

North Hinksey Neighbourhood Development Plan 2019-2031

**A report to Vale of White Horse District Council on
the North Hinksey Neighbourhood Development
Plan**

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Executive Summary

- 1 I was appointed by Vale of White Horse District Council in April 2019 to carry out the independent examination of the North Hinksey Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 20 April 2019.
- 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 general and the Green Belt in particular. It proposes the designation of a suite of local green spaces. It also includes a policy on locally important views. It includes a series of bespoke policies on housing and employment matters.
- 4 The Plan has been significantly 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 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
30 July 2019

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the North Hinksey Neighbourhood Development Plan 2019-2031 ('the Plan').
- 1.2 The Plan has been submitted to the Vale of White Horse District Council (VWHDC) by North Hinksey Parish Council 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) in 2012, 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 its distinctive local character and promoting housing and employment development to meet the specific needs of the neighbourhood area.
- 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 VWHDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the VWHDC and the Parish Council. 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 System.

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.

The Basic Conditions

- 2.5 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; and
 - contribute to the achievement of sustainable development; and
 - 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).

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.10 of this report.

- 2.6 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.
- 2.7 In order to comply with the Regulations VWHDC produced a screening report in June 2018. It indicates that the Plan is not likely to have any likely significant effects on the environment. The report is both comprehensive and thorough. The necessary engagement with the consultation bodies was undertaken and their responses are included within the report.
- 2.8 VWHDC also prepared a Habitats Regulations Assessment (HRA) screening report on the Plan. This report is also thorough, comprehensive and professionally-prepared. It concluded that the Plan was not likely to have any significant effect on a European site. In reaching this conclusion it assessed the impact of the implementation of the Plan's policies on the Cothill Fen SAC and the Oxford Meadows SAC.
- 2.9 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. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. 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.
- 2.10 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. 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 this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the Plan I am also 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.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

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

- the submitted Plan and its various appendices.
- the Basic Conditions Statement.
- the Consultation Statement.
- the VWHDC Screening Report.
- the representations made to the Plan.
- the Parish Council's responses to my Clarification Note.
- the Vale of White Horse Local Plan 2011
- the Vale of White Horse Local Plan 2031 Part 1
- the Vale of White Horse Local Plan 2031 Part 2.
- the reports to the VWHDC Cabinet and Council (February 2019) on the Adopted Policies Map;
- the National Planning Policy Framework (February 2019).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 20 April 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection 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.

3.4 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 February 2019. The NPPF has been updated recently and transitional arrangements were introduced to address emerging plans. For clarity all references to paragraph numbers within the NPPF in this report are to those in the 2019 version.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control 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 is very thorough and comprehensive. It includes a very detailed assessment of the consultation undertaken as part of the various stages of Plan production. It helpfully reproduces details of the various consultation and engagement events which took place during the plan-making process.
- 4.3 The Statement sets out details of the comprehensive range of consultation techniques that were used during the preparation of the Plan. It provides details about:
- the establishment of the Steering Group and the various working parties (October 2014);
 - the questionnaire for local residents and businesses (November 2014);
 - the establishment of a dedicated website;
 - the organisation of public feedback events;
 - the engagement exercises (October/November 2017); and
 - the organisation of specific events within the pre-submission consultation exercise.
- 4.4 The Statement also comments about how its key policies were influenced by a variety of engagement sessions private and public bodies.
- 4.5 Appendix 8 provides specific details on the consultation processes that took place on the pre-submission version of the Plan (June-July 2018). It does so in a very thorough and effective way. It helps to describe the evolution of the Plan.
- 4.6 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.
- 4.7 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. In proceeding with the examination VWHDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council. It ended on 27 March 2019. Comments were received from the following persons and organisations:

- Cumnor Parish Council
- Historic England
- VWHDC
- Oxfordshire County Council
- Woolf Bond
- David Wyatt
- Oxford University
- Oxford Brookes University
- National Grid
- Natural England
- Gladman Developments Limited

4.9 Where it is relevant to do so I make specific reference to the various representations later in this report where I assess the Plan against the basic conditions.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the of parish of North Hinksey. It is located to the immediate west of the City of Oxford. The A34 runs through the neighbourhood area in a north to south-east direction. It creates distinctive parts of the neighbourhood area. Its northern and southern parts are within the Oxford Green Belt. The Plan indicates that its population in 2016 was 4,750 persons. It was designated as a neighbourhood area on 17 June 2015.
- 5.2 The neighbourhood area is one of great interest and contrasts. At its heart is the urban area of Botley. It sits on either side of Botley Road/West Way, one of the main arterial roads leading into Oxford. The area off Botley Road to the east of the A34 is primarily in commercial use. Botley expanded significantly between 1918 and 1961 and this heritage and character continues to define much of the neighbourhood area.
- 5.3 The other parts of the neighbourhood area are more open and less intensively developed. The traditional village of North Hinksey sits to the north-east of the A34. It has retained its character and appearance. Its position within the Green Belt has also helped to retain its separation from Oxford to the east. The Oxford Brookes University Harcourt Hill campus is located in the southern part of the neighbourhood area. It includes a core of academic buildings and student accommodation together with a sports centre and extensive playing fields.

Development Plan Context

- 5.4 The Vale of White Horse Local Plan (Part 1): Strategic Sites and Policies (LPP1) was adopted in December 2016. It sets out the basis for future development in the District up to 2031. All of the policies in this part of the Local Plan are strategic policies of the development plan (see paragraph 2.5 of this report). A number of policies in the Vale of White Horse Local Plan 2011 will remain as saved policies until such time as Part 2 of the Local Plan 2031 has been adopted. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan.
- 5.5 The following policies in the LPP1 are particularly relevant to the submitted Plan:

Core Policy 3	Settlement Hierarchy
Core Policy 4	Meeting our Housing Needs
Core Policy 9	Harcourt Hill Campus
Core Policy 13	The Oxford Green Belt
Core Policy 22	Housing Mix
Core Policy 34	A34 Strategy
Core Policy 37	Design and Local Distinctiveness
Core Policy 39	The Historic Environment
Core Policy 40	Sustainable Design and Construction
Cote Policy 44	Landscape

Core Policy 45	Green Infrastructure
Core Policy 46	Conservation and Improvement of Biodiversity

The neighbourhood area is located within the Abingdon-on-Thames and Oxford Fringe Sub-area in the LPP1. In Core Policy 3 Botley is identified as a Local Service Centre and North Hinksey village as a Smaller Village.

- 5.6 The submitted Basic Conditions Statement properly assesses the policies in the submitted Plan against development plan policies. It comments that the policies in the Neighbourhood Plan support the settlement hierarchy by promoting levels of facilities, services and local employment within the Botley part of the neighbourhood area appropriate to its identification as a Local Service Centre.
- 5.7 The emerging Local Plan 2031 Part 2 (LPP2) was submitted for its own examination on 23 February 2018. It adds to the detail already set out in the LPP1. Main Modifications to the Plan were published for consultation on 18 February 2019. The LPP2 has a specific focus on policies and locations for housing to meet the District's proportion of Oxford's housing needs up to 2031 which cannot be met within the City boundaries. The Planning Inspector's final report on LPP2 was sent to VWHDC on 25 June 2019.
- 5.8 The submitted 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 carried out an unaccompanied visit to the Plan area on 20 April 2019. I was fortunate in selecting a dry and pleasantly warm day.
- 5.10 I drove into the neighbourhood area from the A34 to the north. This provided a helpful introduction into the wider context of the neighbourhood area in general, and its location in relation to the Oxford urban area in particular. I immediately saw the concentration of commercial activities along the Botley Road.
- 5.11 I looked initially at the village centre of North Hinksey. I saw the way in which the character and appearance of the neighbourhood area changed dramatically as I drove along North Hinksey Lane. I saw an attractive range of vernacular buildings including Ruskin Cottage, The Fishes and the Old Manor House. I saw the prominence of St Lawrence Church in the heart of the village. I continued along the road to the tennis and rugby club sites. Whilst I was in this part of the neighbourhood area, I looked at the proposed local green spaces off North Hinksey Lane.
- 5.12 I then drove along Westminster Way and Harcourt Hill to the Oxford Brookes University campus. In doing so I saw the way in which this part of the neighbourhood area was significantly higher than Botley and North Hinksey. I saw the various academic and

student accommodation buildings. I saw the public transport access to and from the campus. I also saw that several students braving the gradient as they walked to the campus.

- 5.13 I then drove to Lime Road so that I could see some of the proposed local green spaces and the locally important views. I saw some of the distant views to the east into the City of Oxford. I looked at the recent residential development off Ruskin Drive. I saw the very effective way in which it connected both into the university campus and the Upper Louie Memorial field.
- 5.14 I then walked down the hill to West Way. I saw the significance of the road and its relationship to Oxford. It helped me to understand some of the transport policies in the Plan in a clearer fashion. I also saw the range of local shops and commercial services off Elms Parade and the way that they were being used by local residents.
- 5.15 I then looked at the development of Westway Place. Its combination of mixed-use facilities, student accommodation a hotel and residential units will further reinforce the sustainability of the Botley commercial centre throughout the Plan period. I then took the opportunity to walk around the commercial units to the north and to the south of the Botley Road to the east of the A34. I saw a very eclectic range of businesses. The Seacourt Tower Retail Park was very popular.
- 5.16 I finished my visit by looking at the western parts of the neighbourhood area off both Eynsham Road and Cumnor Road. I saw the way in which the residential development took advantage of the rising levels and generally was set in larger plots. I drove to Cumnor. This helped me to understand the wider landscape setting of the neighbourhood area.

6 The Neighbourhood Plan as a whole

- 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, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the North Hinksey Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and Part 1 of the Local Plan 2031 and the saved elements of the 2011 Local Plan;
 - 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 including protecting Green Belts;
 - always seeking to secure 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
- 6.5 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 13 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.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 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 includes a series of policies that seek to ensure that its character and appearance are safeguarded. It includes specific policies

on locally important views, on drainage matters and on the Harcourt Hill Campus of the Oxford Brookes University. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.8 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 (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID: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.
- 6.9 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

- 6.10 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 to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies on housing development and house types (HS1-6), for business development (EE1-4) and on the Harcourt Campus site (Policy BU1). In the social role, it includes policies on leisure and social facilities (SI1) and on a range of transport improvements (TR1-5). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on local green spaces (GS1), biodiversity (GS2) and on locally important views (GS3). The Parish Council's assessment of this matter is set out in the Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Vale of White Horse District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Local Plan 2031 Part 1. Subject to the incorporation of the package of recommended modifications included within this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

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 the various policies 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 neighbourhood area. The wider community and the parish council 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 (41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. The Plan also includes a series of Community Actions
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. 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.
- 7.6 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 sections of the Plan

- 7.7 The Plan has been prepared to a high standard. It is thorough in the way it addresses the issues important to the area. It makes an appropriate distinction between the policies and their supporting text. It also ensures that the vision and the objectives for the Plan set the scene for the various policies.
- 7.8 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. The Introduction is particularly effective in the way in which it comments about the context to the Plan, the challenges faced along the way and the process followed. It includes general information on the neighbourhood area, its close association with Oxford City and details about its population.
- 7.9 The Introduction also comments about the development of the Plan. This overlaps with the more detailed information in the Consultation Statement.
- 7.10 Section 2 comments about the Plan's Vision and Objectives. It is also well-constructed. It describes how the Vision and the Objectives of the Plan were developed. Its key strength is the way in which the objectives directly stem from the Vision.

- 7.11 Section 3 identifies the major factors which have impacted on the overall strategy of the Plan. It provides a helpful and distinctive context to the national and local planning policies.
- 7.12 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 and 7.6 of this report.

Policy HS1 Characteristics of New Housing

- 7.13 This policy sets out the Plan's overarching approach to the development of new housing. It requires that new developments should respect and enhance the character of the area in which they are located and take account of the scale, grain and alignment of building footprints. It takes positive account of both the VWHDC Design Guide and the North Hinksey Parish Character Assessment.
- 7.14 In general terms the policy is appropriate to the neighbourhood area and meets the basic conditions. I recommend a series of detailed word changes so that the policy has the clarity required by the NPPF and is capable of being applied consistently through the development management process.

In the first sentence replace 'will' with 'should'

In the second and third sentences replace 'must' with 'should'

Policy HS2 Low Rise Housing Design

- 7.15 This policy continues the approach included in Policy HS1. It has a specific focus on ensuring that any new housing should reflect the predominantly low-rise character of the neighbourhood area. In particular it sets out specific guidelines about identified Character Areas, in Botley centre, and on building heights.
- 7.16 The initial part of the policy includes an assertion that the development of low-rise housing design will 'promote a balanced community'. This may well be the case. However, this issue is not directly a planning policy. On this basis I recommend that it is deleted from the policy.
- 7.17 I also recommend detailed modifications to the wording in the policy on building heights so that they incorporate appropriate policy wording.

In the opening part of the policy delete 'and promote a balanced community'

In the detailed bullet points 1 and 3 replace 'is not to' with 'should not'

Policy HS3 Housing Density

- 7.18 This policy specifically refers to housing densities for proposed new development. It overlaps significantly with Local Plan Core Policy 23 on this matter and takes a complementary approach. It identifies two parts of the neighbourhood area where significantly higher densities would be supported.

- 7.19 The policy takes a responsible approach to this matter. In particular it will ensure that the best use of urban land is achieved. However, its opening section is largely descriptive rather than directly taking a policy approach. In addition, the second section on specific parts of the neighbourhood area simply encourages higher density rather than offer such proposals support in policy terms. Whilst this approach was appropriate in the context of the preparation of the LPP1 a more detailed approach is needed in a neighbourhood plan. I recommend modifications to address these matters. Otherwise the policy meets the basic conditions.

Replace the opening part of the policy with: ‘New housing developments will be supported where they incorporate a minimum density of 30 dwellings per hectare (net) unless specific local circumstances indicate that this would have an adverse effect on the character of the area, highway safety or the amenity of neighbours.’

Replace the initial component of the second part with: ‘New housing developments will be supported at densities above the minimum figure identified in the first part of this policy in the following locations’

Policy HS4 Flexibility, Future-Proofing and Sustainable Design

- 7.20 This policy relates to the flexibility and the future-proofing of proposed new housing development. It cross-refers to other policies in the submitted Plan (Policy TR2- Parking, Access and Electric Vehicle Charging and Policy UT2 Sustainable Design, Energy Efficiency and Renewable Energy). In addition, it offers particular support to proposals which would:

- allow homeworking;
- provide flexible and adaptable spaces;
- incorporate smart technology; and
- incorporate green roofs/sustainable means of water retention.

- 7.21 I am satisfied that the policy is appropriate to the neighbourhood area and meets the basic conditions in general terms. It is an important part of the way in which the Plan seeks to bring forward sustainable development.

- 7.22 I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF. Otherwise it meets the basic conditions.

In the opening part of the policy replace ‘are required to’ with ‘should’. Thereafter end the sentence after ‘energy efficiency’.

Replace the remainder of the opening part of the policy with ‘Proposals for new housing which include any of the following features will be particularly supported’

Policy HS5 Balance of Housing Types

- 7.23 This policy supports developments which would be principally designed to meet one or more of a series of identified local housing needs. They include those of older persons, younger persons and key workers.
- 7.24 The policy is both supportive and non-prescriptive. Plainly housing needs may change during the Plan period. On this basis I recommend that the policy includes an element that requires any proposals to submit an assessment of the need to be met by its proposed development. Otherwise it meets the basic conditions.

As a separate section at the end of the policy add: ‘Proposed developments should demonstrate through appropriate and up-to-date evidence the way in which they address local housing needs in the neighbourhood area’.

Policy HS6 Housing in Conservation Areas and on Land released from the Green Belt

- 7.25 This policy addresses two separate issues – housing in conservation areas and land released from the Green Belt. On the latter issue the Plan seeks to establish general design principles for land which may be released from the Green Belt
- 7.26 I recommend the deletion of the element of the policy on Green Belt releases. It is not specific to any part of the neighbourhood area and therefore does not have the clarity required by the NPPF. In any event the NPPF is clear that changes to Green Belt boundaries should be addressed in Local Plans and not in neighbourhood plans. In addition, the general matter of the potential release of such land from the Green Belt is satisfactorily addressed in the sixth part of paragraph 4.1.4.
- 7.27 I have considered carefully the way in which the other element of the policy on housing in conservation areas meets the basic conditions. On balance I am not satisfied that this is the case. The LPP1 includes a comprehensive policy on development in conservation areas and there is no need for a neighbourhood plan to repeat national or local policies. In addition, the requirements in the submitted policy for design competitions for larger developments are both onerous and beyond the control of VWHDC in any event. As such I also recommend the deletion of this part of the policy. I also recommend consequential modifications to the supporting text.

Delete the policy.

In the sixth section of paragraph 4.1.4.6 delete the second and third sentences.

Policy EE1 Flexible Design and Mix of Business Types

- 7.28 This policy seeks to encourage the flexible design of business premises and a mix of business types. It has three related components. The first supports new businesses where they are flexible in design in order to attract a wide range of businesses. The second supports new development where it would result in its clustering with existing businesses in the area. The third aspect of the policy requires any such proposals to conform to the Community Action later in the Plan which seeks to establish a single business identity for the local area

- 7.29 The first two components meet the basic conditions.
- 7.30 In the third part of the policy there is immediate tension between referencing a community action in a land use policy. By definition the various community actions are not included in the main body of the Plan as they are not land use policies. As such I recommend the deletion of this aspect of the policy. It remains elsewhere in the Plan appropriately as a community action (CAEE2).

Delete the third component of the policy.

Policy EE2 Key Principles of New Employment Development

- 7.31 This policy sets out key principles that will apply to the development, the redevelopment or the intensification of existing employment sites. The principles include matters such as promoting business clusters, improving air quality and ensuring new superfast communications.
- 7.32 The issues included in the policy are both appropriate and distinctive to the neighbourhood area. However, the policy is not a policy as its focus is on the issues to be addressed in employment development proposals. I recommend a modification to address this matter. It affects the opening part of the policy and provides support to proposals for employment development where it would deliver the principles included in the policy.
- 7.33 I also recommend that the process issues included in the submitted policy are repositioned into the supporting text

Replace ‘will need to address.... separate evidence’ with ‘will be supported where they deliver the following principles as appropriate to the development concerned’

At the end of the second paragraph of section 4.2.3.6 add: ‘Policy EE2 sets out a series of principles which proposals for employment development should seek to incorporate as appropriate to their scale and design. They should be included with the details of the proposal at the planning application stage either through the design and access statement or through the production of separate evidence’

Policy EE3 Designated Sites for Business Use

- 7.34 This policy is at the heart of the Plan’s approach to safeguarding employment development in the neighbourhood area. It identifies twelve sites which it proposes to designate as ‘sites for business use’. Some of the sites are identified as strategic employment sites in the LPP1. There is a degree of tension between the submitted policy and the supporting text in paragraph 4.2.3.2.2. The former refers to sites being maintained ‘primarily for that purpose’. The latter comments that the policy ‘does not allow any reduction in the provision of employment floorspace for strategic employment sites. I recommend a modification to the supporting text to remedy this matter. I also recommend an associated modification to the initial part of the policy. Its reference to ‘primarily be maintained for that purpose’ does not have the clarity required for a

development plan policy. In any event the policy's approach is properly addressed in the criteria within the policy.

- 7.35 The remainder of the policy seeks to resist proposals for non-employment use other than where one of a series of specific local exceptions are met. They include ambitious proposals for a smart centre focusing on professional services and IT companies, and to meet type 1 or type 2 service needs as identified in the Plan. The final section of the policy also identifies two other specific vehicle technology facilities which would be supported in the designated sites for business uses.
- 7.36 I am satisfied that the ambitions of the policy meet the basic conditions. In particular the proposed sites for business use have been well-chosen and are distinctive to the neighbourhood area both in general terms, and given its position to the immediate west of Oxford in particular. I recommend detailed modifications to the wording used in the first and second parts of the policy insofar as they relate to the safeguarding of existing employment uses and in the support for the package of other uses that would be supported. In particular I recommend the deletion of the first criterion in the policy that refers to the need for an independently assessed business plan showing improvements to the financial, social and environmental productivity and sustainability of the site. VWHDC comments that this approach would be difficult to apply through the planning application process. I agree with its comments. Whilst the overall ambitions of the policy would be retained the structure of the policy would have the necessary clarity. As a result, it would be capable of clear and consistent application by VWHDC during the Plan period.

In the opening part of the policy delete 'and should.... that purpose'

In the second part of the policy replace 'Applications requesting.... sites for business use' with 'Proposals for the use of buildings and premises within the identified sites for business uses for non-business use'

Delete criterion a)

In criterion e) replace 'nett' with 'net'

In paragraph 4.2.3.2.2 delete 'and does not allow.....employment sites'

Policy EE4 Child Care Facilities

- 7.37 This policy supports proposals for new child care facilities on or in close proximity to land designated for business purposes (and as defined in Policy EE3).
- 7.38 It meets the basic conditions.

Policy TR1 Cyclists, Pedestrians and Public Transport

- 7.39 This policy requires that development proposals should provide a range of facilities to assist with sustainable transport. They include providing safe access for pedestrians and cyclists, providing secure bicycle storage and making contributions towards wider public transport facilities.

- 7.40 As worded the policy would apply to all development proposals. Given that the majority of new development in the Plan period will be of a minor/domestic nature I recommend a modification to the policy so that it would apply in a proportionate way based on both the location and the scale of the development proposed.
- 7.41 I also recommend modifications to the third and fourth criteria of the policy which require that proposals contribute towards wider transportation initiatives. Whilst this will apply to some larger proposals it will not apply to many others. In any event developer contributions need to relate to the Community Infrastructure Levy regulations which establish a direct link and relationship between the proposed development and the need or otherwise for a contribution to be made.

At the beginning of the policy add ‘As appropriate to their scale and location’

In the opening part of the policy replace ‘shall’ with ‘should’

In the third bullet point replace ‘contribute to and where appropriate deliver’ with ‘as appropriate contribute towards the provision of, or deliver,’

In the fourth bullet point replace ‘require that contributions are sought from developments for’ with ‘as appropriate contribute towards the provision of, or deliver,’

Policy TR2 Parking, Access and Electric Vehicle Charging

- 7.42 This policy continues the approach taken in Policy TR1. In this case the focus is on parking, access and electric vehicle charging facilities.
- 7.43 As worded the policy would apply to all development proposals. Given that the majority of new development in the Plan period will be of a minor/domestic nature I recommend a modification so that it would apply in a proportionate way based on both the location and the scale of the development proposed. Otherwise the policy meets the basic conditions.

At the beginning of the policy add ‘As appropriate to their scale and location’

In the opening part of the policy replace ‘shall’ with ‘should’

Policy TR3 West Way junctions and traffic control

- 7.44 This policy offers support for improvements on any section of West Way. It is an important arterial road access leading into Oxford City.
- 7.45 Such improvements would be helpful within the neighbourhood area. However, they would be highways-related matters. Their delivery is beyond the planning system. As such I recommend a modification that replaces the policy with a further community action.

Delete the policy

Reposition the approach into the schedule of community actions (as CATR2).

Policy TR4 Connectivity

- 7.46 This policy continues the approach of Policy TR3. In this case it refers to wider proposals for public transport in central Oxfordshire in general, and for a rapid transit system to serve the West Way Shopping Centre in particular.
- 7.47 Such improvements would be helpful within the neighbourhood area. However, they would be highways-related matters. Their delivery is beyond the planning system. As such I recommend a modification that replaces the policy with a further community action.

Delete the policy

Reposition the approach into the schedule of community actions (as CATR3).

Policy TR5 A34 Improvements

- 7.48 This policy continues the approach of Policies TR3/4. In this case it refers to wider proposals to improve the A34 which runs through the heart of the neighbourhood area. The type of improvements envisaged are included in paragraph 4.3.1.3 of the Plan.
- 7.49 Such improvements would be helpful within the neighbourhood area. However, they would be highways-related matters. Their delivery is beyond the planning system. As such I recommend a modification that replaces the policy with a further community action.

Delete the policy

Reposition the approach into the schedule of community actions (as CATR4).

Policy SI1 Leisure and Social Facilities

- 7.50 This policy sets out a comprehensive approach to leisure and social facilities in the neighbourhood area. It has two related parts. The first identifies a series of such facilities and then applies a policy approach which would resist their change of use to other uses. The second part of the policy offers support to the development of new or extended leisure and social facilities in general, and in the built-up areas of Botley or within North Hinksey village in particular.
- 7.51 Oxford Brookes University comments that the Brookes University Harcourt Hill Campus (SF4 as identified in the policy) should not be considered as a social facility. It comments that the Campus is a private site that is run as a higher education institution. It is acknowledged that the sports facilities are opened for use by the general public in addition to their use by students and staff of the University. In its response to my clarification note the Parish Council comments that ‘...Brookes Sports provides a wide range of sports facilities for use by the wider community in addition to its own students, including some that would not otherwise be available anywhere else nearby (e.g. their swimming pool)’.

- 7.52 I looked at the Campus when I visited the neighbourhood area. I saw the way in which the sports facilities sat within the wider campus site. I also saw that they were being used during non-term time.
- 7.53 From the evidence available to me there is no fundamental disagreement on the facts of this matter. The sports facilities are opened for use by the general public in addition to their use by students and staff of the University. Nevertheless, leisure facilities at the Campus are effectively ancillary leisure uses associated with a university campus. On this basis I recommend that the reference to the campus in the policy (as a social facility) is deleted and replaced under a separate heading (Academic with ancillary leisure). In this context the remainder of the first part of the policy would continue to apply to the site.
- 7.54 Otherwise I am satisfied that the policy meets the basic conditions. It properly takes account of the importance of both the provision and the quality of the provision of leisure and social facilities in the neighbourhood area.

In the list of facilities remove both SF4 – Brookes University Harcourt Hill Campus and LF4 – Brookes Sport Harcourt Hill and insert ‘Brookes University Harcourt Hill’ under a new heading of ‘Academic with ancillary leisure’ and with a prefix AF1

At the end of paragraph 4.4.3.2.3 add: ‘The schedule of facilities included in Policy SI1 includes the Harcourt Hill Campus. It acknowledges that the leisure facilities at the Campus are ancillary leisure uses associated with a university campus.’

Policy UT1 Flooding and Groundwater

- 7.55 This policy sets out a comprehensive approach to flooding and groundwater. It has been significantly underpinned by a Groundwater Assessment commissioned by the Parish Council in July 2017.
- 7.56 It is a well-considered policy that is underpinned by detailed research. It meets the basic conditions.

Policy UT2 Sustainable Design, Energy Efficiency and Renewable Energy

- 7.57 This policy sets out a thorough and ambitious approach to these related matters on sustainable design and energy efficiency. The supporting text at section 4.5.2.2.3 provides a useful context to the matter in general, and to the approach in the EU Renewable Energy Directive.
- 7.58 The policy has various components as follows:
- developments should reduce carbon emissions by a minimum of 40% (of regulated energy use) compared with base business regulations;
 - non-residential proposals will be supported where they achieve a level of performance equivalent to BREEAM excellent or above; and
 - proposals for free-standing renewable energy projects will only be supported where they are for shared and community ownership.

- 7.59 Plainly the policy has been considered and developed within the wider context of the government's approach to this important matter. The supporting text and the policy reference a series of policy documents, including the emerging Local Plan in the City of Oxford. Nevertheless, in a neighbourhood plan context the test of a policy is against the basic conditions in general, and against national policy and the strategic policies in the development plan in particular.
- 7.60 National policy is principally set out in the NPPF. Paragraph 148-169 of this document set out how local planning authorities should adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk, coastal change and water supply and demand issues. The focus in the NPPF is on the role of local planning authorities rather than qualifying bodies for neighbourhood plans.
- 7.61 Planning Practice Guidance comments in significant detail about proposals for the generation of renewable energy. It comments in less detail about wider sustainable design and energy efficiency matters insofar as they apply more to general development. Paragraph ID:5-004-20140306 however comments that 'Neighbourhood plans are an opportunity for communities to plan for community led renewable energy developments. Neighbourhood Development Orders and Community Right to Build Orders can be used to grant planning permission for renewable energy development. To support community-based initiatives a local planning authority should set out clearly any strategic policies that those producing neighbourhood plans or Orders will need to consider when developing proposals that address renewable energy development. Local planning authorities should also share relevant evidence that may assist those producing a neighbourhood plan or Order, as part of their duty to advise or assist. As part of a neighbourhood plan, communities can also look at developing a community energy plan to underpin the neighbourhood plan.'
- 7.62 This approach is further reinforced in the ministerial statement of March 2015 which comments that local planning authorities and qualifying bodies preparing neighbourhood plans should consider their existing plan policies on technical housing standards or requirements and update them as appropriate, for example through a partial Local Plan review, or a full neighbourhood plan replacement in due course. Local planning authorities may also need to review their local information requirements to ensure that technical detail that is no longer necessary is not requested to support planning applications. It further comments that 'the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance. Neighbourhood plans should not be used to apply the new national technical standards.' In this context Core Policy 40 of LPP1 actively encourages developers to incorporate climate change adaptation and design measures within all new development. It includes a series of examples which overlap with the various matters within the submitted policy. In addition, Core Policy 41 of LPP1 supports proposals for renewable energy proposals. However, neither of these policies provide a strategic context for the development of the ambitious and challenging approach included in the submitted neighbourhood plan policy.

- 7.63 Taking account of all these matters I recommend that the policy is reconfigured so that it offers support to development proposals which go beyond the requirements in the Building Regulations. I also recommend that the final three paragraphs of the policy are deleted and repositioned into the supporting text. They have a descriptive role rather than a policy application. I also recommend consequential modifications to the supporting text.

Replace the policy with:

‘Development proposals which incorporate higher sustainable design, energy efficiency and renewable energy initiatives than those included in the Building Regulations at that time will be supported. Proposals which provide the highest standards of sustainable design and energy efficiency and/or renewable energy and heating sources will be particularly supported.’

Development proposals for free-standing shared and/or community renewable energy initiatives will be supported’

Delete the final two sentences of paragraph 4.5.2.2.1 and the final section of paragraph 4.5.2.2.2 (from ‘As new housing....to.... seeking high standards’).

At the end of paragraph 4.5.2.2.3.2 add: ‘Policy UT2 sets out a positive context within which sustainable and energy efficient developments can be assessed. It has been designed to be future-proofed throughout the Plan period in the event that the Building Regulations are changed.’

Thereafter add the final three paragraphs of the submitted policy.

Policy GS1 Local Green Spaces

- 7.64 This policy identifies a series of proposed local green spaces (LGSs). In doing so it makes appropriate reference to paragraphs 99-101 of the NPPF on this important matter. The NPPF indicates that the designation of LGSs allows local communities to rule out new development in such locations other than in very special circumstances. The supporting text comments about the particular character of the neighbourhood area and how this policy seeks to respond to this matter. It also makes appropriate reference to the North Hinksey Parish Character Assessment (January 2018).
- 7.65 The Parish Council has produced a separate assessment of the proposed LGS (Appendix G of the submitted Plan). It is a particularly effective document in the way in which it assesses the various sites against the NPPF criteria. It also includes detailed maps showing their boundaries. I looked at several of the proposed LGSs when I visited the neighbourhood area. I saw that in the majority of cases they are open spaces within residential areas or more substantial parks and recreation areas.
- 7.66 I am satisfied that the various sites comfortably meet the NPPF criteria.

- 7.67 The policy itself sets out to follow the matter of fact approach towards LGSs as included in the NPPF. Nevertheless, it includes both elements of supporting text and an attempt to identify potential ‘very special circumstances’ where development will be supported within the boundaries of the various designated areas. Whilst this approach was designed with the potential to be helpful throughout the Plan period it also has the ability either to encourage such development proposals to come forward or to exclude other similar proposals from being considered and/or supported.
- 7.68 To remedy this matter I recommend that the policy is simplified so that it follows the format anticipated by the NPPF. However, I recommend that the helpful suggestions which the Parish Council make about potential very special circumstances are incorporated into modified supporting text.

Replace the second part of the policy with: ‘Development will only be supported on the designated local green spaces in very special circumstances’

At the end of paragraph 4.6.3.1 add: ‘Policy GS1 designates various areas as local green space and applies the national policy approach in the NPPF. Plainly circumstances may arise during the Plan period where very special circumstances may exist and therefore support limited new development within the designated areas. This will be a matter of judgement for the District Council based on the evidence included in relevant planning applications. However, proposals which might be considered to be very special circumstances include those which are ancillary to the use of any of the sites for public recreational or community purposes or where replacement land and facilities of an equivalent size, quality and accessibility are provided as part of the wider development proposal’

Policy GS2 Biodiversity, Wildlife Corridors, TPOs and Tree Canopy Cover

- 7.69 This policy seeks to safeguard biodiversity, wildlife corridors and trees. It has been comprehensively prepared.
- 7.70 I recommend a modification to the wording of the opening element of the policy. The effect of the modification will be to introduce traditional policy wording and to apply the policy’s criteria as appropriate to the development concerned. The latter point recognises that different development proposals will have different impacts on biodiversity in the neighbourhood area.

Replace the opening part of the policy with: ‘Development proposals will be supported where they meet the following criteria as appropriate to their location in the neighbourhood area’

Replace criterion i. with: ‘they include initiatives that actively increase biodiversity, enhance natural habitats and enrich the quality of green spaces wherever practicable. Where planting schemes are included as part of the development, they should include the use of native species’

Policy GS3 Locally Important Views

- 7.71 This policy seeks to ensure that new development proposals take account of a series of locally important views. The background to the policy is set out in paragraphs 4.6.3.4 and 4.6.3.5. Map G.4 shows the views on a map base.
- 7.72 The policy is part policy and part process requirements. Its second part sets out a policy requirement that development should make a positive contribution to affected locally important views or have limited adverse harm on the views. Its first part sets out process requirements for the submission of a Visual Impact Assessment where there is a likely impact on the locally important views.
- 7.73 In general terms I am satisfied that the locally important views have been carefully chosen. They reflect detailed work and feedback from public consultation. In particular I am satisfied that they are public vistas.
- 7.74 The policy has attracted three representations. Oxford University considers that the policy should be deleted as there is insufficient evidence to support the approach towards locally important views. Gladman Developments comment that the policy must allow a decision-maker to come to a view as to whether particular locations contain physical attributes that would 'take it out of the ordinary' rather than selecting views which may not have any landscape significance and are based solely on community support. It concludes by suggesting that this element of the policy is deleted. David Wyatt suggests the deletion of views VP3/11/13.
- 7.75 I looked at the various locally important views when I visited the neighbourhood area. I have also taken account of the representations received to this policy. In this context I am satisfied that the selected views are sufficiently important within the wider neighbourhood area to warrant this approach. This is particularly so for the locally important views which incorporate views of the City of Oxford to the east. The work included in the appendix of the Plan is thorough and proportionate to the neighbourhood area and the intent of the policy. This is further refined in the recommended modifications.
- 7.76 However I recommend a series of modifications to the policy itself. In general terms they reverse the order of its two main components in the submitted policy. In specific terms the modifications ensure that any proposed new development should take account of any of the identified views which are affected by that development. As submitted the policy is designed to support schemes which would make a positive contribution to the identified views.
- 7.77 I also recommend that the viewpoints are directly listed in the policy and that Map G.4 is reproduced into the main part of the Plan. Whilst the information is contained within the appendices the Plan would have the clarity required by the NPPF by having all this important information in the same place. I also recommend the correction of an error in the numbering of the Views on Map G.4.

Replace the policy with:

‘The Plan identifies the following Locally Important Views and as shown on Map [Insert number]

[List the various views with their VP reference numbers]

Development proposals should take account of the Locally Important Views insofar as they would be affected by the proposed development.

Development proposals which would have an unacceptable detrimental impact on an identified Locally Important View will not be supported

Development proposals which would make a positive contribution to an identified Locally Important View will be supported.

Proposed developments which have the potential to have a detrimental impact on a Locally Important View should be accompanied by a Visual Impact Assessment which addresses the impact of the proposal on any of the identified Views’

Reproduce Figure G.4 within the Plan itself.

On Figure G.4 correct VP16 to read VP15.

Policy BU1 Oxford Brookes University Harcourt Hill Campus

- 7.78 The Oxford Brookes University (OBU) Campus at Harcourt Hill is a key part of the social and educational fabric of North Hinksey. It also occupies an extensive parcel of land in the higher part of the neighbourhood area.
- 7.79 The policy has an unusual structure. It is based on providing more detailed advice to all concerned, including OBU, on the development of a masterplan for the Campus. The broader matter of a masterplan is contained in Core Policy 9 of the LPP1.
- 7.80 In detail the policy requires that the masterplan should:
- be prepared to a suitable standard for adoption as a Supplementary Planning Document;
 - include a traffic assessment and travel plan for the scale of development proposed;
 - include a landscape and tree planting strategy; and
 - include a flood risk assessment and drainage strategy
- 7.81 Within this context the policy offers support to development which would:
- contribute towards sustainable modes of transport which access the campus, does not increase the number of car parking spaces on the Campus and will not result in a significant (20%) increase in student, staff and the general public travelling to the site; and

- deliver new housing or student accommodation on the site where they would be used by students or staff at OBU and will be predominantly for the use of staff and students principally assigned to work or study on the campus.

7.82 I have considered this policy carefully. In doing so I have taken into account the representation made by OBU, the comments from VWHDC and the Parish Council's response to my clarification note. It is clear that the Parish Council has put a significant amount of time and effort into the policy in the submitted Plan. At the same time the Plan provides evidence about the way in which the community has supported the development of the policy approach.

7.83 Nevertheless I have significant reservations about the way in which the policy has regard to national policy and is in general conformity with the development plan. I set out these concerns in the following sections of this report.

7.84 In terms of its relationship with national policy the submitted policy raises two issues. The first is its lack of clarity on the element on the occupancy of any new housing on the site. It does not define the 'predominantly' for the use of staff and students assigned to work or study at the campus. This would be impractical for OBU to keep up-to-date and accurate records and for VWHDC to monitor and to take any enforcement action where necessary. The second is the lack of any reference to the wider implications of the policy on the viability of development. For example, the need for future development to contribute towards sustainable modes of transport and not to increase car parking on the wider campus may have significant implications on the overall efficiency and viability of proposed developments.

7.85 In terms of its relationship with strategic policies in the development plan the submitted policy raises the following issues:

- the requirement for any master plan to be produced to a standard suitable for adoption as a supplementary planning document is beyond the requirements in Core Policy 9 of the LPP1 without any justification;
- the restrictions proposed on the number of car parking spaces on the campus extend beyond the general approach included in Core Policy 9 without any compelling evidence to warrant such an approach; and
- the restrictions on the numbers of student, staff and other persons travelling to the site is artificial and fails to take account of the element of Core Policy 9 which recognises that an emerging master plan should (amongst other things) meet the long-term business needs of OBU.

7.86 Taking account of all these matters I recommend that the policy is deleted as it does not meet the basic conditions. In reaching this conclusion I have considered carefully the option of recommending modifications to the policy. I have not done so as the resulting policy would largely be a new policy. In any event it would largely replicate Core Policy 9 in the adopted LPP1.

7.87 In recommending the deletion of the policy I have also considered the extent to which some or all of the supporting text should be retained in the Plan. On the one hand it highlights the importance of the OBU site to the wider community and sets out the

Parish Council's views about the nature of any masterplan which may eventually be prepared for the Campus. On the other hand, it provides a degree of background and context to the detailed policy in the submitted Plan. On this basis I recommend that Section 4.7.1 is retained (with modifications) and that sections 4.7.2 and 4.7.3 are deleted.

Delete policy

In Section 4.7.1 delete paragraph 4.7.1.5

Delete sections 4.7.2 and 4.7.3

Community Actions

- 7.88 The plan-making process has generated significant interest in a wide range of related non-land use matters. They are properly captured in a discrete part of the Plan separate from the land use policies.
- 7.89 The Community Actions are however displayed in policy boxes using the same colour as the land use policies. This may generate a degree of confusion during the Plan period. On this basis I recommend that the Community Actions are displayed using a different colour from the land use policies

Display the Community Actions in a different colour from the land use policies

- 7.90 The various actions are comprehensive. They also overlap with some of the land use policies. Paragraphs 5.1.3 and 5.1.4 comment about how the Parish Council will co-ordinate and manage the necessary work on the community actions. This is good practice.
- 7.91 I am satisfied that the various Community Actions are appropriate for inclusion within a neighbourhood plan. They are also distinctive to the neighbourhood area.

Other Matters

- 7.92 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. This will apply to policy numbering where I have recommended the deletion or the merging of policies in the submitted Plan. It will be appropriate for VWHDC and the Parish Council 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.

Other Matters – Specific

- 7.93 VWHDC have suggested a series of contextual changes to the supporting text in the Plan. Some of these comments relate to the general text in the introductory sections of the Plan. I have found the various suggestions to be very helpful both in my understanding of the Plan and in testing it against the basic conditions.
- 7.94 As I have highlighted in paragraph 1.4 of this report my remit is limited to examining the Plan against the basic conditions. I cannot recommend modifications which would simply improve the Plan or which would result in it being presented in a different fashion. As such my recommended modifications below are related purely to the areas where modifications are necessary to ensure that the Plan meets the basic conditions.

Paragraph 4.1.3.2.2 – delete the second ‘in’ on the fourth line

Paragraph 4.2.1.9 – delete ‘Emerging revision to’ in the first sentence and ‘emerging’ in the tenth line

Paragraph 4.2.2 – replace the third bullet point with ‘The NPPF 2019 (and provide the appropriate link)’

Paragraph 4.3.1.6 – replace ‘Map 2 in Appendix B’ with ‘Map D.2 in Transport Appendix D’

Paragraph 4.3.2 - replace the first bullet point with ‘The NPPF 2019 (and provide the appropriate link)’

Other Matters – the Judicial review of VWHDC’s decision to correct the boundaries of the Green Belt in the adopted Local Plan Part 1

- 7.95 The representation by Douglas Bond draws my attention to a matter which has been taking place in parallel with the preparation and the examination of the submitted neighbourhood plan. It relates to the Adopted Policies Map prepared by VWHDC and, in particular the depiction in the Plan (Map 1) of a parcel of land to the immediate south-east of North Hinksey village as within the Green Belt.
- 7.96 VWHDC advise that the depiction in the Adopted Policies Map of the parcel of land as being outside the Green Belt has been an administrative error that arose during the preparation of the LPP1. It sought to correct the administrative error by taking a report to its Cabinet and Council meetings in February 2019. The Council’s decision at those meetings is now the subject of a judicial review. In this regard Douglas Bond asserts that ‘the submitted Neighbourhood Plan is not consistent with either national policies (NPPF) in respect of the Green Belt or Adopted Vale of White Horse Part 1 Local Plan on how the Green Belt is defined around North Hinksey when the Part 1 local plan is read with Core Policy 13 and the Adopted Policies Map 2016. As drafted, Neighbourhood Plan Map 1.2 incorrectly defines the Green Belt boundary around North Hinksey Village. This needs to be corrected. Without such a correction the Neighbourhood plan is not in general conformity with the strategic policies of the development plan for the area. The Local Plan Part 1 does not establish any need to change the Green Belt boundary at North Hinksey. Nor does the Local Plan Part 2.

Thus, the Neighbourhood Plan is not able to suggest a change to the Green Belt boundary.'

- 7.97 Plainly these circumstances are unfortunate. Nevertheless, I note that VWHDC is defending the judicial review and the eventual outcome of the matter will be determined by the courts.
- 7.98 I have considered carefully whether or not it would be appropriate to continue with the examination in these circumstances. On balance I have concluded that it would be appropriate to do so. I have reached this conclusion for two reasons. The first is that it is not known when the judicial review will reach a conclusion. The second is that the definition of the Green Belt boundary is a discrete matter which has no wider implications on the range of policies in the submitted neighbourhood plan.
- 7.99 On the basis of the factual information in the Cabinet and Council reports of February 2019 I am satisfied that the Parish Council has correctly identified the boundaries of the Green Belt in the neighbourhood area on Map 1.2. In doing so it has relied on information from VWHDC on the administrative error which has arisen during the processing of the LPP1 and the associated preparation of the Adopted Policies Map. In the event that the judicial review finds in favour of the case pursued by Douglas Bond on the LPP1 and the Adopted Policies Map, the Parish Council and VWHDC would need to assess whether any consequential changes would be necessary to the neighbourhood plan if it was 'made' at that time.

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 North Hinksey Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a package of modifications to the policies in the Plan. Whilst the recommended modifications affect the policies in different ways, the Plan remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Vale of White Horse District Council that subject to the incorporation of the modifications set out in this report that the North Hinksey Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 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 approved by the District Council on 17 June 2015.

Other comments

- 8.6 I am grateful to the Vale of White Horse District Council and to the Parish Council for the ways in which they ensured that this examination has run in as smooth and efficient manner as possible. In particular the responses to my Clarification Note were very helpful in preparing this report.

Andrew Ashcroft
Independent Examiner
30 July 2019