new" insert "local"**
- **identify each community asset and local facility on the Policies Map**

Policy AD20 Promoting New Employment

208. This policy seeks to establish that proposals for new employment and tourism uses and proposals to intensify employment uses within an established business park will be conditionally supported within the settlement boundary. The policy also seeks to conditionally support proposals for tourism and leisure development along the Oxford Canal. Proposals that will result in loss of employment land or buildings will only be supported if it is clearly demonstrated the land is no longer viable for a business use.
209. In a representation the District Council states *“It is suggested, to follow the approach in Policy SLE1 of the Local Plan, that ‘business park’ is replaced by ‘employment sites’ in the policy which provides a wider definition and more flexibility”* and *“The Council supports the recognition of the Oxford Canal in the Neighbourhood Plan and in this policy. It may be of benefit for the Plan to contain a standalone policy for the part of Policy A20 that relates to leisure, tourism and the Oxford Canal. If not, the title of the policy should be amended.”* Adjustment of the policy title to reflect the policy content assists clarity as required by the Framework. Use of the term ‘employment site’ provides greater clarity, and flexibility in building a strong competitive economy as required in the Framework. I have recommended a modification in these respects.
210. Strategic Policy SLE1 includes *“In cases where planning permission is required existing employment sites should be retained for employment use unless the following criteria are met: - the applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term. - the applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable. -the applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment”*.
211. In order to provide a practical framework for decision-making on development proposals, as required by paragraph 17 of the Framework, it is preferable that policies should be self-contained and not include references to policies or content in other parts of the Development Plan as the Development Plan, including the Neighbourhood Plan, should be read as a whole. Self-contained neighbourhood plan policies may also avoid obsolescence resulting

from changes to, or replacement of those other documents. In this instance in order to demonstrate general conformity with strategic policy I have recommended a modification to include reference to strategic Policy SLE1 as a shorthand method of capturing content without lengthy repetition in the Neighbourhood Plan policy. This will ensure that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have referred to necessary consequential adjustments to supporting text in the Annex to my report.

212. Strategic Policy ESD 16 states *“The Oxford Canal - We will protect and enhance the Oxford Canal corridor which passes south to north through the District as a green transport route, significant industrial heritage, tourism attraction and major leisure facility through the control of development. The length of the Oxford Canal through Cherwell District is a designated Conservation Area and proposals which would be detrimental to its character or appearance will not be permitted. The biodiversity value of the canal corridor will be protected. We will support proposals to promote transport, recreation, leisure and tourism related uses of the Canal where appropriate, as well as supporting enhancement of the canal’s active role in mixed used development in urban settings. We will ensure that the towpath alongside the canal becomes an accessible long-distance trail for all users, particularly for walkers, cyclists and horse riders where appropriate. Other than appropriately located small scale car parks and picnic facilities, new facilities for canal users should be located within or immediately adjacent to settlements. The Council encourages pre-application discussions to help identify significant issues associated with a site and to consider appropriate design solutions to these and we will seek to ensure that all new development meets the highest design standards”*. In the case of Strategic Policy ESD16 it is only necessary to capture the specific point regarding location of new facilities in order to ensure general conformity. In this case I have recommended the policy is modified to include an additional criterion in order to demonstrate conformity with strategic policy relating to development along the Oxford Canal.

213. The policy has regard for those parts of the Framework which state planning policies should *“support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development”* and *“support sustainable rural tourism*

and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres”.

214. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

215. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with building a strong, competitive economy; ensuring the vitality of town centres; and supporting a prosperous rural economy. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 20:

In Policy AD 20

- **delete “business park” and insert “employment site”**
- **add criteria vi “new facilities for canal users, other than appropriately located small scale car parks and picnic facilities, should be located within or immediately adjacent to settlements.”**
- **continue the policy after “business use” with “and subject to general conformity with the criteria set out in Strategic Policy SLE1”**

Continue the policy title with “and Tourism”

Policy AD21 Community Infrastructure Levy

216. This policy seeks to establish that five named projects are identified as priorities for investing in local infrastructure.

217. Historic England supports the use of Community Infrastructure Levy monies to fund maintenance of heritage assets as set out in Policy AD21, particularly where this includes measures that increase their use or appreciation by the public.

218. In a representation the District Council states *“The Neighbourhood Plan may need to consider other infrastructure projects to include in the list, such as public transport, highway improvements such as planting footpaths, bridleways, health, communications, etc”*.

219. The County Council considers more detail should be provided regarding the projects and how they will be implemented and in particular *“The Neighbourhood Plan identifies “improving cycle safety and connectivity of off-road cycleways” as a priority for investing future community infrastructure levy funding allocated by the local planning authority to the Parish into local infrastructure, but nothing else in transport terms. This is also not precise in terms of scheme identification. The most significant transport issue in the village is the severe congestion at the junction of the A4260 and B4100. This has a direct adverse effect on local residents in terms of journey time reliability and pollution. Previous comments from Oxfordshire County Council mentioned that ‘The NP could provide a greater emphasis on the importance of public transport and the planned improvements to local bus services ... The Plan should support the County Council’s strategy to develop these bus services, which will be of great benefit to Adderbury’s present and future residents.’ This has not been addressed within the latest version of the Plan. The importance of bus connections into Oxford and Banbury should be recognised. Enhancing the bus service between Banbury and Oxford should be mentioned within the NP, not only because this will be of immense benefit to the people of Adderbury, but also because S106 contributions towards the cost will be expected from new residential developments, on a pro rata basis. Bus stops that are required as a consequence of new developments can be requested as S106/S278 as a mitigating measure”* and *“We also recommend that pedestrian safety and the improvement of connectivity (e.g. the provision of pavements and controlled crossings) and accessibility of public footpaths (e.g. the replacement of stiles with accessible gates) are also included within Policy AD21 and section 6.5 ‘Infrastructure Projects’.*” Additions to the list of projects or more details of projects are not necessary to meet the Basic Conditions.

220. Network Rail state consideration should be given to developer contributions to fund enhancements such as car parking facilities at Kings Sutton railway station. Oxfordshire Clinical Commissioning Group suggest an addition to the list of projects named in the policy. It

is not within my role to recommend additions to the list of projects that are the subject of the policy.

221. Representations submitted by a group of six people includes comment in relation to the provision of land for use as a cemetery however this does not require any modification of the policy to meet the Basic Conditions.
222. It is appropriate to use the Neighbourhood Plan preparation process to determine community support for projects to be treated as priorities for investment in local infrastructure. Whilst parties have stated additional projects and details should be included in the policy these are not necessary to meet the Basic Conditions.
223. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
224. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting sustainable transport; and promoting healthy communities. This policy meets the Basic Conditions.

Summary and Referendum

225. I have recommended 20 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.
226. I am satisfied that the Neighbourhood Plan⁴²:
- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and

⁴² The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Parish and Country Planning Act 1990 and meets the Basic Conditions:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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 of the authority (or any part of that area);
 - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.⁴³

I recommend to Cherwell District Council that the Adderbury Neighbourhood Development Plan for the plan period up to 2031 should, subject to the modifications I have put forward, be submitted to referendum.

227. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.⁴⁴ I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Cherwell District Council as a Neighbourhood Area on 7 June 2013.

⁴³ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁴⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

Annex: Minor Corrections to the Neighbourhood Plan

228. A number of consequential modifications to the general text, and in particular the justification of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies, for example, adjustment of paragraph 5.65 to refer to Strategic Policy SLE1 in order to correspond with modification of the text of Policy AD20.

229. I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁴⁵ I recommend the following minor changes only in so far as it is to correct an error or where it is necessary so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework:

- The Note on the front cover of the Submission Plan relating to Pre-Submission Consultation should be updated.
- The list of land use policies presented at page 5 of the Neighbourhood Plan shows different policy titles to those in the main body of the Plan in respect of Policies AD6 and AD12. The list of land use policies should be amended.
- Representation 2 in the Schedule of Regulation 16 representations refers to archaeological remains recently found. Paragraph 2.4 should be updated to refer to *“archaeological evidence of Neolithic remains”*
- Representation 3 in the Schedule of Regulation 16 representations states the alignment of identified footpaths are incorrectly shown on the Policies Map. These should be checked and corrected as necessary.
- The list of community assets and local services in Policy AD19 should be updated to delete any facilities that now no longer exist.
- In the Glossary replace Oxford with Oxfordshire.
- Delete “Management” and insert “Managing” in the title to Policy AD9.

⁴⁵ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

**Recommended modification 21:
Modification of general text will be necessary to achieve consistency with the modified policies, and to correct identified errors including those arising from updates.**

Chris Collison
Planning and Management Ltd
collisonchris@aol.com
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REPORT ENDS