

Responses to Questions for Clarification from Examiner – 15 November 2022

Questions for both Cassington Parish Council and West Oxfordshire District Council (5)

- 1. Plan E: Oxfordshire Nature Recovery Network (page 30) is described as 'Draft'. What is the current status of the Network and is it recognised as a valid policy tool throughout Oxfordshire?**

West Oxfordshire District Council Response:

The draft Oxfordshire Nature Recovery Network (NRN) is a step towards establishing a Nature Recovery Network and Local Nature Recovery Strategy (LNRS) for the county. LNRSs and NRNs are major commitments in the Government's 25 Year Environment Plan and enacted by the Environment Act 2021.

Analysis has been undertaken in Oxfordshire to identify the most important areas for biodiversity and the areas that are most important for connecting these together, encouraging a more coordinated, practical and focused action and investment in nature. The analysis enabled the identification of a draft NRN for Oxfordshire which has been refined through a process of engagement and consultation to define three distinct zones in Oxfordshire with 'soft boundaries' that can be further refined as the future nature recovery strategy and network are developed. All the Oxfordshire local planning authorities have been involved in this exercise.

The draft NRN has no formal status in adopted plans at present but is feeding into the review of plans in the county. The network is based on the location of protected habitats and ecological protection designations in Oxfordshire (identified in national and local policy), the extent of Conservation Target Areas (established in Oxfordshire and covered by adopted policies in Local Plans) and Important Fresh Water Areas (areas that are most important for freshwater wildlife).

Given the analysis that has already taken place, and that much of the NRN is covered by adopted planning policies, regard is being given to the draft network, not just for its role in nature's recovery but also in achieving objectives for climate change mitigation and resilience and contributing to the health and wellbeing of communities.

Cassington Parish Council Response:

The Cassington Green Infrastructure Plan laid out the known features of importance to green infrastructure including detailed local knowledge of biodiversity. The Cassington Neighbourhood Plan is consistent with the Nature Recovery Network and also works in concert with policy CAS7: Local Services and Community Facilities in maintaining important and biodiversity-rich spaces within the village.

- 2. Oxfordshire County Council request that St Peters School playing field and associated land is removed from the policy CAS1 designation (Nature Recovery Network). The fear is that the designation may hinder any future expansion of the school and its facilities. Firstly, does policy CAS1 impose an insurmountable barrier to the evolution of the School, and secondly has this issue been addressed elsewhere in West Oxfordshire and if so, with what results?**

West Oxfordshire District Council Response:

The St. Peter's CoE Primary School playing field and associated land are shown on the Nature Recovery Inset 1 Map dated November 2021 as 'other important open space'. This is one of a number of green and blue infrastructure assets that collectively form a defined 'Nature Recovery Network' which also includes Cassington Meadows SSSI and areas of deciduous woodland, open mosaic habitat, good quality semi-improved grassland and so on.

As drafted, Policy CAS1 is not considered to present a constraint to any potential future expansion of the school and its facilities.

Criteria A of the policy is simply a factual statement regarding the Nature Recovery Network which has been defined.

Criteria B requires development that affects the network to maintain and improve its functionality including the delivery of at least 10% net gain in biodiversity. This is consistent with the Environment Act albeit the provisions of which are yet to be put in place through the planning system.

Criteria C refers to the loss of land lying within the network being resisted where it would undermine the integrity, or affect the functionality of, the Network. If the school were to seek to expand, the applicant would need to demonstrate that the proposals would not affect the integrity or functionality of the network as a whole. Given the nature of the site and its existing use and the fact that it is defined as 'other important open space' this is unlikely to create a policy conflict.

As an alternative, the policy map could simply be amended to exclude the school from the defined network.

We are not aware of any other comparators within West Oxfordshire where school expansions have been considered in the context of falling within a defined Nature Recovery Network.

Cassington Parish Council Response:

The green infrastructure comprising the school grounds includes hedging, mature trees, a vegetable garden, wildlife area and pond, all used for educational purposes. These areas are also excellent for wildlife and include amphibians and reptiles of conservation importance (e.g. great crested newt). However, the school grounds are more than adequate to accommodate further expansion of the school in the foreseeable future without significantly impacting the important features of green infrastructure which are present or allowing their transfer to another part of the school grounds (with the possible exception of the pond). We therefore do not see the Cassington Neighbourhood Plan as an insurmountable barrier to further expansion of the school.

- 3. Paragraph Reference ID: 41-009-20190509 of the Planning Practice Guidance on Neighbourhood Planning advises that, 'where a neighbourhood plan is brought forward before an up-to-date local plan (i.e. the West Oxfordshire 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 and the adopted development plan'. Could the Councils confirm that such discussions have taken place and summarise the conclusions that were drawn?**

West Oxfordshire District Council Response:

The Cassington NDP has been prepared in the context of the West Oxfordshire Local Plan which was formally adopted in September 2018. The District Council's comments to date have drawn attention to relevant policies of the Local Plan and suggested a number of potential changes to bring them closer in line.

The Council has committed to a review of the Local Plan, with the new plan to cover the period up to 2041. That process has only just started, with an initial high-level consultation (by representation and input via digital consultation platform [CommonPlace](#)) taking place from August – October 2022.

However, because this represents such an early stage of plan preparation, the District Council has not discussed the implications of the Local Plan review for Cassington Neighbourhood Plan, nor any Qualifying Bodies currently undertaking Neighbourhood Plans.

- 4. Thames Water (in its Regulation 16 response) suggest a number of modifications to the CNP including a new policy regarding water efficiency. Are these issues satisfactorily addressed in other planning policy documentation or is there a justification for including them within the CNP (for example are they required to ensure that the Basic Conditions are met) and if so, could agreed wording be drawn up?**

West Oxfordshire District Council Response:

Policy OS3 of the West Oxfordshire Local Plan 2031 requires all new residential development to achieve the optional building regulations requirement for water efficiency of 110 litres/person/day.

The Thames Water response provides suggested policy wording which includes reference to a maximum water use of 105 litres per head per day (excluding the allowance of up to 5 litres for external water consumption).

Presumably this would achieve the same objective and so no specific policy reference within the Cassington Neighbourhood Plan is necessarily required. We also note that there are no obvious policies within the neighbourhood plan which would lend themselves to including such a reference.

Cassington Parish Council Response:

We concur with WODC that Policy OS3 of the West Oxfordshire Local Plan 2031 addresses the concerns of Thames Water in terms of water usage. We also note that surface water flooding and flooding of the current drainage system has occurred in recent years in Cassington and remains a significant threat to the homes of residents (see Cassington Green Infrastructure Plan). Therefore, if the Examiner feels an additional policy regarding water use, sewerage and surface water drainage is required for new developments we will be happy to include one in the Neighbourhood plan. This could follow the wording offered by Thames Water but it is likely that most of these points are already covered by the local plan.

- 5. The Regulation 16 representation on behalf of Churchfields Care Home seeks to modify the CNP by relaxing restrictions on the Care Home site, in essence to enable the construction of an extension to the building and the provision of a new accommodation block. I note the pre-**

application response from the District Council dated 29 June 2022, which sets out the Council's observations on the scheme. Firstly, if such a proposal were to be submitted as a planning application, what are the primary planning policies against which it would be assessed? And, secondly, is there any substantive justification for including a site-specific policy in the CNP – is it required to ensure that the Basic Conditions are met?

West Oxfordshire District Council Response:

Firstly, if the proposal were submitted as a planning application, the primary policies in which the proposal would be assessed against are those contained in the West Oxfordshire Local Plan 2031.

It should be acknowledged that currently the District Council is unable to demonstrate a 5-year supply of deliverable housing land (currently 4.1 year). The effect of this is the engagement of the 'tilted balance' of the NPPF (paragraph 11d) whereby policies concerning housing delivery of the Local Plan are classed as out of date and thus able to be afforded less weight and there is a presumption in favour of permission being granted, unless there would be significant and demonstrable harms which would outweigh the benefits.

Given the above, the key relevant policies in the Local Plan are considered to be:

- OS2 (Locating Development in the Right Places). Partially out-of-date
- OS4 (High Quality Design)
- EH9 (Historic Environment)
- EH10 (Conservation Areas)
- Policies H1 (Amount and Distribution of Housing) and H2 (Delivery of New Homes) of the Local Plan are currently considered to be out-of-date.

Whilst Policy OS2 is considered to be partially out of date, a number of the general principles set out in this Policy apply to all development (and not just residential proposals) and these are considered to remain relevant.

In addition the proposal would be assessed against the NPPF. Paragraph 148 is particularly relevant given that the site sits within the Green Belt.

Other guidance such as the West Oxfordshire Design Guide would also be considered in the assessment of a proposal on the site.

There is not considered to be any substantive justification for including a site-specific policy in the CNP and indeed this approach could conflict with national and local planning policy.

Cassington Parish Council Response:

Cassington Parish Council acknowledges the need for social care within Oxfordshire especially when faced with an ageing population. However, we do not see any reason for granting an exclusion for Churchfields Care Home for policies regarding planning consent. Our concerns with the development that was previously put forward as a pre-proposal are much the same as those of the Planner for WODC. Since most of the policies against which such a development would be examined are national policies or relate to the local plan, we do not see it as appropriate to afford Churchfields Care Home special treatment. Furthermore, we find it quite difficult to believe that workers at the care home are finding it so difficult to find places to live. In the immediate area thousands of homes are being built and which can be reached by sustainable transport routes (buses, walking or cycling).

Questions for West Oxfordshire District Council (3)

6. Could the Council confirm:

- **what is the current Development Plan as it relates to the Parish of Cassington; and**
- **is the adoption of the West Oxfordshire Local Plan still anticipated for 2024?**

The current development plan is the West Oxfordshire Local Plan 2031 which was formally adopted on 27 September 2018. Also the Oxfordshire Minerals and Waste Core Strategy which was formally adopted on 12 September 2017.

The Council has recently commenced work on a new Local Plan with an initial consultation taking place from August – October 2022. Although the timetable for taking the new plan forward is likely to be longer than originally envisaged, due to the cessation of the Oxfordshire Plan 2050, the District Council still hopes to be in a position to adopt the new Local Plan during 2024.

7. Policy CAS3 on page 32 (Dark skies) refers to guidelines established by the Institute of Lighting Professionals. Is the Council satisfied that these guidelines are relevant and that the approach being taken by the Parish Council in this regard is not contradictory to approaches taken elsewhere in West Oxfordshire?

The Institute of Lighting Professionals is one professional body who are consulted by government on a range of issues including legislation and regulation that affect the built environment – we are aware that a set of guidance notes via their website but it is not clear which of this range of guidance notes has been referred to. We also note that these are generic and do not specifically relate to the rural environment.

The Council's Regulation 16 representation noted in relation to CAS3 whilst we are generally supportive of the policy – it is perhaps a bit too onerous by expecting all development to demonstrate how it intends to prevent light pollution as this may not be applicable to minor applications in the built up area. Further consideration needs to be given to the wording of the policy so that its application in the assessment of planning proposals is proportionate and relevant to the particular sensitivities of the rural setting of Cassington as would be required by Local Plan Policy EH8 Environmental Protection with its particular emphasis on Artificial Light:

'Artificial Light: The installation of external lighting and lighting proposals for new buildings, particularly those in remote rural locations, will only be permitted where: • the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light; • the elevations of buildings, particularly roofs, are designed to limit light spill; • the proposal would not have a detrimental effect on local amenity, character of a settlement or wider countryside, intrinsically dark landscapes or nature conservation.'

In terms of how other 'made' Neighbourhood Plans in rural areas within West Oxfordshire have approached the development of dark skies policy these are listed below for reference:-

CHARLBURY NP

Policy NE4: Tranquillity and Dark Skies Development proposals should maintain and, where practicable, improve the tranquillity and the dark skies environment in and around Charlbury. In particular, proposals for the installation of artificial external lighting will only be supported where they include lighting levels at the lowest level possible to achieve the effect required.

HAILEY NP

Policy E4: Dark Night Skies 1. Development proposals that conserve or enhance relative tranquillity, in relation to light pollution and dark night skies, and comply with other relevant policies will be supported, provided it can be demonstrated that they meet appropriate technical standards. Within such development proposals the lighting elements have regard to the following hierarchy: a) The installation of lighting is avoided; b) If lighting is installed it is necessary for its intended purpose or use and any adverse impacts are avoided; and c) If it is demonstrated that (a) or (b) is not achievable, then adverse impacts are appropriately mitigated. 2. To be appropriate, lighting for development proposals should ensure that: a) The measured and observed sky quality in the surrounding area is not reduced; b) Lighting is not unnecessarily visible in nearby designated and key habitats; c) The visibility of lighting from the surrounding landscape is avoided; and d) Building design that results in increased light spill from internal lighting is avoided, unless suitable mitigation measures are implemented.

SOUTH LEIGH NP

SLE7 DARK SKIES The existing dark skies in the parish will be maintained. Proposals for external lighting will be kept to a minimum and will be assessed against the guidance contained in Policy EH8 of the West Oxfordshire Local Plan. Proposals that include external lighting which would have a detrimental effect on intrinsically dark landscapes, nature conservation, local amenity, character of a settlement or wider countryside will be refused.

8. In the District Council's Regulation 16 response, concern is raised regarding the use of the words 'default' and 'defaulting' in paragraphs 3.5 and 3.6. Could the District Council suggest wording that would overcome their concerns?

The District Council's concern is that use of the phrase 'default' or 'defaulting to' the NPPF arguably infers that the other relevant provisions of the Local Plan are essentially set aside.

We would prefer the Cassington NDP to state that the Local Plan requires new development to 'have regard to the provisions of the NPPF in respect of proposals within the Green Belt' or words to that effect.

Thus paragraph 3.5 would read:

Cassington is defined as a 'Village' in the settlement hierarchy and remains 'washed over' by the Oxford Green Belt in the adopted West Oxfordshire Local Plan 2031 (WOLP 2031) (see Plan B overleaf). The WOLP 2031 makes no development allocations in The Parish and expects development proposals to have regard to relevant Green Belt policy set out in the NPPF. The WOLP 2031 includes a very large 'Salt Cross Garden Village' north of Eynsham on the western boundary of the Parish.

And the first bullet point of paragraph 3.6 would read:

- Policy OS2 Locating Development in the Right Places – which includes a settlement hierarchy defining Cassington as a 'Village' and sets out a series of key design principles to shape sustainable development including having regard to National Planning Policy provisions on the Green Belt for managing development proposals.

FILE NOTE

CASSINGTON NEIGHBOURHOOD PLAN: RESPONDING TO THE EXAMINERS QUESTIONS

Project: Cassington Neighbourhood Plan (CNP)
Date: 8 December 2022
Circulation: Cassington Parish Council

Background

Oneill Homer (OH) has been engaged to assist the Parish Council (CPC) in its response to the examiner's clarification requests dated 15 November 2022. On 6 December 2022 OH was also provided with a copy of WODC's proposed response to the first five clarification requests which invites a joint response from WODC and the Parish Council.

Overview

OH recommendations on how to respond to the clarification requests, including consideration of WODC's proposed joint response, from the examiner is set out overleaf using the examiner's commentary, questions and numbering as written. It has been written in a way to allow CPC to amend it (including removing OH recommendations prior to submission) as it works through the recommendations.

Leani Haim

Recommended Response to Examiner's Questions

Questions for both Cassington Parish Council and West Oxfordshire District Council (5)

1. *Oxfordshire Nature Recovery Network (page 30) is described as 'Draft'. What is the current status of the Network and is it recognised as a valid policy tool throughout Oxfordshire?*

OH recommendation:

It is clear that the examiner simply seeks to understand the relevance of referring to this evidence within the supporting text of the policy. It is therefore recommended that the Parish Council agrees to the response recommended by WODC.

Recommended Plan E Response:

Joint response prepared by West Oxfordshire District Council and agreed by Cassington Parish Council

The draft Oxfordshire Nature Recovery Network (NRN) is a step towards establishing a Nature Recovery Network and Local Nature Recovery Strategy (LNRS) for the county. LNRSs and NRNs are major commitments in the Government's 25 Year Environment Plan and enacted by the Environment Act 2021.

Analysis has been undertaken in Oxfordshire to identify the most important areas for biodiversity and the areas that are most important for connecting these together, encouraging a more coordinated, practical and focused action and investment in nature. The analysis enabled the identification of a draft NRN for Oxfordshire which has been refined through a process of engagement and consultation to define three distinct zones in Oxfordshire with 'soft boundaries' that can be further refined as the future nature recovery strategy and network are developed. All the Oxfordshire local planning authorities have been involved in this exercise.

The draft NRN has no formal status in adopted plans at present but is feeding into the review of plans in the county. The network is based on the location of protected habitats and ecological protection designations in Oxfordshire (identified in national and local policy), the extent of Conservation Target Areas (established in Oxfordshire and covered by adopted policies in Local Plans) and Important Fresh Water Areas (areas that are most important for freshwater wildlife).

Given the analysis that has already taken place, and that much of the NRN is covered by adopted planning policies, regard is being given to the draft network, not just for its role in nature's recovery but also in achieving objectives for climate change mitigation and resilience and contributing to the health and wellbeing of communities.

2. *Oxfordshire County Council request that St Peters School playing field and associated land is removed from the policy CAS1 designation (Nature Recovery Network). The fear is that the designation may hinder any future expansion of the school and its facilities. Firstly, does policy CAS1 impose an insurmountable barrier to the evolution of the School, and secondly has this issue been addressed elsewhere in West Oxfordshire and if so, with what results?*

OH recommendation:

This type of policy is common amongst many neighbourhood plans. WODC has interpreted the application of the policy correctly for the most part. It would appear however that the scanned version of the Green Infrastructure Plan has omitted the bottom of page 41 and page 42 in its entirety which recognises that there may be a need to expand the school. It is therefore recommended that the Parish Council requests that WODC agrees to the following amendments as a joint response.

Recommended St Peters School playing field Response:

Joint response prepared and agreed by West Oxfordshire District Council and Cassington Parish Council

The St. Peter's CoE Primary School playing field and associated land are shown on the Nature Recovery Inset 1 Map dated November 2021 as 'other important open space'. This is one of a number of green and blue infrastructure assets that collectively form a defined 'Nature Recovery Network' which also includes Cassington Meadows SSSI and areas of deciduous woodland, open mosaic habitat, good quality semi-improved grassland and so on. The final paragraph on page 28 and page 35 (including Figure 35) of the Green Infrastructure Plan published in the evidence base details the existing value of the playing field. It is recognised that an administrative error has led to part of the accompanying evidence base being excluded. The bottom of page 41 and pages 42 and 43 in its entirety of the Green Infrastructure Plan has not been published. These paragraphs recognise that there may be a need to expand the school.

As drafted, Policy CAS1 is not considered to present a constraint to any potential future expansion of the school and its facilities.

Criteria A of the policy is simply a factual statement regarding the Nature Recovery Network which has been defined.

Criteria B requires development that affects the network to maintain and improve its functionality including the delivery of at least 10% net gain in biodiversity. This is consistent with the Environment Act albeit the provisions of which are yet to be put in place through the planning system.

Biodiversity net gain (BNG) provisions will become a statutory part of plan making and development management in November 2023. A BNG metric (published by DEFRA) will provide the means for applicants to calculate baseline biodiversity value of the application site in determining net gain requirements of their proposals.

Criteria C refers to the loss of land lying within the network being resisted where it would undermine the integrity, or affect the functionality of, the Network. If the school were to seek to expand, the applicant would need to demonstrate that the proposals would not affect the integrity or functionality of the network as a whole. ~~Given the nature of the site and its existing use and the fact that it is defined as 'other important open space' this is unlikely to create a policy conflict.~~

~~As an alternative, the policy map could simply be amended to exclude the school from the defined network.~~

The Policies Map, informed by the Green Infrastructure Plan published in the evidence base, makes a distinction between those parts of the Network that have, or are likely to have, existing biodiversity value, based on published mapped data and observation and those that do not. St Peter's School playing field clearly has some biodiversity value, although it is accepted that this may be limited to hedging, mature trees, its vegetable garden, wildlife area and pond. This means that there is likely to be more than adequate land to accommodate further expansion of the school without detriment to the existing biodiversity and educational value of other biodiverse-rich parts of the site.

We are not aware of any other comparators within West Oxfordshire where school expansions have been considered in the context of falling within a defined Nature Recovery Network.

It is noted that the provisions of §95 of the NPPF placing an obligation on local planning authorities to attach great weight to need to expand or alter school will continue to apply in the balanced planning judgement, alongside other requirements, including the avoidance of significant harm to biodiversity.

3. *Paragraph Reference ID: 41-009-20190509 of the Planning Practice Guidance on Neighbourhood Planning advises that, 'where a neighbourhood plan is brought forward before an up-to-date local plan (i.e. the West Oxfordshire 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 and the adopted development plan'. Could the Councils confirm that such discussions have taken place and summarise the conclusions that were drawn?*

OH recommendation:

Since the submission of the plan the Oxfordshire Plan has been withdrawn and there has therefore been no opportunity to discuss this matter with WODC. It is therefore recommended that the Parish Council requests that WODC agrees to the following amendments as a joint response.

Recommended CNP and emerging WOLP response:

Joint response prepared and agreed by West Oxfordshire District Council and Cassington Parish Council

The Cassington NDP has been prepared in the context of the West Oxfordshire Local Plan which was formally adopted in September 2018. ~~The District Council's comments to date have drawn attention to relevant policies of the Local Plan and suggested a number of potential changes to bring them closer in line.~~ The Cassington NDP was also prepared at a time when an Oxfordshire-wide Plan was being prepared, however this process has now been abandoned.

The West Oxfordshire District Council has committed to a review of the Local Plan, with the new plan to cover the period up to 2041. That process has only just started, with an initial high-level consultation (by representation and input via digital consultation platform [CommonPlace](#)) taking place from August – October 2022.

However, because this represents such an early stage of plan preparation, the District Council has not discussed the implications of the Local Plan review for Cassington Neighbourhood Plan, nor any Qualifying Bodies currently undertaking Neighbourhood Plans.

The Councils have taken this opportunity to agree that the Neighbourhood Plan provides a timely vehicle to re-assert the value of the plan-led system to 2041. However, given the early stage of West Oxfordshire District Council's review of the Local Plan, it is accepted that potential amendments to the spatial strategy for the District means that it will be difficult for this Neighbourhood Plan to establish whether Cassington will have a role in meeting the District's housing requirements. In addition to this, there are no provisions for Neighbourhood Plans to make detailed amendments to Green Belt boundaries in this location at this time (as per paragraph 140 of the NPPF). The Parish Council will therefore commit to an early review of the Cassington NDP to deal with the matter of housing growth should Green Belt release at Cassington feature as an option within the next iteration of the Local Plan. The review will also provide an opportunity to bring the policies up to date where they may conflict with the policies of a revised Local Plan. In the meantime, the exceptions to Green Belt policy set out in the NPPF will continue to apply (paragraphs 149 and 150).

To that end, the Councils therefore propose the deletion of paragraphs 3.10 – 3.12 in the Cassington NDP to be replaced by the following text for the examiner to consider:

3.10 West Oxfordshire Council has committed to a review of the Local Plan, with the new plan to cover the period up to 2041, and a timetable for its adoption in 2024. Potential amendments to the spatial strategy for the District means that it will be difficult for this Neighbourhood Plan to establish whether Cassington will have a role in meeting the District's housing requirements. In addition to this, there are no provisions for Neighbourhood Plans to make detailed amendments to Green Belt boundaries in this location at this time (as per paragraph 140 of the NPPF). The Parish Council will therefore commit to an early review of the Cassington NDP should Green Belt release at Cassington feature as an option within the next iteration of the Local Plan. The review will also provide an opportunity to bring the policies up to date where they may conflict with the policies of a revised Local Plan. In the meantime, the exceptions to Green Belt policy set out in the NPPF will continue to apply (paragraphs 149 and 150).

4. *Thames Water (in its Regulation 16 response) suggest a number of modifications to the CNP including a new policy regarding water efficiency. Are these issues satisfactorily addressed in other planning policy documentation or is there a justification for including them within the CNP (for example are they required to ensure that the Basic Conditions are met) and if so, could agreed wording be drawn up?*

OH recommendation:

This kind of condition ought to be applied by development management officers in assessing planning applications against adopted Policy OS3 of the West Oxfordshire Local Plan 2031 on a district-wide level. It is therefore recommended that the Parish Council requests that WODC agrees to the following amendments as a joint response.

Recommended CNP and water efficiency response:

Joint response prepared and agreed by West Oxfordshire District Council and Cassington Parish Council

Policy OS3 of the West Oxfordshire Local Plan 2031 requires all new residential development to achieve the optional building regulations requirement for water efficiency of 110 litres/person/day.

~~The Thames Water response provides suggested policy wording which includes reference to a maximum water use of 105 litres per head per day (excluding the allowance of up to 5 litres for external water consumption), clarifies that there is currently a choice within Part G of Building Regulations as to how this requirement can be achieved and that its smart metering programme shows this can only be achieved using one of these methods. WODC's development management team are aware of the matter and officers are considering it when assessing planning applications against adopted Policy OS3.~~

~~Presumably this would achieve the same objective and so~~ Whilst no specific policy reference within the Cassington Neighbourhood Plan is necessarily required, ~~We also note that there are no obvious policies within the neighbourhood plan which would lend themselves to including such a reference,~~ the Councils would welcome the examiner's suggestion for a modification to paragraph 3.6 and offers the following suggested modification:

- Policy OS3 Prudent use of natural resources – which includes the requirement for new development to achieve optional building regulations requirement for water efficiency of 100 litres/person/day. Thames Water has confirmed that this can only be achieved using the 'Fittings Approach'. The 'Calculation Method' will therefore not be appropriate as it fails to meet the intended water performance levels.

5. *The Regulation 16 representation on behalf of Churchfields Care Home seeks to modify the CNP by relaxing restrictions on the Care Home site, in essence to enable the construction of an extension to the building and the provision of a new accommodation block. I note the pre-application response from the District Council dated 29 June 2022, which sets out the Council's observations on the scheme. Firstly, if such a proposal were to be submitted as a planning application, what are the primary planning policies against which it would be assessed? And, secondly, is there any substantive justification for including a site-specific policy in the CNP – is it required to ensure that the Basic Conditions are met?*

OH recommendation:

An application would also be assessed against any made Neighbourhood Plan policies. It is therefore recommended that the Parish Council requests that WODC agrees to the following amendments as a joint response.

Recommended Churchfields Care Home response:

Joint response prepared and agreed by West Oxfordshire District Council Cassington Parish Council

~~Firstly, if~~ If the proposal were submitted as a planning application, the primary policies in which the proposal would be assessed against are those contained in the West Oxfordshire Local Plan 2031 and any made Cassington NDP policies.

It should be acknowledged that currently the District Council is unable to demonstrate a 5-year supply of deliverable housing land (currently 4.1 year). The effect of this is the engagement of the 'tilted balance' of the NPPF (paragraph 11d) whereby policies concerning housing delivery of the Local Plan are classed as out of date and thus able to be afforded less weight and there is a presumption in favour of permission being granted, unless there would be significant and demonstrable harms which would outweigh the benefits. The Parish is

'washed over' by Green Belt which has implications for how this presumption is applied (paragraph 11d i. and footnote 7).

Given the above, the key relevant policies in the Local Plan are considered to be:

- OS2 (Locating Development in the Right Places). Partially out-of-date
- OS4 (High Quality Design)
- EH9 (Historic Environment)
- EH10 (Conservation Areas)
- Policies H1 (Amount and Distribution of Housing) and H2 (Delivery of New Homes) of the Local Plan are currently considered to be out-of-date.

Whilst Policy OS2 is considered to be partially out of date, a number of the general principles set out in this Policy apply to all development (and not just residential proposals) and these are considered to remain relevant.

In addition, the proposal would be assessed against the NPPF. Paragraph 148 is particularly relevant given that the site sits within the Green Belt.

Other guidance such as the West Oxfordshire Design Guide would also be considered in the assessment of a proposal on the site.

There is not considered to be any substantive justification for including a site-specific policy in the CNP and indeed this approach could conflict with national and local planning policy. As noted in its response to no.3 above, it is not considered that there is currently substantive justification for including a site-specific policy in this version of the Cassington NDP.

Questions for Cassington Parish Council (17)

1. *Could the Parish Council confirm that the end date of the Neighbourhood Plan is 2041 and not March 2040 as referenced in paragraph 1.2?*

The Parish Council confirms that the end date of the Neighbourhood Plan is 2041 and paragraph 1.2 should be amended to reflect this.

2. *Paragraphs 3.10 to 3.12 make reference to the Oxfordshire Plan 2050 which is no longer being progressed. Could the Parish Council suggest a form of wording that reflects the current situation?*

See joint response to clarification point no. 3 on this matter.

3. *Policy CAS1 C (page 28) refers to 'the delivery of additional allotments' but I could find no further reference to such a proposal. What is the justification for this provision, where would they be located and how would their provision and future maintenance be secured?*

See joint response to clarification point no. 2 on the missing pages from the Green Infrastructure Plan submitted alongside the CNP. Pages 43 and 44 of the Green Infrastructure Plan provides additional detail on the allotments and additional provision. Criterion C of Policy CAS1 is therefore particularly supportive of this kind of green infrastructure provision continuing and expanding in the local area.

4. *The District Council suggests, in its Regulation 16 response (in second paragraph under Section 5), that there should be a reference to mitigating climate change and enhancing biodiversity. Does the Parish Council agree and if so, could some appropriate wording be devised?*

The Parish Council accepts the suggested modification and would be happy to agree a modification in that regard. The Parish Council offers the following suggested modification to the objective of the plan on green infrastructure:

To protect and improve the ecological multi-functional value and connectivity of the green infrastructure assets of the village and wider parish for nature recovery and mitigating the effects of climate change.

5. *The District Council (in penultimate paragraph under policy CAS2 - in its Regulation 16 response) suggests that the policy should also address improving and expanding the active travel network and make reference to seeking contributions from development towards network improvements. Does the Parish Council agree that this would be appropriate and if so, could it provide wording with which it is content?*

The Parish Council accepts the suggested modification and would be happy to agree a modification in that regard. The Parish Council offers the following suggested modification to Policy CAS2 and its supporting text:

New criterion D:

Proposals that will lead to the extension of the Network will be supported. Where appropriate and necessary, development proposals will be supported where they make contributions to improvement and extension of the Network.

New paragraph 5.13:

The Policies Map at the end of the document also shows the location of opportunities for improvement and investment to existing routes which have a spatial consequence to make active travel more pleasant and accessible. A detailed list is included in paragraph 6.4 in Section 6 of this document.

6. *The District Council suggests (in its Regulation 16 response) that policy CAS3 on Dark Skies (page 32) may be too onerous. What are the views of the Parish Council on this suggestion?*

The bottom of page 9 and the top of page 10 of the Green Infrastructure Plan details the benefits of a dark night sky and how small changes to lighting schemes can avoid light pollution. The Parish Council is aware that the policy has successfully passed examination and is operational in the made West Horsley Neighbourhood Plan 2016 – 2033. It is therefore anticipated that the impact of the requirements on smaller schemes will not be disproportionate but deserves attention in the design of lighting schemes.

7. *The District Council suggests that policy CAS4: Cassington Conservation Area (page 33) should be made more locally specific. Does the Parish Council agree that this would be of value to the decision maker and if so, could appropriate wording be provided?*

The Code is an integral part of the policy but is extensive in setting out the positive characteristics of the Conservation Area and is therefore published separately to the Neighbourhood Plan as its Appendix B. To be clear therefore, as the Code has been prepared and consulted on as part of the Plan, its content carries the full weight of the development plan in decision making and is not subordinate or supplementary guidance carrying lesser weight. The Parish Council would welcome the examiner's suggestion for a modification to make this clear and offers the following suggested modification to paragraph 5.15:

~~The content of the Code forms part of the policy, but has been attached as an Appendix purely for practical presentational reasons.~~ The Code is an integral part of the policy but is extensive in setting out the positive characteristics of the Conservation Area and in distinguishing the different character areas of the Parish and is therefore published separately to the Neighbourhood Plan as its Appendix B. To be clear therefore, as the Code has been prepared and consulted on as part of the Plan, its content carries the full weight of the development plan in decision making and is not subordinate or supplementary guidance carrying lesser weight.

8. *The District Council makes a number of comments regarding policy CAS6: Locally Listed Buildings (page 34). Could the Parish Council consider those comments and if necessary, suggest modified wording that satisfactorily addresses the matters that are raised?*

The Parish Council accepts the suggested modification and would be happy to agree a modification in that regard. The Parish Council offers the following suggested modification to Policy CAS6:

Include within Clause A locally listed buildings identified in the Cassington Conservation Area Appraisal and modify Clause A as follows:

- A. ~~In addition to the locally listed building identified in the Cassington Conservation Area Appraisal, the~~ The Neighbourhood Plan identifies the following buildings and structures, as shown on the Policies Map, as Locally Listed Buildings by way of their local architectural or historic interest for the application of WOLP Policy EH9 Historic Environment:

Insert new criterion B as follows:

- B. The effect which development proposals would have on the significance of the identified Locally Listed Buildings should be taken into account in determining the planning applications concerned. In weighing applications that directly or indirectly affect non-designated heritage assets (which includes Locally Listed Buildings), a balanced judgement will be taken having regard to the scale of any harm or loss and the significance of the heritage asset and the public benefits of the development as per the provisions of WOLP Policy EH9 Historic Environment.

9. *In the District Council's Regulation 16 response, under policy CAS7: reference is made to 'other identified community facilities'. Are there any other facilities that are not listed in policy CAS7 (page 35) but which should be; and what is the view of the Parish Council with regard to the suggestion by the District Council for strengthening Section B?*

The Parish Council is not aware of any other unidentified community facilities within the parish. The Parish Council accepts the suggested modification to criterion B and would be happy to agree

a modification in that regard. The Parish Council offers the following suggested modification to Policy CAS7 criterion B and its supporting text:

B. Development proposals which would affect the use, or seriously undermine the quality, of the identified community facilities of the policy will be resisted unless suitable alternative provision is made which outweighs the loss or harm, determined against the The provisions of Policies E5 (Local Services and Community Facilities) and EH5 (Sport, recreation and children's play) of the WOLP will continue to apply.

10. *How would a decision maker know how to interpret 'wherever feasible' in policy CAS8 B (page 37)?*

Paragraph 5.25 is intended to make provision for this. In the interests of aiding clarity, the Parish Council would welcome the examiner's suggestion for a modification to wording in the final sentence at paragraph 5.25 and offers the following suggested modification:

This means that the applicant must demonstrate those factors that make its use unfeasible, for example, the topography and orientation of the site. It is acknowledged that it may not be feasible to do so on some sites or schemes for practical or cost reasons which should be explained in the application.

11. *The last sentence of paragraph 5.32 states that land values 'ought to be sufficient'. This implies to me a lack of evidence on the matter and hence a lack of certainty for the decision maker. Can the Parish Council suggest a way with which it is comfortable, to overcome my concerns on the matter?*

The Parish Council does not consider that viability testing is necessary. Such testing would only be necessary if the policy made the Passivhaus, or equivalent standard, a requirement that must be met by all proposals. The policy wording 'where feasible' was intended to clarify this position. The Parish Council would therefore welcome the examiner's suggestion for a further modification to paragraph 5.25 and offers the following suggested modification:

5.25 Its Clause B ~~requires-incentivises~~ all schemes, no matter what their intended use or size other than householder extensions, to use the Passivhaus Planning Package (PHPP) or equivalent design methodology for all buildings ~~where it is feasible to do so.~~ This means that the applicant must demonstrate those factors that make its use unfeasible, for example, the topography and orientation of the site. It is acknowledged that it may not be feasible to do so on some sites or schemes for practical or cost reasons which should be explained in the application.

Critical to the incentive is the operation of Clause C. The use of planning conditions to require matters to be addressed, and the condition discharged, after the construction or occupancy of buildings is not unusual. This additional requirement ought therefore not to be a cumbersome or expensive process for either WODC or the developer to render the policy unviable, if the latter ensures buildings are constructed to the standard proposed in the Energy Statement.

That all said, as we note in the supporting text, it is now clear that the additional costs of building to Passivhaus, or equivalent, standard are within the margin of build costs. It appears that many developers and housebuilders are 'pricing in' the need to meet such standards within the next five years anticipating that Government will need to make national requirements as part of its climate change obligations. Besides, we note that key beneficiaries – the building occupiers – will appreciate the far lower energy costs of running their properties.

12. *Where would a decision maker ascertain what is meant by 'major development' in policy CAS8 D and 'householder applications' in sub-section E (page 37)?*

Annex 2 of the NPPF defines major development which WODC has adopted in operating its sustainability standards checklist for planning applications ([link](#)). WODC has also defined minor and householder applications for this purpose. The Parish Council therefore accepts the suggested modification and would be happy to agree a modification in that regard. The Parish Council offers the following suggested modification to Policy CAS8 D & E:

Include a footnote after 'major development' in Clause D to read:

Major development is defined in Annex 2 of the NPPF.

Amend Clause E to read:

An Energy Statement will be submitted to demonstrate compliance with the policy (except for ~~householder~~ minor applications¹).

¹ Minor and householder applications, including those that seek to alter or enlarge a single house, and works within the boundary/garden of a house. This includes projects such as extensions, conservatories, loft conversions, dormer windows, garages, carports and outbuildings that do not fall within permitted development rights. Source: WODC ([link](#))

13. *In the District Council's Regulation 16 response under policy CAS9, amendments to paragraphs 5.32 – 5.34 and policy CAS9 (page 41) are suggested. It is suggested that the impression is given that Cassington does not have a role to play in meeting West Oxfordshire's overall housing requirement. How does the Parish Council respond to the proposed amendments as suggested by the District Council?*

The Parish Council does not consider that WODC has taken into account the limitations on neighbourhood plans in the Green Belt. Although the latest version of the NPPF has corrected the position, there is no opportunity provided by adopted strategic policy for the CNP to make changes to its current status as a village 'washed over' by Green Belt and therefore the CNP cannot make provision to meet any housing requirement through the conventional method of site allocations in a neighbourhood plan.

That all said, the Parish Council largely accepts the suggested modification to Policies CAS9 and CAS10 and the supporting text and would be happy to agree a modification as set out below. The Parish Council offers the following suggested modification to Policy CAS9 and the supporting text of the unnumbered paragraph below Policy CAS9 – paragraph 5.33:

Policy CAS9: Infill Residential Development proposed modification:

Policy CAS9: ~~Infill Residential Development~~ Providing New Homes

A. In the context of Cassington, given its location within the Oxford Green Belt, in accordance with national policy, unless there are very special circumstances, any housing development is anticipated to comprise the following:

a) Limited infilling in villages;

- b) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);
c) Limited infilling or the partial or complete redevelopment of previously developed land, provided it would not have a greater impact on the openness of the Green Belt than the existing development, or cause substantial harm to the openness of the Green Belt and contribute to meeting an identified affordable housing need.

B. In respect of criterion a) above, 'limited infilling' will be classed as development on sites which
~~Proposals for the construction of new dwellings on land within the built up area of the village that has not been previously developed will only be considered as appropriate infill development in the Green Belt if the site forms a small gap in an otherwise continuous built-up frontage to either Eynsham Road, The Green or Yarnton Road and is effectively enclosed on at least three of its sides by buildings of the same height as the proposed buildings.~~

C. In respect of criterion b) above, 'limited affordable housing for local community needs' is taken to mean that which is necessary to meet a locally identified need for new affordable homes. The Neighbourhood Plan supports the delivery of up to a total of 10 affordable homes in this context over the plan period, unless there is clear evidence of additional locally identified need that would support additional affordable homes.

BD. Proposals for residential development within the built up area of the village will be required to provide affordable housing in accordance with the development plan.

CE. Proposals for residential development comprising only affordable housing on land outside the built up area of the village will be classed as 'Rural Exception Sites' and will only be supported if:

- i. The scheme comprises up to 10 affordable dwellings;
- ii. The site adjoins the built up area of the village;
- iii. The scheme design protects the privacy of existing and future residents; and
- iv. An appropriate means of highways and pedestrian access can be secured; and
- v. It accords with the relevant considerations for 'Rural Exception sites' of Policy H3 of the West Oxfordshire Local Plan 2031 and national policy set out in the NPPF.

F. In terms of property sizes, all new affordable homes in Cassington will generally be expected to comprise a mixture of 1 or 2 beds type, unless there is clear evidence of local housing need that would support an alternative mix.

G. In terms of tenure, the mix of options should be provided, broadly comprising around ~~and of a tenure mix of~~ 25% affordable home ownership products and 75% affordable housing for rent (including both affordable rent and social rent) unless there is clear evidence of need that would support an alternative tenure mix.

Policy CAS9 supporting text proposed modification:

5.32 The West Oxfordshire Local Plan identifies an overall housing requirement of at least 15,950 homes in the period 2011 – 2031. Cassington is located within the Eynsham – Woodstock sub-area which is anticipated will accommodate 5,596 new homes. The majority of these new homes will be provided through strategic allocations at Eynsham as well as other allocated sites at Woodstock, Long Hanborough and Stanton Harcourt.

5.33 In addition to these housing allocations, the Local Plan anticipates around 289 new homes coming forward from unallocated windfall sites across the sub-area in the period 2017 – 2031. A shortfall of around 289 new homes are expected to come forward from unallocated windfall sites across the sub-area. Cassington is defined as a ‘Village’ in West Oxfordshire’s settlement hierarchy and as it is washed over by the Oxford Green Belt, unallocated windfall residential development can only be considered appropriate if it is in accordance with national policy (NPPF paragraph 149), in addition to meeting the relevant criteria of Local Plan Policies OS2 and H2. These criteria are not repeated in this policy but continues to apply. Therefore, unallocated windfall residential development in Cassington is limited to:

- ~~meets the exceptions of §149(e) ‘limited infilling in villages’;~~
- **§149 (f) ‘limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)’; &**
- **§149 (g) ‘limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority’.**

~~of the NPPF and the relevant criteria of WOLP Policies OS2 and H2. Otherwise, proposals must demonstrate the very special circumstances for inappropriate development in the Green Belt or they must be of another use and type to be excepted by the other provisions of §149 and §150 or be in accordance with Policy CAS10 (in respect of §149(f)). There are no strategic policy provisions for the CNP to make any provision to meet any housing requirement through the conventional method of site allocations in a neighbourhood plan as a washed over village in the Green Belt.~~

5.334 In order to relate the provision in §149 (e) for ‘limited infilling in villages’ to the form and character of Cassington, the policy confines the definition of ‘limited’ to the main road frontage through the village, as opposed to backland development. It also confines the definition to apply only to land that is enclosed by surrounding development to such an extent that its development would appear in character with the built-up area, rather than becoming an extension to it. This approach meets the requirements of WOLP Policy OS2 which supports limited development which respects the village character and local distinctiveness. The exceptions of §149 (f), subject to the provisions of Policy CAS9, and §149 (g) of the NPPF will continue to apply to these types of residential schemes alongside the relevant criteria of WOLP Policies OS2 and H2.

5.345 ~~The first part~~ Clause C of the policy establishes the goal of delivering affordable homes to meet local needs. In January 2021, the Housing Needs Survey commissioned by the Parish Council identified a need for approximately 10 affordable homes to benefit the village. It is acknowledged that there is a considerable demand for housing in the West Oxfordshire and adjoining Cherwell Districts, but there are large developments of many hundreds of homes planned to meet this demand in nearby Eynsham/Salt Cross and Yarnton/Begbroke as well as in North Oxford in more sustainable locations.

5.356 The infill residential development provided for by ~~Policy CAS9~~ Clause B may meet some, but not all, of this local need within the village. It is therefore acknowledged that additional land may be needed to deliver the remaining affordable homes, which may be outside the built up area of

the village but remain appropriate development in the Green Belt as provided for §149(f) of the NPPF.

~~5.367 The second part Clause D~~ relates to proposals in the village that accord with Policy CAS9 Clause B or the other relevant §149 NPPF exceptions. It defers to the development plan minimum threshold at which affordable housing must be delivered.

~~5.378 The third part Clause E~~ relates to proposals adjoining the village and sets out how 'limited affordable housing for local community needs' of §149(f) of the NPPF strikes the balance at Cassington between delivering new homes and preserving the essential open character of the Green Belt. To minimise the effects of a scheme on the openness of the Green Belt the policy not only limits the scale of development to 10 or fewer homes but also requires schemes to adjoin the built up area of the village. The types of schemes that may come forward are likely to involve the development of land behind an existing residential frontage and the policy therefore seeks to ensure that such development avoids creating issues surrounding privacy, amenity and access.

~~5.39~~ Finally, ~~the~~ Housing Needs Survey identified that local need diverges from the indicative mix and tenure for affordable homes sought by the WOLP 2031 with a 92% need for 1 and 2 bedroom homes. It is therefore reasonable for the policy to require that only this type of home should be supported, but allows for flexibility if there is clear evidence for diverging from this mix.

~~5.3840~~ In respect of the tenure mix, the Housing Needs Survey commissioned by the Parish Council identified a greater need for social or affordable rented accommodation, with evidence of some need of shared ownership or starter home accommodation. The policy therefore makes provisions for this as a starting point for provision.

~~5.39 To minimise the effects of a scheme on the openness of the Green Belt the policy not only limits the scale of development to 10 or fewer homes but also requires schemes to adjoin the built up area of the village. The types of schemes that may come forward are likely to involve the development of land behind an existing residential frontage and the policy therefore seeks to ensure that such development avoids creating issues surrounding privacy, amenity and access.~~

14. In policy CAS10 (page 42), what is the justification for affordable dwellings to be of 1 or 2 bedrooms?

The Parish Council has noted that the Housing Needs Survey of January 2021 is referred to in paragraph 5.34 of the CNP, as well in the Consultation Statement and the Green Infrastructure Plan, however it has become clear that the document itself has not been provided to the examiner. The document is however available online ([link](#)). Paragraph 5.37 of the CNP draws from the evidence contained in the Housing Need Survey of January 2021 demonstrating the divergences with the mix currently being sought by WODC, see Figure 1 below.

Housing mix and tenure type: Comparison between Cassington HNS findings and WODC indicative requirements		
	Cassington	WODC
1 and 2-bed homes	92%	65%
3 and 4-bed homes	8%	35%
Social and affordable rent	77%	66%
Shared ownership and Starter Homes	23%	33%

Figure 1: Extract from Cassington Housing Needs Survey, January 2021

Whilst the local community of Cassington is not a transient community, the Parish Council understands that there may be a need for flexibility in the event that this established need changes over the plan period. The Parish Council has therefore further considered WODC's suggested modification to Policy CAS10 and would be happy to agree a modification as set out in responding to clarification point no. 14 above.

15. *Comments have been submitted at Regulation 16 stage by the Climate Change Manager and the Conservation and Design Officer (WODC). Can the Parish Council respond to the issues raised?*

The Parish Council has largely addressed concerns relating to Policy CAS8 in responding to clarification point nos. 10 – 12 above. With regard to Policy CAS5, as Section 2 of the Design Code notes, it has been prepared in accordance with national and strategic design guidance. Policy CAS8 operates alongside the Design Code, specifically in its Clause B where it acknowledges that there may sometimes be a trade off between its objectives and local design policy. Although meeting these standards ought not to compromise a scheme fitting in with the character of a local area, on occasions this may be the case. It therefore allows for some degree of flexibility in meeting the Cassington Design Code, especially in terms of prevalent building orientation and density. The Cassington Design Code does not replace the West Oxfordshire Design guidance but refines it. The Parish Council considers that applicants preparing development proposals should be familiar with the West Oxfordshire Design Guide and that using its numbering will assist applicants in bringing forward proposals.

The Parish Council also considers that the CNP is an excellent vehicle for suggesting potential enhancements to the existing Active and Sustainable Travel Network. It supports many of the suggestions recommended by WODC on Policy CAS2 and would be happy to agree a modification in that regard. The Parish Council offers the following suggested modification to Policy CAS2 and its supporting text:

Policy CAS2 proposed modification:

A. The Neighbourhood Plan identifies the existing Active and Sustainable Travel Network, as shown on the Policies Map, for the purpose of supporting active travel in the Parish. New development should promote active travel through prioritising walking, cycling and public transport.

Policy CAS2 supporting text proposed modification:

New paragraph 5.13:

The neighbourhood plan also encourages home working and shared mobility options. Cycling and electric charging infrastructure should be provided in accordance with adopted strategic policy, including the Oxfordshire Electric Vehicle Strategy.

16. *The Senior Infrastructure Delivery Officer (WODC) suggests some additional wording with regard to Developer Contributions. What is the Parish Council's view regarding this suggestion?*

The Parish Council accepts the suggested modification and would be happy to agree a modification in that regard.

17. *The monitoring and review of neighbourhood plans is an important component in the plan-making process, in order to ascertain whether or not the policies are effective. I could find no reference in the CNP to the monitoring of the policies or to the future role of the Parish Council in this process. I would welcome the views of the CPC as to why this issue has not been addressed in the CNP.*

Section 6 of the CNP is intended to set out how the Parish Council, through engaging with the development management procedure, will monitor the effectiveness of the plan and its policies. The Parish Council accepts that amendments may be required to aid clarity and would be happy to agree a modification in that regard. The Parish Council offers the following suggested modification to Section 6 of the CNP:

6. IMPLEMENTATION & MONITORING

6.1 The Neighbourhood Plan policies will be implemented through the determination of planning applications for development in the Parish by WODC. The Parish Council will endeavour to monitor the effectiveness of the Neighbourhood Plan informing decisions on planning applications and in informing the emerging West Oxfordshire Local Plan 2041. It will consider a first review of the plan as set out in paragraph 3.10. Otherwise, in line with best practice it will look to review the plan on a five yearly cycle so that its contents remain valid and up-to-date.

St. Peters Primary School, Cassington, Phase 1 Habitat Survey. Spring 2022

Information on legally protected, rare or vulnerable species appears in this ecological report. It is recommended that appropriate caution be used when circulating copies.

Preamble

A Phase 1 Habitat Survey has been undertaken to inform this report, with the information used to describe habitats within the grounds of St. Peters School, Cassington and to provide information on protected and UK Biodiversity Action Plan (UKBAP) species recorded to date. UKBAP priority habitats and species in England are listed as Habitats and Species of Principal Importance in England (Section 41 of the Natural Environment and Rural Communities [NERC] Act, 2006).

Survey Methodology

The Phase 1 Habitat Survey follows the methodology given in Handbook for Phase 1 Habitat Survey (Joint Nature Conservation Committee, 2003) employing an abundance score using the DAFOR scale where D=Dominant, A=Abundant, F=Frequent, O=Occasional and R=Rare.

Bird, bat and reptile/amphibian surveys followed the Natural England guidelines for protected species (see <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species>).

Protected Area Information

No statutory or non-statutory nature conservation sites are located on or immediately adjacent to St. Peters School.

The nearest designated site to St. Peters School is Cassington Meadows SSSI, a 7.03ha lowland neutral grassland site located approximately 1km to the south east of Cassington village. Along with five other traditionally managed lowland grassland sites, Cassington Meadow is part of the Oxford meadows Special Area of Conservation.

Habitats and Species of Principal Importance (NERC Act, 2006)

Section 41 (41) of the Natural Environment and Rural Communities (NERC) Act, which came into force on 1st October 2006, requires the Secretary of State to publish a list of habitats and species which are of principle importance for the conservation of biodiversity in England. This list guides decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the NERC Act, namely to have regard to the conservation of biodiversity in England when carrying out their normal functions.

The following habitats of principal importance located at St. Peters School are:

- Hedgerows
- Ponds

Hedgerows are of particular biodiversity value when they consist of a large proportion of native woody species, as they are used by foraging birds and bats, dormice and a range of invertebrates. Hedgerows are subject to the Hedgerow Regulations (1997) which makes provision for the protection of important hedgerows in England and Wales.

Ponds can be rich in marginal and submerged plants and invertebrates and in Oxfordshire are likely to be breeding sites for amphibians, including great crested newts (*Triturus cristatus*). Ponds are sensitive to changes in hydrology and nutrient status and should be managed accordingly.

The following species (identified as part of the overall survey of the grounds) of principal importance located at St. Peters School are:

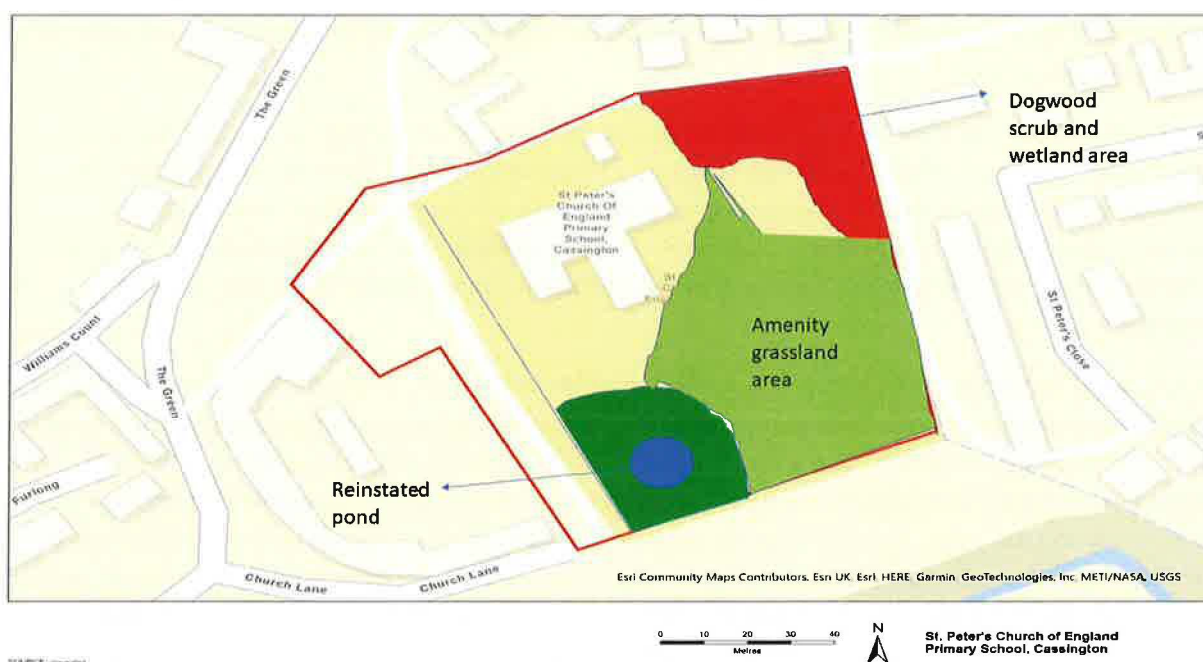
- Great crested newt (*Triturus cristatus*)
 - Reed bunting (*Emberiza schoeniclus*)
 - House sparrow (*Passer domesticus*)
 - Bullfinch (*Pyrrhula pyrrhula*)
 - Starling (*Sturnus vulgaris*)
 - Song thrush (*Turdus philomelos*)
 - Hedgehog (*Erinaceus europaeus*)
 - Soprano pipistrelle bat (*Pipistrellus pygmaeus*)
 - Brown long-eared bat (*Plecotus auritus*)
 - Slow worm (*Anguis fragilis*)
 - Common lizard (*Zootoca vivipara*)
 - Grass snake (*Natrix natrix*)
-
-

Survey results

Setting

The school is located centrally within the village of Cassington, in a predominantly built environment. Residential buildings border the school to the east and west. The school boundary comprises drystone walling along its western and southern periphery, a ditch running the length of the eastern boundary and a chain-link fence along its northern edge.

Figure 1. Survey areas.



The habitat footprint of the outdoor area within the school boundary can be divided into three principle survey areas (see Figure 1) – a relatively large area of amenity grassland (used by the children as a play area); a fenced off scrub area within which a large pond has been reinstated (hereafter the “wildlife pond”) with a view to it becoming an outdoor learning resource; and another fenced off area comprising a piece of rough grassland and a large scrubbed over area dominated by dogwood (*Cornus sanguinea*) and a relatively diverse mix of grass species due to its former function of providing cattle grazing - hereafter the “Forest School”. Within the scrubbed over area of the Forest School there is a small area of seasonal wetland habitat with frequent flag Iris (*Iris psuedacorus*) and occasional marsh marigold (*Caltha palustris*) present. Historically the school grounds have been planted with a variety of native and non-native broadleaved tree species, many of which are in a mature state. Recently, as a consequence of safety work undertaken in the aftermath of a tornado coming through the village in October 2021, there is a considerable amount of Willow (*Salix fragilis*) which has been left on site, particularly within the Forest school area and the wildlife pond and to a lesser extent on the periphery of the amenity grassland which borders the Forest School compound. Recently, as part of a school biodiversity initiative, the east, west and south boundaries have been planted (school side) with a double wildlife hedge, comprising c.1200 whips of 10 different native hedge species (see Appendix C for species composition).

Habitats

Along the internal periphery of much of the school boundary, tall ruderal habitat dominates. This is an integral mix of Creeping buttercup (*Ranunculus repens*), Cleavers (*Galium aparine*), Cow parsley (*Anthriscus sylvestris*), Hedge garlic (*Alliaria petiolate*), Green alkanet (*Pentaglottis sempervirens*), white dead-nettle (*Lamium album*), broad-leaved dock (*Rumex obtusifolius*), common nettle (*Urtica dioica*) and those grass species planted to establish the amenity grassland. Collectively, this ruderal species mix provides a valuable wildlife habitat – partly because of its linear connectivity and partly because of its lack of mowing, resulting in the individual specimens being allowed to flower, providing a useful nectar source.

It is worth noting that there is a good deal of well-established scrub habitat present throughout much of the site, particularly in the Forest School and pond complex. The scrub is dominated by bramble (*Rubus fruticosus*) and dogwood with small patches of dog rose (*Rosa canina* agg), hawthorn (*Crataegus mongyna*) and blackthorn (*Prunus spinosa*). The scrub habitat is rich in bird life, providing good quality nest sites for many of the commonly encountered species, including migratory warblers.

Much of the footprint of the school is surrounded by drystone wall. Drystone walls provide excellent habitat for a variety of taxonomic groups, notably mosses and lichens, invertebrates, small mammals and amphibians and reptiles. The phase 1 survey of the school revealed the walls to be heavily vegetated in places with large amounts of common ivy (*Hedera helix*) – a valuable habitat structure and nectar source. Also, of note, is the abundance of Kenilworth ivy (*Cymbalaria muralis*) found in strong association with the drystone walls. Finally, as a result of the aforementioned tornado, some sections of the drystone wall have been significantly damaged by falling mature trees, removing the linear continuity of this valuable habitat feature. If possible, the damaged sections of the wall network should be reinstated as a matter of priority.

Amenity grassland

The amenity grassland habitat constitutes the main outdoor recreation area for the children. As such, it is subjected to heavy levels of disturbance and regular mowing. The site is a species poor grassland comprising dominant perennial rye-grass (*Lolium perenne*) and annual meadow grass (*Poa annua*) with frequent Yorkshire fog (*Holcus lanatus*), White clover (*Trifolium repens*), common daisy (*Bellis perennis*), Hoary plantain (*Plantago media*) and creeping buttercup. Ribwort plantain (*Plantago lanceolata*), germander speedwell (*Veronica chamaedrys*) and ground ivy (Glechoma hederacea) occur frequently in localised patches. The grassland area is interspersed with mature trees, notably, Willow, Beech (*Fagus sylvatica*), Oak (*Quercus robur*), Wild Cherry (*Prunus avium*), Silver Birch (*Betula pendula*), Alder (*Alnus glutinosa*) and several ornamental Maple (*Acer* spp.) specimens

Scrub and wildlife pond complex (the wildlife pond)

This component of the school footprint comprises a double fenced area – one which provides a boundary to the compound and one which operates as a safety barrier around the profile of the newly reinstated pond. The western boundary of the site is a drystone wall, some of which was recently damaged by tree fall occurring as a consequence of the 2021 tornado.

Historically a dew pond to provide a drinking water resource for the cattle that occupied the land (prior to it being a school the land was given over to dairy farming). Over time the pond reverted back to a scrub area with a small number of individual native trees (Oak, Wild cherry, hawthorn and silver birch) becoming established, with some non-native maples planted. Recently (January/February 2022), the pond was reinstated with a view to it becoming an outdoor learning resource for the school. This undertaking required substantial site clearance, partly to access the pond profile and to remove storm damaged trees. Much of the material that resulted from this clearance has been left *in situ* to create wildlife hibernacula, some of which are already showing signs of occupation by small mammals (woodmouse – *Apodemus sylvaticus*) and herptiles (common lizard and slow worm).

The complex is dominated by an integral mix of plants, with abundant common nettle, dogwood, great willowherb (*Epilobium hirsutum*) and bramble. Distinct abundant areas of hedge garlic and cleavers are evident throughout the footprint of the site, with abundant ivy covering the majority of the remaining trees and drystone walls. Cow parsley is also frequent, with localised dominance obvious across portions of the site. Lords and Ladies (*Arum maculatum*) are also frequent and there are occasional clumps of garden daffodils (*Narcissus spp.*)

Significant pruning of both a large area of dog rose and a large willow was undertaken as part of the pond restoration project, with both showing obvious regeneration. Despite the relatively large-scale interventions of late, the pond remains a haven for birdlife with a good number of passerine species currently frequenting the site (see Appendix B).

Forest school and scrub/seasonal wetland

Historically the site was pasture land for grazing cattle. As such, it is an interesting mix of grassland species, with a high degree of structural diversity as a consequence. Much of the site is a rough grassland with frequent clumps of annual meadow grass (*Poa annua*), Yorkshire fog, Common bent (*Agrostis capillaris*), Cock's-foot (*Dactylis capillaris*) and Meadow foxtail (*Alopecurus pratense*). Much of this part of the site is interspersed with Cow parsley, Wild teasel (*Dipsacus sylvestris*) both of which are abundant, along with Broad-leaved dock (*Rumex obtusifolius*), Common nettle, Hedge garlic, Dandelion (*Taraxacum officinale*), Great willow herb, Rough hawkbit (*Leontodon hispidus*), Herb Robert (*Geranium robertianum*) are frequent and Common avens (*Geum urbanum*), whilst spear thistle (*Cirsium vulgare*) are occasional throughout the site. The periphery of the site, particularly on the northern boundary adjacent to the chain-link fencing is dominated by Wall barley (*Hordeum murinum*), Barren brome (*Anisantha murinum*), with frequent herb Robert and common avens. There are several garden escapes in this part of the site, notably hollyhock (*Alcea spp.*) red valerian (*Centranthus ruber*), raspberry (*Rubus spp.*) and forget-me-not (*Myosotis arvensis*).

The scrub area is an integral mix of dominant dogwood and bramble. There are a small number of semi-mature trees and shrubs in this part of the site, predominantly willow, with individual ash (*Fraxinus excelsior*), oak, hawthorn and elder (*Sambucus nigra*) present. A considerable amount of damaged willow boughs have been removed from the mature specimens (post storm damage) and have been left *in situ* to provide wildlife habitat and to rot down. It is worth noting however, that many of these willow logs are now regenerating and may cause access problems into the future.

The scrub in the north east corner of the rough grassland is of particular note due to the high number of both starlings and house sparrows which are present and the scrub should therefore be maintained (left) as a priority. Nest box provision for both these species would be a welcome addition to the school's biodiversity plan. In addition, the dogwood dominated scrub to the central

and southern limit of this compound supports a small number of reed bunting, with the likelihood of breeding high, as the male territorial call has been detected on most surveys at the appropriate time of year.

There is a small seasonal wetland area in the centre of this part of the site. Within it is a clump of marsh marigold and a small number of flag iris. Greater willow herb tends to dominate this wet site, although it is worth noting the relatively large amount of bare ground present in the immediate vicinity. Bare ground is a valuable wildlife habitat, particularly for invertebrates, in this instance created by the winter water level being drawn down as spring progresses. However, it should be noted that colonisation of this area continues to reduce the extent of the wet area and some low-level intervention, i.e. scraping of a few centimetres of topsoil, will be beneficial into the future.

Bats

Bats in and around the village use a variety of landscapes or habitats throughout the year as they feed, roost and travel. They use hunting grounds or foraging habitats to find food and commuting habitats to travel between roosts and foraging habitats. Bats are known to roost in several village buildings, but they also forage in the variety of green spaces on offer including the school grounds. In reference to this it is important to note that bats use linear features, namely hedgerows, to commute from one area of the village to another. These features act as navigational landmarks and can also provide some protection from predators.

Three bat species - Common pipistrelle (*Pipistrellus pipistrellus*), Soprano pipistrelle (*Pipistrellus pygmaeus*) and Brown long-eared (*Plecotus auritus*) were encountered via heterodyne bat detectors throughout the school environs and there is a likelihood that other species will be encountered from time to time. The conservation of bats within the school grounds is reliant on the delivery of several factors, namely the provision of roosting opportunities, the availability of foraging and commuting habitat and the appropriate management / protection of existing roosts and areas. These factors are amply catered for within the footprint of the school, particularly in the form of the old willows for roosting and the high incidence of foraging and commuting habitat available throughout. It is important to note that all UK bat species and their roosts are protected under national and European law.

Reptiles and amphibians

Reptiles are encountered in the Forest school and wildlife pond habitats, notably slow worms, (*Anguis fragilis*), with common lizard (*Zootoca vivipara*) and grass snakes (*Natrix natrix*) occasionally sighted. All these species are protected in the UK under the Wildlife and Countryside Act, 1981 and Priority Species under the UK Post-2010 Biodiversity Framework. Amphibians detected within the school footprint include the common toad (*Bufo bufo*) (protected in the UK under the Wildlife and Countryside Act, 1981 and Priority Species under the UK Post-2010 Biodiversity Framework) and the common frog (*Rana temporaria*) (protected under the UK Wildlife and Countryside Act, 1981).

The two wetland areas contained within the boundary of St. Peters School were evaluated for their potential as great crested newt (*Triturus cristatus*) habitat, using the NatureSpace Habitat Suitability Index (HSI) (see <https://naturespaceuk.com/>) concluding that St. Peters School is a highly suitable location for their presence (see Fig. 2). The great crested newt is a protected species in the UK under schedule 5 of the Wildlife and Countryside Act, 1981, and in Europe under the European Union Directive on Natural Habitats and Wild Fauna and Flora. Section 9 regulations of the Wildlife

and Countryside Act, 1981 protect the great crested newt at all life stages, from eggs to mature adults, stating it is illegal to kill, harm, capture or be in possession of parts of individuals; disturb, damage or obstruct access to breeding sites, areas of shelter or habitats; and/or partake in any form of trading in this species. In July 2021, pupils at the school located an adult great crested newt in the Forest school wetland zone, supporting the findings of the HSI model (see Fig. 3).

Mammals

No systematic surveys of mammals were undertaken as part of the survey. However, on occasion muntjac deer (*Muntiacus reevesi*) were sighted within the footprint of the school, with hedgehog (*Erinaceus europaeus*) faeces noted on the amenity grassland area on several occasions. Much of the habitat on site will be frequented by small mammals, namely wood mice (*Apodemus sylvaticus*) and bank vole (*Myodes glareolus*).

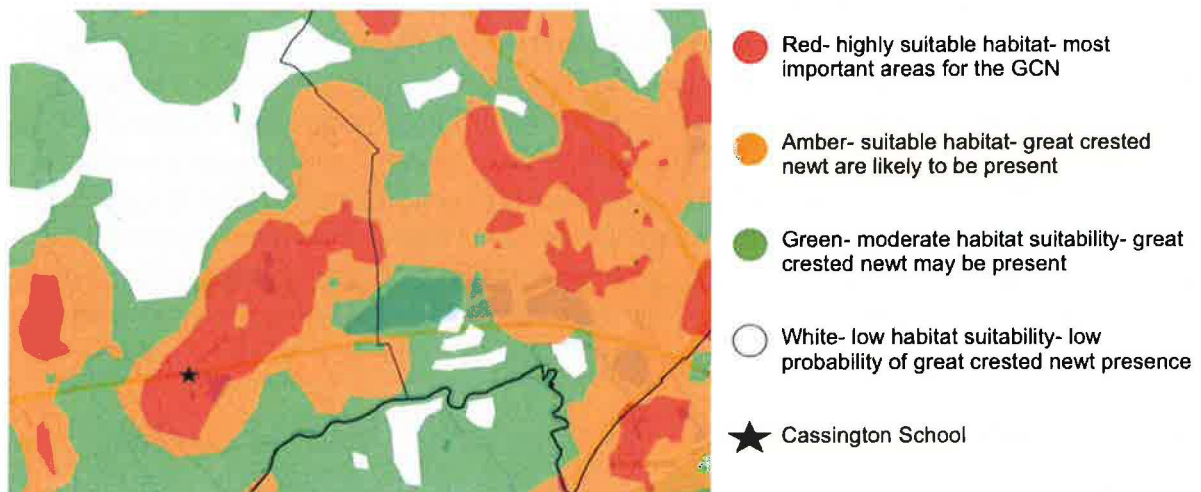


Figure 2. Suitability of habitat for the great crested newt in Cassington Village.

Figure 3. Great crested newt found by pupils of St Peter's school on the school grounds, 5th July, 2021



Birds

A bird survey of the village, linked in to the provision of the Cassington Green Plan, was undertaken throughout the spring of 2021. All species identified as part of that survey can be found at Appendix B. It is worth noting that the overall footprint is clearly of high bird conservation value, with 5 species identified under the 2006 NERC Act principle species list (6 if Fieldfare (*Turdus pilaris*) – a common winter visitor on the amenity grassland area - are included).

Overall, the village provides an important breeding site and feeding ground for a nationally declining bird species - the swift (*Apus apus*), which has seen more than a 50% decline in the last 20 years. As a consequence, it is Amber listed and is denoted as being in long-term breeding decline. Part of the reason for that decline has been the removal of appropriate nest sites (old buildings being removed or refurbished) in tandem with loss of foraging habitat adjacent to nest colonies, such as is provided by the amenity grassland element of the school footprint.

The house sparrow (*Passer domesticus*), is experiencing similar levels of decline, albeit over a slightly longer time frame (40 years). The house sparrow is red listed and denoted as being in rapid long-term breeding decline. Despite this, good numbers of the species can be found within the school grounds and adjacent housing (gardens), particularly in the northeast corner of the Forest school plot, where they congregate in the old hedge system and bramble patch. The same location within the school footprint is also an important site for the starling (*Sturnus vulgaris*). Starling numbers have declined markedly across much of the UK since the early 1980s and has continued ever since. Long-term monitoring by the British Trust for Ornithology (BTO) shows that starling numbers have fallen by two thirds in Britain and because of this is red listed as a bird of high conservation concern.

Concluding remarks

Despite being a site which has elements which are intensively managed (the amenity grassland) and the commonly encountered composition of the vegetation, the site is relatively biodiverse. This is due to (until recently) the overall low levels of disturbance/intervention that have taken place in both the wildlife pond and forest school areas. This has resulted in large tracts of scrub habitat which have been *in situ* untouched for several decades. As a result, some taxonomic groups have benefited significantly, most notably the birds – the site overall has a relatively rich avifauna for such a small site, with notable populations of high profile (protected) species. The reinstatement of the pond habitat should prove beneficial, particularly to reptiles and amphibians, with the goal of the waterbody supporting great crested newts a key target. Unfortunately, the recent extreme weather event the site was exposed to resulted in a large amount of intervention. Wherever possible to resultant materials from the tree maintenance have been incorporated into the fabric of the site. Going forward, site management should be kept to a minimum.

Appendix A - Target notes

Amenity grassland

Target note 1. Species poor improved grassland. This is the dominant habitat type on site – a heavily managed (mowed) area, used for recreational purposes by the children. When established, the grassland mix was species poor, although there has been some colonisation by a few herbaceous species, particularly plantains. In addition, some garden invasives are located within the footprint, notably daffodils and crocuses, with frequent forget-me-not in among the tall ruderal habitat surrounding the boundary of the play area. Note that the boundary would benefit from a “no-mow” regime as the planting of the wildlife hedge has resulted in a band of relatively species rich habitat, which proved attractive to invertebrates. This band of ruderal habitat should be extended to a width of 1-2m.



Target note 2. Amenity grassland – managed willow. Throughout the footprint of the school, but particularly within the amenity grassland area, essential tree maintenance has been undertaken post storm damage, particularly in relation to the large number of mature willows on site. This has resulted in a large amount of logs which have been incorporated into the site in order to provide wildlife habitat, particularly dead/decaying wood – a habitat in short supply in most locations due to their being considered “untidy”. Provision of deadwood is to be encouraged as it provides valuable habitat to a number of taxonomic groups.



Wildlife Pond

Target note 1. Wildlife pond enclosure – wetland. Note the heavily pruned willow, with resultant logs and brash utilised to created wildlife refugia on site. Also note the eutrophic water condition – this may be a function of the recent onsite reinstatement of the pond profile resulting in a “flush” of nutrient release. Areas cleared to allow pond reprofiling have been heavily colonised by common nettle and rosebay willow herb, with string regeneration of the bramble cleared as part of the pond restoration work .



Target note 2. Pond observation platform area. Note the retention of dense bramble and dogwood scrub as previously demonstrated to be important nest area for passerines.



Target note 3. Tawny owl nesting box provision. Tawny owls are heard frequently throughout the year, both within the school footprint and in the lime trees on the village green. Nest box positioned in the wildlife pond compound, with capacity for similar in the forest school.



Target note 4. Reptile & amphibia refugia. Slow worms located under recently added corrugated tin panels, grass snake also located on one occasion. Currently three in the wildlife pond area, but with capacity for more in the forest school area.



Forest School

Target note 1. Wildlife hedge. In 2021 a wildlife hedge (see Appendix C for overall species composition) was planted. Hedge planting is contiguous around the periphery of the school boundary. Establishment rates are high but periodic checks on growth recommended, particularly as herbivory from muntjac may become an issue. Note the heavily pruned willow in the background.



Target note 2. Habitat piles created from tree maintenance. Willow logs and brash have been left on site to create habitat piles in among the willow and dogwood scrub. Note that many are now sprouting and will form areas of the forest school which are difficult to access if left unmanaged. This part of the Forest school has several bird species breeding, including reed bunting.



Target note 3. Forest school wetland area. A small seasonal wetland area is situated in the core of the willow/dogwood scrub dominated part of the compound. There is a small amount of marsh marigold present along with frequent cover of flag iris. During the drier months the bare earth is colonised by greater willow herb which is subsequently suppressed as the hollow refills with water. The wet hollow has a very shallow profile and minimal intervention to help retain the wet area profile may be beneficial.



Target note 5. Forest school children's area. An area of rough grassland is given over to provide an outdoor play area and learning resource. The area is subjected to infrequent mowing, resulting in some pockets of more tussock like grassland. The boundary of the compound is dominated by a mix of cow parsley, cleavers, teasel and willow herb, with occasional hawthorn and elder. Throughout the area there are several relatively young, probably planted, ash, horse chestnut, oak specimens. In addition, there are some frequent garden escapes, namely borage, comfrey and cultivated raspberry. Note the thicket of bramble in the left-hand corner – this is the location for the small populations of starling and house sparrow on site and as such should remain.



Appendix B. Bird species present on site

Blackbird (*Turdus merula*)

Song thrush (*Turdus philomelos*)

Robin (*Erithacus rubecula*)

Dunnock (*Prunella modularis*)

Wren (*Troglodytes troglodytes*)

Chaffinch (*Fringilla coelebs*)

Goldfinch (*Carduelis carduelis*)

Greenfinch (*Carduelis chloris*)

Bullfinch (*Pyrrhula pyrrhula*)

Mistle thrush (*Turdus viscivorus*)

Reed bunting (*Emberiza schoeniclus*)

Grey wagtail (*Motacilla cinerea*)

Pied wagtail (*Motacilla alba*)

House sparrow (*Passer domesticus*)

Starling (*Sturnus vulgaris*)

Red kite (*Milvus milvus*)

Sparrowhawk (*Accipiter nisus*)

Tawny owl (*Strix aluco*)

Blue tit (*Parus caeruleus*)

Great tit (*Parus major*)

Chiffchaff (*Phylloscopus collybita*)

Willow warbler (*Phylloscopus trochilus*)

Garden warbler (*Sylvia borin*)

Blackcap (*Sylvia atricapilla*)

Whitethroat (*Sylvia communis*)

Tree creeper (*Certhia familiaris*)

Nuthatch (*Sitta europea*)

Carrion crow (*Corvus corone*)

Jay (*Garrulus glandarius*)

Jackdaw (*Corvus monedula*)

Green woodpecker (*Picus viridis*)
Great spotted woodpecker (*Dendrocopos major*)
Mallard (*Anas platyrhynchos*)
Ring-necked Pheasant (*Phasianus colchicus*)
Red-legged partridge (*Alectoris rufa*)
Wood pigeon (*Columba bollii*)
Collared dove (*Streptopelia decaocto*)
Black headed gull (*Chroicocephalus ridibundus*)
Swift (*Apus apus*)
Swallow (*Hirundo rustica*)
House martin (*Delichon urbicum*)

Appendix C. Wildlife hedge planting composition

Hornbeam (*Carpinus betulis*)
Hazel (*Corylus avellana*)
Rowan (*Sorbus aucuparia*)
Small-leaved lime (*Tilia cordata*)
Wild cherry (*Prunus avium*)
Beech (*Fagus sylvatica*)
Whitebeam (*Sorbus aria*)
Crab apple (*Malus sylvestris*)
Downy birch (*Betula pubescens*)
Blackthorn (*Prunus spinosa*)

