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West Oxfordshire District Council

BY EMAIL ONLY

Environment & Economy
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Susan Halliwell
Director for Planning & Place

8 September 2017

Dear Astrid,

Re: Eynsham Neighbourhood Plan 2017 - 31

Introduction

Thank you for inviting Oxfordshire County Council (OCC) to view and make comments on the draft for submission Eynsham Neighbourhood Plan (ENP).

We believe that communities should have the freedom to develop their own plans providing they conform to the relevant local plan and they follow the process of public engagement and examination which the district council helps to administer.

Therefore we are keen not to unnecessarily interfere in the development of Neighbourhood Plans. However we do need to ensure the plans do not put unrealistic service or financial demands on the County Council. Hence it is important that the impacts of the developments proposed are mitigated and that any infrastructure requirements are fully funded by the developments individually or collectively.

Infrastructure requirements and aspirations identified need to be deliverable directly or indirectly through development. Other than existing developer contributions secured it is very unlikely funding over and above that secured through future developer contributions will be available.

For more information on how the county council can assist in the formulation of neighbourhood plans, please find details of our Neighbourhood Planning Toolkit on our website through the following link:

<https://www.oxfordshire.gov.uk/cms/content/neighbourhood-planning-toolkit>

Transport Strategy Comments

Transport Strategy comments on the draft for submission Neighbourhood Plan can be found within the PDF document provided as Annex 1 to this letter.

Travel Plans

Policy ENP7 - Sustainable transport, should link to the OCC guidance document on travel plans – Transport for new developments; Transport assessments and travel plans (March 2014). This sets out the requirements and trigger thresholds for travel plans associated with new developments and would support a lot of the objectives in the plan as well as be aligned with OCC policy.

Education

The county council would expect housing developments in Eynsham to contribute towards new primary school(s) and additional secondary school accommodation, in a manner proportionate to the scale of development. New primary schools would usually be expected to include nursery provision, but additional early years provision is likely to be also needed, and could be incorporated through any new community facilities, or as a commercial operation.

When any future application for housing development is submitted, the county council would assess its impact on educational capacity, as required by Policy EN6. However, Policy EN6 also states that “The assessed provision shall be made available and ready for use prior to the first occupation of any new dwellings.” This is often not feasible or viable, and not necessary as the child generation from new housing develops over time. Where a new primary school is required, typically it is not viable until there are around 300-600 new homes completed. Before this time, there are insufficient additional pupils to sustain the school. Moreover, if additional capacity is put in place ahead of housing, it can often be occupied by children from outside the area, so that for families moving into new homes with children already of school age, it is not possible to guarantee that there will be spare school places available in the relevant year groups.

Paragraph 6.3 requires assessment of primary school capacity to be calculated separately for Eynsham and Oxfordshire Cotswold Garden Village (OCGV). While it is desirable to ensure sufficient school capacity is provided on each side of the A40 for the two populations, the sizes of the schools will also need to be determined based on the sizes which allow for effective operation of schools – typically, multiples of half a form of entry or whole forms of entry. This may result in slight over-provision in one settlement balanced by slight under-provision in the other settlement.

Property & Facilities

Oxfordshire County Council Property and Facilities welcomes the recognition of the role that land to the west and to the north of Eynsham can play in helping to create truly sustainable communities and it is absolutely critical that the Neighbourhood Plan is consistent with the emerging Local Plan in its objectives to avoid weakening the policies of either document. Similarly, where there is duplication it is better to leave the reference to key issues to the Local Plan given the need for conformity with that document.

- Policy ENP1 – the walking distances are helpful but not necessarily achievable or realistic in the medium to longer term for settlements that are growing. Proper planning of the location of facilities is nevertheless critical. It should be made clear that these distances are aspirational rather than mandatory.
- Policy ENP2 criterion G - this duplicates the requirement for a master plan in Local Plan policies EW1a (c) and EW1b (b) and is not considered necessary.
- Policy ENP3a – the requirement for the Garden Village development to provide healthcare facilities within Eynsham is unlikely to pass the CIL Regulation 122 tests unless that additional provision is required to meet the needs of the new Garden Village (as opposed to meeting a pre-existing shortfall in Eynsham) and this requirement should therefore be removed from the draft policy or clarified.
- Policy ENP4a – The requirement to protect ‘Best and Most Versatile’ agricultural land appears to exceed the requirement in the NPPF and the policy should be moderated to reflect the NPPF wording.
- Policy ENP5 – the requirements appear to dictate building requirements whereas it should be open to developers to decide exactly how they ensure that the new homes they build address the goals for energy conservation, materials use and renewable energy, in accordance with the Building Regulations in force at the time.
- Policy ENP6 – the requirement to have new school capacity available from day 1, i.e. first occupation of the first dwelling, is unrealistic given the cost of providing new education accommodation and the mechanics / viability implications of forward-funding such infrastructure. The policy needs to be moderated to avoid creating unintended consequences for other infrastructure due to viability issues.
- Policy ENP14d – the requirement to produce an Area Action Plan (AAP) for the Garden Village will probably exceed the stated planning brief requirement.
- Policies ENP16 and 17 – these policies are supported to the extent that they are compatible with the emerging Local Plan policies EW1a (c) and EW1b (b). However where there are potential divergences between the Local Plan policy and the Neighbourhood Plan equivalent, these gaps should be discussed with the District Council and if necessary the NP policies amended to ensure neither undermines the other through the weakening of provisions in each policy.

Environmental Strategy

The County Council welcomes the attention that is given to green infrastructure, biodiversity and landscape character and the links that are noted between an accessible and high quality natural environment and the health and wellbeing of local people.

Strategic Environmental Assessment

It is noted that West Oxfordshire District Council considers that a Strategic Environmental Assessment is required for the NP and the challenges in determining this that are presented by various other plans and assessments not yet being complete.

Rec 16 (C) – With regard to the potential impacts on Oxford Meadows SAC, the plan states in its recommendations that “WODC shall ensure that adequate land is protected as part of its masterplan to allow the A40 to be dual-carriageway through to Duke’s Cut...”. It

is noted this is not a proposed policy and furthermore there is currently no intention to provide a two lane dual carriage way between Eynsham and Oxford.

Oxfordshire County Council are currently progressing a scheme to provide an eastbound bus lane within the existing highway boundary which is subject to its own EIA. However, this does not take land from the SAC, nor increase the volume of vehicles passing the site.

Notwithstanding there is no conclusive evidence that a dual carriageway can be created without a likely significant effect on the adjacent SAC, nor impacts on the Local Wildlife Sites to the north of the A40. This suggests caution is required when considering the achievability of further substantial upgrades along the Eynsham to Oxford A40 corridor.

Barnard Gate

Following the 'Wealden Judgement' (CO/3943/2016 Wealden District Council v Secretary Of State For Communities And Local Government) Natural England's advice on the assessment of in-combination effects, for example from increases in traffic as a result of other plans, is that the threshold values should also be applied to the combined values (e.g. for additional traffic generated) when screening for in-combination effects. This may be of particular relevance when considering development which is outside the Neighbourhood Plan area such as the Barnard Gate garden village proposal in the neighbouring parish and whether the additional traffic is adequately considered in the Habitats Regulation Assessment.

Sustainability Report & Site Assessment

Options W1 and W2

Oxfordshire County Council welcomes the proposal to maintain the biodiversity value of the meadows and habitats alongside the Chil Brook. Recent survey work indicates that the flora in the meadow west of Station Road is indeed relatively species rich and could be further improved with appropriate management. The County agrees with the conclusion that the introduction of an eastern bypass as shown in Option W2 would be more likely to reduce biodiversity interest and green infrastructure opportunities. In addition to the direct impact on habitats there are indirect impacts from increased recreational and domestic use that should be considered.

As such the developer of any application on this site, who will be responsible for delivering the link road, will be required to demonstrate how a net gain in biodiversity could be achieved.

Local proposals for the introduction of swales and tree planting in this area should be informed by further ecological survey to ensure that they do not harm habitats of existing biodiversity value. In addition to the management of local flooding the Chil Brook catchment might also be able to play a role in managing downstream flood issues through the use of appropriate natural flood management techniques; these would need to be considered within the hydrological regime for Oxford Meadows SAC.

CIL

In addition to the recommended options for CIL and other development funding (Appendix B) the county would encourage the parish council to include the option for further environmental and green-infrastructure improvements, whether made directly by the community or in partnership with other local conservation organisations.

The county welcomes the references to ensuring that there are management plans agreed for new community assets including green infrastructure. These should be supported with appropriate levels of funding.

Other Comments

Oxfordshire County Council welcomes the specific policies on trees (ENP13). Additionally, reference to *BS 5837:2012 – Trees in relation to design, demolition and construction – Recommendations* in the accompanying text may help draw attention to the procedures for protecting existing trees.

With regard to species choice (ENP4, para 4.7) consideration should be given to allowing a wider range of tree species appropriate to the setting to help in adaptation to future climate change.

The proposals to minimise light pollution are welcomed. When considering the lighting of green corridors (ENP8, para 8.4) consideration should also be given to the impact of lights on the foraging behaviour of bats and appropriate design solutions sought.

The use of the green infrastructure in adaptation to the effects of climate change (ENP5) could also be usefully referred to, for example the role of trees in providing shade and shelter in key locations.

Oxfordshire Local Enterprise Partnership

The Government advice on planning policy set out in the National Planning Policy Framework states that 'significant weight should be placed on the need to support economic growth through the planning system'. Oxfordshire Local Enterprise Partnership (OxLEP) is working with Local Planning Authorities and other partners to utilise the potential within the planning system to support and drive sustainable local economic growth.

OxLEP is responsible for championing and developing the Oxfordshire economy. Through the strategic priorities of people, place, enterprise and connectivity, OxLEP guides and shapes the economic growth of the county.

OxLEP is supportive of Neighbourhood Plans and of policies which relate to the priorities identified in our strategies. There is an opportunity to consider how the aims of neighbourhoods are not only aligned with the strategies in the Local Plan, but with the wider strategies of the OxLEP area.

The Strategic Economic Plan (SEP) has recently been refreshed to ensure it focuses on realising the opportunities in Oxfordshire to achieve sustainable development and to conserve its natural resources and built heritage. This provides the 'economic route map' for the county as a whole, built on the four programmes of people, place, enterprise and connectivity.

As per our response to the pre-submission draft, OxLEP is supportive of the Eynsham Neighbourhood Plan in the context of its vision statement that "the area will be an even more attractive community in which to live and work".

We are supportive of the primary objective ENV6 as being in alignment with the SEP's priorities for People, Place and Enterprise:

- **People** – delivering and attracting specialist and flexible skills at all levels, across all sectors, as required by our businesses, filling skills gaps, and seeking to ensure full, inclusive, employment and fulfilling jobs;
- **Place** – ensuring a strong link between jobs and housing growth, and providing a quality environment that supports and sustains growth; and offering the choice of business premises and homes (including more homes that are genuinely affordable) needed to support sustainable growth whilst capitalising on and valuing our exceptional quality of life, vibrant economy and urban and rural communities;
- **Enterprise** – emphasising innovation-led growth, underpinned by the strength of Oxfordshire's research, business collaboration and supply chain potential; recognising and reinforcing the significant contribution made by all sectors, in all parts of Oxfordshire and all types of business.

Public Health

Policy ENP6 'Education' now highlights the health and wellbeing benefits of active travel to schools – "*master planning of larger allocated sites shall ensure access arrangements emphasize both walking and safe pick-up and drop-off arrangements for vehicle borne students and staff*". This policy should also contain reference to cycling.

Archaeology

Eynsham is an important medieval town with significant buildings and surviving archaeological features. The latter includes two Scheduled Ancient Monuments; SM118, the site of Eynsham Abbey and SM 119 an extensive prehistoric settlement at Foxley Fields. There are also numerous listed buildings. There are other non-designated archaeological sites that are also potentially important and form an integral part of the development of the town and the wider parish. Should development be proposed that may result in material damage to them then appropriate mitigation will be required in line with the NPPF and Local Plan policy. The plan however includes no acknowledgement of the historic environment or any indication that it should be a material consideration when assessing the impact of future development.

The plan also includes a series of proposals for various developments within or around the village. ENP17 B includes designated and non-designated heritage assets but this is only for development west of the village and ignores the rest of the parish.

We would recommend therefore that the importance of the historic environment is included in the plan along with the following policy.

Historic Environment

The parish's designated historic heritage assets and their settings, both above and below ground including listed buildings, scheduled monuments and conservation areas will be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place.

Proposals for development that affect non-designated historic assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the National Planning Policy Framework (NPPF 2012) .

Minerals and Waste

The County Council made representations to the Main Modifications West Oxfordshire Local Plan in December 2016. The comments made with regards to land north of the A40 should be taken into consideration when formulating policies for this site.

If you have any questions on the contents of this letter, please contact me.

Yours Sincerely,

Amanda Jacobs

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Annex 1: Transport Strategy comments on Eynsham Neighbourhood Plan – July 2017

NB. Many of these comments have been made in previous versions of the neighbourhood plan, but it is important that they are once again reiterated in response to this latest version.

Paragraph Number	Text in Eynsham NP	OCC comment
ENP1 (D), p.9	Residential development should ideally be located within 1000m* of the village centre to maintain the compact, walk-able, nature of the village. Exceptions shall only be made for properties where being further away from the village centre can be justified to the satisfaction of the LPA (e.g. ENP1 10,11) and it can be demonstrated that they are in character with their location.	This approach could inhibit WODC from delivering the scale of homes as proposed for the West Eynsham SDA in the draft LP, this could mean that the NP is not in general conformity with the strategic policies set out in the LP and therefore unacceptable as per the NPPF. Additionally - a larger development could provide self-supporting infrastructure and not be solely reliant on existing services.
ENP2 (D), p.13	Streets and public areas shall be planned and designed to be aesthetically pleasing and constructed using materials that will ensure long life and low maintenance costs. Street trees and appropriate planting are encouraged as an integral element of the design.	It is unclear as to how the term “aesthetically pleasing” may be interpreted with regard to functional elements of necessary highway infrastructure such as signage and bus stop infrastructure. Could this term be more specific perhaps?
ENP6 (C), p.22	Master planning of larger allocated sites shall ensure access arrangements emphasize both walking and safe pick-up and drop-off arrangements for vehicle borne students and staff.	It would be useful to make reference to provision for cyclists, including cycle parking, in this policy.
ENP7 (A), p.24	New developments shall only be accessed by motor vehicle from existing main roads (A40, B4044/4449) and not through existing village roads except as noted in 7.2. This provision shall apply to both construction and residential traffic.	This policy is regarded by OCC as overly prescriptive. There may be benefit from retaining the ability for vehicular access directly into the village from the west Eynsham SDA. For example, there could be a cul-de-sac development within the SDA, i.e. not one that connects with vehicular access to the rest of the strategic site area. Additionally, there could be good reason to retain the possibility of creating a vehicular link that enables emergency vehicles and/ or buses (school or service) to access the SDA directly from the village. Furthermore, it may be useful or necessary to allow some construction traffic to access development sites via the existing village roads in the absence of suitable alternatives. LTP4 states: “We [OCC] will also seek to minimise environmental damage from HGVs through the use of Routing Agreements, Construction Logistics Plans and Delivery and Servicing Plans, as part of the development control process.” These comments are also relevant to ENP17.
ENP7 (D), p.24	Measures to utilise and improve Eynsham’s existing good Public Transport shall be included in all masterplans, particularly to ensure an equally good	It may not be possible or appropriate to secure a service equal to the frequency of the S1 to serve the Garden Village. The frequency of the S1 largely results from the

	<p>service within a new settlement.</p>	<p>patronage derived from Witney and Oxford, Eynsham benefits from being located between these destinations. It may be unlikely that a bus service routed through the Garden Village of the same frequency would be commercially viable in the long term. This would also apply to the West Eynsham SDA.</p> <p>A wider strategic view of bus services along the Witney – Eynsham – Oxford corridor will need to be taken. This will look at how these serve the Local Plan housing and employment allocations, and the existing settlements, and will be informed by the long term commercial viability of the services.</p>
<p>7.2, p.24</p>	<p>To prevent further congestion within the village, new developments should only connect vehicle access with existing main roads (A40, B4044/4449) and at only a few places to minimise delays to through traffic on these routes. Exceptions may be justified for infill developments where no reasonable alternative exists and the main routes identified above may be reached without going through any significant part of the village.</p> <p>Additional gated access points for emergency service vehicles are permitted. It may also be acceptable for traffic to filter into the village centre to give access for local people to services and for through routes for public transport. These access points shall be closely controlled through enforceable means to ensure they are not used by through traffic which does not need to be within the village centre.</p>	<p>This paragraph appears to add further detail and stipulations beyond that which is included in the ENP7 policy box, which makes the scope and intention of the policy itself unclear.</p> <p>Additionally, gated access for emergency vehicles may not be an appropriate means of restricting other vehicles from using these routes. Furthermore, any route that is adopted public highway cannot be restricted to only users that are identified as 'local'. There is no national policy or legislative basis for this restriction. There could be advisory signage to discourage through traffic, but this would be difficult to enforce.</p> <p>It is also worth considering the extent to which any routes connecting from the West Eynsham SDA into the rest of Eynsham via existing residential roads would actually provide attractive routes for 'through traffic', when more direct and less constrained routes will be available.</p> <p>All routes in the vicinity can be designed in such a way as to make them more or less attractive as appropriate for the overall strategy for the area. Instead of imposing restrictions that are likely to be difficult to enforce, The Eynsham Village Centre report produced by The Urbanists makes some useful recommendations for design and engineering measures that are more likely to be effective in informing route choice for through traffic.</p>
<p>ENP8 (A), p.26</p>	<p>New developments shall demonstrate at least one 'Designated Path' providing direct, secure, safe and 24/7 access to the village centre for pedestrians, cycles, push-chairs and mobility vehicles. These designated routes shall be constructed to standards compatible with their purpose and have provision for ongoing maintenance.</p>	<p>Using the term '24/7 access' is also somewhat ambiguous. It may be more useful to simply state that these routes should have appropriate street lighting. If this policy is also intended to ensure that these routes are open to the public at all times, it may be useful to employ more specific language to that effect.</p>

ENP9 (D), p.27	Provision shall be made for charging of electric vehicles at each new home.	This policy appears to be inconsistent with policy ENP5 (D), which requires that there should be the capability for a charging point to be added, whereas this policy seems to imply that the charging point itself should be provided. It would be helpful to clarify this ambiguity.
14.7, p.38	Road Transport (ENP7) is a major issue that affects the whole West Oxfordshire district. Travel Plans (NPPF 36) should be prepared to OCC guidelines and independently audited to make allowance for worst-case conditions when Oxford University and Schools, public and private, are in term-time operation. Travel Plans shall be based on the time taken to reach a reasonable destination such as Oxford City or the A34 Trunk Route, not just the time taken to exit the village and take into account other developments allocated under the current Local Plan.	OCC has its own requirements for Travel Plans, which are in line with national policy. OCC as Highway Authority has guidance on the content of Travel Plans. It appears that there may be some confusion about the role of Travel Plans as opposed to Transport Statements and Transport Assessments.
REC14 (H), p.39	Given the serious economic impact of A40 congestion, Transport Assessments should take into account the ability of main roads to absorb traffic, not just the technical capacity of local roads.	OCC has its own requirements for Transport Statements and Assessments, which cover this topic. These are in line with national policy. OCC as Highway Authority has guidance on how Transport Assessments for developments are conducted.
16.4, p.42	The A40 is already hopelessly congested at peak times and should not have extra junctions, roundabouts or traffic lights to slow down this arterial route to most of West Oxfordshire. Existing junctions should be rationalised so that the net number of junctions does not increase or slip-roads may be used to achieve the same end.	This would preclude the necessary access arrangements for the West Eynsham SDA and the park and ride site. Extensive traffic modelling will be required to establish the highway measures to serve new developments, including access arrangements that are appropriate. There also appears to be some inconsistency between this text and that which is in paragraph 7.2.
16.6, p.43	Improving the A40 is critical to Eynsham and the whole of West Oxfordshire. Ideally, a dual carriageway re-alignment should be built on the northern edge of the buffer zone, providing an unobstructed route for through traffic. A suitable route for a dual-carriageway upgrade to the A40 shall be included in the masterplan and protected by legal agreement. The LPA shall actively seek developer contributions to improving the A40.	The county council would not support the rerouting of the A40 as funding has been secured to upgrade it to include priority bus lanes between Eynsham and Oxford. Creation of a bypass at this location is not within the scope of that work. During the master planning the local authorities will need to consider the merits of safeguarding land for upgrading the A40 to a dual-carriageway, noting that there is no present strategy to deliver this.
16.24, p.45	The Park and Ride should be promoted as a transport hub for the district with good public transport and cycle links to Hanborough Rail Station and buses to both the central and eastern areas of Oxford. Local bus routes both on the A40 and through the largest practical numbers of local residential areas should be provided as part public transport infrastructure.	The range of destinations served by bus services from the park and ride is not yet known and will depend on levels of demand that would sustain long-term commerciality.

<p>16.26 and 16.27, p.45</p>	<p>An “at grade” crossing would only be considered “safe” with pedestrian controlled lights and full pedestrian priority, otherwise a long delay will result in school pupils simply ignoring the lights and crossing anyway. Pedestrian priority is unlikely to be acceptable on such a busy main road, even if the speed limit is reduced to 40 or even 30mph.</p> <p>A bridge of the height necessary to clear the traffic of this arterial route will be an eye-sore and is likely to require so much extra effort to go up and then down that people will risk crossing the carriageway instead of using it.</p> <p>Well-designed underpasses offer the safest crossings with minimum effort. Underpasses are routinely used on the continent where they are well-used because they are designed with clear sight-lines and good lighting to make users feel safe. Due to continuous housing between Spareacre Lane and the A40 there are a very limited number of places where anyone would want to cross, making the provision of a few safe crossing points a practical possibility. Unless technical reasons can be demonstrated that make an underpass impossible to construct, this is the preferred method of providing safe crossings of the A40.</p>	<p>Masterplanning for the garden village will include a pedestrian/cycle strategy to cross the A40 reviewing and identifying suitable infrastructure.</p>
<p>ENP17 (A), p.47</p>	<p>Developments west of Eynsham shall have vehicular access from the A40 and at only one point. Vehicular access through the village shall be strictly limited.</p>	<p>OCC policy requires that developments over 400 dwellings are served by more than one access. Therefore, this development will require more than a single access. Furthermore this text is inconsistent with text at paragraph 16.4.</p>
<p>17.2, p.47</p>	<p>Access to developments should not cause extra delay to A40 traffic. This may be achieved through the consolidation of existing nearby junctions or other means to minimise delays to both through and local traffic, which shall be demonstrated by traffic modelling.</p>	<p>It may not be technically possible or desirable in terms of capacity, safety, or other reasons, to incorporate existing nearby accesses into a junction serving the SDA.</p>