

Appendix 1



**Intelligent Plans**  
and examinations

# **Report on the draft Modified Bloxham Neighbourhood Plan 2024 - 2042**

**An Examination undertaken for Cherwell District Council with the support of Bloxham Parish Council on the October 2025 submission version of the draft Plan.**

Independent Examiner: Andrew S Freeman BSc (Hons) DipTP DipEM FRTPI

Date of Report: 11 May 2026

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## **Main Findings - Executive Summary**

From my examination of the Modified Bloxham Neighbourhood Plan 2024 – 2042 (the Plan) and its supporting documentation, including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Bloxham Parish Council;
- The Plan has been prepared for an area properly designated – the Bloxham Neighbourhood Area (Plan A on Page 4 of the draft Plan);
- The Plan specifies the period to which it is to take effect – 2024 - 2042; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the draft Plan relates and have concluded that it should not.

## **1. Introduction and Context**

### **Modified Bloxham Neighbourhood Plan 2024 - 2042**

- 1.1 Bloxham is a historic village and civil parish in north Oxfordshire within the administrative area of Cherwell District Council. The parish is bisected by the A361 between Banbury, about 3 miles to the northeast, and Chipping Norton to the southwest. The parish is also crossed by C-class roads linking local villages. In the north of the parish, there is Broughton to the west and Bodicote to the east. Further south, C-class roads link Tadmarton to the west and Adderbury to the east.
- 1.2 The parish was originally designated as a neighbourhood area in 2013. There followed the Bloxham Neighbourhood Plan 2015 – 2031 which was “made” in December 2016. The Modified Bloxham Neighbourhood Plan 2024 – 2042 rolls forward the plan period and modifies the wording of many of the policies. Some are unchanged. The main changes include a new policy setting out a “Spatial Plan for Bloxham” and a major housing allocation on “Land East of Tadmarton Road (‘Painters Farm’)”.

### **The Independent Examiner**

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Modified Bloxham Neighbourhood Plan

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by Cherwell District Council (the Council), with the agreement of Bloxham Parish Council.

- 1.4 I am a chartered town planner and former government Planning Inspector with over fifty years' experience. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

#### Procedural Considerations

- 1.5 The Modified Plan was submitted for examination to the Council on the basis that the qualifying body has considered throughout the Modified Plan preparation process, that the proposed modifications are a substantial and significant modification to the made Plan. This is confirmed in the qualifying body's Modification Statement (Section 1.3 and Appendix C of the Modified Plan).
- 1.6 The Modification Statement of Cherwell District Council references changes to the plan period in the modified Neighbourhood Development Plan (NDP); changes to the amount of proposed housing across the Neighbourhood Area; the allocation of an additional significant new site in the Neighbourhood Plan Area; and changes to made policies. The Council concludes that these amendments represent material modifications which change the nature of the Plan and therefore require examination and a referendum.
- 1.7 On my appointment as the examiner of the Plan, I considered whether the modifications contained in the draft Modified Plan "are so significant or substantial as to change the nature of the neighbourhood development plan which the draft plan would replace". This was in accordance with Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act").
- 1.8 The main implication was that, should I have taken a view that the modifications were not significant or substantial, then the Plan examination would have preceded under Schedule A2 of the 2004 Act rather than schedule 4B of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). As a practical and key consequence, the Modified Plan would not have required a referendum prior to being made.
- 1.9 Following my initial assessment of the Modified Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to Bloxham Parish Council and Cherwell District Council on 25 March 2026 with my determination made under Paragraph 10(1) of Schedule A2 to advise that, in my assessment, the proposed modifications contained in the Modified Plan are so significant or substantial as to change the nature of the made Plan which the Modified Plan would replace.
- 1.10 As noted by Cherwell District Council, the principal revisions include changes to the plan period; changes to the amount of proposed housing

across the Neighbourhood Area; the allocation of an additional significant new housing site; and changes to made policies.

- 1.11 Accordingly, I invited Bloxham Parish Council, as the qualifying body, in accordance with Paragraph 10(5) of Schedule A2, to decide whether to proceed with the examination of the Modified Plan under the provisions of Schedule 4B to the 1990 Act which in turn would require a referendum prior to the Modified Plan being made.
- 1.12 Bloxham Parish Council confirmed on 13 April 2026 that it had determined to proceed with the examination of the Modified Plan under Schedule 4B. Therefore, it is on that basis that I have undertaken my examination of the Modified Plan. For clarification, my examination has also considered the entirety of the Modified Plan and has not been confined to those parts of the Modified Plan which contain modifications to the made Plan.

### The Scope of the Examination

- 1.13 As the independent examiner, I am required to produce this report and recommend either:
- a) that the neighbourhood plan is submitted to a referendum without changes; or
  - b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.14 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the 1990 Act. The examiner must consider:
- Whether the draft Plan meets the Basic Conditions;
  - Whether the draft Plan complies with provisions under Section 38A and Section 38B of the 2004 Act. These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
    - it does not include provisions and policies for “excluded development”;

- it is designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change<sup>1</sup>; and
  - it takes account of any local nature recovery strategy, under Section 104 of the Environment Act 2021, that relates to all or part of the neighbourhood area.<sup>2</sup>
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
  - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the 2012 Regulations”).

1.15 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the draft Plan is compatible with the Human Rights Convention.

### The Basic Conditions

1.16 The “Basic Conditions” are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the draft Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the draft plan were not to be made<sup>3</sup>;
- be compatible with, and not breach, assimilated obligations<sup>4</sup>; and
- meet prescribed conditions and comply with prescribed matters.

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<sup>1</sup> This additional requirement was commenced on 25 March 2026 by virtue of *The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026*, which brought into force section 98 of the Levelling-up and Regeneration Act 2023.

<sup>2</sup> See footnote above.

<sup>3</sup> This Basic Condition applies from 25 March 2026 by virtue of *The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026*, which brought into force section 99 of the Levelling-up and Regeneration Act 2023. This replaces the former Basic Condition which required a neighbourhood plan to be in general conformity with the strategic policies of the development plan for the area.

<sup>4</sup> See: The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023, which replaced the previous reference to ‘EU’ obligations.

- 1.17 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>5</sup>

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The Development Plan for this part of Cherwell District Council, not including documents relating to excluded minerals and waste development, is the Cherwell Local Plan 2011 – 2031. In addition, the Cherwell Local Plan Review 2042 is currently at examination.<sup>6</sup>
- 2.2 Planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. All references in this report are to the December 2024 NPPF and its accompanying PPG.

### Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents relevant to the examination, including those submitted which comprise:
- the draft Modified Bloxham Neighbourhood Plan 2024 - 2042, October 2025;
  - a map on page 4 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement, September 2025;
  - the Basic Conditions Statement, October 2025;
  - the Strategic Environmental Assessment (SEA) Scoping Report, February 2025;
  - the Strategic Environmental Assessment for the Bloxham Neighbourhood Plan, July 2025;
  - the Strategic Environmental Assessment (Environmental Report Addendum), October 2025;
  - Housing Needs Assessment
  - the Bloxham Modified NDP – Habitats Regulations Screening Opinion, November 2025;
  - all the representations that have been made in accordance with the Regulation 16 consultation;

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<sup>5</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

<sup>6</sup> Further information on progress can be viewed here:

<https://www.cherwell.gov.uk/info/281/local-plan-review-examination>

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- the request for additional clarification sought in my letter dated 25 March 2026 and the responses from Cherwell District Council dated 1 April 2026 and from Bloxham Parish Council on 8 April 2026; and
- the responses to my letter of 25 March 2026 concerning the revisions to the legal compliance and Basic Conditions requirements, from Cherwell District Council, Bloxham Parish Council and from four other parties who took the opportunity to comment.<sup>7</sup>

#### Site Visit

2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 12 April 2026 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

#### Written Representations with or without Public Hearing

2.5 This examination has been dealt with by written representations. This is in accordance with the general rule set out in Paragraph 9(1) of Schedule 4B to the 1990 Act.

2.6 Representations have been made on matters that include flood risk, site selection and public consultation. I have been asked to hold a hearing in the event that the position is not accepted and so that the points can be fully articulated. However, to my mind, the representations set out clearly the objections and other comments in relation to the draft Plan. I believe that I have been able to ensure adequate examination of the issues and that representors have had a fair chance to put their case.

#### Modifications

2.7 Where necessary, I have recommended modifications (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

### 3. Compliance Matters and Human Rights

#### Qualifying Body and Neighbourhood Plan Area

3.1 The Modified Bloxham Neighbourhood Plan has been prepared and submitted for examination by Bloxham Parish Council, which is a qualifying body for an area that was designated by Cherwell District Council on 3 June 2013.

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<sup>7</sup> View at: <https://www.cherwell.gov.uk/info/221/neighbourhood-plans/395/bloxham-neighbourhood-plan>

- 3.2 It is the only Neighbourhood Plan for the Bloxham Neighbourhood Area and does not relate to land outside the designated Neighbourhood Plan Area.

#### Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2024 to 2042.

#### Neighbourhood Plan Preparation and Consultation

- 3.4 Details of plan preparation and consultation are set out in the Consultation Statement, September 2025. In terms of the early consultation process, a table on Pages 4 and 5 of the Consultation Statement sets out details of various events that were held between 24 April 2024 and 9 May 2025 together with the purpose of the events. Examples of publicity in the form of 'drop-in and chat posters' and newsletters are to be found on Pages 6 and 7 of the Statement.
- 3.5 Formal consultation under Regulation 14 was held between 15 July 2025 and 15 September 2025 (a period of 9 weeks), albeit responses were received and accepted up to 16 September 2025. Details of how persons and bodies were consulted are summarised on Pages 8 and 9 of the Consultation Statement. Statutory consultees and others who were the subject of direct consultation are listed in the Addendum to the Consultation Statement. Examples of consultation material are set out on Pages 9 to 11 of the Statement.
- 3.6 The Consultation Statement records some 111 written representations including those of stakeholders and landowners. For residents and community groups, a summary of the main issues and concerns raised, and a description of how they were considered and addressed, is set out on Pages 12 to 50 of the Statement. There are separate reports detailing 'Community Responses to the Regulation 14', 'Combined statutory and development responses by policy' and 'Statutory and Development responses'.
- 3.7 I am aware that representors have criticised the consultation process up to and beyond the Regulation 14 consultation. Reference has been made to expectations in publications by Cherwell District Council and Oxfordshire County Council. For my part, I am satisfied that the legal requirements set out in Regulation 15(2) of the 2012 Regulations have been met. Regard has also been paid to guidance in the PPG.
- 3.8 I am aware of one instance where an interested party was excluded from a 'public' meeting. I would not expect such an occurrence. Nevertheless, it appears to me that all those with an interest in the Plan have had an opportunity to make fulsome written representations for my consideration. I do not believe that any party has been prejudiced in this regard.

- 3.9 Consultation under Regulation 16 was carried out between 8 December 2025 and 1 February 2026. Including one late representation (which I have been invited to consider), some 31 representations have been received. These include representations from Cherwell District Council and Oxfordshire County Council as well as from agents, house builders and many residents. I have taken all these representations into account in making my recommendations.
- 3.10 During the examination, changes were made to the legal compliance requirements and Basic Conditions, applying from 25 March 2026.<sup>8</sup> In order to provide an opportunity for the qualifying body, the local planning authority and any other interested parties to comment, Cherwell District Council contacted those who had made representations at the Regulation 16 stage.
- 3.11 A 2-week period was advertised on the District Council’s website inviting further comments, focused only on the legislative changes. Six responses were received including those from Cherwell District Council and Bloxham Parish Council. I have taken these into account in my assessment.
- 3.12 I am satisfied that the consultation process has met the legal requirements and has had regard to the advice in the PPG on plan preparation and engagement.

#### Development and Use of Land

- 3.13 The Plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act and does not exceed the appropriate scope of a neighbourhood plan.<sup>9</sup>

#### Excluded Development

- 3.14 The Plan does not include provisions and policies for “excluded development”.<sup>10</sup>

#### Local Nature Recovery Strategy

- 3.15 Cherwell District Council has advised that the Local Habitats Map identifies areas that the Local Nature Recovery Strategy recommends for targeted nature recovery actions and that potential measures within the parish apply to a very small area of the site allocated under Policy BL2. Having examined the Local Habitats Map, I note that the very fringe of the hexagons that identify the areas of potential measures do indeed clip the edge of the allocated site.

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<sup>8</sup> See paragraphs 1.14 – 1.16 above and the associated footnotes.

<sup>9</sup> See s.38B(A1) and s.38B(2C)(a) of the 2004 Act.

<sup>10</sup> The meaning of ‘excluded development’ is set out in s.61K of the 1990 Act.

3.16 However, having regard to the descriptions of the potential actions, I consider that the measures relate to the river valley, not to the allocated site. In my assessment, none of the Plan's policies are in direct conflict with the strategy.

#### Climate Change

3.17 Having regard to the responses received to my letter of 25 March 2026, I am satisfied that, overall, the Plan as proposed to be modified does not conflict with the aims of securing development which contributes to the mitigation of, and adaptation to, climate change.

#### Human Rights

3.18 Bloxham Parish Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to disagree.

### **4. Compliance with the Basic Conditions**

#### Assimilated Obligations

4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by consultants acting on behalf of Bloxham Parish Council following initial scoping by Cherwell District Council. It was found that SEA would be necessary. The requirement for SEA was based primarily on the fact that the Modified Plan proposes to allocate land for 125 new homes. Whilst this decision may reflect a precautionary approach, I have proceeded to carry out an assessment of the submitted documents.

4.2 There have been criticisms of the way in which the SEA has been carried out, particularly in the selection of reasonable alternatives and the choice of the preferred option. For my part, I have been able to gain a good understanding of the way the assessment was carried out and the evaluation of options. The matter of site selection and the appraisal of options is further considered under the main issues below.

4.3 I appreciate that some of the circumstances have changed; also, as is often the case, there are differences of opinion about matters such as assessment criteria and weighting. Nevertheless, I consider that reasonable conclusions have been drawn. In my opinion, the process and results are not materially flawed in any way.

4.4 The Modified Bloxham Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA). Assessment was not triggered. The site is not in close proximity to a European designated nature site. From my independent assessment of this matter, I have no reason to disagree with the District Council's screening opinion. In this regard, an

automated response was received from Natural England on 9 December 2025 but no specific comments have been made.

## Main Issues

- 4.5 Having regard for the Modified Bloxham Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are seven main issues relating to the Basic Conditions for this examination. These are:
- Spatial Strategy;
  - Connectivity;
  - House Types;
  - Infrastructure;
  - Views
  - Employment; and
  - Local Green Space.
- 4.6 Before I deal with the main issues, I have a few observations to make with regard to the representations. First, the Modified Bloxham Neighbourhood Development Plan should be seen in the context of the wider planning system. This includes the Cherwell Local Plan 2011 – 2031 and the Cherwell Local Plan Review 2042<sup>11</sup>, as well as the NPPF and PPG. It is not necessary to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.<sup>12</sup> Having said that, there may be scope to give emphasis to matters particularly relevant in the context of Bloxham.
- 4.7 Secondly, the Neighbourhood Plan does not have to deal with each and every topic raised through the consultation. In this regard, the content of the Neighbourhood Plan and the scope of the policies are largely at the discretion of the qualifying body, albeit informed by the consultation process and the requirements set by the Basic Conditions.
- 4.8 Thirdly, my central task is to judge whether the Neighbourhood Plan satisfies the Basic Conditions. Many of the representations do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions, notwithstanding their utility.

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<sup>11</sup> In this context, see advice in PPG Reference ID: 41-009-20190509.

<sup>12</sup> See NPPF Paragraph 16 f).

- 4.9 The following section of my report sets out modifications that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections.<sup>13</sup> Others are necessary in order to have closer regard to national policies and advice. In particular, plans should be succinct and contain policies that are clearly written and unambiguous.<sup>14</sup> A decision maker should be able to apply them consistently and with confidence when determining planning applications. In addition, the policies should be supported by appropriate evidence.<sup>15</sup>
- 4.10 I repeat that all policies in the Modified Plan have been subject to review by me as part of this examination, irrespective of whether they are included within the Bloxham Neighbourhood Plan 2015-2031.

### Issue 1 – Spatial Strategy

- 4.11 Policy BL1 of the Modified Plan sets out a spatial strategy for Bloxham. This is based on the provision of four sites. Two of the sites already have planning permission (North of Ells Lane – 30 homes; and West of Tadmarton Road – 55 homes). For a further site, there is a resolution to grant permission (South of Hartshill Close – 130 homes). The fourth site comprises the allocation East of Tadmarton Road (125 homes), the subject of Policy BL2. In total there would be some 340 new homes, although only the allocation East of Tadmarton Road is a new commitment.
- 4.12 For some representors, there would be too much housing in Bloxham. For others, as is often the case, there would not be enough. In this regard, Policy RUR 1 of the Cherwell Local Plan Review requires 75 dwellings to be provided within the allocated sites in the Bloxham Neighbourhood Plan between 2020 and 2042.
- 4.13 The proposed figure would be significantly higher. However, Cherwell District Council does not consider that the approach taken materially affects the overall spatial strategy of the Local Plan Review currently at examination.<sup>16</sup> The Parish Council, for its part, wishes to use the new allocation to plan for what are seen as important infrastructure improvements. In all the circumstances, and subject to the acceptability of the specific allocation (below), I find that the proposals are soundly based.
- 4.14 I have considered whether the Settlement Boundary should be modified to include sites either with planning permission or proposed for allocation, including the Painters Farm site (see below) and sites otherwise supported in the emerging Local Plan (LEC3 and LEC10). The allocation of the sites in the emerging Local Plan is still to be determined. In any event, I do

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<sup>13</sup> Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

<sup>14</sup> NPPF, Paragraphs 15 and 16 d).

<sup>15</sup> PPG Reference ID: 41-041-20140306.

<sup>16</sup> In this regard, see PPG Reference ID: 41-009-20190509.

not see revision of the boundary as an imperative or necessary to comply with the Basic Conditions.

- 4.15 A second limb of the spatial strategy is the vexed question of the allocation of land East of Tadmarton Road (Policy BL2) for housing purposes (approximately 125 homes). The site is known as Painters Farm. Before looking at the policy as drafted, I consider the appropriateness of this site in principle and the process that has led to its selection. One of the main considerations is flood risk and whether, prior to allocation, a thorough assessment against other potential sites should have been carried out first (the sequential test). I examine this matter below, then turn to other site selection matters.

#### *Flood Risk*

- 4.16 A fair number of representors object to the proposed allocation on the ground that the area has been subject to flooding in the recent past. Amongst the arguments, it is considered that the development could exacerbate flooding and that the Painters Farm site should have been the subject of the sequential test. The site should not be allocated under the Plan. Sites that avoid the risk of flooding are available.
- 4.17 For my part, I am aware that one aim of national policy is to steer new development to areas with the lowest risk of flooding from any source (including fluvial and surface water flooding). "New development" would include access routes.
- 4.18 Important sources of flood risk information include the Environment Agency's Flood Map for Planning. In the case of Bloxham Parish, there is also a known case of fluvial and surface water flooding (24 November 2024). This was the subject of a Section 19 Flood Investigation Report by Oxfordshire County Council, acting as the lead local flood authority.<sup>17</sup>
- 4.19 In the present case, a number of preliminary facts can be recorded:
- There are alternatives to the proposed Painters Farm allocation.
  - The Painters Farm site falls within Flood Zone 1.
  - Access to the Painters Farm land would pass through land at risk of flooding through surface water.
  - The site is potentially within an area of sewer flooding.
  - The promoters of the Painters Farm land judged the site to be "At Very Low risk of surface flooding".
  - The promoters of the Painters Farm land prepared a site-specific Flood Risk Assessment.
  - The promoters of the Painters Farm land concluded, in their Flood Risk Assessment, that, "Due to the flood risk on the development, a sequential test is not required. It is concluded that the current proposals pass the sequential test."

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<sup>17</sup> A copy of this report can be found in the Regulation 16 representations of the Facon family.

- 4.20 On the face of it and bearing in mind that the access to the site was the subject of surface water flooding in the November 2024 event, the proposal should have been the subject of a sequential test. However, I am mindful of the guidance in the PPG.
- 4.21 In applying NNPf Paragraph 175, a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.<sup>18</sup>
- 4.22 The above guidance is given in the context of planning applications. I consider the present circumstances to be analogous given that I am considering a single specific allocation that has already been the subject of a site-specific flood risk assessment.
- 4.23 The abstract of the Flood Risk Assessment, prepared on behalf of the promoters of the Painters Farm site, states:
- The FRA demonstrates that these risks can be appropriately managed through the implementation of a sustainable surface water management strategy. The proposed design incorporates SuDS features including swails, detention basins, and flow control devices to restrict run off to greenfield rates for all storm events up to the 1 in 100-year event plus 40% climate change. In addition, an upstream diversion and attenuation system will intercept over land flows arriving from higher ground, temporally store them within open basins, and then divert them safely around the development, thereby reducing the hydraulic load on the Tadmarton Road North culvert and providing a wider flood mitigation benefit for Bloxham.*
- 4.24 The report concludes that the proposed development will be safe for its lifetime, will not increase flood risk elsewhere, and is fully compliant with national and local flood risk management policy objectives.
- 4.25 Having reviewed the Flood Risk Assessment, I am satisfied that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development. Irrespective of whether there are 'competing' schemes where the matter of flood risk would not arise, I find that the allocation before me, with the safeguards set out in Policy BL2, is entirely acceptable (subject to provision in respect of sewer flooding). Indeed, it would present benefits for the wider community that would not otherwise be available.<sup>19</sup>

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<sup>18</sup> PPG Reference ID: 7-027-20220825.

<sup>19</sup> I have not found it necessary or appropriate to consider the 'sequential test' set out in the Parish Council's answers dated 8 April 2026 to my questions.

*Other matters in site selection*

- 4.26 Representors have argued that the site selection process is lacking in transparency and that the selection is based on inadequate and out-of-date evidence. In this regard, I am aware that a summary of site assessment and selection is set out in Appendix A of the Modified Plan. This has much in common with the appraisal of site options as described in the Strategic Environmental Assessment.
- 4.27 To my mind, although only a summary, the information in Appendix A gives rise to a clear understanding of the factors that led to the rejection of sites. From a long list of 17 sites, one was deleted because, although it adjoined the village, it was within the neighbouring parish. Two more were deleted because they had already gained planning permission. Of the 14 remaining sites, 10 were carried forward on the basis that identified issues could be resolved or constraints mitigated. One has since gained planning permission.
- 4.28 For the nine remaining sites, the focus of the assessment has been the community benefits that could be delivered. To my mind, this is a reasonable criterion to apply given the pressures on local communities and infrastructure that result from housing development and irrespective of the parish portion of the Community Infrastructure Levy.
- 4.29 All but two sites were then eliminated for the reasons set out in Appendix A, Paragraph 9. I have no reason to dispute the reasoning. Representors have had the opportunity to raise any material considerations.
- 4.30 The benefits related to the first of the two sites (Site 1, East of Tadmarton Road) are referenced as being expansion of the school; connection with the adjoining right of way; land for a burial ground; potential future use of an existing barn; and a new public vantage point on Hobbs Hill including woodland planting. For the other site (Site 5, Land north and south of Milton Road), benefits would include land for a burial ground, allotments/orchard and a new community facility (library).
- 4.31 Paragraph 7 of Appendix A records the fact that, "the Parish Council has judged that increasing the capacity of the village primary school was its most important priority." In this regard, I am aware that there are differences of opinion about the need to expand the primary school. I do not find that the case has been proved although I accept that circumstances may change in the future, particularly if residential development continues apace.
- 4.32 Notwithstanding, the Parish Council has put forward the site East of Tadmarton Lane for allocation. If increasing the capacity of the primary school were the only consideration, allocation would not be straight forward. However, there are other factors. I consider that the Parish Council has made a legitimate choice. It has weighed the factors relevant to the two sites and has come to a reasoned conclusion. As I say in

assessing the SEA, there are differences of opinion about matters such as assessment criteria and weighting; but I accept the Parish Council's overall approach.

#### *Detailed provisions of Policy BL2*

- 4.33 Clause B.I of Policy BL2 makes reference to the principles shown on the Concept Masterplan. The Concept Masterplan is Plan C on Page 16 of the Modified Plan. For clarity, Plan C should be referenced in the policy. Plan C will also need amendment so that the key identifies the feature to which the numbers in circles relate; also, to change "Bungalow" to "Bungalows".
- 4.34 Clause B.II refers to "a proportion of bungalows suited to older person households". In response to my questions, the Parish Council has suggested that the proportion should be at least 20%, if practical. In my experience, this proportion would be way too high. At the very most, a figure of 10% could be inserted for clarity, but even such a figure would be subject to viability considerations.
- 4.35 Clause C.I of the policy refers to the sustainable drainage scheme, but this should be expressed as a requirement. As noted above, sewer flooding should also be addressed.
- 4.36 Clause C.V of the policy refers to "The green infrastructure scheme", but it is not clear what infrastructure scheme is being referenced. Amendment of the clause is necessary.
- 4.37 The various necessary amendments to the policy are set out in proposed modification **PM1**.

#### **Issue 2 - Connectivity**

- 4.38 In Policy BL3: Connectivity, there is reference to rights of way "as shown on the Policies Map". However, the Policies Map does not show rights of way, only footpaths; and the evidence suggests that the pattern of rights of way is different from those shown on the Policies Map (for example, Map 6 in the made Neighbourhood Plan). The reference in the policy should be changed to "footpaths" as in proposed modification **PM2**.

#### **Issue 3 – House Types**

- 4.39 In Policy BL6 of the Modified Plan (Adapting Homes to meet Demographic Change), there is a requirement that at least 20% of the total number of dwellings should be bungalows, designed specifically to meet the needs of households with older persons and those with disabilities. This is materially different from the source policy, Policy BL8 of the made Plan. In Policy BL8 of the made Plan, the 20% refers to bungalows or two-storey dwellings.

- 4.40 In reference to Policy BL2, I question the requirement for 20% bungalows. The same arguments apply here. The policy should refer to a proportion of 10% bungalows, as in proposed modification **PM3**.

#### Issue 4 - Infrastructure

- 4.41 In Policy BL8: Local Infrastructure, there is an error in the wording of Clause II. As advised by the Parish Council, this should read, "Measures that will reduce the risk of surface water flooding beyond the site boundary will be attributed additional weight in decision-making."<sup>20</sup>
- 4.42 In Clause IV of the policy, there is reference to meeting the needs of the assessed number of children of primary school age but not of those who would be attending early years or secondary classes. All necessary amendments to the policy are included in proposed modification **PM4**.

#### Issue 5 - Views

- 4.43 Policy BL11: Key Streetscenes & Views has moved away from all "the key views identified in the Bloxham Conservation Area Appraisal 2007" (as in the made Neighbourhood Plan – Policy BL12) to selected key views and street scenes "as shown on the Policies Map".
- 4.44 As far as I can discern, there are four street scenes – a three-sided area of vegetation to the northeast of the footpath ascending Hobbs Hill; the area fronting the Bloxham School main buildings; the 'triangle of pubs' character zone (including the Red Lion garden); and St Mary's Church. The key views (as shown on the Policies Map) are located at the southern corner of the Hobbs Hill street scene; on Courtington Lane; on Strawberry Terrace; and on Old Bridge Road.
- 4.45 Of the street scenes shown on the Policies Map, the three-sided area of vegetation to the northeast of the public right of way ascending Hobbs Hill does not seem to feature in any of the material that I have seen, nor was I able to establish, from my site visit, exactly what was the "street scene". It should be deleted from the Modified Plan.
- 4.46 As to the four key views, I have been able to work out what are the views or content that is to be enjoyed, but the symbols shown on the Policies Map are of no assistance at all in this regard (the Parish Council has not supplied any additional meaningful information).
- 4.47 With the exception of views from Courtington Lane or the footpath ascending Hobbs Hill, the key views are of the key street scenes. For clarity, they should be combined and explicitly referenced in the policy. The key view symbols should be deleted altogether. Reliance would be placed on the descriptive material in Appendix B as a statement of what it is that should be safeguarded. There should also be recognition of the

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<sup>20</sup> See Parish Council's answers dated 8 April 2026 in response to my questions.  
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fact that, from the public right of way ascending Hobbs Hill, views will be affected by the Painters Farm development.

4.48 On a final note, it would be clearer if “Key views and street scenes 3: The Red Lion Garden” (Appendix B) was described as “Triangle of Pubs Character Zone (as in the accompanying plan on Page 40). I appreciate that the former is the term used in the made Neighbourhood Plan; also, that the garden of the Red Lion is the focus of attention. However, there is much more of interest within the triangle including the overlooking Coach & Horses and Joiners Arms public houses as well as the war memorial green. A wider description would be more apt.

4.49 Necessary amendments are set out in proposed modification **PM5**.

### Issue 6 - Employment

4.50 Amongst other things, Policy BL12 seeks to resist the loss of employment land. There is reference to meeting the Development Plan site marketing requirements. However, this reference is lacking in clarity and should be replaced by specific reference to the 2015 Local Plan Part 1 and the policy on employment development (SLE 1) and Policy LEC2 of the Local Plan Review. Proposed modification **PM6** refers.

### Issue 7 – Local Green Space

4.51 Under Policy BL15, three areas are designated as Local Green Spaces. The policy says that “New development will not be permitted on land designated as Local Green Space except in very special circumstances.” Whilst this is intended to reflect Green Belt policy, with which the policy should be consistent, it ignores the fact that development may be “not inappropriate” in the first place and very special circumstances would not need to be demonstrated. Amendment of the policy to align with the NPPF is necessary (proposed modification **PM7**). In all other respects, I am content that the proposed designations meet the criteria set out in Paragraph 107 of the NPPF and are capable of enduring beyond the end of the Plan period (Paragraph 106).

### Other Policies

4.52 There remain a number of policies that have not been the subject of commentary in the above report. These are Policies BL4: Parking, BL5: Housing Mix, BL7: Residential Amenity, BL9: General Design Guidance, BL10: Design in the Conservation Area, BL13: Village Centre and BL14: Broadband and Mobile Communications.

4.53 To a greater or lesser extent, these topics are covered in NPPF Sections 5 (Delivering a sufficient supply of homes), 6 (Building a strong, competitive economy), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 10 (Supporting high quality communications), 12 (Achieving well-designed places) and 16 (Conserving and enhancing the

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historic environment). I find that there has been regard for national policy and that the Basic Conditions have been met.

## 5. Conclusions

### Summary

- 5.1 The Modified Bloxham Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the draft Plan meets the Basic Conditions and other legal requirements. I have had regard for all the responses made following consultation on the draft Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Bloxham Neighbourhood Development Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### Overview

- 5.4 It is evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool for future planning and change in Bloxham over the coming years.

*Andrew S Freeman*

Examiner

## Appendix: Proposed Modifications

<b>Proposed Modification (PM) number</b>	<b>Page no</b>	<b>Modification</b>
PM1	Pages 14-16	<p>In Policy BL2 Clause B.I, after "Concept Masterplan", add "(Plan C on Page 16)".</p> <p>Replace Clause BII with the following: "The residential scheme is for approximately 125 homes. Subject to viability, at least 10% of the homes shall be bungalows suitable for occupation by older person households."</p> <p>In Clause C.I, replace "The sustainable drainage scheme" with "A sustainable drainage scheme shall be provided that".</p> <p>At the end of Clause C.I, add "and avoids any worsening of sewer flooding beyond the site".</p> <p>In Clause C.V, replace "The green infrastructure scheme" with "A green infrastructure scheme shall be implemented, based on the principles shown on Plan C, that incorporates...".</p> <p>In Plan C, add to the key an explanation of what are the various features identified by numbers in circles.</p> <p>In Plan C, change "Bungalow" to "Bungalows".</p>
PM2	Page 16	In Policy BL3 Clause B, change "rights of way" to "footpaths".
PM3	Page 19	In Policy BL6, change "20%" to "10%".
PM4	Page 20	<p>For Policy BL8 Clause II, substitute the following: "Measures that will reduce the risk of surface water flooding beyond the site boundary will be attributed additional weight in decision-making;".</p> <p>For Clause IV, substitute the following: "Proposals for major housing development must demonstrate that there is sufficient capacity at the Bloxham CE Primary School and at local early years and secondary schools in the area to meet the needs of the assessed number of</p>

		early years, primary and secondary school-aged children living in the completed scheme.”
PM5	Page 22	<p>In Policy BL11, replace Clause A with the following:</p> <p>“Under the policy, Key Street Scenes are identified as shown on the Proposals Map and described in Appendix B as well as Key Views as described in Appendix B. The Key Street Scenes are:</p> <ul style="list-style-type: none"> <li>• The area fronting the Bloxham School main buildings;</li> <li>• The Triangle of Pubs Character Zone; and</li> <li>• St Mary’s Church (see Clause B).</li> </ul> <p>“The Key Views are from Hobbs Hill and from Courtington Lane towards Hobbs Hill.</p> <p>“Development proposals must ensure that key features of the identified street scenes and views can continue to be enjoyed and that any development has an acceptable impact in relation to the visual qualities that can be observed from public vantage points.”</p> <p>On the Policies Map, delete the symbols for Key Views.</p> <p>Add to the text supporting Policy BL11 acknowledgement that the Key Views from Hobbs Hill will be affected by the development at Painters Farm.</p>
PM6	Page 23	In Policy BL12, replace “in addition to the development plan site marketing requirements” with “in addition to meeting the marketing requirements set out in Policy SLE 1 of the Cherwell Local Plan 2011-2032 Part 1”.
PM7	Page 25	<p>Replace the second sentence of Clause A of Policy BL15 with the following:</p> <p>“New development on land designated as Local Green Space shall be consistent with national Green Belt policy.”</p>