

Charlbury Neighbourhood Development Plan 2020-2031

**A report to West Oxfordshire District Council on the
Charlbury Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by West Oxfordshire District Council in January 2020 to carry out the independent examination of the Charlbury Neighbourhood Development Plan. The examination started in October 2020.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 30 October 2020.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character. In this context it includes a series of environmental policies. It also proposes a series of local green spaces. In the round the Plan has identified a range of issues where it can add value to the strategic context already provided by the wider development plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Charlbury Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
19 January 2021

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1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Charlbury Neighbourhood Development Plan 2020-2031 (the 'Plan').
- 1.2 The Plan has been submitted to West Oxfordshire District Council (WODC) by Charlbury Town Council (CTC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a clear focus on safeguarding the local environment and ensuring good design standards. It proposes the designation of a series of local green spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by WODC, with the consent of CTC, to conduct the examination of the Plan and to prepare this report. I am independent of both WODC and CTC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the Submission Plan;
- the Plan's appendices;
- the Basic Conditions Statement;
- the Consultation Statement;
- the SEA/HRA Screening Report;
- the Local Green Spaces Assessment;
- the addendum to the Local Green Spaces Assessment;
- the Town Council's responses to the Clarification Note;
- the representations made to the Plan;
- the adopted West Oxfordshire Local Plan;
- the National Planning Policy Framework (2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 30 October 2020. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. I maintained the social distancing requirements that were in place at that time during the day in the neighbourhood area. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised WODC of this decision once I had received the responses to the Clarification Note.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement sets out the mechanisms that were used to engage the community and statutory bodies in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (September to October 2019).
- 4.3 The Statement is particularly helpful in the way in which it captures the key issues in a proportionate way and is then underpinned by more detailed annexes.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan (Annex I). Key events included:
- the launch event (July 2013);
 - the community workshop (February 2014);
 - the Town survey (March/April 2016);
 - the drop in event to view the results from the Town survey (November 2016);
 - the open meeting (December 2016);
 - the Call for Sites (May 2017);
 - the work on the Character Assessment and the identification of potential Local Green Spaces;
 - the development of a dedicated website;
 - the ongoing use of neighbourhood plan flyers; and
 - the preparation of regular articles for the Charlbury Chronicle.
- 4.5 I am satisfied that the engagement process was both proportionate and robust. It sought to engage in a balanced way with local residents, statutory bodies, local businesses and potential developers.
- 4.6 Annex VI of the Statement provides specific details on the comments received on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.7 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.

- 4.8 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. WODC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.9 Consultation on the submitted plan was undertaken by WODC for a six-week period that ended on 21 October 2020. This exercise generated comments from a range of organisations as follows:

- Natural England
- West Oxfordshire District Council
- Oxfordshire County Council
- HDH Wills 1965 Charitable Trust
- Historic England
- Cottsway Housing Association

- 4.10 The submitted Plan also generated a representation from a local resident.

- 4.11 I have taken account of all the representations received. Where it is appropriate to do so, I refer to particular representations in my assessment of the policies in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Charlbury. Its population in 2011 was 2830 persons living in 1379 houses. It was designated as a neighbourhood area on 17 September 2014. The neighbourhood area is irregular in shape and largely sits to the south-east of Chipping Norton and to the north of Witney. It is located in the northern part of West Oxfordshire District. The neighbourhood area is predominantly rural in character and much of its area is in agricultural use. The River Evenlode flows through the neighbourhood area on its way to join the River Thames at Oxford. The Cotswold Railway line runs through the neighbourhood area and largely follows the route of the River. Charlbury station is located to the immediate west of the town.
- 5.2 As the Plan describes Charlbury is compact and urban in character. Its streets are densely built with long connected rows of houses directly on the street frontage or with very small front gardens. The street pattern is simple. Streets join one another at right angles, with some smaller yards and groups of houses opening off the main thoroughfares. The vernacular materials are natural, cream to honey-coloured, local stone, laid as coursed rubble rather than dimension stone, with local stone slate roofs. Some buildings are, or were previously, rendered. Houses tend to be in a plain vernacular style with little ornamentation. The designated conservation area covers the whole town together with adjacent parcels of agricultural land. It is an attractive town which relates well to its wider landscape setting.
- 5.3 The natural constraints to the west of the town have resulted in modern development taking place to the east of the historic core. The Slade (the B4022) provides access to the more recent residential developments together with the signed vehicular route for through traffic which does not need access to the historic town centre. The neighbourhood area is within the Cotswolds Area of Outstanding Natural Beauty (AONB). This designation provides a broader and national context to ensure that appropriate consideration is given to conserve and enhance its natural beauty.

Development Plan Context

- 5.4 The West Oxfordshire Local Plan (WOLP) was adopted in September 2018. It sets out the basis for future development in the District up to 2031. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan. The following policies are particularly relevant to the Charlbury Neighbourhood Plan:

- OS2 Locating Development in the Right Places
- OS4 High quality design
- H1 Amount and distribution of housing
- H2 Delivery of New Homes
- H6 Existing housing
- E2 Supporting the Rural Economy

- E4 Sustainable Tourism
- E5 Local services and Community facilities
- EH1 Cotswolds Area of Outstanding Natural Beauty
- EH2 Landscape Character
- EH4 Public realm and green infrastructure
- EH8 Environmental Protection
- EH9 Historic Environment
- EH10 Conservation Areas
- EH11 Listed buildings
- EH13 Historic Landscape Character
- EH16 Non-designated heritage assets

- 5.5 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.6 Charlbury is identified as a Rural Service Centre in the adopted Local Plan (Policy OS2 and Table 4b). Policy OS2 comments about the constrained nature of the town due to its location within the Cotswolds AONB. On this basis the Local Plan proposes only a modest level of development for the town to help reinforce its existing role.
- 5.7 The neighbourhood area falls within the Burford-Charlbury sub-area within the Local Plan. Paragraph 9.6.25 of that Plan respects the environmental sensitivities of this part of the District and comments that 'although it is environmentally sensitive, this area has good transport links and a range of existing infrastructure which meets primarily local needs. It is appropriate that some growth takes place here during the plan period. However, it must be recognised that opportunities for development are relatively limited and the planned scale of growth therefore needs to be appropriate. This is consistent with national policy which applies a more restrictive approach to development in designated areas such as the Cotswolds AONB'. This approach has been followed in the submitted neighbourhood plan.
- 5.8 The submitted neighbourhood plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 30 October 2020. I maintained appropriate social distancing measures in force at that time when I was in the neighbourhood area. I drove into the town along the A44/B4022 from the north. This gave me an initial impression of its setting and character in general terms. It also highlighted its connection to the strategic road system.
- 5.10 I looked initially at the proposed local green spaces (LGSs) off Grammar School Hill. I saw the way in which the allotments (LGS4) formed a small part of the wider Grammar School Hill LGS (LGS15). I saw the way in which the area formed an important part of

the setting to the town to the east, and a context to Cornbury Park to the south and west. I saw the way in which the land framed the location and setting of important vernacular buildings on this attractive approach to the town. Given the compact nature of the town I was able to undertake the bulk of the visit on foot.

- 5.11 I walked along Park Street and Church Street into the town centre. I saw the impressive townscape in and around Church Street and its relationship with St Mary's Church. I saw the concentration of traditional public houses (The Bell, The Rose and Crown and The Bull) at the intersection of Sheep Street, Church Street and Market Street. I also saw the concentration of retail and commercial facilities at this point in the town centre, including the vibrant Corner House.
- 5.12 I walked along Market Street and Dyers Hill to the railway station. I saw the scale and nature of the car park and the wider position of the railway station complex in relation to the town and the River Evenlode. I looked at the proposed LGS in the field to the east of the Station and to the west of the River. I saw that it was set at a lower level than Dyers Hill and the station access road. I saw the locations from which it was visible and the locations where it was less visible due to trees and hedgerows.
- 5.13 I then looked at the concentration of proposed LGS to the north and north west of the town. I walked along Mill Lane to Mill Field. I saw its attractive location by the River and its use by local residents. I then looked at the Nine Acres Recreation Ground. I saw its various facilities and its popularity with a range of local residents. I then walked into the Wigwell Nature Reserve. I saw the well-used footpaths. Once I got to the north of stream, I saw the outcomes of the Wychwood Project within the proposed LGS. I continued walking along the network of footpaths to Glebelands to its immediate west. I saw that its character and appearance was different to that of the Nature Reserve and was based on livestock grazing. I saw the remnants of its ridge and furrow field structure.
- 5.14 I walked back to the town centre and looked at the concentration of retail and community buildings at the northern end of Brown's Lane. I saw the Co-op store (with its Post Office) the Library, the Community Centre, the dental practice and the Hook Norton Veterinary Group facilities. I saw that it was a very popular retail and community facility for the wider area. I took the opportunity to walk around The Playing Close. In doing so I saw the impressive fountain erected to commemorate Queen Victoria's visit to the town in 1886, the introduction of a water supply in 1896 and the sixtieth anniversary of Queen Victoria's accession to the throne in 1897.
- 5.15 I continued by walking along Sheep Street. I saw a series of former retail and commercial units. The concentration of empty buildings in this part of the town helped me to understand the relevant policy in the Plan more fully. I then walked into Hixet Wood to look at the two proposed LGSs in this part of the town.
- 5.16 I finished my visit by driving along the B4022 to Witney. This helped me to understand how the neighbourhood area sat in its wider landscape.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. The tables in the Statement are exemplary in the way in which they relate the policies in the Plan to national and local planning policies. The wider Statement is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in 2019. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Charlbury Neighbourhood Plan:

- a plan-led system— in this case the relationship between the neighbourhood plan and the adopted West Oxfordshire Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a vision for the future of the neighbourhood area. In particular, it includes a series of policies to safeguard and enhance its character and appearance in general, and its location within the Cotswolds AONB in particular. In addition, it proposes a suite of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing and retail/employment development (Policies CH1-10 and ECT1-4 respectively). In the social role, it includes policies on community facilities (Policy ECT5) and on local green spaces (Policy NE7). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy HE2), on the AONB (Policy NE1), on important views (Policy NE2) and on a series of biodiversity matters (Policies NE5-9). The Town Council has undertaken its own very impressive assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in the West Oxfordshire District in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the incorporation of the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to satisfy this requirement WODC commissioned a screening exercise in January 2020 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process WODC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. The screening report includes the responses received from the consultation bodies. This is best practice.
- 6.16 WODC also commissioned a Habitats Regulations Assessment (HRA) of the Plan at the same time. It concludes that the submitted Plan is unlikely to have significant effects on a European site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required. The report is comprehensive and makes appropriate connections with the HRA work on the adopted West Oxfordshire Local Plan. In particular it assesses the likely effects of the implementation of the policies in the Plan on the Oxford Meadows SAC.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and CTC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It includes a series of non-land use Community Aspirations
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-4)

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. In particular they provide an appropriate evidence base together with links to additional information for the interested reader or statutory bodies.
- 7.9 The initial Overview is a very helpful part of the wider document. As its title suggests it provides a high-level summary of the Plan's Vision, structure and policy approach.
- 7.10 The Introduction provides helpful information about the context of the Plan. It correctly identifies the Plan period, when the neighbourhood area was designated and the neighbourhood area itself. It goes on to describe the planning policy context within which the Plan has been prepared. It also sets out the importance of the Cotswolds AONB. Overall, it is a particularly effective introduction to a neighbourhood plan.
- 7.11 Section 2 comments about the neighbourhood area and a range of matters which have influenced the preparation of the Plan. In particular it addresses the following matters:
- Location;
 - Landscape;
 - Character;

- Housing;
- Demography;
- Employment;
- Transport Links;
- Community Life; and
- the town's role as a Rural Service Centre.

It also sets out the key challenges for the future of the neighbourhood area.

- 7.12 Section 3 comments about the Plan's Vision, Aims and Objectives. It is well-constructed. It describes how these matters were developed. It sets out six key aims, each of which is underpinned by its own package of objectives. A key strength of the Plan is the way in which the issues in Sections 2 and 3 filter into the Plan's policies.
- 7.13 Section 4 describes the processes which were followed to produce the Plan. It overlaps with the submitted Consultation Statement. In particular it describes how the community in general, and the Town Council in particular co-ordinated the production of the Neighbourhood Plan and the Community Action Plan. This is set out in a helpful illustrative fashion in Section 4.2. This provides assurance that the Plan has been produced within a broader context and with overlapping elements of community support.
- 7.14 The preparation of the Plan is a major achievement for the local community. It is a very comprehensive document which addresses a series of distinctive issues. In particular it provides a very compelling approach towards the setting of the town with the Cotswolds AONB, its historic character, the protection of green spaces, the town's role as a commercial and service centre and meeting local housing needs. It acknowledges that these matters have the potential to pull in different ways. The Plan also includes a distinctive series of Community Aspirations. They provide an important indication of specific infrastructure improvements that members of the community would wish to progress if funding were available. The community aspirations, along with the Charlbury Infrastructure Delivery Plan (Appendix B) provide a guide to priorities for the potential use of developer contributions arising from Community Infrastructure Levy, Section 106 legal agreements and/or other sources. This is a very effective package. It highlights that the Plan has been designed to be implemented in a positive and collaborative fashion.
- 7.15 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Housing Policies (CH1-CH10)

- 7.16 The Plan includes a series of policies on housing matters. Whilst it does not allocate sites due to its position in the Cotswolds AONB it seeks to ensure that any new housing meets the needs of people in the town in general, and their affordable housing needs in particular.
- 7.17 This approach has generated representations from WODC about the relationship between the policies in the submitted Plan and the equivalent policies in the WOLP. In turn this generated significant commentary from CTC in its response to the clarification note. In order to avoid a repetition of my commentary on a policy-by-policy basis I have adopted the following principles in assessing the various policies against the basic conditions:
- a neighbourhood plan needs to 'have regard' to national policy. It cannot either challenge national policy or express a view on the appropriateness of that policy;
 - there is no need for a neighbourhood plan to repeat policies in a local plan;
 - neighbourhood plans need to be in general conformity with the strategic policies in the development plan. This does not mean that they need to follow slavishly the contents of the relevant policy;
 - neighbourhood plan policies need to be underpinned with reliable and proportionate evidence. This is particularly the case where they propose a revised approach from that in the wider development plan;
 - neighbourhood plan policies should be designed to sit within the context of the wider development plan. In this context the basic conditions process has been designed to ensure that different elements of the development plan do not pull in different directions. In turn this provides a clear and consistent basis for development management decisions;
 - a neighbourhood plan can only address land use development issues within the neighbourhood area; and
 - any neighbourhood plan is developed within a wider context. This is particularly the case where towns such as Charlbury contribute towards meeting the commercial, housing and social needs of its wider hinterland. Clearly in these circumstances some part of the hinterland will be within the neighbourhood area and some parts may be outside the neighbourhood area. In most cases this will simply reflect historic administrative boundaries.
- 7.18 Plainly the application of these principles will have different effects on the various policies.

Policy CH1 Meeting the needs of the parish of Charlbury

- 7.19 This policy sets out to address two parallel issues. The first is the location of the town in the Cotswolds AONB. The second is the acknowledged issue of housing affordability in the town.

7.20 In this context the policy proposes two important matters. The first is that infill development proposals for open market purposes will only be supported where they meet the housing objectives in the Plan and where the benefits would outweigh any harm. The second is that development proposals on the edge of the built-up area will only be supported where they meet identified local needs for affordable homes and lower-cost housing as identified in Policies CH2 and CH3 respectively.

7.21 In its representation to the Plan WODC comments as follows:

- the policy is inconsistent with the approach in Policy H2 of the WOLP;
- the policy makes no reference to previously developed land adjoining the built-up urban area; and
- the interpretation of local need is unclear.

7.22 In its response to the clarification note CTC commented that:

'The Plan has been written with the intention of being in general conformity with WODC's strategic policies while also providing additional policies to shape and direct local development in a way that supports the specific requirements of the local area. However, we feel that, in some cases, WODC's comments and suggested wording may exceed the requirements of general conformity by seeking to impose an inappropriately detailed level of compliance with local plan policies. We are concerned this may severely restrict the ability of the neighbourhood plan to achieve its purpose of reflecting the local circumstances, needs and aspirations of the neighbourhood area'

7.23 CTC commented that it was content with the suggested changes to the policy as proposed by WODC other than the element on the balance between the benefits and harm (in the submitted first part of the policy) and on scale and nature of the local needs test (in the final part of the policy).

7.24 On the first point CTC pointed me to paragraph 9.6.29 of the WOLP. It addresses the Burford/Charlbury sub area in general terms. It comments:

'This does not mean that no further housing development will be permitted within the Burford – Charlbury sub-area but proposals will be considered on a case-by-case basis. It will need to be convincingly demonstrated that a scheme would give rise to benefits to the specific settlement or the sub-area (meeting identified local housing needs) and which would clearly outweigh any likely harms (heritage, landscape, impact on local services). Proposals will also need to accord with other relevant plan policies, in particular OS2, H1, H2 and EH1'

7.25 I have considered this matter carefully. In doing so I interpret this element of supporting text in the Local Plan in a different way. It appears in the context of the more restricted approach in this sub-area than is the case elsewhere in the District. In this context it sets out the importance of a case-by-case assessment of development proposals. Two other issues are also of importance. The first is that it is an expression of the traditional balancing act which local planning authorities make based on planning policy and an assessment of other material planning considerations. The second is that the balance between benefits and harm does not translate into relevant policies in the WOLP.

- 7.26 In these circumstances I have concluded that the approach in the submitted Plan sets a higher bar than that set in the equivalent WOLP policy. In addition, the submitted Plan offers no evidence to support the reasoning for this additional test to be applied to the relevant part of this policy. In these circumstances I recommend that it is deleted from the policy. It follows that I find the relevant part of WODC suggested changes to the policy appropriate.
- 7.27 I have considered CTC's comments on the local needs test very carefully. In particular I can understand its view that a broadening of the local needs test has the ability to undermine the objectives of the wider Plan. However, on the balance of the evidence, I have concluded that the policy should address wider needs in the West Oxfordshire element of the Oxfordshire Strategic Housing Market Assessment. This acknowledges that housing needs are more broadly based. In any event a broader policy approach simply provides a mechanism to meet housing needs. CTC, registered social providers and WODC will be able to come to their own judgements about the eventual allocation of local and/or affordable housing delivered in the neighbourhood area. This is a matter which is controlled under the Housing Acts rather than by way of the Planning Acts.
- 7.28 In all the circumstances I recommend modifications to the policy to address these matters. The recommended modifications are based on WODC's suggested changes to the policy as set out in its representation to the Plan. I also recommend consequential modifications to the supporting text.

Replace the policy with:

'A modest level of new housing will be supported where it helps to reinforce the existing role of Charlbury as a rural service centre.

Proposals which would provide housing for people on lower incomes and smaller scale and discounted market housing and new affordable homes of a range of different tenures, including houses to buy and to rent will be particularly supported.

Within the built-up area, housing proposals on previously-developed land and undeveloped land will be supported where they would deliver the Plan's housing objectives and would otherwise be in accordance with other relevant policies in both the West Oxfordshire Local Plan and the Neighbourhood Plan.

On land adjoining the built-up area housing proposals on previously-developed land will be supported where they would deliver the Plan's housing objectives and would otherwise be in accordance with other relevant policies in both the West Oxfordshire Local Plan and the neighbourhood plan

Housing proposals on undeveloped land adjoining the built-up area which would provide for specific local housing need (either within the neighbourhood area or within the Burford-Charlbury sub-area as identified the West Oxfordshire Local Plan) will be supported where the local need is evidence-based and where the resulting development would otherwise be in accordance with other relevant policies in both the West Oxfordshire Local Plan and the Neighbourhood Plan'

In 5.3.2 delete the final sentence.

Replace 5.3.3 with: ‘The policy offers support to a variety of housing schemes. In their different ways the proposed development of such schemes should be supported by appropriate evidence, and in particular the way in which they would deliver local needs either locally (as identified in Appendix A) or elsewhere within the Burford-Charlbury sub area’

Policy CH2 Affordable Homes

- 7.29 This policy comments that all housing schemes will be subject to the affordable housing requirements of Policy H3 of the WOLP.
- 7.30 In its representation on the Plan WODC comments as follows:
- there are inevitable overlaps with its concerns about Policy CH1; and
 - the policy needs to take account of the approach in Policy H4 of the WOLP which seeks to ensure a balanced mix of housing types.

In this context WODC proposed a revised policy wording.

- 7.31 In its response to the clarification note CTC commented as follows:

‘Our principal concern relates to the second sentence of the first paragraph of the suggested policy text (...as proposed by WODC). We agree that the policy should not be restricted (as it currently is) to schemes that consist predominantly or exclusively of affordable homes. We recognise the 40% minimum requirement set out in WOLP policy H3 and included in the suggested policy rewording. However, if the bar is lowered as suggested to include all schemes including more than 40% affordable homes, we believe it is essential for some test of local need to be applied to the remaining market housing. We consider the suggested requirement for a “good, overall balanced mix of housing opportunities” to be too weak and difficult to defend against inappropriate development proposals. Further, we do not believe it accurately reflects the aims or intentions of this CNP policy’

- 7.32 I have considered these different approaches very carefully. I have also considered the contents of the policy in the context of my recommend modifications to Policy CH1. I have considered two options to ensure that the policy has the clarity required by the NPPF. The first is to recommend the deletion of the policy. As submitted, it adds little value to the very detailed policy on this matter in the WOLP (Policy H3). In addition, WODC’s suggested connection of the submitted policy to the contents of Policy H4 of the WOLP has intensified the debate between the two parties. The second is to retain the policy and simplify its content so that it relies on the more detailed approach in Policy H4 of the WOLP.
- 7.33 On balance I recommend the second of the two options. Whilst it largely repeats the WOLP policy it retains the acknowledged local importance of this matter. In addition, it offers particular support to affordable housing schemes which address the housing needs specifically identified in Appendix A of the Plan (and which relate specifically to the town). It also retains the connections between the different housing policies in the

submitted Plan. The effect of the modified policy is to reassert the Plan's support for affordable housing in its own right rather than in the context of the approach of the submitted version of Policy CH1 which requires that proposals address very specific local needs.

Replace the policy with:

'Proposals for affordable housing schemes will be supported where they meet the requirements of Policy H3 of the WOLP. Proposals which address the specific affordable housing needs in Appendix A of this Plan will be particularly supported'

Policy CH3 Lower-cost Housing

- 7.34 This policy offers support for lower cost housing. It identifies the threshold for lower-cost housing.
- 7.35 WODC supports the policy both in terms of the definition of lower-cost housing and the requirement for such housing to remain as lower-cost in perpetuity.
- 7.36 The policy presents a very robust and locally-distinctive approach to this important matter. I recommend that the first and the second parts of the policy are incorporated into the supporting text. On the one hand they properly define the way in which the policy would be applied. On the other hand, they are underpinning commentary rather than policy in their own right. I also recommend detailed modifications to the third part of the policy so that it would have the clarity required by the NPPF. The modifications do not affect either the approach or the details of the submitted policy.

Delete the first two parts of the policy.

Replace the third part of the policy with:

'Development proposals which include lower-cost housing homes will be supported where they otherwise comply with other relevant policies in this Plan and ensure that measures are in place to demonstrate that the future resale of the homes will be constrained and to ensure that the homes remain lower-cost in perpetuity'

At the end of paragraph 5.3.6 add the first and second elements of the submitted policy. Thereafter add: Policy CH3 requires that planning applications for lower cost housing should demonstrate how they will be retained as such in perpetuity. This could be achieved by a variety of means, including a Section 106 Agreement'

Policy CH4 Rural Exception Sites

- 7.37 This policy comments that proposals for rural exception sites should conform with Policy H3 of the WOLP.
- 7.38 In its representation WODC comments that the policy follows the approach in Policy H3 of the WOLP. However, it raises concerns about the local connections test.

- 7.39 I have considered this matter carefully both in its own right and in the context of its relationship with other housing policies in the submitted Plan. On the balance of the evidence, I am not satisfied that it adds any distinctive and evidence-based local value to Policy H3 of the WOLP. In these circumstances I recommend that it is deleted along with the associated supporting text. I also recommend consequential modifications to other elements of the Plan.

Delete the policy.

Delete paragraphs 5.3.7 and 5.3.8

Delete any direct or indirect references to the policy elsewhere in the Plan.

Policy CH5 Maintaining affordable housing in the parish

- 7.40 This policy seeks to exclude any new affordable housing or low-cost housing from the national right to buy scheme.
- 7.41 In its representation WODC comments that the policy is inconsistent with the government's objective to increase home ownership.
- 7.42 In its response to the clarification note CTC commented that '(the) clear aim of this policy is to avoid the loss of affordable housing within the parish. Charlbury Town Council has for many years been concerned that houses sold under right to buy had ceased to be affordable and had not been replaced thereby reducing the stock of affordable housing necessary to maintain the balanced community that underpins our rural service centre status'. CTC also commented about the way in which it had engaged with its local MP on this important matter.
- 7.43 CTC also highlighted four specific areas of concern which it has with the Right to Buy scheme as follows:
- housing is not affordable for a large proportion of the community;
 - as a consequence, the availability of affordable housing for rent should be a priority;
 - land availability is very limited; and
 - the vibrancy of Charlbury's community has particular implications for its housing needs

- 7.44 I have considered the policy and its approach very carefully. In particular I have taken account of the strength of local feeling on this matter. However, the policy does not have regard to national policy. Its approach would frustrate the government's ambition to extend home ownership. In these circumstances I recommend the deletion of the policy and its supporting text.

Delete the policy.

Delete paragraphs 5.3.9 to 5.3.11

Policy CH6 Size and type of homes

- 7.45 This policy comments about the size and types of homes which would be supported in the Plan period. It also includes an element about the design and layout of housing proposals.
- 7.46 In its representation WODC comments that:
- the policy is generally consistent with the approach in the WOLP; and
 - the approach to 5 bedroom and larger houses raises slightly different issues to those in the WOLP.

In this context WODC suggested a reworking of the supporting text.

- 7.47 I am satisfied that the policy is in general conformity with the strategic policies in the development plan. Its approach to the largest houses is both reasonable and evidence-based. I recommend that the supporting text is modified as suggested by WODC and agreed by CTC.

Replace the first two sentences of paragraph 5.3.12 with: 'Current evidence identifies a particular need for smaller homes in Charlbury in general terms and for one- and two-bedroom houses in particular. In these circumstances the indicative mix of housing in the policy should be used as a guideline to inform the basis of any new housing proposals'

Policy CH7 Mix of affordable rented housing

- 7.48 This policy sets out the Plan's approach to the mix of affordable rented housing.
- 7.49 When the Plan was being prepared the Housing Needs Assessment indicated a shortage of one and two-bedroom social rented properties in Charlbury. However, the Plan acknowledges that the situation may change during the Plan period and some flexibility may be needed. Given Charlbury's aging population the Plan comments that it is particularly important that some new social rented housing should be suitable for elderly and/or disabled people. The policy reflects this context. Its starting point is the position in the WOLP and with a degree of local flexibility.
- 7.50 I sought comments from CTC on the need for this policy given its overlaps with the WOLP. CTC commented that in this context the policy could be deleted.
- 7.51 On balance however I am satisfied that the policy should be retained in the Plan. It offers the type of a distinctive, evidence-based approach as anticipated for neighbourhood plans. In particular it addresses a very distinctive issue which overlaps both with the affordability of housing and the ageing nature of the local population. Nevertheless, in this context I recommend modifications to the policy so that it has the clarity required by the NPPF. I also recommend consequential modifications to the supporting text.

Replace the policy with:

‘Development proposals for affordable rented dwellings which include the provision of dwellings which have been designed to cater for the specific needs of the ageing population of the town and/or people with disabilities will be particularly supported where this approach is supported by the most up-to-date information available’

After the first sentence of paragraph 5.3.12 add: ‘This is reflected in the anticipated 65%/35% split between one/two and three/four-bedroom properties respectively in paragraph 5.64 of the Local Plan’.

Policy CH8 Subdivision of dwellings to create smaller units

- 7.52 This policy offers support for the subdivision of existing properties to create smaller units. Its approach will assist both in securing sustainable development and in meeting the specific needs of older persons and those looking for smaller homes.
- 7.53 The policy properly takes account of heritage and design issues. It also includes an appropriate section on refuse and recycling bins.
- 7.54 I am satisfied that the policy offers a distinctive local approach to a broader matter. I recommend a series of modifications to the policy so that it has the clarity for a development plan policy.

Replace the policy with:

‘Development proposals to convert existing dwellings into smaller units will be supported where appropriate provision is made for any additional parking requirements and where the proposed physical alterations are consistent with the conservation and enhancement the character and heritage of the town in general, and the building concerned in particular.

Development proposals should also demonstrate that any additional refuse and recycling bins can be accommodated in a sensitive way within the curtilage of the site concerned’

Policy CH9 Development in residential gardens

- 7.55 This policy addresses proposed development in residential gardens. The supporting text comments that there has been significant development within residential gardens in the historic centre of the town over the years. CTC considers that in some cases this has had a negative impact upon the character of the town.
- 7.56 The policy responds to these concerns and would resist development in gardens which makes an important contribution to the character of the area. I can understand the approach taken. Nevertheless, the approach is negative and has a clear ability to conflict with the promotion of sustainable development in general, and with other housing policies in the Plan in particular.

- 7.57 In order to remedy this matter I recommend that the policy takes on a more general approach in identifying that residential proposals should respect the relationship between the principal building and its wider curtilage and/or garden space. Within this context a second part of the policy identifies the implications where development proposals do not achieve this policy ambition. I also recommend that the policy explicitly refers to development within the designated conservation area given its focus on impact on character and appearance. In any event the conservation area encompasses the whole of the town.

Replace the policy with:

‘Development proposals within the Conservation Area should respect the relationship between the principal building and its wider curtilage and/or garden space.

Development proposals which would have an unacceptable impact on existing curtilages and/or residential gardens which make an important contribution to the character or the appearance of the Conservation Area will not be supported’

Policy CH10 Needs of older people and those with disabilities

- 7.58 This policy proposes an approach for older persons’ accommodation and/or for people with disabilities. It has three related parts. The first takes a general approach to such accommodation. The second provides a specific approach to small annexes and flats and the third sets out specific approach to assisted living proposals.
- 7.59 The policy takes an appropriate and a sensitive approach to this important matter. I recommend a series of detailed modifications to the wording used so that it has the clarity required by the NPPF. In particular I recommend that the final part of the third part of the policy which would resist proposals that would result in the loss of assisted living accommodation is tempered with need and viability considerations. I also recommend that the policy applies only to existing facilities (rather than to potential such accommodation as anticipated in the Plan). Otherwise, it meets the basic conditions and will contribute significantly to achieving the social element of sustainable development.

In the first part of the policy replace ‘is supported in principle’ with ‘will be supported’

In the second part of the policy delete ‘(so-called granny flats)’ and replace ‘are supported in principle provided that’ with ‘will be supported where’

In the third part of the policy replace the penultimate sentence with: ‘Proposals to modernise or redevelop former assisted living accommodation to bring it back into such use will be particularly supported.’

In the third part of the policy replace the final sentence with: ‘Redevelopment proposals that would result in the long-term loss of assisted living accommodation will not be supported unless it can be demonstrated that the accommodation is no longer needed or commercially-viable’

Economy, Community, Transport and Movement Policies (ECT 1-ECT15)

Policy ECT1 Rural Service Centre Role

7.60 This policy supports proposals which would assist in sustaining the role of the town as a rural service centre. The policy defines the type of proposals which sustain the role of the town in this way. It reflects the current role of the town and would assist in the future consolidation of this important role.

7.61 The policy is well-developed. It meets the basic conditions.

Policy ECT2 Protecting retail, employment and services

7.62 This policy is an important element of the Plan. It consolidates the contents of Policy ECT1 in general terms and seeks to ensure that important retail, business and other services are safeguarded. It has been designed to add value to the contents of Policy E5 of the WOLP

7.63 It has four related parts as follows:

- the proposed change of use of premises in retail, employment and service uses;
- the specific future use of vacant retail premises;
- proposals for community projects; and
- proposals for residential uses of premises in retail, employment and service use

7.64 In general terms the policy is well-crafted. It recognises the importance of the retail, commercial and community services to the wider well-being of the town. In particular it sets out a flexible approach towards streets which include empty former shop units. In this context it reflects the changing nature of retail use and expenditure in the town centre.

7.65 The policy was submitted in good faith. However, since that time the Use Classes Order was updated in September 2020. The changes to the Order introduced three new use classes as follows:

Class E	Commercial, business and service uses;
Class F1	Learning and non-residential uses; and
Class F2	Local community uses

The new Use Class E incorporates several former use classes including A1(shops), A2 (financial and professional services) and A3 (cafes or restaurants). In this context there is now considerable flexibility for different business functions to be undertaken in Charlbury and other towns centres without the need for planning permission.

7.66 I recommend that the policy is modified so that it takes account of the Use Classes Order September 2020 and the greater flexibility that it brings for business-related uses. I also recommend that the policy specifically identifies the concentration of vacant former retail premises in Sheep Street and Market Street.

- 7.67 The recommended modifications incorporate anticipated replacement uses in the policy itself (such as community facilities, community projects and sustainable tourism). They refine the approach towards any acceptable changes of use to residential uses. In addition, they include policy guidance on the retention of independent access to upper floors and independent residential uses above retail units and within the wider curtilage of such premises.
- 7.68 The submitted policy commented that any residential conversion of commercial or service buildings should be for lower cost accommodation. I have not incorporated this approach within the recommended policy. I have reached this conclusion for three reasons. The first is that this outcome may naturally arise and would, in any event be a product of the scale and the size of the premises concerned. The second is that the refurbishment costs associated with listed buildings or other buildings in conservation areas may be disproportionately higher than would otherwise be the case. The third is that a balance of issues need to be considered on this matter, including the importance of securing active uses of buildings to secure their long-term maintenance. In this context I recommend consequential modifications to the supporting text.

Replace the policy with:

'Insofar as planning permission is required proposals which would retain the use of premises for Class E1 uses (retail, employment and the provision of local services), F1 (learning and non-residential) and F2 (local community) uses will be supported.

Proposals for changes of use of premises currently occupied by Class E, F1 and F2 uses for other uses, including for residential uses, will not be supported unless there is evidence that the premises are no longer commercially viable for Class E, F1 and F2 uses or that alternative facilities are available elsewhere in the neighbourhood area in accessible and convenient locations.

Insofar as planning permission is required, proposed change of use for former retail premises in Sheep Street and Market Street will be supported where they would provide employment opportunities or otherwise support the vitality and viability of the town centre through provision of community facilities, community projects or sustainable tourism.

Where the principle of a change of the premises concerned to residential use complies with the wider principles elsewhere in this policy, their conversion and adaptation should respect the character and appearance of any heritage assets in general terms, and traditional shop fronts in particular.

Development proposals should safeguard existing independent accesses to upper floor accommodation. Proposals which would result in the loss of small flats above retail or commercial uses or the loss of residential units in outbuildings to the rear of retail or other commercial premises will not be supported'

Delete the final sentence of paragraph 6.2.9

Policy ECT3 Home working

- 7.69 This policy seeks to introduce a degree of flexibility for new and digitally-based employment opportunities. It offers support to proposals which would support or complement home-working (such as office hubs and meeting spaces for home workers).
- 7.70 The supporting text outlines how the policy was developed. It comments that appropriate changes of use could reinvigorate the town centre, provide new employment opportunities and improve its appearance. As such the Plan proposes to be flexible about permitting changes of use where this would be in the best interests of the community. In this context it comments that the change of use of some former retail premises to office space or other purposes that generate employment or otherwise support the vitality and viability will be supported.
- 7.71 The approach taken is positive and reflects the broader changes in employment patterns. It is particularly timely in the current circumstances. I recommend that the policy is reworked so that it has the clarity required by the NPPF. I also recommend that its title is reworded given that its focus is on the promotion of local business facilities rather than on home-working itself.

Replace the policy with: Development proposals that would support or complement homeworking will be supported. Proposals for the provision of office hubs and meeting spaces for home workers will be particularly supported'

Replace the title with: 'Facilities to support local businesses'

Policy ECT4 Sustainable Tourism

- 7.72 This policy sets out a supportive approach towards sustainable tourism in the town. It overlaps with the obvious opportunities that exist to secure economic benefits from the heritage of the town and its setting in the Cotswolds AONB. It identifies a series of proposals which would be particularly welcomed.
- 7.73 In general terms I am satisfied that the policy meets the basic conditions. Nevertheless, I recommend a series of modifications so that it has the clarity required by the NPPF. In particular I recommend that the references to Policy E4 of the WOLP and to other neighbourhood plan policies are repositioned into the supporting text. They are explanatory text rather than policy. I also recommend that the final part of the policy acknowledges that development proposals may meet some but not all of the specific priorities of the policy.

Replace the first part of the policy with:

'Sensitively-sized and located development proposals for tourism and leisure activities which would consolidate the responsible enjoyment of the local environment, utilise existing facilities and assist local business and events will be supported'

Replace the opening part of the second part of the policy with:

‘In particular development proposals will be supported where they meet any or all of the following characteristics:’

At the end of paragraph 6.2.13 add: ‘In this context Policy ECT4 takes a positive approach to such development. Development proposals will be considered in the round and in the context of the wider development plan. In this regard Policy E4 of the Local Plan will be an important consideration together with other policies in this neighbourhood plan (mainly the natural environment and heritage policies)’

Policy ECT5 Protection of Community Facilities

- 7.74 This policy seeks to protect existing community facilities. The facilities concerned are described in paragraph 6.3.3. The policy also seeks to complement Policy E5 of the WOLP.
- 7.75 The approach taken is appropriate, as is the definition of local community facilities. I recommend a series of detailed modifications so that it has the clarity required by the NPPF.

In the first sentence replace ‘be resisted’ with ‘not be supported’

In the first sentence delete ‘in line.... Policy E5’

In the second sentence replace ‘must’ with ‘should’

At the end of paragraph 6.3.5 add: ‘In this context Policy ECT5 has been designed to provide a local approach to and iteration of Policy E5 of the West Oxfordshire Local Plan’

Policy ECT6 Children’s Play Areas

- 7.76 This policy comments about the provision of children’s play areas. The supporting text comments about the concentration of play facilities at Nine Acres and Ticknell Piece and the associated impact on residential developments which are remotely-located from these facilities. In this context the policy has three related parts as follows:
- offering support for play areas in ‘areas of need’ in the town;
 - offering general support for play areas elsewhere; and
 - the flexibility for developers to contribute to the provision/improvement of off-site play areas.
- 7.77 In general terms I am satisfied that the approach taken is appropriate to the neighbourhood area. However, to bring the clarity required by the NPPF I recommend a series of related modifications. The first removes of the repetitive elements of the policy. The second would ensure that an appropriate distinction is made between the provision of on-site new facilities and securing developer contributions towards existing facilities. Plainly the delivery of play facilities on-site would usually present the most appropriate outcome. However, there may be circumstances (based on the size of the

site, its proximity or otherwise to existing facilities and maintenance issues) where a contribution to nearby existing facilities may represent the most appropriate outcome.

Replace the policy with:

‘New residential proposals should make appropriate provision of new children’s play facilities within the development. In particular new residential developments in locations remote from the current facilities at Nine Acres and Ticknell Piece should demonstrate how they have accommodated appropriate play areas within their layouts’

Where the provision of play facilities on the site concerned is inappropriate or would be too small to have any significant benefit, proportionate developer contributions based on the scale of the development concerned will be sought to assist in the provision and/or maintenance of other play equipment close to the proposed development’

Policy ECT7 Parking

7.78 This policy responds to the challenges of car parking in the built environment in the town centre. Most of the historic buildings do not have dedicated parking spaces. As a result, parking spaces are at a premium.

7.79 The policy has the following related parts:

- new developments should provide for their own dedicated parking needs and, where necessary, provide for alternative or replacement parking for any existing spaces lost;
- alterations/extensions to buildings should not result in a loss of existing parking spaces; and
- offering support to proposals for additional car parking.

7.80 I recommend modifications to the policy to ensure that it has the required clarity. In general terms they simplify its approach and reposition non-policy matters to the supporting text. In particular, they clarify that the third part of the policy applies to proposals for additional public car parking. This was confirmed by the Town Council in its response to the clarification note. I also recommend that this part of the policy is designed to ensure that any such new car parks are sensitively-located and designed.

Replace the policy with:

‘New development proposals should make adequate provision for on-site parking by residents and visitors. Where development results in the loss of existing parking, it should make provision for at least an equivalent number of parking spaces.

Proposals for extensions and alterations of existing buildings should not result in a net reduction in parking spaces.

Proposals for appropriate additional public parking in or near the town centre will be supported where they respect the character and appearance of the

conservation area and do not have an unacceptable impact on the amenities of residential premises in the immediate location.'

At the end of paragraph 6.4.3 add:

'Policy ECT 7 addresses these important issues. The policy applies throughout the neighbourhood area. The policy is particularly relevant in the historic core of the town given the age and design of properties and their lack of car parking facilities. The first part of the policy recognises that some developments may propose alternative parking facilities to replace spaces which would otherwise be lost. Plainly a series of imaginative responses may arise during the Plan period on a case-by-case basis. However, in general terms the replacement spaces should make provision for the existing arrangements for residents, for disabled people or any other particular group'

Policy ECT8 Station Car Parking

- 7.81 This policy comments about the car parking associated with the railway station. As the supporting text comments Charlbury is an important station on the Cotswolds line and passenger numbers have been increasing. There is a high demand for parking at the station and there is concern in the community that rail users are adding to pressure on parking spaces in the town centre. In addition, displaced parking from the railway station can exacerbate parking problems within the town centre. The Plan acknowledges that it is important to accommodate this demand without impacting negatively on the distinctive character and natural beauty of the AONB or losing valued green space around the town.
- 7.82 I looked at the station and its car park. The use of the car park was limited in the Covid-related working environment. Nevertheless, the use of the car park will remain an issue during the Plan period.
- 7.83 The approach in the policy is supportive in general terms, and subject to environmental criteria. This is appropriate given its sensitive location.
- 7.84 I have recommended modifications to Policy NE7 on the wider package of proposed Local Green Spaces in the Plan. In this context I recommend specific modifications to this policy and to its supporting text. In particular I recommend that the policy interconnections are included in the supporting text and not in the policy itself.

Replace the policy with:

Proposals for the expansion of the station car park will be supported where they protect the landscape of the Evenlode Valley and the Cotswolds AONB, minimise light pollution and are designed to ensure that they have no unacceptable harm on views into and out of the town, noise pollution and the dark skies environment in the neighbourhood area.

In 6.4.9 delete 'or losing.... the town'

In 6.4.10 delete the final sentence.

At the end of the modified 6.4.10 add: 'Policy ECT8 addresses these issues. Whilst it is a supportive policy it should be read within the context of Policies NE1-NE4 of this Plan. In this context, any extensions to the car park should be designed to respect their location in the Cotswolds AONB in general, and in the Evenlode Valley in particular, the general tranquillity of the town and the overall dark skies environment'

Policy ECT9 Walking & Cycling

- 7.85 This policy seeks to reinforce the opportunities for local people to get around the town on foot. Plainly this process will assist in safeguarding the sustainability and the safety of the neighbourhood area. The policy has the following related elements:
- new residential developments should make appropriate provision to enable residents to walk to the town's main facilities;
 - the provision of alternative facilities where this approach is not practicable; and
 - offering support for developments which improve existing pedestrian facilities or create new access ways.
- 7.86 The policy approach sets out to dovetail with the approach in the adopted WOLP and the Local Transport Plan. This is good practice.
- 7.87 In general terms the policy meets the basic conditions. Nevertheless, I recommend modifications to ensure that it meets the basic conditions. In particular I recommend that the positive and the negative elements of the policy are more closely related. I also recommend that the explanatory elements of the policy are repositioned into the supporting text.

Replace the policy with:

'New residential developments should promote and enable safe and attractive walking and cycling routes to the town's main facilities wherever practicable. Where the principal access to development site cannot offer a safe walking route, the proposal should incorporate an alternative pedestrian access to a safe path or footway whenever possible. Where appropriate and proportionate to the development concerned, developer contributions will be sought to enable improved pedestrian and cyclist access. New developments which cannot provide safe pedestrian access will not be supported.'

Development proposals which provide new or improved links between different parts of the town for pedestrians and cyclists will be supported. Development proposals which would directly or indirectly improve safety for pedestrians and cyclists along the B-road approaches to the town or to provide alternative safe cycle routes avoiding these roads will be particularly supported. Development proposals which would detract from the safety, directness, access, attractiveness and convenience of existing pedestrian and cycle routes will not be supported'

At the end of paragraph 6.5.1 add: 'Policy ECT9 sets out the Plan's approach to this important matter. Its implementation will assist in safeguarding the sustainability and the safety of the neighbourhood area. It has been designed to be complementary to

the Oxfordshire Local Transport Plan 4. Policies 19 and 34 of that Plan are particularly important to Charlbury. Proposals which make the town centre safer and more accessible to cyclists and pedestrians (including wheelchair users and buggies), and which respect the town's historic character would be actively supported and encouraged by both parts of the policy'.

Policy ECT10 Easy access for all

- 7.88 This policy continues the approach taken in Policy ECT9. Its approach requires new development proposals to provide access for all members of the local community.
- 7.89 I recommend detailed modifications to the wording used in the policy so that it has the necessary clarity for a development plan policy. I recommend the deletion of the final part of the policy as it repeats the approach taken in the previous policy. Otherwise, it meets the basic conditions.

Replace the policy with:

'Development proposals should demonstrate how they would address the movement needs of people of all ages and abilities on pavements, pathways and road crossing points, having due regard to the need to conserve and enhance the historic and natural environment in accordance with other policies within this Plan. Development proposals which make the town more accessible for wheelchairs, mobility scooters, buggies and people with disabilities will be particularly supported'

Policy ECT11 Public Transport

- 7.90 This policy consolidates the approach taken in the two previous policies. In this case its aim is that development proposals should retain and/or enhance access to public transport facilities.
- 7.91 I recommend similar modifications to those for Policy ECT10 and for the same reason.

Replace the policy with:

'Development proposals should take into account the need to maintain and enhance public transport links, and ensure that future residents can walk to bus stops safely and easily.'

Developments proposals that would enhance access to bus stops will be supported'

Policy ECT12 Electric Vehicle Charging Points

- 7.92 This policy requires that proposals for new residential development incorporate electric vehicle charging points. It is both a timely and an appropriate policy.
- 7.93 I recommend detailed modifications to the wording used so that the policy has the clarity required by the NPPF. I also recommend that the explanatory elements of the policy are repositioned into the supporting text.

Replace the policy with:

‘Development proposals for new homes should include provision for charging electric vehicles within the boundary of the site concerned’

At the end of paragraph 6.7.1 add: ‘Policy ECT12 sets out the Plan’s approach to this important matter. It has been designed to be complementary to the Oxfordshire Local Transport Plan 4. Policy 22 of that Plan is particularly important to this initiative in the neighbourhood plan (and to its associated Community Aspiration).’

Policy ECT13 Sturt Road and The Slade

- 7.94 This policy seeks to address specific issues around the junction of Sturt Road and The Slade. They relate to the role of The Slade as the main through route in the town, the topography of the road and the effect of peak times at the school on the capacity of The Slade. I saw the issues first-hand when I visited the neighbourhood area.
- 7.95 I recommend two modifications to the policy. The first relates the policy approach to the overall capacity and safety of the local road network. In this context the specific issues addressed in the submitted policy are component parts of the wider situation. The second reorders the policy so that any proposals that would improve the existing situation follows on from the wider approach to overall capacity.

Replace the policy with:

Development proposals which would access directly on to Sturt Road or The Slade and/or increase traffic volumes on these roads should demonstrate that they are capable of being safely accommodated into the local highways network. In particular they should demonstrate that they do not unacceptably increase the parking issues in this part of the town, increase congestion or increase danger to drivers, cyclists and pedestrians, especially at school pick up and drop off times.

Proposals which would contribute directly or indirectly to improvements in road safety on Sturt Road and The Slade will be supported’

Policy ECT14 Safe Travel to Charlbury Primary School

- 7.96 This policy continues the safe pedestrian and cycling access theme. In this case the policy requires that there is a safe walking route from any new development to Charlbury Primary School which is practical for young children and pushchairs.
- 7.97 Whilst I can understand the inclusion of such a specific policy in the Plan there are two significant areas where its approach does not meet the basic conditions. The first is that the policy is a universal policy and would apply to all development. In most cases development proposals will be modest and/or domestic in scale and would not affect the safety of pedestrians walking to and from the School. The second is that there will be no direct relationship between the development proposed and the availability or otherwise of a safe walking route to and from the School. In extreme circumstances the policy could lead to the refusal of an otherwise acceptable proposal which does not enjoy a safe access route to the School.

- 7.98 In these circumstances I recommend the deletion of the policy. I am satisfied that the supporting text should remain in the Plan. It addresses the wider issues and highlights future work which will be undertaken in the Community Action Plan in general and in Community Aspiration 7 in particular. Nevertheless, I also recommend consequential modifications to the supporting text. In any event the matter of the provision of safe pedestrian access routes to major facilities is already addressed by policy ECT9.

Delete the policy

In paragraph 6.8.5 delete 'Policy ECT14 and'

Policy ECT15 Enstone Road crossroads

- 7.99 This policy has a sharp focus on the Enstone Road crossroads. As the Plan describes 'the Enstone crossroads is where the B4022 meets Nine Acres Lane and Enstone Road. It was highlighted in the Town Survey as one of the top two danger areas in Charlbury. It is a frequently-used crossing point for pedestrians walking to and from town and the playing field. There is a bus stop at the junction, and a stile exit from the Nine Acres playing field'. I saw its design and layout as part of my visit.
- 7.100 The policy takes a similar approach to that of Policy ECT13. I recommend similar modifications to the policy and for the same reason. In the case of Policy ECT 15 there is an expectation that development proposals in the locality contribute to any necessary improvements to the junction.
- 7.101 The Community Infrastructure Levy Regulations (Regulation 122) provide a broader context for this policy. They specify that developer contributions should be 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. I recommend that the policy is modified to have regard to this important part of national policy. I also recommend consequential modifications to the supporting text.

Replace the policy with:

'Development proposals which would access directly on to the Enstone Road crossroads and/or increase traffic volumes at the junction should demonstrate that they are capable of being safely accommodated into the local highways network. In particular they should demonstrate that they do not unacceptably increase the parking issues at this junction, increase congestion or increase danger to drivers, cyclists and pedestrians, especially at school pick up and drop off times.

Where it is appropriate to do so development proposals which would directly or indirectly generate an increase in traffic at the junction should contribute towards improvements to this part of the highways network'

At the end of paragraph 6.8.8 add: 'Policy ECT15 addresses the important matter. The approach to developer contributions in the second part of the policy takes account of the Community Infrastructure Levy regulations (Regulation 122) which provide a broader context for this issue. They require that developer contributions should be 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 Where these tests are met the improvements could include junction redesign, improved road marking, improved signage and enhancements to the footway.'

Natural Environment and Green Space Policies (NE1-9)

Policy NE1 Protecting the Cotswolds AONB

- 7.102 This policy celebrates the neighbourhood area's location within the Cotswolds Area of Outstanding Natural Beauty (AONB). It seeks to add local value to the policy approach already established nationally (in the NPPF) and locally (in the adopted WOLP and the Cotswolds AONB Management Plan). It takes an appropriate approach which respects existing guidance for the AONB.
- 7.103 In general terms the wording used in the policy is appropriate. Nevertheless, I recommend detailed modifications so that it has the clarity required by the NPPF. Where necessary the recommended modifications also include the relocation of explanatory text in the policy to the supporting text.

Replace the first part of the policy with:

'Development proposals should conserve and enhancing the natural beauty, landscape and countryside of the Cotswolds AONB, including its wildlife and heritage'

In the second part of the policy replace 'Development...how it' with 'Development proposals should demonstrate how they' and thereafter delete 'must'

In the third part of the policy replace 'Development of' with 'Development proposals for'

At the end of paragraph 7.2.2 add: 'Policy NE1 sets out to add local value to the policy approach already established nationally (in the NPPF) and locally (in Policy EH1 of the adopted West Oxfordshire Local Plan) and the Cotswolds AONB Management Plan'

Policy NE2 Protecting Important Views

- 7.104 This policy seeks to protect views from within the town and of the town from its surrounding landscape. It incorporates five views as examples. Paragraph 7.2.3 of the Plan provides a context to the policy in general terms and draws attention to the West Oxfordshire Landscape Assessment (1998), its Character Area 6 (The Lower Evenlode Valley) and the Charlbury Parish Character Assessment (2018).
- 7.105 As submitted the policy does not have the clarity required by the NPPF. Its initial part is very general. Its second part identifies a series of views as examples. In doing so it does not identify any other views to which the policy would apply. Whilst I have taken account of CTC's responses to the clarification note it does not provide any clarity on how WODC would apply the policy in a clear and consistent fashion.
- 7.106 Given the importance of landscape matters to the wider setting of the town in general, and the AONB in particular I recommend that the policy is recast. As modified, it would apply general principles to views within the context of the West Oxfordshire Landscape Assessment. Thereafter it would apply particular protection to the identified views included in the policy by way of example. I also recommend the inclusion of an element

in the policy which sets out the implications for development proposals which do not follow the approach as included in the policy.

Replace the policy with:

‘Development proposals should respect important views of the town from its surrounding landscape, from the town to the countryside and within the town within the context provided by the West Oxfordshire Landscape Assessment (1998) its Character Area 6 (The Lower Evenlode Valley) and the Charlbury Parish Character Assessment (2018). Development proposals should be designed and arranged to ensure that important views are safeguarded.

In particular development proposals should take account of the following views:

- **the Evenlode Valley and the registered landscape of Cornbury Park from the town, (particularly from Fiveways and the “promenade” along Grammar School Hill);**
- **towards the town and its skyline across the Evenlode Valley from Forest Road, Cornbury Park and the public footpaths to Finstock, Walcot and Shorthampton;**
- **the town from Banbury Hill and Grammar School Hill;**
- **down Church Street, along Sheep Street towards Hixet Wood and down Park Street towards open country; and**
- **glimpses of the town, church tower and out to open country from Dancers Hill.**

Development proposals which would have an unacceptable impact on important views in the neighbourhood area by virtue of their layout, height, scale, massing or materials will not be supported’

Policy NE3 Protecting the Evenlode Valley

7.107 This policy provides specific protection for the Evenlode Valley. As the Plan describes it is highly sensitive both in its own right and in relation to the impact of any new development in particular.

7.108 The policy is well-developed. As WODC comment it has been refined as the Plan has been prepared. Nonetheless I recommend that the first paragraph is deleted and incorporated into the supporting text. As submitted, it explains the purpose of the policy rather than acts as policy in its own right. I also recommend that the initial part of the policy is modified so that it clarifies the Valley’s location in Charlbury and uses language appropriate for a neighbourhood plan.

Delete the first part of the policy

In the second part of the policy replace ‘Development to..... on the landscape’ with ‘Development proposals to the west of the existing building line along Pound Hill, Dairy Court, Mill Lane, Dyers Hill, Church Lane, Shilson Lane, Grammar School Hill and Fawler Road, Charlbury will only be supported where they have an acceptable visual impact on the landscape’

Insert the deleted first part of the policy after the first sentence of paragraph 7.2.4.

Policy NE4 Tranquillity and Dark Skies

- 7.109 This policy seeks to safeguard the existing levels of tranquillity and the dark skies environment in the neighbourhood area. These are two of its distinctive features. The importance of the dark skies' environment is included in paragraph 7.2.8 of the Plan.
- 7.110 I recommend modifications to the policy to ensure that it meets the basic conditions. They relocate explanatory text within the body of the policy into the supporting text and use language appropriate for a development plan document. In particular I recommend the deletion of the final part of the policy which comments about rectifying existing issues of light pollution. Whilst this would be desirable it is not a policy issue in its own right. Nevertheless, I recommend that the issue is captured in the supporting text.

Replace the policy with:

'Development proposals should maintain and, where practicable, improve the tranquillity and the dark skies environment in and around Charlbury.

In particular, proposals for the installation of artificial external lighting will only be supported where they include lighting levels at the lowest level possible to achieve the effect required'

At the end of paragraph 7.2.8 add: 'Policy NE4 addresses this important issue. The second part of the policy supports only those proposals for external lighting which are designed to deliver the minimum level of lighting for identified purposes (such as pedestrian access and/or safety issues). As part of this assessment new lighting should avoid casting light to areas where it is not needed, and into any neighbouring homes in particular. Whilst it is not directly a policy matter existing light pollution should be reduced or removed where possible.'

Policy NE5 Biodiversity and Trees

- 7.111 This policy addresses biodiversity and trees. It makes strong and positive connections both with relevant policies in the WOLP and the AONB Management Plan. It has a sharp focus on the identified Conservation Target Areas which are themselves important areas for wildlife conservation and habitat creation.
- 7.112 The policy takes an appropriate approach in general terms. However, it includes several elements of explanation and/or supporting text. CTC acknowledged this matter in its response to the clarification note. I recommend that these elements of the policy are repositioned into the supporting text. I also recommend that some of the detailed wording of the key elements of the policy are modified. In particular one of the modifications acknowledges that biodiversity enhancements may not always be possible. Otherwise, the policy meets the basic conditions.

In the first paragraph of the policy replace 'must' with 'should' and 'enhanced' with 'where practicable enhanced'

Replace the second paragraph of the policy with:

‘Development proposals will not be supported in the three Conservation Target Areas as identified on Map 2. Development proposals in areas adjacent to the Conservation Target Areas will only be supported where it can be demonstrated that they would have no detrimental effect on the integrity and biodiversity value of the identified Areas.

Where appropriate development proposals should incorporate measures that contribute to delivering overall gains for biodiversity, and in particular the aims of the relevant Conservation Target Area in achieving net gains for each of the Oxfordshire Biodiversity Action Plan Targets’

Delete the third to the seventh paragraphs of the policy.

At the end of paragraph 7.3.3 add the third and sixth paragraphs of the policy as additional supporting text.

At the end of paragraph 7.3.4 add the fourth, fifth, and seventh paragraphs of the policy as additional supporting text.

Policy NE6 Blue/Green Infrastructure

- 7.113 This policy addresses blue and green infrastructure. It has two related parts. The first is general in effect. The second identifies three proposed corridors to be protected.
- 7.114 The policy recognises the importance of blue and green infrastructure. The corridors have been carefully selected given the significance which they have in framing the setting and the context of Charlbury. Whilst the corridors are already within the AONB their identification in the Plan highlights their wildlife and infrastructure significance. In reaching this conclusion I have taken into account the representation of HDH Wills 1965 Charitable Trust.
- 7.115 The policy is extensive. This reflects that it is a combination of both policy and supporting text. In any event the details in the policy about the three corridors in the policy largely repeats the more extensive details in the existing supporting text. In these circumstances I recommend that the policy is recast so that it relies on the details in the text. Nonetheless I recommend that in one specific case that the text is consolidated by an element of the submitted policy which would not otherwise appear in the modified approach.

Replace the policy with:

‘Blue and green infrastructure in the neighbourhood area should be protected and, where practicable enhanced.

The Plan identifies the following three blue/green corridors (as shown on Map 3) which play an important role in framing the settlement of Charlbury:

- **the Sandford Slade Blue/Green Corridor;**
- **the Wigwell Blue/Green Corridor; and**

- **the Evenlode Blue/Green Corridor.**

Development proposals will not be supported within these corridors unless they are designed to manage the land concerned in an appropriate and sensitive fashion'

At the end of paragraph 7.3.18 add: 'Any development proposals bordering these corridors should enhance the surrounding area by providing hedges, green strips and biodiverse combinations of indigenous and local provenance plants in seeded area of limestone grassland, trees and shrub species that will attract pollinators, bird and other wildlife in features. Where practicable, development proposals bordering the corridors should enhance flood reduction/protection capacity of the tributaries and create buffer zones with planting to improve the infiltration of water'

Policy NE7 Local Green Spaces

- 7.116 This policy proposes the designation of a series of local green spaces (LGSs). It comments about the relationship between the identified LGS and the NPPF.
- 7.117 Appendix E of the Plan sets out details about the various proposed LGSs. It does so to very good effect. In general terms it assesses the various LGSs against the criteria in the NPPF (paragraph 100) for such designations. The Appendix summarises the more extensive work undertaken in the LGS Assessment.
- 7.118 I looked at the proposed LGSs carefully during my visit. The proposed designations had a degree of overlap both within the Cotswolds AONB and within the CCA. In this context I sought clarification from CTC about the way in which it had assessed the added value of the LGS designations over and above the protection already provided by the two environmental/heritage designations as required by Planning Practice Guidance (37-011-20140306). I also sought clarity about the sizes of the respective LGSs. This was an important part of the assessment of proposed LGSs both in general, and where the owners of some of the proposed LGSs had raised objections to their intended designations in earlier stages of the Plan. The affected LGSs are considered in paragraphs 7.123 to 7.145 of this report.
- 7.119 In its response CTC provided the more detailed assessment of the LGSs which had underpinned Appendix E and the addendum to the Local Green Assessment. I comment on all the available evidence and information on a site-by-site basis in the remainder of the assessment of this policy.
- 7.120 Based on all the available information, I am satisfied that proposed LGSs 1/2/3/5/6/9/10/11/12/14/19 meet the basic conditions.
- 7.121 In addition, I am satisfied that their proposed designation accords with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that they are consistent with the local planning of sustainable development. Their designation does not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am

satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and has existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the local green space would not endure beyond the end of the Plan period.

7.122 The following part of this report considers the contested LGSs on an individual basis.

LGS4 Allotments adjacent to Wellington Cottages

7.123 This proposed LGS is located at the southern end of the town. It is adjacent to the more extensive LGS15 to the north. The proposed LGS is in use as allotments. As the LGS Assessment comments 'the allotments are available to the whole community; although they are allocated upon application friends will pass by and stop to talk and admire what is being produced. The low stone wall allows extensive views over the allotments and beyond to the Wychwood Forest in Cornbury Park'.

7.124 On the basis of all the evidence I am satisfied that the proposed LGS accords with paragraphs 99 and 100 of the NPPF. In particular I am satisfied that it is a defined parcel of land with a separate use from the adjacent Land west of Grammar School Hill (proposed LGS 15).

LGS8 Field to the east of the Railway Station

7.125 The proposed LGS is in agricultural use as open grazing land. During my visit I saw that it was set at a lower level than Dyers Hill and the station access road. I saw the locations from which it was visible and the locations where it was less visible due to trees and hedgerows.

7.126 I am satisfied that the proposed LGS is within close proximity to the community that it serves. I am also satisfied that it is local in scale.

7.127 The proposed LGS plays an important role in the setting of the town. The LGS Assessment draws attention to this matter in general and the extent to which it provides an attractive and iconic approach to the station. In this context it scores highly on beauty. Otherwise, it does not demonstrate any particular significance on the other examples of the extent to which it may be 'demonstrably special' in the NPPF. I address the significance of the landscape issue in paragraph 7.129 when I consider the AONB issue.

7.128 CTC addressed the issue of the extent to which the proposed designation would add value to its location in the AONB in its general response to the clarification note. It commented that '(it) is appreciated that Charlbury's location in the Cotswolds AONB and the widely drawn Charlbury Conservation Area provide a level of protection for these sites but CTC considers that the special significance for the local population of each site put forward is of sufficient importance to justify additional protection'.

7.129 I have considered this matter very carefully. Taking account of all the information available to me I am not persuaded that the proposed LGS designation would bring any added value to the existing protection afforded by its location in the Cotswolds AONB. In particular CTC has not identified any specific factors which cause this proposed LGS to be demonstrably special beyond its landscape beauty. By definition this matter is already captured in the designation of the AONB. The parcel of land largely reflects the gap which was left between the construction of the railway and the associated station and the town to its east. Any development proposals which may arise on the parcel of land could be assessed by WODC on a case-by-case basis taking account of national and local planning policies. In these circumstances I recommend the deletion of the proposed LGS from the Plan.

Delete LGS8

LGS15 Land west of Grammar School Hill

- 7.130 I saw that this proposed LGS was an important element of the context to the town. It runs along a significant part of its western boundary. Appendix E and the detailed LGS Assessment highlight the significance of the identified parcel of land to the natural setting of the town. This was immediately apparent when I looked at the proposed LGS.
- 7.131 I am satisfied that the proposed LGS is within close proximity to the community that it serves
- 7.132 The proposed LGS is clearly important to the setting of the town. The LGS assessment draws attention to this matter together with its importance to the Character Assessment and its importance to the context of the River Evenlode valley. In this context it scores highly on beauty. Otherwise, it does not demonstrate any particular significance on the other examples of the extent to which it may be 'demonstrably special' in the NPPF. I address the significance of the landscape issue in paragraph 7.135 when I consider the AONB issue.
- 7.133 The LGS Assessment advised that the proposed LGS is 15.01 hectares in size. Whilst Planning Practice Guidance offers no detailed guidance on the local nature of LGSs I have concluded that the land concerned is an extensive tract of land. It is significantly larger than the other proposed LGSs in the Plan. In addition, other than its attraction as part of the wider landscape and setting of the town it has none of the characteristics of LGSs which might otherwise make its size a marginal factor. In essence it is part of the wider landscape setting of the town rather than a parcel of land which is local in scale.
- 7.134 CTC addressed the issue of the extent to which the proposed designation would add value to its location in the AONB in its general response to the clarification note. It commented that '(it) is appreciated that Charlbury's location in the Cotswolds AONB and the widely drawn Charlbury Conservation Area provide a level of protection for

these sites but CTC considers that the special significance for the local population of each site put forward is of sufficient importance to justify additional protection’.

- 7.135 I have considered this matter very carefully. Taking account of all the information available to me I am not persuaded that the proposed LGS designation would bring any added value to the existing protection afforded by the AONB designation. In particular CTC has not identified any specific factors which cause this proposed LGS to be demonstrably special beyond its landscape beauty. By definition this matter is already captured in the designation of the AONB. Any development proposals which may arise on the parcel of land could be assessed by WODC on a case-by-case basis taking account of national and local planning policies. In these circumstances I recommend the deletion of the proposed LGS from the Plan.

Delete LGS15

LGS16 Glebelands

- 7.136 This parcel of land consists of agricultural land to the immediate north of the town. It is located to the west of proposed LGS 5 (Wigwell).
- 7.137 I am satisfied that the proposed LGS is in close proximity to the community it serves and is a local in scale.
- 7.138 The proposed LGS is clearly important to the setting of the town. The LGS assessment draws attention to this matter and its importance in providing the backdrop to the cemetery. The Assessment also advises about the footpaths which run through the parcel of land. In this context it scores highly on beauty and on accessibility. It also includes well-preserved ridge and furrow landscape. Otherwise, it does not demonstrate any particular significance on the other examples of the extent to which it may be ‘demonstrably special’ in the NPPF. I address the significance of the landscape issue in paragraph 7.140 when I consider the AONB issue.
- 7.139 CTC addressed the issue of the extent to which the proposed designation would add value to its location in the AONB in its general response to the clarification note. It commented that ‘(it) is appreciated that Charlbury’s location in the Cotswolds AONB and the widely drawn Charlbury Conservation Area provide a level of protection for these sites but CTC considers that the special significance for the local population of each site put forward is of sufficient importance to justify additional protection’.
- 7.140 I have considered this matter very carefully. Taking account of all the information available to me I am not persuaded that the proposed LGS designation would bring any added value to the existing protection afforded by the AONB designation. In particular CTC has not identified any specific factors which cause this proposed LGS to be demonstrably special beyond its landscape beauty. It is typical of other agricultural parcels of land which surround the town. By definition this matter is already captured in the designation of the AONB. Any development proposals which may arise on the parcel of land could be assessed by WODC on a case-by-case basis taking account of national and local planning policies. In addition, there is no evidence that

the footpaths which cross the site are used in a more comprehensive fashion than the other footpaths which connect the town with its surrounding countryside setting. In these circumstances I recommend the deletion of the proposed LGS from the Plan.

- 7.141 In reaching this conclusion I have taken account of the position of the proposed Wigwell LGS (LGS5) to the east of Glebelands. They are similar in scale and are commonly-located to the immediate Wigwell Corridor. However, the proposed Wigwell LGS is very different in its character and appearance. It is managed as a local nature reserve. In this context it is very different from Glebelands or any other parcel of land surrounding the town. In that context I have concluded that there is a clear purpose in its designation as LGS over and above the protection otherwise afforded by its location in the AONB.

Delete LGS16

LGS18 Land east of Hixet Wood

- 7.142 This parcel of land consists of the gardens on land behind Lee Place Cottages. The gardens sit in the Sandford Slade valley which cuts through the town in an east to west direction.

- 7.143 I am satisfied that the proposed LGS is in close proximity to the community it serves and is a local in scale. However, I am not satisfied that it is demonstrably special to the local community and holds a particular significance. Whilst part of the proposed LGS can be seen from Hixet Wood its topography prevents a wider view into its eastern part. Whilst it is larger than most other garden areas in the town, I am not convinced that it is 'demonstrably special' on the basis of an assessment against any of the traditional criteria on this aspect of LGS designation. In these circumstances I recommend the deletion of the proposed LGS from the Plan.

Delete LGS18

LGS20 Stream west of Hixet Wood

- 7.144 This parcel of land is the stream to the west of Hixet wood. At the time of my visit, it was overgrown woodland.

- 7.145 I am satisfied that the proposed LGS is in close proximity to the community it serves and is a local in scale. However, I am not satisfied that it is demonstrably special to the local community and holds a particular significance. There is no public access into the site and it has an overgrown appearance. Whilst the LGS Assessment comments about the wildlife significance of the site no evidence is provided on the extent to which the parcel of land is any more important than any other undeveloped parcel of land within the built-up part of the town. In these circumstances I recommend the deletion of the proposed LGS from the Plan. Any development proposals which may arise could be assessed by WODC on a case-by-case basis on the basis of national and local planning policies (both for the AONB and the conservation area). In these circumstances I recommend the deletion of the proposed LGS from the Plan.

Delete LGS20

The policy itself

- 7.146 The policy initially takes the matter-of-fact approach towards LGSs as set out in the NPPF. Thereafter it adopts more of a balancing act in attempting to identify a limited number of circumstances where development might be supported on designated LGSs. Given the number and diversity of proposed LGSs I can understand the circumstances which have caused CTC to design the policy in this way. Nevertheless, I recommend a modification so that the policy takes the matter-of-fact approach in the NPPF. The recommended modification also takes account of the recent case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259).
- 7.147 In the event that development proposals affecting designated LGSs come forward within the Plan period, they can be assessed on a case-by-case basis by WODC. In particular WODC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy. I recommend that the supporting text clarifies this matter.

Replace the policy with:

‘The following green spaces (as shown on Map 4) are designated as local green spaces

At this point list in LGSs as follows:

LGS1/2/3/4/5/6/9/10/11/12/14/19

Development proposals within the designated local green spaces will only be supported in very special circumstances’

Delete LGS 8/15/16/18/20 from Map 4.

At the end of paragraph 7.4.4 add: ‘Policy NE7 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy’

Examiners Note: In the event that this recommended modification is incorporated into a made Plan I would suggest that the included LGSs are renumbered together with an associated addendum to Appendix E explaining the revised numbering system.

Policy NE8 Flood Risk and Water Quality Management

- 7.148 This policy sets out a comprehensive approach to flood risk and water quality issues.

- 7.149 It is helpfully underpinned by comprehensive supporting text. Paragraph 7.5.1 comments that the steep-sided valley of the River Evenlode means it is prone to flooding during heavy rainfall. This was seen in June 2018 when heavy rainfall resulted in surface water flooding and closure of The Slade (B4022). There has been significant river flooding in Charlbury and nearby villages in the Evenlode Valley in the recent past, particularly in 2007. Paragraph 7.5.4 addresses water quality. It advises that the Evenlode Catchment is important in the catchment-based approach to water quality in the Thames River Basin and that the quality of water is currently poor.
- 7.150 I recommend modifications to the policy to ensure that it meets the basic conditions. The modifications relocate explanatory text to the supporting text and incorporate language appropriate for a development plan document. Otherwise, it takes an evidence-based and well-considered approach.

Replace the policy with:

‘Development proposals should not increase flood risk in Charlbury or elsewhere along the Evenlode valley. Sustainable Urban Drainage Systems will be required for all developments and measures should be taken to reduce surface water run-off for greenfield sites.

Development proposals should not result in increased surface water runoff unless appropriate mitigation measures are included with the details of the proposal, including proposals for the long-term maintenance of Sustainable Urban Drainage Systems

Development proposals having adverse effect on quality of water in the Evenlode Catchment Area will not be supported’

At the end of paragraph 7.5.2 add: ‘Additional measures to reduce flood risk include use of permeable surfaces and planting of trees and shrubs.’

At the end of paragraph 7.5.3 add: ‘An integrated approach to rural Sustainable Urban Drainage Systems should be taken where adjacent landowners can play their part in reducing flood risk and improving the quality of the water in the river and its tributaries, building in the blue-green corridor elements’

Policy NE9 Environmental Design Standards

- 7.151 This policy sets out a series of environmental design standards. In many cases it does so in a prescriptive way by requiring that developments comply with specific codes or design standards.
- 7.152 The approach taken is both positive and forward looking. However, it fails to take account of the government’s intention to introduce sustainability measures through the building regulations. Plainly they will change at a national level throughout the Plan period. In addition, the approach taken to prescribe certain environmental standards or codes cuts across the contents of the ministerial statement of 2015. In these circumstances I recommend that the policy is modified so that it adopts a general and supportive stance.

Replace the policy with:

‘Development proposals for new buildings should demonstrate how they would achieve excellent environmental performance.

Developments which comply with the highest available standards such as Passivhaus or BREEAM Excellent Home Quality Mark standards. will be supported.

New developments, including alterations and extensions to existing buildings, which incorporate energy and water efficiency measures will be supported where they avoid unacceptable harm to heritage assets and to the Cotswolds AONB.

Development proposals for zero carbon homes will be supported’

Historic Environment Policies (HE1-3)

Policy HE1 Protecting Non-designated Heritage Assets

- 7.153 This policy addresses non-designated heritage assets. In doing so it acknowledges the importance of the historic environment in the neighbourhood area.
- 7.154 Appendix D2 of the Plan sets out a schedule of proposed non-designated heritage assets. They have been identified on the basis of the criteria in Appendix D1. Appendix D3 relates the proposed non-designated heritage assets to the criteria in Appendix D1. The overall approach is both comprehensive and impressive.
- 7.155 I looked at a selection of the proposed assets when I visited the neighbourhood area. I saw that they added to its character and appearance in their different ways. I also saw their own inherent importance.
- 7.156 The policy itself is slightly unclear about its intentions. In addition, it does not fully have regard to national policy on non-designated heritage assets (paragraph 197 of the NPPF). In particular national policy requires that a ‘balanced judgement’ is made on development affected a non-designated heritage asset rather than being afforded ‘significant weight’ as proposed in the policy. I recommend modifications to address these matters. I also recommend modifications to the supporting text to ensure that the relationship between the policy and equivalent policies in the WOLP is clearer.

Replace the policy with:

‘The Plan identifies non-designated heritage assets in Appendix D.

Development proposals should have regard to the non-designated heritage assets and to the contribution that they make to the character or appearance of the Charlbury Conservation Area.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’

Replace the final sentence of paragraph 8.6.3 with: ‘Policy HE1 has been designed to be applied in association with Policies EH9 and EH16 of the West Oxfordshire Local Plan. In this context the identification of the non-designated heritage assets in Appendix D brings clarity on the approach in the neighbourhood area’

Policy HE2 Locally Appropriate Design

- 7.157 This policy sets out the community’s response to the increasingly-important matter of locally-sensitive and distinctive design. The policy is underpinned by the submitted Design Guidance. The supporting text clarifies that Design Guidance is intended to supplement the approach in the West Oxfordshire Design Guide. It is good practice that the Plan has an ambition to introduce this hierarchical approach.

- 7.158 The Guidance draws on the Character Assessment prepared as part of the evidence base for the Plan and the associated survey work by local volunteers. This divided the parish into three areas: the historic core of the town; the suburbs that surround the old town largely to the east and are predominantly a post war development; and the open countryside beyond the edge of the settlement. The first three parts of the Guidance reflect these broad areas. Each begins with a description of main characteristics of the area and seeks to identify features that contribute positively to its particular character and, where relevant, to its local distinctiveness. This is followed by a set of guiding principles aimed at ensuring that any development, including alteration or extension to existing buildings, maintains and enhances rather than erodes Charlbury's character, design quality and sense of place. Part 4 of the Guidance covers streetscape design. In the round it is an excellent piece of community-driven work. It reflects the character and appearance of the town.
- 7.159 The resulting policy comments that new development should sustain or enhance the character and quality of Charlbury's built environment by following the Design Guidance. I recommend that the policy is consolidated so that it more fully outlines the approach that is expected. Whilst developers will continue to need to refer to the details of the Guidance the recommended modifications will provide a greater level of clarity to its approach.
- 7.160 I also recommend the inclusion of a second part of the policy which would set out the implications of proposed developments not meeting the criteria in the policy in general, and in the Charlbury Design Guidance in particular. In particular this approach will provide a local response to Section 12 of the NPPF (Achieving well-designed spaces).

Replace the policy with:

'New development should positively enhance the character or appearance of its immediate locality. New development, including alterations and extensions to existing buildings, should maintain and enhance the character and appearance of the town and contribute to local distinctiveness and enhance the character and quality of its surroundings. In particular new development should respond positively to the Guiding Principles in the relevant geographic section of the Charlbury Design Guidance

Development proposals which detract from the character or the appearance of the neighbourhood area or which conflict with the relevant Guiding Principles in the Charlbury Design Guidance will not be supported'

Policy HE3 Archaeology

- 7.161 This policy comments that appropriate field evaluations should be carried out and impact assessments prepared before applications are determined that involve significant ground disturbance within the historic town centre (bordered by Church Lane, Dyers Hill, Market Street and Church Street) or significant internal alterations to listed buildings or buildings on the Local List attached as Appendix D.
- 7.162 The approach is well-intended. However, it has a focus on process matters rather than establishing a policy approach. I recommend modifications to address this matter. I

also recommend consequential additions to the supporting text together with modifications in terms of the wording used to achieve consistency with Policy HE1 of the Plan.

Replace the policy with:

‘Development proposals should be located and designed to take account of the archaeological importance of the town centre and its setting.

Development proposals which involve significant ground disturbance within the historic town centre (bordered by Church Lane, Dyers Hill, Market Street and Church Street) or significant internal alterations to listed buildings or non-designated heritage assets (as identified in Appendix D) should be accompanied by proportionate field evaluation assessments.’

In paragraph 8.6.15 replace ‘or those on.... this Plan’ with ‘or to non-designated heritage assets as set out in Appendix D’

At the end of paragraph 8.6.15 add: ‘Policy HE3 provides a policy context for this important matter. Its first part sets out the policy approach. The second part identifies the information which will be required to support development proposals in specific parts of the town’

Community Aspirations

- 7.163 The Plan includes a series of community aspirations. They are incorporated on a themed basis throughout the Plan after the relevant policies.
- 7.164 National policy comments that community aspirations should be included in a separate section of a neighbourhood plan. This is to ensure that they are distinct from the land use policies. On balance, I am satisfied that the way in which the Plan has incorporated the community actions is appropriate. I have come to this judgement for three reasons. The first is that in most cases the community aspirations consolidate the approach taken in the associated land use policies. The second is that the community aspirations are shown in a different colour to the land use policies. The third is that the aspirations have a different numbering system to that used for the policies.
- 7.165 I am satisfied that the community aspirations are distinctive to the neighbourhood area. The following aspirations are particularly noteworthy:
- the roll out of superfast Broadband;
 - safeguarding community assets;
 - a 20-mph zone;
 - the provision of electric vehicle charging points; and
 - pedestrian and traffic safety measures.

Other matters – General

- 7.166 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However, other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for WODC and CTC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Charlbury Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to West Oxfordshire District Council that, subject to the incorporation of the modifications set out in this report, the Charlbury Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by West Oxfordshire District Council on 17 September 2014.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in an efficient manner. The responses to the clarification note were commendably detailed.

Andrew Ashcroft
Independent Examiner
19 January 2021