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Summary

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

The Neighbourhood Plan recognises that the challenge for Chipping Norton is to meet the needs of development whilst ensuring that the unique qualities of this historic town and the special setting of the town and its surroundings, as a gateway to the Cotswolds, are conserved and enhanced. The importance of Chipping Norton as a vibrant, working town shines through the variety of policies in this Neighbourhood Plan. As befits a Front Runner, there are policies that are unusual and innovative.

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

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

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

Ann Skippers
Ann Skippers Planning
24 September 2015

Ann Skippers Planning is an independent consultancy that provides professional support and training for local authorities, the private sector and community groups and specialises in troubleshooting, appeal work and neighbourhood planning.

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1.0 Introduction

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

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan. Chipping Norton was awarded Front Runner status and is the first Plan in this District to reach examination stage.

Chipping Norton, affectionately known locally as ‘Chippy’, is one of three main towns in West Oxfordshire. Some 20 miles north west of Oxford and about 12 miles north of Witney, it sits at the junction of the A44 and A361, a busy through route.

Situated on the eastern edge of the Cotswolds Area of Outstanding Beauty (AONB), the largest AONB in England or Wales, Chipping Norton has a prominent hill top location with extensive views to and from the surrounding picturesque countryside.

Historically, the town gained importance as a centre for wool and tweed and a Conservation Area covers much of the central area of the town. There are a number of important listed buildings including the former tweed mill, Bliss Mill, on the outskirts of the town, which is an important landmark visible from a number of vantage points.

Vibrant and busy, today Chipping Norton is home to some 6500 residents¹ and a number of important businesses and is served well by a variety of shops and services.

2.0 Appointment of the independent examiner

I have been appointed by West Oxfordshire District Council (WODC) with the agreement of Chipping Norton Town Council, to undertake this independent examination.

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

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¹ According to the 2011 Census
² Set out in paragraph 8 (1) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)
3.0 The role of the independent examiner

The examiner is required to check\(^2\) whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

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

The basic conditions\(^3\) are:

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

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two basic conditions in addition to those set out in primary legislation and referred to in the paragraph above. These are:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site\(^4\) or a European offshore marine site\(^5\) either alone or in combination with other plans or projects, and
- Having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this is not applicable to this examination as it refers to orders).

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\(^2\) Set out in paragraph 8 (1) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)
\(^3\) Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)
\(^4\) As defined in the Conservation of Habitats and Species Regulations 2012
\(^5\) As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007
The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

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

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

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

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

**Qualifying body**

Chipping Norton Town Council is the qualifying body able to lead preparation of a neighbourhood plan. This is confirmed in the Plan and in the Basic Conditions Statement. This requirement is met.

**Plan area**

The Plan area is coterminous with the Town Council administrative boundary. WODC approved the designation of the area on 12 December 2012. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. Figure 1.1 on page 2 of the Plan shows the area.

**Plan period**

The Plan covers a period from 2015 to 2031. This is stated on the front cover and is confirmed within the Plan itself. However, the Basic Conditions Statement specifies 1 January 2015 to 31 March 2031; these dates might be different to a reasonable assumption that “2015 – 2031” might mean 1 January 2015 to 31 December 2031.
If the specific dates in the Basic Conditions Statement are those preferred (and these would seem to me to tie up with the end time period of the emerging Local Plan) then I recommend that these should be stated on the front cover and in the Plan itself to avoid any doubt.

Excluded development

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

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community’s priorities for the future of their local area, but are not related to the development and use of land. Where I consider a policy or proposal to fall within this category, I have recommended it be moved to a clearly differentiated and separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but non-land use matters should be clearly identifiable. Subject to any such recommendations, this requirement can be satisfactorily met.

5.0 The examination process

It is useful to bear in mind that the examination of a neighbourhood plan is very different to the examination of a local plan.

The general rule of thumb is that the examination will take the form of written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case.

After consideration of the documentation including the representations received, I decided it was not necessary to hold a hearing.

I have also specifically referred to some representations and sometimes identified the person or organisation making that representation. However, I have not referred to each and every representation in my report. Nevertheless each one has been

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6 PPG para 004
7 Schedule 4B (9) of the Town and Country Planning Act 1990
considered carefully and I would like to reassure everyone that I have taken all the representations received into account during the examination.

I undertook an unaccompanied site visit to Chipping Norton and its environs on 25 August 2015.

6.0 Public consultation

The Town Council has submitted a Consultation Statement (CS) which provides details of who was consulted and how, together with the outcome of that engagement process.

The process has been led by a Steering Group of nine residents or former residents of Chipping Norton and includes four town councilors.

It is clear that engagement with the local community, businesses and other stakeholders has been at the forefront of the plan-making process. Various activities were undertaken at different stages of the process and included questionnaires, open days and mail drops. Of particular note was a workshop held specifically for statutory consultees and other stakeholders; I consider this an interesting approach and an innovative way of bringing these organisations together which is to be commended.

‘Launch’ public meetings were held at the start of the process to identify challenges and solutions and generate a list of priorities. This was followed by a questionnaire to all residents of the town. Interestingly, this comprehensive questionnaire was able to follow on from one carried out some nine years earlier allowing for comparison to be made on whether views had significantly changed in the intervening period. Focus groups with local businesses, younger people, older people and people of working age were held to complement the questionnaire.

A year or so after the process began, an open day was held; this gave an opportunity to report back to the community as well as gather further evidence. About 300 people attended this day which is a very good response.

A ‘state of the town’ report in Summer 2013 brought together all the evidence gathered up to that point. A summary leaflet was provided and sent to all addresses in the town. This in itself was consulted upon for six weeks.

The statutory consultee workshop held in June 2014, as I have already mentioned, is an innovative concept. Used to test how practical and viable the draft policies would be and as an opportunity to tweak policies, this workshop was well attended and is seen to have been beneficial in, as the CS states, “…pre-empting some of the issues that might otherwise arise…” at the more formal consultation stages.

* Consultation Statement page 11
Pre-submission (Regulation 14) consultation took place between 3 October - 14 November 2014. Summary versions of the Plan were also distributed to every address in the town and three ‘drop-in’ sessions held in the Town Hall during the six week period. Members of the Steering Group led a session at the secondary school to engage specifically with younger people. A meeting was held with WODC to discuss the draft Plan. The CS confirms that all statutory consultees were contacted and sent a copy of the draft Plan. The CS then contains a series of tables that summarise the comments received on each policy. Appendix F of the CS details those responding to this consultation stage.

Submission (Regulation 16) consultation was carried out between 18 June – 31 July 2015. This attracted a number of representations which I have taken into account in preparing this report.

The evidence demonstrates that the Plan has emerged as a result of seeking, and taking into account, the views of the community and other bodies.

The representation from WODC confirms that the Plan has been “the subject of extensive engagement with local people and other consultees” further affirming the conclusion I have independently reached.

Some representations offer useful information that complements the contents of the Plan or considers the level of resources available. Others, for example the representation from Historic England, suggest other matters such as an assessment of the condition of heritage assets within the Parish could usefully be carried out. Some representations comment on the contents of the Plan and suggest solutions to various traffic or other issues; some of which seemed to me to be reflected in the contents of the Plan, others were new or additional suggestions or were detailed concerns about the merits of a particular site. These are not matters that have required me to recommend modifications, but I feel sure the Town Council will take them into account in continuing to work on the Plan and in achieving their aspirations for Chipping Norton.

Some query housing need and supply and seek the identification or allocation of specific sites for specific uses in the Plan. However, my role is to examine what is before me. There is no requirement for neighbourhood plans to identify sites and the Plan does not seek to deal with housing numbers or allocate sites for development or as employment land. Instead it presents a suite of policies designed to support the strategic development needs that will be set out in an emerging Local Plan in due course and to shape development based on the vision and priorities of the community. In my view the Plan will not hamper the local planning authority’s endeavours or ability to prepare a robust Local Plan.

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9 Ibid
10 Ibid page 12 onwards
11 For example from Oxfordshire County Council
12 Representations from Rob Howard; Miss. Clarke; Krisztina and Andrew Tredre-Short
13 Representation from Krisztina and Andrew Tredre-Short
14 Representation from Pegasus Planning on behalf of Ainscough Strategic Land
A number of representations offer support for the Plan.

7.0 The basic conditions

National policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.\(^{15}\)

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.\(^{16}\)

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

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.\(^{17}\)

PPG indicates that a policy should be clear and unambiguous\(^{18}\) to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.

The Basic Conditions Statement\(^{19}\) sets out how each policy the Plan has responded to national guidance in the NPPF in a useful table format. This details the most relevant,

\(^{15}\) NPPF (2012) paras 14, 16
\(^{16}\) Ibid para 184
\(^{17}\) Ibid para 17
\(^{18}\) PPG para 041
\(^{19}\) Basic Conditions Statement Table 1 page 5
NPPF paragraphs without being exhaustive and includes a short commentary on conformity. It does so in a simple, but effective way.

**Sustainable development**

A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole\(^{20}\) constitutes the Government’s view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.\(^{21}\)

The Basic Conditions Statement offers an explanation of how the Plan contributes to the achievement of sustainable development.\(^{22}\) It does this by assessing each Plan policy against the three dimensions of sustainable development with an accompanying short commentary.

**The development plan and emerging planning policy context**

It is worth bearing in mind that the relevant basic condition only refers to the development plan. In this case, the development plan for the area is the West Oxfordshire Local Plan 2011 (LP 2011). The LP 2011 was adopted in June 2006. According to WODC’s website all policies and proposals are saved with the exceptions of Policies NE8, NE9, T5 and T7 and Proposals 2, 6, 13 and 14. Given that the LP 2011 was adopted before the publication of the NPPF in 2012, the weight to be attributed to LP 2011 policies will vary depending on their degree of consistency with the NPPF.

The Basic Conditions Statement identifies the relevant LP 2011 policies for each Plan policy and offers a short commentary on the Plan policy’s conformity with the development plan in tabular form.\(^{23}\) The information is provided in an easy to read and tangible format which is to be welcomed. I note though that there are one or two references to LP 2011 policies that have not been saved, but overall this has not detracted from the usefulness of the Basic Conditions Statement. As the LP 2011 is currently being replaced with the Local Plan 2031 (LP 2031), the table also details the relevant LP 2031 policies and paragraphs.

It is anticipated that the LP 2031 will be adopted in the Spring of 2016. Given the stage that the emerging LP 2031 has reached, I consider it good practice that the Plan has taken account of the emerging planning policy context. This identifies Chipping Norton as a main service centre in the settlement hierarchy and proposes a Strategic Development Area (SDA) at Chipping Norton.\(^{24}\)

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\(^{20}\) NPPF (2012) para 6 which indicates paras 18 – 219 of the Framework constitute the Government’s view of what sustainable development means in practice

\(^{21}\) Ibid para 7

\(^{22}\) Basic Conditions Statement Table 3 on page 17

\(^{23}\) Ibid Table 2 page 9

\(^{24}\) Local Plan 2031 Figure 9.12 on page 169 (Examination version)
The Plan makes numerous references to the emerging LP 2031. However, there is a risk that these emerging policies or proposals may be changed or even deleted in the adopted version of the new Local Plan. By and large I consider that the references are on balance acceptable as they are, in the main, either to be found in the supporting text or as a list in “relevance to planning framework” sections and in any case the issues raised are likely to remain.

Where I consider it necessary I have recommended a modification, for example to make the status of the emerging Local Plan clear. **However, the Town Council may like to consider the implications of such references throughout the Plan should the emerging Local Plan be revised.**

A representation from Gladman Developments Ltd (Gladman) contends that the LP 2011 is “time expired” and that the evidence underpinning it is out of date. Given the stage that the emerging LP 2031 has reached and the uncertainty around it, it is Gladman’s view that the Plan should not be progressed until the strategic priorities for the District have been settled and adopted by WODC.

Gladman in fact submitted a judicial review challenge[^25] in respect of the Winslow Neighbourhood Plan on a similar issue. Judgment has been given on this case which confirms that a neighbourhood plan may include policies relating to the use and development of land for housing in the absence of any development plan document setting out strategic housing policies. I consider then that the principle of a neighbourhood plan progressing in advance of an up to date District level plan has been considered and has found by the Courts to be acceptable. PPG also confirms this principle and is clear in encouraging qualifying bodies and local planning authorities to work together in such situations.[^26]

Furthermore PPG advises that whilst the Plan is not tested against the policies in the emerging Local Plan, the reasoning and evidence informing that Local Plan may be relevant to any consideration of the basic conditions.[^27]

I am therefore confident that the examination can proceed and there is no reason to delay it.

**European Union Obligations**

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant.

**Strategic Environmental Assessment**

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of

[^26]: PPG para 41-009-20140306
[^27]: Ibid
the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004. A screening exercise has been carried out by WODC. The screening opinion, dated 2 September 2014, concludes that an environmental assessment is not required.

The screening assessment has been considered by Natural England, English Heritage (now, with regard to planning matters, Historic England) and the Environment Agency. None of these three statutory consultees disagree with the Council’s conclusion.

I am therefore satisfied that the Plan does not require a SEA to be carried out.

In addition as the Plan was submitted to WODC on 28 May 2015, new regulations\textsuperscript{28} effective from 9 February 2015 apply. Where it has been determined that the Plan is unlikely to have significant environmental effects (and therefore does not require an environmental assessment), a statement of reasons for the determination is now needed. I regard the screening opinion from WODC as fulfilling this requirement and WODC have confirmed to me by email dated 10 September 2015 that this is also their view.

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

The Basic Conditions Statement includes a statement that the Plan has had regard to the fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act.\textsuperscript{29} Whilst it would be useful to include information that demonstrates that this is indeed the case, there is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it. There is also no substantive evidence to the contrary.

**Habitats Regulations Assessment/other Directives**

There are no European sites within, or in close proximity to, the Plan area. Therefore a Habitats Regulations Assessment is not required. I also requested confirmation from WODC that in their view a Habitats Regulations Assessment was not needed. This confirmation was given to me by email dated 10 September 2015.

PPG\textsuperscript{30} confirms that it is the responsibility of the local planning authority, in this case WODC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is WODC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan. There is nothing before me to indicate that WODC have any concerns in this regard.

\textsuperscript{28} Neighbourhood Planning (General) (Amendment) Regulations 2015
\textsuperscript{29} Basic Conditions Statement page 20
\textsuperscript{30} PPG para 11-031-20150209
I am not aware of any other European Directives which apply to this particular neighbourhood plan and in the absence of any substantive evidence to the contrary, I am satisfied that the Plan is compatible with EU obligations.

8.0 Detailed comments on the Plan and its policies

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

The Plan starts off with a Foreword from the Chairman of the Steering Group and a very helpful contents page. Overall the Plan is very well presented, it is clear and easy to use and includes a nice balance of full page photographs which really catch the eye and show off ‘Chippy’s’ attributes as well as acting as section dividers.

1 Introduction

This section helpfully sets the scene for the Plan. It contains a lot of useful information. It is good to see that the Plan will be monitored.

The section includes a useful and clear diagram (Figure 1.2) that helps explain the main stages of Plan production.

As the Plan progresses to the next stages, there may, of course, be a need to update some parts of the introduction.

2 National and Local Planning Context

This section contains useful contextual information as the representation from WODC acknowledges.

In paragraph 2.1 reference is made to the basic conditions stating that the Plan must have “appropriate” regard to national policy. The correct phrase is “regard” (not “appropriate regard”) and also includes advice. So this should be altered in the interests of accuracy.

Reference is also made in the same paragraph to EU obligations and again the phrase used does not quite reflect the Regulations and so should be altered in the interests of accuracy.

- Replace “Have appropriate regard to national policy” in paragraph 2.1 i. on page 4 with “Have regard to national policy and advice”
Add “Must not breach, and is otherwise” before “compatible with EU obligations...” in paragraph 2.1.iv on page 4 and delete the word “Be” at the start of this criterion.

On page 5 of the Plan Figure 2.1 details what is termed the “layers to the statutory planning framework”. However, reference is made to the emerging Local Plan; this is not yet part of the statutory planning framework; it can only be once it is adopted and so this ‘box’ should be replaced with the current development plan at local level i.e. the Local Plan 2011.

Change the ‘local’ box in Figure 2.1 to refer to the current, rather than the emerging, Local Plan.

This section goes onto explain that the Plan has been prepared taking the emerging Local Plan 2011 – 2031 into account. This is to be regarded as good practice and is in line with PPG,31 but does not form part of this examination as the relevant basic condition refers only to the need for the Plan to be in general conformity with the saved strategic policies of the development plan i.e. the adopted Local Plan as I have already mentioned in an earlier section of this report.

3 Chipping Norton Today

This section provides both an interesting and informative narrative on Chipping Norton.

A representation from Oxfordshire County Council points out that the section makes little mention of the setting around the eastern/north eastern parts of the town or Chipping Norton’s location in relation to the highway network. A representation from WODC points out that there has been a modest increase in the number of employed residents working outside Chipping Norton since the Census, HGV movements are a key concern and updated nitrogen dioxide levels figures are available and a reference to the limited availability of employment land could usefully be included.

Whilst these are not modifications I need to recommend in relation to meeting the basic conditions, I feel sure the Town Council will take account of these suggestions in finalising the Plan.

4 Community Engagement

This section offers a useful and succinct resume of the key points and issues arising from the engagement.

31 PPG para ID 41-009-20140306
5 Vision and Objectives

A succinct and clearly articulated positive vision is put forward. It states:

“A working Cotswold town thriving economically and socially as a rural hub while maintaining its strong sense of community spirit and conserving and enhancing its character, high-quality historic built and natural environment, local services and facilities.”

The vision is underpinned by ten objectives related to themes. The objectives read well and are clear in themselves and relate to the development and use of land.

I note that Historic England in their representation welcomes the references in this section and in the vision itself to the conservation and enhancement of the town’s character and high quality built environment and particularly supports OB2, OB7 and OB8.

The representation from WODC sensibly suggests that OB2, which relates to the town centre, could usefully include a reference to its function and vitality as well as to character and appearance. WODC make two further suggestions with regard to OB6 and OB7 namely that smaller scale developments cannot always make on-site provision for community facilities and enhancement should also be sought through design. These are all welcome suggestions which I commend to the Town Council for further consideration and inclusion in the final (i.e. referendum) version of this Plan, but they are not modifications that I need to recommend in order to ensure the basic conditions are met.

6 Masterplanning

Policy M1

This policy safeguards existing employment sites and encourages the provision of new employment land (without allocating any new sites as it is able to do). It particularly encourages the reuse of previously developed land and the re-use of buildings. Setting out seven criteria for any proposals to comply with, the policy recognises the potential for farm diversification and meeting needs that might otherwise not be met. Dealing with location it seeks to encourage the use of public transport, walking and cycling. It safeguards the impact on landscape and the amenities of neighbours. It seeks to maximise job opportunities against land take and achieve high standards of sustainable construction. I note that the representation from WODC considers “the provision of additional employment land will help to stem the increasing trend towards out-commuting from the town” and the policy’s criteria to be reasonable and robust.

The policy also recognises that some of the Plan area falls within an AONB and mirrors the wording used in the NPPF for proposals that fall within an AONB.
With regard to existing employment sites, the policy safeguards such sites unless those sites are no longer needed or are unsuitable and/or where a new use would offer other benefits. The NPPF is clear that the long-term protection of sites should be avoided and this part of the policy takes sufficient account of the NPPF’s stance given the local circumstances as well as reflecting LP 2011 Policy E6.

The policy sets a minimum figure of 15.17 hectares which it describes as the “total area of existing and allocated employment land” and Figure 6.1 on page 19 of the Plan indicates seven sites. However, it was not clear to me how this figure had been reached and so I requested clarification. WODC confirmed that the figure did not correspond with the Economy Study Update 2012 referred to in the Plan. As a result I consider that best way forward is for the figure used in the policy to be the same as the total area of the sites which are shown on Figure 6.1 which is, accordingly to WODC, 12.42 hectares. This figure is derived from Primsdown Industrial Estate (3.25 ha), Station Road Industrial Estate (3.09 ha), Elmsfield Industrial Estate (1.04 ha), Highways Depot South (0.44 ha), Cromwell Park (1.9 ha), Former Parker Knoll (2 ha) and Greystones (0.7 ha).

WODC has also suggested that Figure 6.1 should be revised to reflect this and have helpfully provided an amended Figure which shows the seven sites and their respective sizes. I consider this to be a useful way forward.

The policy also seeks to ensure that this ‘minimum figure’ also increases as a minimum in line with the growth of the town’s population. Whilst the Plan explains the rationale for this, it does not explain how this should be calculated or how it might be achieved and therefore this part of the policy does not provide a practical framework. Given that the policy encourages the provision of new employment land but stops short of allocating any sites, and that employment sites could be intensified or employment generating uses could take place elsewhere for instance in the town centre, this is as far as the policy can go based on the information before me.

Whilst I recommend that the safeguarding of existing sites be tied up to this revised Figure 6.1, I have inserted a provision that allows for replacement provision elsewhere of an equivalent or enhanced provision to maintain flexibility and to encourage the optimum use of sites.

There appears to be a missing word in paragraph 6.6 on page 18. Given that the policy and Figure 6.1 and the target figure are all revised, the supporting text will need considerable amendment.

Therefore in order for Policy M1 and its supporting text to meet the basic conditions, I recommend the following modifications:

- **Replace the last paragraph of Policy M1 as follows:**

  “Existing employment land shown on Figure 6.1 will be safeguarded from non-employment uses unless it can be demonstrated that the site is no longer needed for such purposes or is replaced by equivalent or enhanced provision,
or it is unsuitable for employment use and/or that the proposed replacement use would offer significant social, economic or environmental benefits.”

- For the avoidance of doubt the rest of Policy M1 is retained in its current form
- Replace Figure 6.1 on page 19 with a figure that identifies the seven sites and their sizes and rename the figure to reflect this change
- Insert missing word “dwellings” into paragraph 6.6 on page 18
- Consequential amendments to the supporting text will be necessary

Policy M2

Policy M2 supports the provision of industrial and office units. The policy as worded adds “particularly if they are of a high quality design and in a sustainable, accessible location”; the issue with this wording is that the policy basically supports all industrial and office units – regardless of any other impacts on for example the living conditions of neighbouring occupiers or the attributes of the AONB.

So whilst the intent of the policy is laudable and will help to provide a wide range of units that will help the local economy in line with the NPPF and the objectives of the LP 2011, its wording could create unintended problems. The policy should therefore be modified to address this concern and to bring it in line with national policy and advice so that it will help to deliver sustainable development.

- Add at the end of Policy M2:

  “...provided that the effects on the AONB and the relationship with the occupiers of neighbouring properties are acceptable.”

Policy M3

Policy M3 requires all new residential development to contribute to the provision of play and activity spaces for children and young people as the Plan explains that this type of provision is currently below existing standards both in terms of amount and in some cases quality, based on WODC’s Open Space Study 2013 - 2029. Interestingly, community engagement also highlighted that existing play areas and facilities for young people were inadequate.

The policy then distinguishes between schemes of fifty or more dwellings – which are expected to provide facilities on-site – and schemes of forty-nine and under which can make a contribution through the Community Infrastructure Levy (CIL).
The NPPF recognises that it is important to plan positively for the provision of shared space to enhance the sustainability of communities and residential environments. It is also important to facilitate social interaction and promote healthy communities. This policy is based on a recent assessment of need and steers the type of development that the local community wish to see and is appropriate for inclusion in a neighbourhood plan.

Whilst the policy is worded well, it is not absolutely clear why the threshold of fifty units has been selected. It seems to me that on-site provision could be achieved on some smaller sites and that the policy as currently worded might well prevent such provision from occurring. In addition no CIL is currently in place. Therefore the policy requires modification so that it will help to achieve sustainable development and have sufficient flexibility in its operation.

- **Reword Policy M3 as follows:**

  “Proposals for residential development will provide high quality play and activity spaces for children and young people either on-site as an integral part of the development or through a planning obligation or CIL as appropriate, and commensurate with the size of the scheme. Spaces should be designed in consultation with the local community and be maintained to a high standard.”

**Policy M4**

This policy seeks the provision of accessible [natural] green spaces and, like Policy M3, there is justification in the Plan to seek this type of provision, but the policy again makes a distinction between schemes of fifty or more dwellings regarding on-site provision.

The supporting text refers to two types of open space; amenity green space and accessible natural green space. The policy refers to “accessible green spaces”, but refers to Natural England’s standards on accessible natural green space (ANGSt). For the avoidance of any doubt, the wording in the policy should be the same as in the supporting text and in relation to Natural England’s standards (assuming that it is accessible natural green space that is sought).

Whilst the Plan refers to an undersupply of amenity green space as well there does not appear to be a policy seeking more of this type of green space (assuming this one is for accessible natural green spaces based on the reference to Natural England’s standards) and this might be an issue the Town Council will wish to review at a future date.

Natural England’s standards are referred to as a benchmark and as such the policy offers a degree of flexibility whilst sending out a clear message as to what is expected. Natural England has supported this policy and the use of the ANGST standards as a benchmark.
The policy has regard to national policy and advice and will help to achieve sustainable development. As a result it meets the basic conditions and the only modifications recommended in the interests of clarity and consistency is to align the name of the type of green space sought and to remove the threshold for the reasons outlined in the discussion of Policy M3.

- **Reword the first and second paragraphs of Policy M4 as follows:**

  “Proposals for residential development will be required to contribute towards the provision of accessible natural green spaces designed and maintained to enhance the lives of local residents, wildlife and the landscape either through on-site provision as an integral part of the development or through a planning obligation or CIL as appropriate, and commensurate with the size of the scheme.”

- **For the avoidance of doubt, the third paragraph of Policy M4 should be retained**

**Policy M5**

The Plan demonstrates that inaccessibility to play space is particularly acute on the eastern side of Chipping Norton. Figures 6.2 and 6.3 in the Plan illustrate this. Policy M5 seeks to readdress this situation by seeking a park on the eastern side of the town anticipated to be provided either as part of a strategic development area allocation in the emerging Local Plan shown in Figure 6.4, but other opportunities will also be explored. The benefits of a new park to the east of the town are also highlighted in WODC’s Open Space Study 2013 – 2029 and the policy is supported by WODC.

The policy is clear and takes account of national policy and will help to achieve sustainable development. Given that “other opportunities” are also included this offers an appropriate degree of flexibility given there is currently uncertainty around the proposed allocation. It complies with the basic conditions and no modifications are recommended.

**Policy M6**

This policy supports proposals on brownfield land where the site is not of high environmental value. The policy therefore accords, and almost replicates, the wording in the NPPF which “encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”.  

32 NPPF paras 17 and 111
and is unnecessary in neighbourhood plans, in this instance it is clearly of importance to the local community and there are sites in the locality where this would apply. A representation\(^{33}\) suggests that the policy and supporting text prioritises the redevelopment of brownfield land contrary to the NPPF which encourages but does not prioritise. In my view the policy and accompanying text has regard to national policy and guidance in that the stance the Plan takes will clearly contribute to encouraging the effective use of land.

However, paragraphs 6.25 and 6.28 and Figure 6.5 on pages 26 and 27 of the Plan respectively refer to “vacant and soon to be vacant brownfield sites”. Figure 6.5 also indicates that for an up to date list of vacant and soon to be vacant sites, WODC should be contacted. Two issues arise here. The first issue is that, as a representation points out,\(^{34}\) brownfield or previously developed land is not necessarily the same as vacant land. The representation points out that one of the sites identified, The Pillars, is not entirely brownfield land. From my perspective it is also difficult for the Figure to identify “soon to be vacant” land as there is no guarantee that the land will actually become vacant or be available. WODC rightly points out in their representation that Figure 6.5 is likely to become out of date very quickly. The second issue is that Figure 6.5 places a reliance on WODC to maintain a list of vacant sites.

Aside from these two matters, the policy clearly has regard to national policy and will help to achieve sustainable development. Therefore as the ambiguity and difficulty has arisen largely because of the references to vacant and soon to be vacant land and Figure 6.5, these should be deleted so that the Plan provides a practical framework and then the policy itself can remain intact.

- **Delete the sentence “There are a number of vacant and soon-to-be vacant brownfield sites throughout the town. These are indicated in Figure 6.5.” from paragraph 6.25 on page 26 of the Plan**

- **Delete “...vacant and soon-to-be vacant..” from paragraph 6.28 on page 26 of the Plan**

- **Delete Figure 6.5 on page 27 of the Plan**

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**Policy M7**

This is a short and simply worded policy that seeks development to protect and, where possible, enhance the landscape setting of the town. Given that the town’s location in relation to the Cotswolds AONB and the importance of the town’s setting, this policy reflects national policy and advice and will help to achieve sustainable development. It has sufficient flexibility in that developments of a high quality will be able to satisfactorily take account of the character of different areas and the intrinsic character

\(^{33}\) Representation from Gladman Developments Ltd  
\(^{34}\) Representation from Oxfordshire County Council
and beauty of the countryside. Consequentially it meets the basic conditions and no modifications are recommended. I also note that Natural England has supported this policy.

**Policy M8**

Policy M8 covers a number of issues; biodiversity, species and habitats, landscape quality, scenic beauty and tranquility, light pollution and the AONB and therefore is a little muddled.

Whilst I note that Natural England has supported this policy and the Environment Agency is pleased to see the reference to net gains in biodiversity, the NPPF differs a little from the approach the policy takes and the language it uses. As a result I recommend that the wording of the policy is modified to bring it more in line with the NPPF and for the sake of clarity and completeness.

- **Reword Policy M8 as follows:**

  “Development should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Existing ecological networks should be retained and new ecological habitats and networks are particularly encouraged. Measures to improve landscape quality, scenic beauty and tranquility and to reduce light pollution are encouraged. Great weight will be given to conserving landscape and scenic beauty within the AONB and development within and affecting the AONB must have regard to the Cotswolds AONB Management Plan and any relevant associated guidance.”

**Policy M9**

This policy seeks to do three things: firstly to retain existing trees, hedgerows and habitats in accordance with BS 5837:2012 or its equivalent. Secondly, the policy seeks to maintain and enhance boundary treatments between new development areas and existing urban areas. Thirdly, new areas of natural planting and habitat are particularly encouraged between existing and new areas of development and as the policy states this will provide wildlife corridors and some natural screening.

BS 5837:2012 provides guidance on the approach to deciding what trees are appropriate for retention, the effect of trees on design considerations and the means of protecting trees during development. There is therefore the potential for confusion as the policy deals with hedgerows and habitats not just trees and the British Standard offers an approach to decide which trees will be retained rather than retaining them all.
An approach of mitigation is also fairly standard practice across the industry. This is reflected in LP 2011 Policy NE6 as well.

As British Standards can change, and whilst I note the policy allows for any update or equivalent, it would be preferable for the supporting text only to refer to the application of the BS and to encourage this as good practice.

Boundary treatments around new development are important and can act as a ‘buffer’ between new and existing areas. However, they can sometimes, as the representation from WODC indicates, reduce the ability of new development to integrate satisfactorily with existing development and in my view they can also diverge from a design-led approach to new development. Whilst the desire to retain boundary treatments is understandable the policy should be flexible enough to consider each site on its merits.

Therefore in order for this policy to meet the basic conditions and provide a practical framework, it requires some modification to bring it in line with national policy and guidance and the tenor of local plan policy. The supporting text will also need to be reworked and reference to the BS can be included in the supporting text. This modification should also address concerns over flexibility raised in a representation.35

- **Reword Policy M9 as follows:**

  “Development should retain existing trees, hedgerows and habitats which are important for their historic, visual or biodiversity value unless the need for, and the benefits of, the development in that location clearly outweigh any loss. Any such loss will be appropriately mitigated.

  Strong support will be given to the retention of natural boundary treatments and the provision of new areas of natural planting and habitat as part of new developments. This will help to promote wildlife corridors and, where appropriate, provide natural screening to help integrate new development with existing built-up areas.”

**Policy M10**

Policy M10 seeks to protect existing trees and groups of trees in developments. Whilst the basic premise of the policy and its intent aligns with national policy and will help to achieve sustainable development, the wording could be clearer. In addition there needs to be greater flexibility even though the policy as currently worded has regard to the provision of underground and overhead services. Therefore I recommend the policy be reworded to ensure it provides the practical framework for decision-making the NPPF seeks.

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35 Representation from Gladman Developments Ltd
Reword Policy M10 as follows:

“Development proposals will take account of, and retain and include, individual trees or groups of trees of local importance and significance. Sufficient space will be retained around trees to ensure their longevity. Where it is not possible or feasible to retain such trees for example, because of utility provision, replacement trees of an equivalent or better standard will be required in an appropriate location on the site.”

Policy M11

The wording of Policy M11 seeks to ensure that development on the urban fringe protects and, where possible, enhances, the character of adjacent rural areas and green spaces. Whilst this is a laudable intent, it is not clear to me how this might be achieved or how it might be complied with. For example if the rural area or green space falls outside the application site or ownership of the development site there is little that could be achieved. Therefore as it is currently worded Policy M11 does not provide the practical framework national policy requires and is undeliverable. It therefore does not meet the basic conditions.

However, it is possible to ensure that development takes account of its location in the urban fringe and that there is some graduation between the built up area and any surrounding or adjacent green area. This is what is referred to in the supporting text as a “bridge” or a “soft edge” to the town and is, I believe, the intent of the policy based on the supporting text. This approach would be in line with national policy that seeks to ensure development reinforces and promotes local distinctiveness as well as benefits biodiversity. I therefore suggest that Policy M11 is reworded.

The supporting text in paragraph 6.35 on page 29 of the Plan offers a definition of “urban fringe”, but refers to Policy M10 and I believe this should be Policy M11.

Reword Policy M11 as follows:

“The design and layout of new development in the urban fringe or close to the edge of the built up area should take account of, and respect, the character of adjacent rural areas, green spaces or countryside by providing landscaping and/or open areas where appropriate, to act as a bridge or buffer with the adjacent more open or rural area to reflect the nature of its urban fringe location.”

Change reference to “Policy M10” in paragraph 6.35 to “Policy M11”
7 Transport and Movement

Policy T1

Chipping Norton sits at the junction of the A44 and A361 which is a busy through route. There are also ‘hotspots’ at various times on some roads and HGVs cause pollution. As a result the town suffers congestion and air pollution. An Air Quality Management Area, shown in Figure 7.1, was declared in 2005.

Policy T1 therefore supports proposals that mitigate the movement of through traffic within Chipping Norton through such measures as traffic calming, weight restrictions, declassification and signage. Whilst the policy itself relates to the development and use of land, some measures suggested in the policy do not generally fall within planning’s remit. Therefore the measures could be moved to a separate section (such as Appendix E) or another document as aspirations of the community, but at least need to be deleted from the policy in order for it to meet the basic conditions.

- End Policy T1 at “strongly encouraged”. Delete all subsequent text which begins “Proposals could include:…” and ends “...(while allowing for access).”
- Retain (if desired) the proposals deleted from the policy and move to a separate section or appendix of the Plan

Policy T2

The basis of this policy is in line with national policy and the pursuit of sustainable development in that the impact of any development on highways issues should be taken into account and new development should not exacerbate any existing areas of concern. However, the wording of the policy is ambiguous as it requires “additional infrastructure” to be provided “that is compatible with other policies” and it is not clear to me what this means.

Furthermore Historic England also raises concern about this phrase and its possible impacts in their representation.

A second element to the policy requires traffic calming measures on existing (approach) roads to new development. Whilst this might be an acceptable solution, it might not be the only solution or way of dealing with a highways issue or indeed be achievable and for these reasons this part of the policy is inflexible and does not provide the practical framework that national policy requires.

WODC also points out that the wording of the policy could be strengthened.
Taking these concerns and WODC’s comments into account, Policy T2 should be reworded in order for it to meet the basic conditions.

- **Reword Policy T2 as follows:**

  "Development proposals that generate a significant amount of traffic movement must be accompanied by evidence that sets out the transport issues relating to the development. This evidence must include the measures to be taken to deal with the anticipated transport impacts of the scheme taking into account the historic character of Chipping Norton and its historic streets and pavements as well as its topography. If the impact cannot be satisfactorily mitigated the proposal will be resisted."

**Policy T3**

This policy is simply worded and supports the installation of public electric car charging points. This seems to me to help to achieve sustainable development as well as address some of the concerns about air quality outlined in this section of the Plan. No modifications are therefore recommended.

**Policy T4**

This policy seeks to encourage the provision of buses in new development. As a general principle this supports the provision of sustainable transport options and public transport. It therefore takes account of LP 2011 Policy T3 which seeks to protect and improve public transport including buses as well as national policy and helps to achieve sustainable development. The policy is succinct and no modifications to it are recommended.

**Policy T5**

Policy T5 seeks planning obligations or a CIL contribution from all residential development and major non-residential development of over 1000 square metres for public transport. The policy indicates some local priorities for particular bus routes that are also outlined in the supporting text.

No justification or explanation is given in the Plan for the thresholds. This is potentially a high hurdle for all residential development to meet and is likely to render some developments undeliverable and unviable. WODC points out in their representation that CIL has not yet been introduced, but when it is certain residential schemes will not
be required to pay CIL and the threshold for non-residential development is likely to be at odds with current proposals around CIL.

Another representation\(^\text{36}\) rightly points out that planning obligations can only be sought if they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

Given the prescriptive nature of the policy, it requires modifying so that it meets the basic conditions. WODC helpfully suggests an amended form of words and it seems to me that this will deal with the intent of the policy (in fact potentially widening its application) and satisfactorily address the concerns. The priorities in the draft policy could be transferred to the supporting text which may, in any case, require some consequential amendments.

- **Reword Policy T5 as follows:**

  “Provision for enhanced public transport will be sought from residential developments and non-residential developments as appropriate, including through the use of planning obligations and/or CIL.”

- **Consequential amendments to the supporting text should be made as necessary**

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**Policy T6**

This policy provides for a secure bus parking area to be provided as part of “any major development along or off London Road”. The wording of the policy is such that the first major development along or off this road would need to provide this. This might result in stagnation of any development along or off London Road. It is not clear where “off” London Road might be. However, more fundamentally there is no obvious link between the provision of a secure bus park and development in this vicinity.

A representation from Oxfordshire County Council also considers it inappropriate for landowners or developers to be required to provide a parking area for the bus operator and Gladman query both the link between such provision and development and the potential impact on development viability.

The policy’s aims are laudable and clearly supported by the operator (see Appendix C of the Plan). It has in principle support from WODC; LP 2011 Policy T3 would support such a proposal and the provision of a new bus terminal is referred to in the LP 2031.\(^\text{37}\)

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\(^{36}\) Representation from Gladman Developments Ltd

\(^{37}\) LP 2031 page 172
However, the policy does not meet the basic conditions for the reasons outlined above and should be deleted.

It would be possible for this project to either be included in the Plan as an aspiration of the community or as a specific site allocation in the Plan. Whilst the transfer of this proposal to the projects section of the Plan can be implemented now if the Town Council so wishes, the latter is something for the Town Council to consider in the future.

- **Delete Policy T6 in its entirety**
- **Consider including the bus parking area as a project or aspiration in a separate section or appendix of the Plan**
- **Consequential amendments to the supporting text will be required**
- **Consider deletion of Appendix C**

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**Policy T7**

This policy seeks to achieve two things; it expects all new development to safeguard existing public rights of way and requires all new residential development and major non-residential development of above a certain size to improve existing networks.

With regard to the first element of the policy, this is a reasonable requirement. It also seems reasonable that new development enhances such provision where appropriate and takes the opportunity when available of doing so. The IDP 2015\(^{38}\) describes the network of public rights of way as “disjointed in many places” and points out there are no cycle links within Chipping Norton or from the surrounding settlements and so there is clearly an opportunity here. However, similar to Policy T5 this policy introduces thresholds with little explanation or rationale for doing so. This policy should be modified so that it is less prescriptive but takes the opportunities from development as they arise and is more reflective of the stance taken in LP 2011 Policy T2.

- **Reword Policy T7 as follows:**

  “**All new development will be expected to protect the existing public rights of way network within and around the town.**

  **Provision for the enhancement of the public rights of way network throughout the town and its surroundings will be sought from residential developments and non-residential developments where appropriate, including through the use of planning obligations and/or CIL.**”

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\(^{38}\) IDP page 17
Policy T8

This policy is clearly worded and aims to ensure that development is well connected. It meets the basic conditions as it promotes walking and cycling, sustainable forms of transport, promotes healthy lifestyles and recreation opportunities and will help to increase the connectivity and integration of new development, all of which will contribute to achieving sustainable development. No modifications are therefore recommended.

Policy T9

Policy T9 is an interesting and sadly an uncommon policy that is to be welcomed. It seeks to take account of the differing needs of people in relation to movement. National policy\(^39\) is very clear that it is important to plan positively to create an inclusive environment and that high quality design and inclusive design goes beyond aesthetic considerations. This policy addresses the connections between people and places and will help to integrate new development and achieve sustainable development. For these reasons it meets the basic conditions and no modifications are recommended.

8 Town Centre

WODC suggests that it would be useful to explain what the projected retail expenditure referred to in paragraph 8.1 on page 40 might mean. Whilst this is not necessary for this to be a recommended modification, the Town Council will, I am sure, wish to note such points in finalising the Plan.

Policy TC1

This policy supports developments in the town centre that make provision for community facilities. The supporting text points out local services and community facilities promote social well-being and they provide places to meet and for social interaction. The policy is succinct and clear in what it seeks to achieve and its aims are in line with national policy and will help to achieve sustainable development. No modifications are therefore recommended as the policy meets the basic conditions.

\(^39\) NPPF paras 57 and 61 in particular
Policy TC2

Policy T2 is another succinct policy that has clear aims and is worded clearly; it supports signage, interpretation and street furniture which will assist with making the town centre more attractive, particularly for visitors. The promotion of tourism is an important aim of the Plan and is in line with national policy and the achievement of sustainable development as well as aligning with the objectives of the LP 2011 and WODC’s Tourism Strategy 2009 – 2012 which is referred to in the supporting text. The policy meets the basic conditions and no modifications are recommended.

Policy TC3

This is another short policy that supports improvements to the town centre that provide a better environment for pedestrians and a public transport interchange. Whilst the policy does not provide any clues as to what these improvements might consist of, it will be a matter for common sense and the general aims of the policy align strongly with the drive to promote tourism and reflect the results of community engagement detailed in the supporting text. As a result no modifications are recommended as the policy meets the basic conditions.

Policy TC4

Parking (or rather the lack of it) has been identified as a major issue for the community. There are a number of policies in the Plan aimed at improving and promoting sustainable forms of transport and the Plan is right to recognise that travel by car will remain important for this community given the rural nature of the local area.

Policy TC4 resists the loss of parking spaces in the town centre and supports proposals that increase the level or functionality of off-street parking. Given Chipping Norton’s role in the District, additional parking will help to ensure that the vitality and viability of the town centre is retained and that visitors will be attracted to the area. The policy meets the basic conditions and no modifications are recommended.

Reference is made to planning obligations and CIL being sought to facilitate additional parking provision. This is line with the stance on parking provision taken in the emerging LP 2031.
**Policy TC5**

The supporting text explains that the town centre has a distinctive character that is much valued by residents and visitors alike. Policy TC5 supports, in principle, proposals that retain and enhance the existing character and amenities of the High Street. This aligns with the objectives of the LP 2011 which seeks to protect and improve the town centre in terms of appearance and range of services on offer and will support the viability and vitality of the town centre in line with the NPPF. The policy therefore accords with the basic conditions and no modifications are recommended.

**Policy TC6**

The NPPF encourages local planning authorities to recognise town centres as the heart of the community and pursue policies to support their viability and vitality.\(^{40}\) Policy TC6 seeks to retain and enhance the vitality of the town centre. This is an important aim of the NPPF and the LP 2011 too. Figure 8.2 on page 46 of the Plan identifies the town centre boundary and the primary and secondary shopping frontages referred to in the policy. The supporting text explains the rationale for the policy.

The town centre boundary shown on Figure 8.2 is larger than the one shown on the Chipping Norton Inset Map in the LP 2011. In addition the primary shopping frontage also differs from that designated in the LP 2011 and the secondary shopping frontage is a new designation. Given the time which has elapsed since the LP 2011 was adopted and that at my site visit I considered that the boundaries put forward in the Plan were reflective of the situation on the ground, it is helpful that the Plan has updated these designations. I also note that the town centre boundary and the definition of the primary and secondary shopping frontages coincide with the proposed designations shown on Figure 9.13 in the emerging LP 2031.\(^{41}\)

In terms of the details of the policy it aims to resist the loss of retail and other town centre uses, create active frontages and support office and residential uses at first floor level. The support for first floor uses will help the vitality and viability and attractiveness of the town centre. WODC indicates that the policy is consistent with the approach in the LP 2031.

The policy accords with the basic conditions and no modifications are recommended.

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\(^{40}\) NPPF para 23 and following  
\(^{41}\) LP 2031 page 173
9 Building Design and Use

A representation from Historic England points out that the National Heritage List for England has ten grade II* listed building entries in the town rather than the eleven in paragraph 9.2 on page 48 of the Plan. WODC has helpfully checked this for me and has advised that indeed the figure should be ten. Therefore this small amendment should be made in the interests of accuracy.

- Change “11” to “10” in paragraph 9.2 of page 48 of the Plan

Policy B1

The preamble to this policy starts with an informative description of the historic built environment.

Policy B1 seeks to “conserve and enhance” heritage assets and seeks to deal with non-designated heritage assets in line with the NPPF. I note that Historic England welcomes and supports this policy. The aims of the policy are in line with national policy and will help to achieve sustainable development. However the wording used in the first paragraph of the policy does not sufficiently align with the wording used in the relevant legislation and the NPPF and so for this reason, the wording of the policy should be modified.

- Modify the first paragraph of Policy B1 to read as follows (the second paragraph remains as is):

“The parish’s designated heritage assets and their settings including listed buildings, the Conservation Area, scheduled monuments and assets above and below ground, will be preserved or enhanced. Proposals for development will take into account their significance and contribution to local distinctiveness, character and sense of place.”

Policy B2

This policy refers to the Conservation Area, but the language used is not fully in accordance with the relevant legislation. For this reason the policy requires some modification to bring it in line with national policy and advice and to ensure it will contribute to the achievement of sustainable development.

The second element of the policy supports all new development and extensions or alterations to buildings. Its wording is rather ambiguous in that it refers to a building “within the setting of the town’s Conservation Area” and this would be open to interpretation and argument. I have therefore recommended modifications to the wording which I hope captures the intention of the policy whilst making it clearer and a
more practical framework for decision-making. Given the wealth of information shown on Figure 9.1, this is also helpful in grounding this policy to identified features of significance. I note that Historic England welcomes this figure too.

Paragraph 9.8 refers to an existing Design Guide which I understand is currently being updated. Given that timescale indicated in this paragraph for consultation has now passed, it would be useful for this paragraph to be updated so that it stands the test of time in the final version of the Plan or simply refers to the Design Guide and therefore will encompass the existing Design Guide and any subsequent update(s).

It is useful that the supporting text recognises the importance of the heritage assets of the town and in relation to its economy and as a visitor destination. It is helpful to signpost the reader to other documents such as the Conservation Area Character Appraisal.

Modify Policy B2 to read as follows:

“The special character or appearance of the Chipping Norton Conservation Area should be preserved or enhanced.

New development including proposals that involve the alteration or extension of a building within or adjacent to the boundary of the Conservation Area will generally be supported subject to compliance with all of the following criteria:

- The form, design, scale and materials respect the host building and the Conservation Area, the townscape and any landscape setting
- The siting respects the significant open spaces and significant trees shown on Figure 9.1 and the wider townscape
- Any open space that makes a significant contribution to the character or appearance of the Conservation Area is not reduced in size
- Historic features such as stone boundary walls, are preserved or enhanced and
- Major, minor and landscape views identified on Figure 9.1 are preserved or enhanced.”

Update / amend paragraph 9.8 on page 50 of the Plan

Policy B3

The Plan now turns its attention to housing development. As a matter of principle, Policy B3 seeks to ensure that residential development meets a range of affordable housing needs. This has regard to national policy which requires the provision of a wide choice of high quality homes and the creation of inclusive and mixed communities\(^{42}\) and

\(^{42}\) NPPF para 50
will help to meet the significant need for more affordable housing identified in District level evidence base documents.

However, the policy details thresholds for affordable housing provision reflecting a Written Ministerial Statement of 28 November 2014 and Planning Practice Guidance which included a reference to a threshold beneath which affordable housing contributions should not be sought from small-scale development. However, following a High Court judgment,\(^{43}\) this must not now be treated as a material consideration in development management and development plan procedures or decisions or more generally. The Secretary of State is now seeking leave to challenge this judgment and whilst the judgment stands at the moment there is therefore some uncertainty about when affordable housing and tariff-style contributions are required. Therefore as it stands this element of the policy does not meet the basic conditions.

Other elements of the policy support a level of affordable housing provision of 40% or higher, although this figure in itself is not justified, and “favour” affordable housing schemes for those with local connections which are defined clearly in the policy itself.

Representations\(^{44}\) either suggest there is no justification for the policy or its deletion as it is not in line with the emerging LP 2031. The allocation of housing is usually a matter for the local authority as WODC point out in their representation, but it is useful to send a signal that indicates that affordable housing which would address local needs would be welcomed. This approach – that of addressing the needs of the local community by accommodating those who are already residents or have a family or employment connection to the locality – is accepted in the NPPF’s definition of rural exception sites.

It seems to me that the best option at the time of writing is to modify the policy so that the elements dealing with the thresholds and level of affordable housing to be provided are either brought in line with national policy and WODC requirements or are deleted, but the element that deals with local connections is retained. It is the latter course of action that I recommend given the uncertainty about both the national and local situations. For the avoidance of doubt the paragraph which can be retained begins “Affordable housing schemes...” and ends “…WODC has a duty to secure accommodation.” subject to the word “favoured” being replaced by “encouraged” so that the policy does not discourage any affordable housing but also sends a clear signal to the development industry.

- Delete the first paragraph of Policy B3
- Change the word “favoured” in the existing second paragraph to “encouraged”

\(^{43}\) R (on the application of West Berkshire District Council and Reading Borough Council) v SSCLG [2015] EWHC 2222 (Admin)
\(^{44}\) Representations from 1) Gladman and 2) Pegasus on behalf of Ainscough Strategic Land
Policy B4

The need to provide housing for older people is critical given that the projected increase in the number of households aged 65 and over accounts for over half of new households.\(^{45}\) Policy B4 specifically encourages housing for older people and accessible housing which will allow people to live independently and safely in their own home for as long as possible or move to more suitable or supported accommodation.

This policy is a good example of positive planning and is in line with national policy and advice and will help to achieve sustainable development. WODC supports this policy in principle and Oxfordshire County Council also strongly supports this policy and the IDP identifies a need for extra care housing in the town.\(^{46}\) It meets the basic conditions and no modifications are recommended except for the deletion of the phrase “(taking due consideration of recent developments of this type in Chipping Norton)” which adds little to the policy and is confusing.

- Delete the phrase “(taking due consideration of recent developments of this type in Chipping Norton)” from Policy B4

Policy B5

This policy supports residential development that enables younger people and families who can demonstrate a local connection, as defined in Policy B3, to set up a new home in the town.

The accompanying text refers to a number of evidence-based documents in support of such a policy. Whilst as a representation\(^ {47}\) points out there may be some difficulty in securing such local connection housing and certainly in perpetuity, the policy positively tries to address an evidenced and identified need for a particular group and does not prevent development coming forward. As a result the policy will help to provide for a wide choice and mix of housing in line with the NPPF. I note WODC supports this policy in principle and it is in line with the LP 2011 housing objectives that “seek a range of new residential accommodation which...with a special emphasis on the provision of dwellings for local people who cannot afford local housing market prices.”\(^ {48}\) No modifications are therefore recommended to this policy.

WODC in their representation point out that the more recent Strategic Housing Market Assessment (SHMA) identifies a different pattern of housing sizes than the Housing Needs Assessment 2011 referred to in paragraph 9.24 on page 54 of the Plan. This paragraph should be updated to reflect this more recent evidence.

\(^{45}\) PPG para 3-03720150320
\(^{46}\) IDP page 44
\(^{47}\) Representation from Pegasus on behalf of Ainscough Strategic Land
\(^{48}\) LP 2011 page 5
Paragraph 9.25 also offers a definition of a “local connection”. I note that this is defined in Policy B3 and that Policy B5 relies on that definition in Policy B3. If the definition mentioned in paragraph 9.25 differs from that given in Policy B5, this paragraph should be deleted in the interests of clarity as the policy takes precedence.

Paragraph 9.26 refers to “…this Plan believes…”; as the Plan is an inanimate object this should be deleted in the interests of accuracy.

Therefore the following modifications are recommended in relation to the supporting text:

- Update paragraph 9.24 on page 54 to reflect more recent evidence in the SHMA as detailed in the representation from WODC
- Check the definition of “local connection” in paragraph 9.25 on page 54 is the same as in Policy B3 and if it differs, delete this paragraph
- Change paragraph 9.26 on page 54 by deleting “…this Plan believes…”

Policies B6 and B7

The Government wants to enable more people to build their own home and wants to make this form of housing a mainstream option. This policy seeks to allocate a proportion (at least 5%) of plots for self and custom build dwellings on schemes of over 50 units as well as offering support for new self build sites. The policy seeks to encourage self build units for a variety of reasons articulated in the supporting text. In principle support for self build units is to be welcomed and is very much in line with the Government’s current aspirations.

I note too that the emerging LP 2031 gives strong support for such housing indicating there is a good level of demand in the District.\(^49\) In fact LP 2031 Policy H5 requires all housing developments of over 100 units to provide 5% of plots to be serviced and made available for custom and self build housing, but also includes an alternative provision mechanism. As WODC and other representations point out this policy sets a higher threshold and is less flexible than the emerging LP which of course is yet to be examined.

Policy B7 also deals with custom and self build housing. It seeks to ensure that the self or custom build sites allocated under Policy B6 are used for that purpose. It goes on to ensure that those purchasing such a plot intend to live there and that dwellings should be built within three years as well as seeking compliance with the West Oxfordshire Design Guide.

\(^49\) LP 2031 page 55
A second element of the policy offers flexibility where plots have not been sold within 12 months, they can then be offered to WODC or a Housing Association before being built out by the developer. Given the relatively small proportion of such plots sought on each site, this seems to me to be sufficiently flexible.

Policies B6 and B7 in many ways break new ground in neighbourhood planning. I am only aware of one other policy on self build that has passed examination, but there may well be others.

With a modification to Policy B6 to enhance its flexibility and bring viability into the equation, it seems to me that the two policies taken together strike an appropriate balance between the promotion of custom and self build, which is firmly in line with national policy and advice, and flexibility for the development industry should the demand or the market for such sites not be as buoyant as expected. Subject to this recommended modification, Policies B6 and B7 meet the basic conditions.

- **Modify Policy B6** by adding after “…infrastructure such as roads and services.” and before the last sentence “Only where it can be robustly demonstrated that the provision of on-site plots is unviable and alternative off-site provision cannot be made will this requirement be waived.”

**Policy B8**

Two diverse issues are dealt with in this policy; cycle storage and refuse and recycling bin storage. The provision of both types of storage facility would help to address the problematic issues identified by the Plan of visual street clutter and encourage cycling as a more healthy and sustainable form of transport.

The policy makes reference to the Code for Sustainable Homes as does the supporting text. The Code has now been withdrawn by the Government and so the Plan requires amendment to bring it up to date.

The following modifications are therefore recommended:

- **Reword Policy B8** so that it reads as follows:

  “New development should ensure that satisfactory provision is made for a) convenient, safe and secure bicycle storage and b) convenient, safe, closed refuse and recycling bin storage wherever possible and as an integrated part of the design and layout of any scheme.”

- **Amend paragraphs 9.41 and 9.45 on pages 57 and 59 respectively to remove the references to the Code for Sustainable Homes; other consequential

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50 Petersfield Neighbourhood Plan
51 Written Ministerial Statement of 25 March 2015 (and aside from legacy cases)
amendments to the supporting text in this section of the Plan may also be required

Policy B9

The Government has created a new approach to setting technical standards for new housing development. A Written Ministerial Statement (WMS)\(^{52}\) made it clear that neighbourhood plans cannot set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. Optional new technical standards can now only be required through Local Plan policies.

The inclusion of a policy on energy performance and one that seeks compliance with the zero carbon standard (which refers to new homes from 2016) therefore no longer accords with national policy and guidance and does not meet the basic conditions. As a result I can only recommend deletion of this policy.

- **Delete Policy B9 in its entirety**
- **Consequential amendments to the supporting text will be needed**

Policy B10

Sustainable drainage systems (SuDs) help to control surface water run off close to where it falls and to reduce the causes and impacts of flooding. However, they are not appropriate for all types of new development and its location. The Government has issued a WMS\(^{53}\) that indicates that sustainable drainage systems for the management of run-off are put in place unless it is demonstrated to be inappropriate. However, this applies to developments of 10 or more dwellings and to major commercial development. Therefore to bring the policy in line with national policy and guidance, it requires some amendment. The following modification is therefore recommended.

- **Reword Policy B10 to read as follows:**

  "New developments of ten or more dwellings and major commercial development will be expected to provide and incorporate sustainable drainage systems unless it is demonstrated that this would be inappropriate."

\(^{52}\) *Ibid*  
\(^{53}\) *Written Ministerial Statement of 18 December 2014*
Policy B11

Policy B11 seeks the provision of water butts in gardens of new dwellings and where feasible to incorporate rainwater harvesting and grey water recycling. The policy is clearly worded and has laudable aims, but the provision of water butts is not a development and use of land matter and the encouragement of rainwater and water recycling falls within the performance of new dwellings and might be better achieved through a Design Guide or supplementary planning guidance at District Council level. This policy then does not have regard to national policy and guidance and does not meet the basic conditions. There are two options for the Town Council; to delete the policy or to retain its aims, but change it to become an aspiration of the community and place it in a separate appendix (such as Appendix E) or another document so that it is readily identifiable as such.

- Delete Policy B11 in its entirety or change it to a community aspiration in a clearly differentiated section of the Plan or separate document
- Consequential amendments to the supporting text will be needed

Policy B12

Much of Chipping Norton is underlain by a Principal Aquifer. This policy deals with water supply and foul water and sewerage infrastructure. WODC support this policy in principle although suggest some minor modifications which could be undertaken if desired, but are not necessary for me to recommend as part of the examination. Given this support and that the policy is also supported by the Environment Agency, Natural England and Thames Water, the policy meets the basic conditions subject to some modification to align it with the NPPF as suggested by Oxfordshire County Council.

Thames Water point out that the contact details for their developer services team should be updated in the interests of accuracy.

- Modify Policy B12 by adding “work with the local planning authority and infrastructure providers to...” after “Developers should...” and before “…demonstrate…”
- Modify the contact details in paragraph 9.50 on page 60 of the Plan in line with the representation from Savills on behalf of Thames Water
Appendices

Appendix A details the core objectives of the emerging Local Plan. It is useful for this to be detailed in the draft neighbourhood plan so that the community and others can see how the Plan rightly has taken account of this emerging District level policy and how it has informed thinking. It is not however necessary for it to be included in the final version unless the community so desires and is probably unwise to do so given the stage the emerging Local Plan is at.

Appendix B contains an assessment of the public rights of way and whilst is not referred to in a specific policy is referred to in the supporting text to Policy T7. This appendix could be separated into a separate document as it is an assessment and not essential to include with the covers of the Plan itself if the Town Council desires.

Appendix C contains a letter from Stagecoach which supports Policy T6 which I have recommended for deletion. As a result Appendix C should also be removed from the Plan. Whether Policy T6 is deleted or not, the contents of this appendix would not be generally considered to be necessary to include as an appendix as it is correspondence between Stagecoach and the Town Council and the outcome could be reported in any supporting text.

Appendix D is a summary of all the policies contained in the Plan. This is usually regarded as superfluous and unnecessary repetition of the contents of the Plan, but I note that a similar approach has been taken in the “Policy Checklist” of the LP 2011. Consideration should be given to its deletion in the interests of producing a brief Plan, but this is not a recommendation I need to make in the interests of ensuring the Plan meets the basic conditions as it is largely a matter of style and preference.

Appendix E is titled “aspirational projects”. It is recognised that the journey of neighbourhood planning can produce wider community aspirations than those relating to the development and use of land. PPG advises that these aspirations or actions that deal with non land use matters should be clearly identifiable and set out in a companion document or annex. The approach employed here means that these projects are readily identifiable from the planning policies and so this is a helpful way of capturing these projects, but identifying them as separate.

- Consider removing Appendices A, B and D from the Plan
- Delete Appendix C

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54 Local Plan 2011 page 145 onwards
9.0 Matters not covered elsewhere

I would urge the Town Council to consider adding a title to each planning policy in the interests of clarity. This would help to provide a user-friendly document and a more practical framework. If a policy has a title as well as a number this can often avoid any confusion.

In addition the policies are numbered in a very similar way to both the LP 2011 and LP 2031; in other words they seem to take their lead from the District Council’s numbering system. There are for example three policies at District and Neighbourhood levels which are all numbered “T1”; this is likely to cause confusion and difficulty for those working on a frequent basis with the Plans as well as for those not so familiar with the Plans. Whilst I applaud the simple numbering system used, to avoid any confusion and to help the users of both sets of plans, I would urge the Town and District Councils to consider and agree another suitable numbering system for the policies.

- Add a title to each policy
- Use a different and distinct numbering system for the policies

10.0 Conclusions and recommendations

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

I am therefore pleased to recommend to West Oxfordshire District Council that, subject to the modifications proposed in this report, the Chipping Norton Neighbourhood Development Plan should proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Chipping Norton Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Chipping Norton Neighbourhood Plan area as approved by West Oxfordshire District Council on 12 December 2012.

Ann Skippers
Ann Skippers Planning
24 September 2015
Appendix List of Documents specific to this Examination


WODC Screening Opinion on SEA dated 2 September 2014

West Oxfordshire Local Plan 2011 adopted June 2006

West Oxfordshire Local Plan 2031

West Oxfordshire Infrastructure Delivery Plan July 2015 Update

Additional information from WODC regarding confirmation of various dates, SEA/HRA matters and in relation to figures relating to Policy M1 in an email dated 10 September 2015 (in response to an email from me requesting clarification of factual matters of 7 September 2015)

List ends