

Charlbury Neighbourhood Development Plan

Independent Examiner's Clarification Note

Context

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan responds positively and comprehensively to an interesting set of issue in the neighbourhood area. In particular it takes proper account of its natural (the Cotswolds AONB) and man-made (conservation area and other heritage assets) characteristics.

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise some initial issues for clarification with the Town Council.

The comments that are made on these points will be used to assist in the preparation of my report. They will also inform any potential modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

Policies CH1/CH2

In my judgement these policies are not in general conformity with the strategic policies in the West Oxfordshire Local Plan. In particular Policy CH1 takes a more restrictive approach than that of the equivalent policy in the Local Plan. In these circumstances I will need to recommend modifications to remedy the matter.

Does the Town Council have any comments on the suggested reworking of the policies in the District Council's representation?

Policy CH5

On what basis has the Town Council sought to exempt certain categories of housing from the national right to buy?

In any event is the second part of the policy necessary given that it is a supporting statement rather than a policy in its own right?

Policy CH7

Is the policy necessary given that it restates the approach in the West Oxfordshire Local Plan?

Policy ECT2

The approach in this policy now has the potential to be affected by the contents of the Use Classes Order 2020 (as enacted in September 2020). I am minded to recommend modifications accordingly.

Does the Town Council have any comments on this proposition and on the extent to which the policy objectives remain applicable and practicable in the context of changes to national policy?

Policy ECT3

As I read the policy its focus is on supporting local facilities that will assist people working from home rather than directly on home-working. I am minded to recommend modifications to the policy on this basis.

Does the Town Council have any comments on this proposition?

Policy ECT6

I can understand the basis of the policy. However, in my judgement it is overly-complicated and repetitive. I am minded to recommend modifications to remedy these matters.

Is the policy's approach that play facilities should be delivered on-site unless circumstances (such as the size of the site or maintenance implications) suggest that a contribution towards off-site improvements of an existing facility would be the more appropriate outcome?

Policy ECT7

I saw the parking issues in the historic core as part of my visit.

Is the third part of the policy intended to refer to proposals for new public car parking facilities?

Policies ECT 9-15

Having visited the neighbourhood area I can appreciate the package of policies which have designed on these traffic and movement matters. However, the Town Council's comments on the following two matters would be helpful.

Firstly, should the approach towards developer contributions be more explicitly linked to the Community Infrastructure Levy regulations? In particular Regulation 122 requires 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.

Secondly is Policy ECT 14 effectively a specific instance or example of the more general approach to accessibility as addressed in Policy ECT9?

Policy NE2

I saw the importance of the identified views.

However, the policy leaves a degree of uncertainty about the views to be protected as the identified views are highlighted as examples

How does the Town Council anticipate that the District Council would be able to implement the policy on a consistent fashion throughout the Plan period?

Policies NE5/NE6

The policies are both comprehensive and well-considered.

I am however minded to relocate various elements of context and elaboration to the supporting text. Does the Town Council have any comments on this proposition?

Policy NE7

Looked carefully at the proposed local green spaces (LGSs) during my recent visit to the town.

The Assessment at Appendix E is very helpful.

Nevertheless, please can the Town Council advise about the size of the following proposed LGSs:

LGS5/LGS9/LGS15/LGS16

In addition, please can the Town Council comment on the way in which it assessed the additional benefits that would arise from the designation of each of the proposed LGSs given the geographic extent of the Cotswold AONB and the Charlbury Conservation Area (as required by Planning Practice Guidance 37-011-20140306)?

In particular how would this analysis apply to LGSs 4/8/15/16/18/20 where these issues have been raised by the site owners earlier in the plan-making process?

Policy HE1

Is there a specific reason why the policy takes a more specific approach to that for non-designated heritage assets as set out in paragraph 197 of the NPPF?

Representations

Does the Town Council have any comments on the representations made to the Plan?

In particular does the Town Council have any comments on the following representations made to the Plan (other than where they have already been raised on a policy-by-policy basis elsewhere in this note)?

- HDH Wills 1965 Charitable Trust; and
- West Oxfordshire District Council (mainly the CH policies).

Protocol for responses

I would be grateful for comments from the Parish Council by 26 November 2020. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please could it all come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Charlbury Neighbourhood Development Plan.

3 November 2020

