

## Planning and Strategic Housing

### Planning Policy

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Astrid Harvey  
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Date 25 October 2022

Dear Astrid,

### **Milton-under-Wychwood (Pre-submission Draft) Neighbourhood Plan - Regulation 16 consultation**

Thank you for the opportunity to comment on the pre-submission draft of the Milton-under-Wychwood Neighbourhood Plan 2031.

Overall, this is a well-written, beautifully illustrated, clear, structured document which appears to be well justified by evidence gathered as part of the extensive public consultation undertaken, the analysis of statistical information and the use of local knowledge. I wish to congratulate the Steering Group (NPSG) and Parish Council on their efforts to involve all members of the community.

In February 2022, the District Council made comments to the draft neighbourhood plan as part of the Regulation 14 consultation. As virtually every comment we made has been taken on board in the latest draft of the Neighbourhood Plan, I only have a few minor observations to make which I set out below, following the sequence of the plan.

**Section 1**, Introduction, provides a succinct context of the neighbourhood plan, providing more detail in the accompanying Consultation Statement and Basic Conditions Statement. One of the basic conditions is that the neighbourhood plan must be in general conformity with the strategic policies of the development plan. The Statement clearly sets out how the Parish Council considers each of the draft Neighbourhood Plan policies conform to the National Planning Policy Framework and Planning Practice Guidance and to the policies within the adopted West Oxfordshire Local Plan 2031 and how the Plan contributes to sustainable development.

**Section 2** now explains how neighbourhood plan fits into the planning system, identifying the West Oxfordshire Local Plan and the Oxfordshire Minerals and Waste Local Plan, as well as Supplementary Planning Documents and the Cotswolds AONB Management Plan and related guidance documents. (The Cotswolds AONB is now rebranded as the Cotswolds National Landscape.)

It is good to see the recognition, in paragraph 2.3, that the neighbourhood plan will need to be monitored and possibly revised in due course. The review of both the West Oxfordshire Local Plan and the Council Plan has begun (<https://westoxon.gov.uk/planning-and-building/planning-policy/local-plan-2041/>) and work on refreshing the Cotswolds National Landscape (AONB) Management Plan is about to begin.

**Section 3** briefly describes the history and evolution of the parish, usefully highlighting the different areas' characteristics. I note that the NPSG have identified over thirty non-designated heritage assets. The District Council's Conservation Architect provided a number of comments on the draft neighbourhood plan, is pleased with the changes that have been made and supports the approach taken in the pre-submission document.

**Section 4** provides further information on the planning and development context of the parish. Paragraph 4.3 looks specifically at housing development and refers to there being a 5.3 year housing land supply. However, following a recent appeal decision in relation to land at Burford, at the present time, the District Council acknowledges that it is unable to demonstrate a 5-year supply of deliverable housing land. The effect of this is the engagement of the 'tilted balance' of the NPPF (paragraph 11d), whereby relevant policies of the Local Plan are classed as out of date and thus able to be afforded less weight and there is a presumption in favour of permission being granted. The NPPF does identify two exceptions to this: where there would be significant and demonstrable harms which would outweigh the benefits; and where the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed – such areas/assets include Areas of Outstanding Natural Beauty .

The District Council has employed a Senior Infrastructure Delivery Officer who is keen for those producing neighbourhood plans to consider local infrastructure and services and, in particular, the possible impacts of proposed development and requirements for supporting infrastructure. He suggested a policy for potential inclusion within neighbourhood plans. This was sent to the NPSG in February but with the observation that we realised that this may be too late their neighbourhood plan. I attach at Appendix I, for your information, the suggested approach to 'Developer contributions/planning obligations'.

Paragraph 4.1, Policy HI (Cotswolds) and Policy T4 contain minor typos.

The Sustainability Challenges for Milton-under-Wychwood are set out in **Section 5** of the Plan. Five key areas are identified and the challenges usefully summarised: conserving and enhancing the natural environment and village character; retail, services and economy; social and community infrastructure; traffic and parking; footpaths and greenspaces. It is recognised that these challenges will seek to be addressed through the Neighbourhood Plan Policies and/or community-led projects.

With regard to Alfred Groves Industrial Estate, reference is made to the expiry of the Article 4 Direction on the site restricting changes of use from office to residential use. In light of change in legislation and the introduction of new permitted development rights, the District Council is considering what action, if any, it could potentially take.

The Sustainability Challenges form the basis of the Neighbourhood Plan Vision, Objectives and Policies. The Vision and Objectives, grouped under the key themes, are set out in **Section 6** and the Policies in **Section 7**. The policies are presented under these themes,

with a useful summary table at the start of each theme setting out the policies and the relevant objectives.

Page 52 in the section on the Environment, talks about the emerging Local Nature Recovery Network and proposed policies of the Oxfordshire Plan 2050. In August 2022, however, the preparation of the Oxfordshire Plan was cancelled. For many issues, this has resulted in the abandonment of countywide policy research and studies. Much of the work on the natural environment continues and may well expand as a result of the formation of the Oxfordshire Local Nature Partnership in the summer 2022.

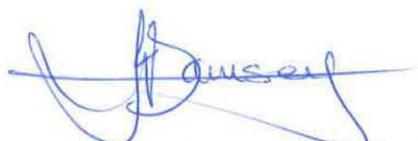
Natural environmental policies, Policy E1, Policy E2 and supporting text, provide a robust justification for the identification of blue-green corridors and important green spaces within the parish. The importance of the water environment, particularly water quality, is rightly highlighted. I wish to reiterate my comment made in February that the community should be proud of their aspiration and the projects underway locally which provide examples of good practice being shared nationally.

Policy F3 sets out to protect and improve buildings and areas for recreation and play. The second paragraph reads: 'Changes of use or loss of buildings and areas currently designated for recreation and play will not be supported.' Both Local Plan Policy EH5 and the NPPF (paragraph 99) include a number of provisos, such as: '... unless ... the loss ... would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location'. Should a similar approach be added to Policy F3?

It is good to see the recognition of the need for the implementation and monitoring of the plan in **Section 8**. The potential changes to the planning context of the Neighbourhood Plan are set out, including the emerging Oxfordshire Plan 2050 (work on which has already ceased), the review of the West Oxfordshire Local Plan (underway), the potential change to the administration of the Cotswolds National Landscape and the Government's plans to reform planning.

I hope these comments are useful to the examination process. Should you require any additional information or clarification, please let me know.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'A. Dawson', written over a horizontal line.

Principal Policy Planner

### **Developer contributions/planning obligations – guidance for neighbourhood plans**

Proposed development has the potential to impact on the local environment and place pressure on local services and facilities. New development should contribute positively to the local environment and be supported by appropriate infrastructure.

Not only should new development be properly served in respect of essential day-to-day infrastructure required by the occupants but it should also minimise the impact upon existing infrastructure. This is a key requirement of the West Oxfordshire Local Plan 2031.

Planning Practice Guidance in relation to neighbourhood planning recognises the ability of Neighbourhood Plans to identify the need for new or enhanced infrastructure, but requires them to prioritise the infrastructure requirements and ensure that any requirements do not undermine the deliverability of the plan in terms of viability.

Provision of the necessary physical and community infrastructure arising from proposed development should therefore be an important consideration for a Neighbourhood Plan, identifying where appropriate and justified a wide range of potential infrastructure requirements.

Funding for new infrastructure can be provided through developer contributions in a number of ways including planning obligations (e.g. Section 106 legal agreements) and the Community Infrastructure Levy (CIL).

Planning obligations towards supporting infrastructure have to meet the following tests of being:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

Whilst West Oxfordshire District Council has not yet introduced a Community Infrastructure Levy (CIL), it will be doing so later in 2022/23. CIL is a more general charge placed on development, such as new homes, which is applied according to the scale and type of development. The funds are used to help fund a broad range of supporting infrastructure and are not tied to a particular development.

In order to mitigate the impacts of new development a Neighbourhood Plan could, where appropriate, include a policy to emphasise the provision of infrastructure and financial contributions from developer funding/developer contributions.

Set out below is some suggested wording which you may like to consider including within the Neighbourhood Plan to help ensure that where appropriate, any new development makes appropriate provision through developer contributions.

***Where policies in this plan require contributions to community infrastructure, they will be made through Section 106 agreements and/or the Community Infrastructure Levy (CIL) where applicable in accordance with Policy OS5 of the West Oxfordshire Local Plan 2031 (adopted September 2018) and once adopted, the District Council's Developer Contributions Supplementary Planning Document (SPD).***