

Cumnor Parish Neighbourhood Development Plan



'That Sweet City with her Dreaming Spires' by Sue Side, local Cumnor Parish artist

Cumnor Parish Council's Response to the Independent Examiner's Clarification Note 20th January 2021

1 Contents

| | |
|--|----|
| INTRODUCTION..... | 3 |
| POLICY LGS1: LOCAL GREEN SPACES..... | 3 |
| POLICY QA1: QUIET AREAS..... | 3 |
| POLICY DBC4: DEVELOPMENT IN THE GREEN BELT..... | 4 |
| POLICY RNE2: FLOOD RISK..... | 4 |
| POLICY EBC1: COMMUNITY, SPORTS & RECREATION FACILITIES..... | 5 |
| QUESTION FOR THE DISTRICT COUNCIL..... | 5 |
| EXAMINER’S INVITATION TO RESPOND TO REGULATION 16 REPRESENTATIONS..... | 6 |
| POLICY TI2: CYCLE ROUTES..... | 7 |
| REPRESENTATION FROM CUMNOR CRICKET CLUB..... | 7 |
| APPENDIX A:..... | 9 |
| CUMNOR PARISH COUNCIL’S RESPONSE TO THE LGS CLARIFICATION REQUEST..... | 9 |
| APPENDIX B:..... | 10 |
| CUMNOR PARISH COUNCIL’S RESPONSE TO VOWHDC’S REGULATION 16 REPRESENTATION..... | 10 |
| APPENDIX C:..... | 27 |
| CUMNOR PARISH COUNCIL’S RESPONSE TO CUMNOR CRICKET CLUB’S REPRESENTATION ABOUT ‘ERRORS OF FACT’..... | 27 |

Introduction

Cumnor Parish Council's response to the Examiner's request for clarification (7th January 2021) is set out below.

Cumnor Parish Council thanks the Examiner for bringing these points to their attention and for the opportunity to provide clarification.

As specified in the relevant sections below this document contains three appendices.

For clarity, the Examiner's questions are in **bold** text, with Cumnor Parish Council's response directly following each question.

As with all the evidence gathering, consultation and policy development in the formulation of our Neighbourhood Plan, this document is a collective effort. The author would like to thank parishioners, current and former members of the Parish Council and its Neighbourhood Plan Steering Group, and our Parish Clerk, for their contributions.

Policy LGS1: Local Green Spaces

Clarification Request

“The policy and the supporting appendix address Local Green Spaces in a comprehensive fashion.

Has the Parish Council assessed the package of Local Green Spaces (LGSs) for the way in which they are consistent with the local planning of sustainable development in the neighbourhood area and are capable of enduring beyond the end of the Plan period (as required by paragraph 99 of the NPPF)?

If not, please could the Parish Council produce a brief note to this effect (on a site-by-site basis)

In particular is the Parish Council satisfied that the proposed designation of LGS 14 (Cumnor Cricket Pitch) would be capable of enduring beyond the end of the Plan period given the Club's ambitions for the future?”

Response

A briefing note clarifying the Parish Council's position on these matters can be found in Appendix A of this document.

Policy QA1: Quiet Areas

Clarification Request

“The approach taken in this policy is both novel and interesting. However, given the overlap between the three proposed Quiet Areas and LGSs 2/5/6 does this policy add any value to that of Policy LGS1?”

Response

The Parish Council believes this policy does add value to that of policy LGS1.

There is currently no policy provision for Quiet Areas in the adopted development plan. Policy LGS1 allows for development proposals that are appropriate in the Green Belt, as defined by §145 and §146 of the National Planning Policy Framework (NPPF).

If the Vale of White Horse District Council (VoWHDC) working with the Parish Council seeks to designate the three proposed Quiet Areas, and this is realised, the Quiet Areas will become a material consideration in planning decisions.

The policy therefore makes provision for how §145 and §146 schemes that may come forward should be assessed.

Policy DBC4: Development in the Green Belt

Clarification Request

“I saw the importance of the Green Belt to the character and appearance of certain parts of the parish. Nevertheless, does the policy add any distinctive local value to national and local policy on this matter?”

In the event that the Parish Council considers that this is the case does it have any comments on the suggested changes to the wording of the policy proposed by the District Council in its representation?”

Response

The Parish Council believes the policy does add distinctive local value to national and local policy.

The VoWHDC suggests that Policy DBC4 is not in general conformity with local or national policy as it considers it is overly restrictive and oversimplifies NPPF and Local Plan policies on development in the Green Belt. It is on this basis that VoWHDC recommends changes to the wording of the policy.

However, it is the Parish Council’s position that the policy is not intended to replace existing national and local policy but to guide their application, for example in the observed built-up area of Farmoor (‘washed over’ green belt) or in that part of Cumnor Village ward that lies within the Green Belt.

Policy RNE2: Flood Risk

Clarification Request

“Has the Parish Council carried out a separate assessment of the extent to which Part B of the policy has regard to national policy beyond the general comments in paragraph 116 of the Plan?”

Response

The Parish Council believes the policy does not replace national policy provisions but adds significant local detail to highlight the high risk of fluvial flooding, particularly in the Filchampstead area.

To aid clarity in this matter the Parish Council would accept that §155 of the NPPF provisions be added to criterion B if the examiner considers this duplication is necessary in this case.

Policy EBC1: Community, Sports & Recreation Facilities

Clarification Request

“The first part of the policy comprehensively identifies community assets in the parish. I saw their importance as part of the recent visit.

However, is the second part of the policy necessary given its acknowledged overlap with Local Plan policies?

In the event that the Parish Council considers that this is the case, would the matter be better expressed in the supporting text given that different community assets are affected by different Local Plan policies?”

Response

The policy identifies specifically where Local Plan (LP) policies will apply in the parish and adds an additional criterion.

The Parish Council accepts that the policy provisions for each facility may be clarified if the table included in the policy classified each facility as either a Community Service and Facility to which Policy 8 of the LP applies or a Leisure and Sports Facility to which Policy 34 of the LP applies.

The additional criterion is intended to help secure longer-term viability for all facilities and will apply in both cases.

The Parish Council considers that this provision, not currently included in LP policy provision, should remain in the policy.

Question for the District Council

Clarification Request

I saw that there were footpaths to the west and to the south of the Cumnor Cricket ground.

I also saw several people walking through the Cricket Ground. Is there a separate public footpath which runs to the north (rear) of the Cricket Ground pavilion and then along the vehicular access to the pavilion from Appleton Road?

Response

Although not having sight of VoWHDC's response to this question at the time of writing this document, the Parish Council offers the following information to aid VoWHDC and the Examiner.

While it is the Parish Council's understanding that the route described by the Examiner is not a designated public footpath, it is, as the examiner saw, extensively used by parishioners as a safe way of moving through the village without recourse to often narrow pavements by the side of busy roads. Furthermore, being a tarmac path, it avoids the need – especially apparent in winter - to enter/leave Appleton Rd via the muddy and often flooded footpaths.

To this authors' personal knowledge, it has been so used for more than 25 years and the Parish's Footpath Warden confirms we are not aware of it having been closed on any occasion.

This access is especially valued by school children and parents with buggies, something the Parish Council understands is recognised and welcomed by the private Trust which actually owns the land, as it helpfully replaced a hard to use gate with a more 'buggy friendly' entrance to the tarmac path and provided a 'buggy width' gap next to the vehicle gate off Appleton Road (see photos 1 and 2 below).



Picture 1



Picture 2



Picture 3

Examiner's invitation to respond to Regulation 16 representations

Clarification Request

“Does the Parish Council wish to comment on any of the representations made to the Plan?”

In particular does it wish to comment on:

- **the representations from the District Council and the County Council on Policy TI2 (in relation to the B4044 cycle route); and**
- **the representation from Cumnor Cricket Club on the proposed designation of the Cricket Ground as a local green space (LGS14)?”**

Response

The Parish Council thanks the Examiner for the opportunity to comment on representations made to the Plan.

A response to the VOWHDC’s Regulation 16 representation is attached as Appendix B.

The Parish Council considers that responding to the VOWHDC comments, sufficiently addresses Oxfordshire County Council’s (OCC) representation.

With regards to the specific representations highlighted by the Examiner the Parish Council wishes to respond as follows:

- **the representations from the District Council and the County Council on Policy TI2 (in relation to the B4044 cycle route);**

Both OCC and the VoWHDC are supportive of the B4044 cycle route scheme. The VoWHDC requests that the wording and sequence of criteria in the policy be clarified.

The Parish Council therefore would be happy to agree to a proposed amendment as follows:

Policy TI2: Cycle Routes

- A. The B4044 cycle route (see map 19) is safeguarded, to enable a new cycle path to be provided. New development adjacent to the route should be designed to enhance safety and amenity of the proposed cycle path. Development proposals should not compromise the scope for public access to the protected route.
- B. Where directly related to the development, financial contributions may be sought via legal agreements towards the improvement of the B4044 cycle route, where appropriate.
- C. Development proposals that maximise opportunities for cycle movements to promote connectivity within and between the settlements in the Parish will be supported.

Representation from Cumnor Cricket Club

- **the representation from Cumnor Cricket Club on the proposed designation of the Cricket Ground as a local green space (LGS14)?”**

As detailed in Appendix A, responding to the examiner's clarification request on Policy LGS1, the Parish Council considers that the provisions of the NPPF, specifically §145b, will continue to apply.

In addition, the Parish Council wishes to record that:

1. Throughout its extensive work to identify potential Local Green Spaces, to test those sites against the NPPF criteria, consult on its proposals, and then to propose the designation of fourteen Local Green Spaces, the Parish Council has sought to be as open, accurate and objective as possible.
2. The Parish Council believes it has done so equally in the case of the cricket ground, owned by a private trust, where Cumnor Cricket Club plays. For example, through its consultations it has offered opportunities for the landowner and the club to express their views.

It has also sought to understand and reflect the views of parishioners, for whom the ground, situated at the heart of an historic village inset from the Green Belt and with a Conservation Area, is more than a place to play cricket, being demonstrably special to the community, and holding particular local significance.

For example, the fundraising efforts in the 1950's to buy the land, and the creation of the Trust which owns it, are still quoted in the community.

3. Despite a statement to the contrary in the Cricket Club's Regulation 16 representation, the Parish Council believes the Parish would benefit from the LGS designation, and hope that this will come be viewed by the Cricket Club as strengthening the original aim of the Trust against any renewed challenge.
4. In designating the Cricket Ground as a Local Green Space, the Parish Council is seeking to ensure that cricket, and the other recreational activities undertaken there, can continue in close proximity to the community it serves, at the heart of the Parish on the boundary of the Conservation Area (Map 9, pp32 of the Neighbourhood Plan), so contributing to its setting, beyond the end of the Plan period.
5. As evidence for the value of this proposal, beyond the material detailed in its Local Green Spaces Report, the Parish Council draws attention to paragraph 22 of its Neighbourhood Plan document where the importance of local green spaces is established as a dominant theme of consultation across the Parish during the development of the Neighbourhood Plan.

On the specifics of LGS designation, our 'Big Survey' report records (page 4) that 62% of respondents placed 'protecting and enhancing local green spaces' in their top 3 priorities for the Neighbourhood Plan.

6. Should the Examiner judge them to be material, the Parish Council has detailed additional points in Appendix C responding to the Cricket Club's concerns about 'errors of fact'.

Appendix A: Cumnor Parish Council's response to the LGS clarification request

Policy LGS1 Local Green Space Proposals: 'Enduring Beyond the Plan Period'

In making its LGS proposals, the Parish Council was mindful of the cumulative, spatial effect of those proposals, as noted in §51 of the submitted NP. Our §53 acknowledges the value of publicly accessible open space within and on the edge of built-up areas like Dean Court, Cumnor Village and Cumnor Hill. Additionally, and importantly, our §56 notes an example of where the Parish Council took into account the potential of land for beneficial development in the future that may otherwise have qualified as an LGS.

The Basic Conditions Statement notes in its Table A on p7 that in every case, the Parish Council evidences that the LGSs are consistent with strategic, sustainable development policy for the plan period. However, it is not explicit in respect of the 'endurance' test.

Since the completion of its evidence base and the submission of the NP, the Parish Council has become aware of the *Lochailort Investments Ltd v Mendip District Council* Court of Appeal case (C1/2020/0812) of 2 October 2020, to which the VoWHDC has drawn attention in its Regulation 16 response.

Amongst other matters, the approved judgement clarified how plan makers should judge how LGS proposals address the NPPF §99 requirement that they should "be capable of enduring beyond the end of the plan period".

In its §45, the judgement concludes that the requirement "is no more than that the LGS should be *capable* of enduring beyond the plan period. It is not a policy requirement that the LGS must inevitably last beyond that period... Nor does it specify how far into the future the local planning authority must gaze". The same paragraph goes on to state that, "If ... pressure for development can be satisfied elsewhere within the neighbourhood over the plan period, it is likely that a designated LGS will at least be *capable* of enduring beyond the plan period."

As noted elsewhere in the NP and Basic Conditions Statement, the VoWHDC has not indicated that this NP should consider making provision for housing or commercial development in the plan period.

Instead, the LPA has 'satisfied the pressures for development' elsewhere in the District in its up-to-date Local Plan, without the need for releasing Green Belt land in this Parish. It is noted that none of the proposed LGSs have been considered suitable for development by the LPA in the plan period.

In any event, the policy allows for development proposals that are appropriate in the Green Belt as defined by NPPF §145 and §146, for example to allow for improvements to sports and recreation facilities on some of the LGS sites.

In making its LGS proposals, the Parish Council is merely seeking to prevent 'town cramming' through the development of some of its most cherished remaining open spaces. And at no point during the preparation of the NP has the VoWHDC raised concerns regarding the number or spatial distribution of the proposed LGSs and their potential to threaten the future sustainable planning of the Parish.

Appendix B: Cumnor Parish Council's response to VoWHDC's Regulation 16 representation

| Ref. | Section/Policy | Comment/Recommendation from VoWHDC | Response from Cumnor Parish Council |
|------|---|--|--|
| 1. | Page 9 – Paragraph 10 | <p>Comments from Ecology/Biodiversity Specialist:</p> <p>Paragraph 10 (p.9) includes list and brief description of the most important elements of the natural environment of the Parish, including both designated and locally important wildlife areas. There is one notable exception in this list and from the subsequent policies and maps within the NP where they relate to the natural environment. The Parish contains two Conservation Target Areas (CTA's), the Oxford Meadows and Farmoor CTA and the Oxford Heights West CTA. The CTA's are the adopted Ecological Network in Oxfordshire and are the target for much of the conservation action in the County. Whilst it is not essential that the Neighbourhood Plan includes these features, it would add relevant detail to some sections including policy REN1.</p> | We agree with the recommendation to changes in paragraph 10 and addition of CTA's to supporting text of Policy RNE1 to demonstrate local opportunities where targeted conservation action will have the greatest effect. |
| 2. | <p>Page 11 – Paragraph 24</p> <p>'Given the increase in housing and the predominant Green Belt nature of parish, all new development will be from limited infill development and brownfield sites.'</p> | This statement has oversimplified paragraph 145 of the National Planning Policy Framework (NPPF) and also does not take into account that some of the neighbourhood area is not within the Green Belt and therefore not subject to the stricter controls on development. It does not take account of all the exceptions listed in the NPPF and lacks clarity. | The Parish Council accepts the recommended amendment. |

| | | | |
|----|---|---|--|
| | | <p>The neighbourhood area contains Farmoor, a smaller village, and Cumnor, a larger village inset from the Green Belt. Core Policy 4 in the Local Plan 2031 sets out, 'there is a presumption in favour of sustainable development within the existing built up area of Market Towns, Local Service Centres and Larger Villages in accordance with Core Policy 1'.</p> <p>To ensure the plan has regard to national policy and accurately reflects the spatial make-up of the neighbourhood area we suggest that the Examiner amends this statement. We suggest:</p> <p><i>'Given the increase in housing and the predominant Green Belt nature of the parish, all new development which require the construction of new buildings in the Green Belt will be regarded as inappropriate, unless it is one of the exceptions set out in the paragraphs 145 or 146 of the NPPF.'</i></p> | |
| 3. | <p>Page 11 – Paragraph 24</p> <p>'The Vale's affordable housing policy, CP24 states that 'The Council will seek 35% affordable housing on all sites capable of a net gain of eleven or more dwellings.'</p> | <p>Comments from our Affordable Housing Team:</p> <p>In accordance with the NPPF, a required affordable housing percentage, in Vale of White Horse, would be 35% on any site of 10 or more dwellings. This sentence will therefore need amending from 'eleven' to 'ten' in order to replicate NPPF requirements.</p> <p>In addition, we suggest the following is</p> | <p>The Parish Council accepts the recommended amendment.</p> |

| | | | |
|----|---|---|---|
| | | removed: <i>'The Vale's affordable housing policy, CP24 states that'</i> . | |
| 4. | Page 15 – Paragraph 39 | For factual accuracy we suggest 'inspector' is replaced with 'examiner' and 'Local Plan' is replaced with 'development plan'. | The Parish Council accepts the recommended amendment. |
| 5. | Page 17 – Aim 4, objective i 'Any development should enhance this character.' | Any development enhancing the character of the settlements is overly onerous and may not be achievable. We suggest 'preserve or' is inserted into the aim to add some flexibility. | The Parish Council accepts the recommended amendment. |
| 6. | Page 22 – Policy LGS1: Local Green Spaces C. Proposals for appropriate development will be supported where it can be demonstrated they would be compatible with the community value of the space and they would improve access to or enhance the use of such spaces. D. New development adjacent to a Local Green Space should not undermine its essential open character and should enhance the safety and amenity of the space. | A well produced evidence base document has been provided which goes through each of the Local Green Spaces and explains why they are being designated. The Examiner may wish to ask the Parish Council about the longevity of these designations to ensure they are capable of enduring beyond the plan period as set out in paragraph 99 of the NPPF: <i>'Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.'</i> Part C of the policy appears to place additional restrictions on development and it has not been justified as to why this is necessary. It is important to make the Examiner aware of the recent Court of Appeal case, <i>Lochailort Investment Ltd v Mendip District Council and North St Philip Parish Council</i> , which found that the green space policy conflicted with the NPPF. In that case Lord Justice Lewison noted that as | As detailed in the attached briefing note to respond to the examiner's clarification request on Policy LGS1 (Appendix A), the Parish Council became aware of the <i>Lochailort Investments Ltd v Mendip District Council Court of Appeal case (C1/2020/0812)</i> of 2 October 2020 after the submission of the plan. The Parish Council therefore accepts that a modification will be necessary, however the case does not prevent the provisions of clause D. The Parish Council therefore proposes the following amendment: Policy LGS1: Local Green Spaces A. The following spaces, as shown on the Policies Maps (page 64) and maps 3-5, are designated as Local Green Space: Table as per existing plan B. Proposals for inappropriate development within a Local Green Space will only be supported in very |

| | | | |
|--|--|--|--|
| | | <p>drafted the policy was significantly more restrictive than green belt policy and inadequate justification had been provided to justify the departure. As worded, criterion C is overly restrictive and considering the court of appeal case above we therefore suggest that part C of the policy is deleted.</p> <p>Part D of the policy is also overly restrictive. The designation of Local Green Spaces does not affect the area outside of the designation. Part D of the policy should be deleted.</p> | <p>special circumstances.</p> <p>C. Proposals for appropriate development will be supported where it can be demonstrated they would be compatible with the community value of the space and they would improve access to or enhance the use of such spaces.</p> <p>D. New development adjacent to a Local Green Space should not undermine its essential open character and should enhance the safety and amenity of the space.</p> <p>Interpretation</p> <p>57. The policy designates various sites as Local Green Spaces, with the consequence of providing the same national planning policy provision as the Green Belt. It also sets out how development that is defined as appropriate and inappropriate in a Local Green Space will be considered. <i>In the Parish Council's judgement, each designation is capable of enduring beyond the end of the plan period. The policy has also been reviewed in relation to the recent consideration of an equivalent policy in a neighbourhood plan in Mendip District in the Court of Appeal (2020 EWCA Civ 1259). Policy LGS1 now follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be</i></p> |
|--|--|--|--|

| | | | |
|----|-----------------------------------|--|--|
| | | | <p><i>assessed on a case-by-case basis by the District Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy.</i></p> |
| 7. | Page 26 – Policy QA1: Quiet Areas | <p>Having reviewed this document it is clear that a quiet area designation is linked to Local and Neighbourhood Plans through Local Green Space designations. However, the process is something that is not done by planning policy, as an application needs to be submitted to Defra.</p> <p>The Local Green Space designation needs to be in place to enable the quiet area designation to take place. It therefore should not be done through the neighbourhood plan policy directly, although the neighbourhood plan plays an important role in the process. The neighbourhood plan can still acknowledge that these areas are tranquil in nature and this should feed into the Local Green Space designation process.</p> <p>On this basis, whilst the neighbourhood plan can recognise that parts of the neighbourhood area are subject to the Noise Action Plan, it is not the correct mechanism to designation areas as quiet areas in neighbourhood plan policies, therefore we suggest that this policy is turned into a community action.</p> | <p>It appears that the VOWHDC has misunderstood the policy intention</p> <p>To promote understanding The Parish Council proposes that §58 of the Plan should be modified to clarify the policy intention, which is to highlight those areas which meet the Quiet Areas definition and then seek to safeguard these areas if they are designated as such, as there is currently no policy provision on Quiet Areas.</p> <p>See also §167 on page 69</p> |

| | | | |
|----|---|--|---|
| | | The application for quiet area designations should take place after the neighbourhood plan Local Green Space designations are in place. | |
| 8. | <p>Page 28 – Paragraph 67</p> <p>‘These assessments contain detailed descriptions and photographs of the built environment in Cumnor Parish and must be referred to by developers in their Design and Access Statement in any planning application.</p> | To accurately reflect the development management process we suggest ‘must’ is replaced with ‘ <i>should</i> ’. | <p>The Parish Council accepts the recommended amendment with the proviso that should an application consider their case to be an exception then the reasons why should be stated.</p> <p>So, we propose the wording is: ...‘These assessments contain detailed descriptions and photographs of the built environment in Cumnor Parish and should be referred to by developers in their Design and Access Statements in any planning application.¹⁷ If an application considers that their case is an exception, then they should include information explaining the reasons why they consider such an exception should be made.’...</p> |
| 9. | <p>Page 30 – Policy DBC1: General Design Principles in the Parish</p> | <p>‘Retaining original features in alterations and extensions, such as doors, windows, chimneys and wall treatment’ - This principle may unintentionally have a negative impact on design in some cases. We would suggest ‘<i>where appropriate</i>’ is added to the principle.</p> <p>‘Converting farmsteads and agricultural buildings by retaining and complementing the historic fabric and character of the existing buildings’- This bullet point is not worded like a design principle; conversion of buildings is not a design principle but a type of development. We would suggest that the wording of this point is amended as follows to better fit with the policy:</p> | <p>It appears the VOWHDC has misunderstood the policy intention.</p> <p>The policy does not require that each proposal slavishly adheres to each principle, but applications will be required to demonstrate they have acknowledged, understood, and responded to the relevant characteristics in drawing up their schemes, and to justify where proposals depart from the policy.</p> <p>This is explained in the supporting text to the policy.</p> |

| | | | |
|-----|---|---|---|
| | | <i>'Farmstead and agricultural conversions should, where appropriate, retain and complement the historic fabric and character of the existing buildings'</i> | In respect of the 'farmsteads' bullet the Parish Council proposes the following compromise building on VoWHDC suggestion: 'Ensure farmstead and agricultural conversions should retain and complement the historic fabric and character of the existing buildings' |
| 10. | Page 33 – Paragraph 85 'The policy allows small- scale development and conversions...' | To accurately reflect policy DBC3 we suggest that 'allow' is replaced with ' <i>is intended to guide</i> '. | The Parish Council accepts the recommended amendment. |
| 11. | Page 33 – Paragraph 87 'Full details of existing levels, spot heights and finished floor levels of proposed new buildings in relation to adjoining development must be included in applications in these areas.' | This sentence is dealing with an administrative issue. It would be inappropriate for the neighbourhood plan to be overly prescriptive or create unduly onerous requirements. We suggest the requirement is changed to ' <i>should be</i> ', or ' <i>will be encouraged</i> '. | Cumnor Parish Council does not agree that this is an administrative issue. Indeed, the Parish Council has repeatedly adversely commented on many planning applications where this information has either been incomplete, missing and/or inaccurate. The consequences of this have been experienced across the Parish. Given that there is more than 100m elevation range across the Parish (see pp3 of the Important Views Report) and the risk of groundwater flooding (see sections 7.3 and 7.4.1 of the Flood Risk Assessment Report) this is a topic of perennial concern to the Parish Council, reflected in turn in comments in our 'Big Survey' and Reg 14 consultations. However, in order to help address VoWHDC's concerns we propose the following amendment to para 87: 'The topography of sloping sites must be considered carefully, and design solutions found which do not result in over-dominant buildings which intrude into long views or harm the prevailing character. Full details of existing |

| | | | |
|-----|--|---|---|
| | | | levels, spot heights, and finished floor levels of proposed new buildings in relation to adjoining development should be included in the application's Design and Access Statement.' |
| 12. | Page 34 – Policy DBC4: Development in the Green Belt | <p>As worded with policy is not in general conformity with local or national policy. It is overly restrictive and oversimplifies paragraph 145 and 146 of the NPPF and Core Policy 13 of the Local Plan Part One.</p> <p>We would suggest the policy wording is deleted and replaced with wording as such:</p> <p><i>'The Green Belt will continue to be protected to maintain its openness and permanence. Development proposals in the Green belt will be determined against principles set out in Core Policy 13: The Oxford Green Belt in the adopted Vale of White Horse Local Plan Part One. Proposals for inappropriate development will not be supported except in very special circumstances.'</i></p> | As set out in the Parish Council's response to the clarification request from the examiner on Policy DBC4 the policy is not intended to replace existing national and local policy but to guide their application in the observed built-up area of Farmoor or in that part of Cumnor Village that lies within the Green Belt. |
| 13. | Page 35 – Policy DBC5: Lower Cumnor Hill/Third Acre Rise Area of Special Local Character | <p>Criteria C</p> <p>Paragraph 16(b) of the NPPF sets out how plans should be positively prepared. This criterion appears to be based on paragraph 195 of the NPPF which states:</p> <p><i>'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that</i></p> | Both Policies DCB5 and 6 have been designed to ensure the provisions of paragraph 195 of the NPPF are triggered which requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. |

| | | | |
|--|--|---|--|
| | | <p><i>the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:</i></p> <p><i>a) the nature of the heritage asset prevents all reasonable uses of the site; and</i></p> <p><i>b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</i></p> <p><i>c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and</i></p> <p><i>d) the harm or loss is outweighed by the benefits of bringing the site back into use.'</i></p> <p>We suggest that the focus of this criterion is shifted to be positively worded, rather than focusing on development that 'will be resisted'. The test for demonstrating public benefit in this criterion also does not align with paragraph 195 of the NPPF which is aimed at when a proposal will lead to substantial harm to a designated heritage asset. This identified area would be a non-designated heritage asset, so whilst some weight can be given, it is not subject to the same tests as designated heritage assets.</p> <p>Comments from our Conservation Officer:</p> <p>Suggest that the Proposal for a Conservation Area report of 2007 is added as an appendix to the plan given that the policy directly refers to it.</p> | |
|--|--|---|--|

| | | | |
|-----|--|---|--|
| | | Currently the Local List of Assets and proposed Area of Special Local Character document contains the relevant information. As a local list of assets is already included as an appendix, it might be easiest to split this document and only carry over the information relating the proposed Area of Special Local Character to avoid duplication. | In respect of the comments from the Conservation officer the Parish Council is happy to revisit these drafting proposals once the totality of the Plan is agreed, to help ensure consistency throughout all the documents |
| 14. | Page 36 – Policy DBC7: Important Views | <p>The views policy is supported by a well- produced views report.</p> <p>View 6 is from St Michael’s Church Tower and whilst it says that this is open to the public on specified days, it is important to consider the implications of the view not being experienced from a public viewpoint and not being available to the public at all times.</p> | <p>The Parish Council is not aware of any case law that states a view must be permanently available from a public vantage point to qualify for inclusion in such a policy.</p> <p>Furthermore, able-bodied members of the public may access the tower on certain occasions in the year when it is open, for instance during the parish fete. At other times, they may ask the Vicar or Churchwardens to be allowed access in order to view the village.</p> <p>The Parish Council believes the view from the tower of St Michael’s Church is important because it shows the rural situation of the historic village of Cumnor, and therefore should be included.</p> |
| 15. | Page 39 – Paragraph 101 ‘The majority of the parish has Green Belt designation, apart from the built area of Dean Court and Cumnor Hill. Cumnor Village is ‘washed over’ Green Belt.’ | <p>Cumnor village is not ‘washed over’ by Green Belt. Cumnor Village is inset from the Green Belt, as set out in Core Policy 13 of the Local Plan Part 1:</p> <p><i>‘Development will be permitted in the following settlements, which are inset to the Green Belt (as shown on the Adopted Policies Map), where the proposed development is within the existing built area</i></p> | <p>The ‘washed over’ reference should have been to Farmoor – for evidence please see para 95 of the ‘REPORT ON THE EXAMINATION INTO VALE OF WHITE HORSE LOCAL PLAN 2031: PART 1’</p> <p>The Parish Council therefore proposes that para 101 should read:</p> |

| | | | |
|-----|---|--|--|
| | | <p><i>of the village and in accordance with Core Policies 3 and 4:</i></p> <ul style="list-style-type: none"> - <i>Appleton</i> - <i>Botley</i> - <i>Cumnor</i> - <i>Kennington</i> - <i>North Hinksey</i> - <i>Radley, and</i> - <i>Wootton</i> <p>We therefore suggest that the sentence is amended to say:</p> <p><i>'The majority of the parish has Green Belt designation, apart from the built area of Dean Court, Cumnor Hill and Cumnor Village.'</i></p> | <p>'The majority of the parish has Green Belt designation, apart from the built area of Dean Court and Cumnor Hill. Additionally, Cumnor Village is inset from the Green Belt with its historic core being a Conservation Area. A key feature of the village is the open paddocks sited within the built-up area, which gives a sense of a rural settlement and reflects its medieval origins. Farmoor is 'washed over' Green Belt'</p> <p>See also ref 19 below</p> |
| 16. | Page 41 – Paragraph 112 | <p>Correct the typographical error in the title of CP46 of the Local Plan Part 1. Replace 'Conservation and Improvement of Diversity', with '<i>Conservation and Improvement of Biodiversity</i>'.</p> | <p>The Parish Council accepts the recommended amendment.</p> |
| 17. | Page 42 – Policy RNE1: Green Infrastructure | <p>Comments from Ecology/Biodiversity Specialist:</p> <p>I would recommend that this policy is made into a sequential policy. If it was a sequential policy then developers would have to meet all relevant parts of the policy (A, B and C). Currently the policy could be misinterpreted as it could be read that provided a development delivers the requirements of part C it would be supported, even if it involved significant environmental damage.</p> | <p>The Parish Council accepts the recommendation and will seek advice on how best to implement it.</p> |

| | | | |
|-----|---|--|---|
| 18. | Page 44 – Policy RNE2: Flood Risk | <p>Criteria B The policy needs to be in general conformity with the NPPF. Paragraph 155 of the NPPF recognises that some form of development may be necessary in areas at risk of flooding, it states:</p> <p><i>‘Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.’</i></p> <p>Having regard to paragraph 155 of the NPPF, as currently worded, criteria B appears overly restrictive and does not recognise that some forms of development may be necessary. We suggest the wording of this criteria is amended to incorporate this flexibility. The examiner should consider whether there is sufficient justification for a more restrictive approach than that set out in national planning policy and guidance.</p> <p>Criteria C We suggest that <i>‘where relevant’</i> is added to the text of criteria C as the criteria will not be relevant to all applications.</p> | <p>As set out in the Parish Council’s response to the examiner’s clarification note the policy does not replace national policy provisions but adds local detail to highlight the high risk of fluvial flooding, particularly in the Filchampstead area.</p> <p>To aid clarity in this matter the Parish Council would accept that §155 of the NPPF provisions be added to criterion B if the examiner considers duplication is necessary in this case.</p> <p>The Parish Council accepts the recommended amendment in relation to criterion C.</p> |
| 19. | Page 48 – Paragraph 121 ‘With the exception of Dean Court ward, the majority of the parish lies in the Oxford Green Belt.’ | <p>This statement is inconsistent with paragraph 101, paragraph 101 better reflects the spatial layout of the parish. We suggest this sentence is amended as follows:</p> <p><i>‘With the exception of the built-up areas of Dean Court, Cumnor Hill and Cumnor Village,</i></p> | <p>So that all four wards of the parish are referenced in this para, the Parish Council proposes the following amendment:</p> <p>With the exception of the built-up areas of Dean Court, Cumnor Hill and Cumnor Village, the majority of the parish lies in the Green Belt with Farmoor being ‘washed over’ Green Belt’</p> |

| | | | |
|-----|--|---|---|
| | | <i>the majority of the parish lies in the Oxford Green Belt.'</i> | – see also ref 15 above |
| 20. | Page 52 – Policy RES1: Residential Mix and Standards | <p>The second sentence of Part A of this policy could potentially conflict with the first sentence which sets out that schemes which address local need in Cumnor will be supported. Over the plan period the local needs could change and it may not be appropriate to deliver an equal number of smaller dwelling to larger dwellings as this policy is requesting. We would suggest that either the second sentence is moved to the supporting text, or 'should' is replaced with '<i>will be encouraged to</i>'.</p> <p>Part B of the policy is focused on design elements concerning bins and bicycles, it might be better suited in Policy DBC1: General Design Principles in the Parish.</p> | <p>The Parish Council considers that smaller dwellings are needed to start to rebalance the current mix of homes to better reflect local needs.</p> <p>The evidence base justifies this approach.</p> <p>The policy allows for flexibility should this no longer be the case further along the plan period.</p> <p>The Parish Council accepts the recommended amendment in relation to criterion B.</p> |
| 21. | Page 56 – Policy EBC1: Community, Sports & Recreation Facilities | <p>This policy has grouped together community, sports and recreation facilities.</p> <p>Development Policy 8: Community Services and Facilities in the Local Plan 2031: Part Two sets out:</p> <p><i>'b. Development proposals that would result in the loss of existing community facilities and services, including village and community halls, will only be supported where it can be demonstrated that:</i></p> <p><i>iv. it would lead to the significant improvement of an existing facility, or the</i></p> | <p>As set out in the Parish Council's response to the examiner's clarification note the policy identifies specifically where Local Plan (LP) policies will apply in the parish and adds an additional criterion.</p> <p>The Parish Council accepts that the policy provisions for each facility may be clarified if the table included in the policy classified each facility as either a Community Service and Facility to which Policy 8 of the LP applies or a Leisure and Sports Facility to which Policy 34 of the LP applies.</p> |

| | | | |
|--|--|---|---|
| | | <p><i>replacement of an existing facility equally convenient to the local community it serves and with equivalent to improved facilities,</i></p> <p><i>v. the facility is no longer economically viable for the established use, or there is a suitable and sustainable alternative that is located nearby, and</i></p> <p><i>vi. the facility is no longer required.'</i></p> <p>There is a different policy which applies to leisure and sports facilities, Development Policy 34, this sets out:</p> <p><i>'b. Development of existing leisure and sports facilities will only be permitted provided that:</i></p> <p><i>i. when assessed against the Leisure Facilities Study, Local Leisure Facilities Study and / or Playing Pitch Study, it is clearly shown that the leisure and / or sport facility is surplus to requirements; or</i></p> <p><i>ii. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of scale, quantity and quality in a suitable and accessible location; or</i></p> <p><i>the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss; or iv. the proposed development is ancillary to the main use of the site and strengthens its function.'</i></p> <p>Whilst Policy EBC1 includes 'in addition to the provisions of the relevant development plan policies', there is a risk that the policy is</p> | <p>The additional criterion is intended to help secure longer-term viability for all facilities and will apply in both cases. The Parish Council considers that this provision, not currently included in LP policy provision, should remain in the policy.</p> |
|--|--|---|---|

| | | | |
|-----|--|--|---|
| | | oversimplifying the requirements already set out in the local plan policies. | |
| 22. | Page 57 – Policy EBC2: Farmoor Reservoir | <p>Comma between ‘policies’ and ‘proposals’</p> <p>Due to the location of the Farmoor Reservoir being within the Green Belt, we would suggest the following wording is added to ensure the policy has regard to the NPPF:</p> <p><i>‘as long as the proposal preserve the openness of the Green Belt and do not conflict with the purposes of including land within it’</i></p> | <p>Cumnor Parish Council cannot locate the juxtaposition ‘policies’ and ‘proposals’ as mentioned</p> <p>The Parish Council accepts the recommended amendment.</p> |
| 23. | <p>Page 60 – Policy T11: Sustainable Transport</p> <p>‘B. New development should have no significant adverse impact on traffic safety and congestion.’</p> | <p>Part B of this policy has grouped together traffic safety and congestion. The NPPF sets different tests for these, paragraph 109 states:</p> <p><i>‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’</i></p> <p>We suggest that the policy wording is amended to reflect these different tests.</p> | <p>The Parish Council accepts the recommended amendment and would be happy to agree wording with the Examiner to achieve the desired clarity</p> |
| 24. | Page 61 – Policy T12: Cycle Routes | <p>As set out in their Regulation 14 comments, Oxfordshire County Council are supportive of the B4044 cycle route scheme.</p> <p>The policy is essentially safeguarding the route, the wording of the policy could be clarified, rather than ‘protected from</p> | <p>As set out in the Parish Council’s response to the examiner’s clarification note the Parish Council agrees to the proposed amendment as follows:</p> <p>Policy T12: Cycle Routes</p> <p>A. The B4044 cycle route (see map 19) is</p> |

| | | | |
|--|--|--|--|
| | | <p>development’, the word ‘<i>safeguarded</i>’ should be used.</p> <p>Criterion A relates to the safeguarding of a specific route, criterion B relates to cycle movement more generally and criterion C relates again to the B4044 cycle route. It might improve the overall clarity of the policy if the different elements are split, with one policy focusing on the B4044 cycle route and another policy related to cycle movements more generally.</p> <p>Core Policy 7: Providing Supporting Infrastructure and Services in the Local Plan 2031: Part One sets out:</p> <p><i>‘Where new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. Where appropriate, developers will be expected to collaborate on the provision of infrastructure which is needed to serve more than one site.’</i></p> <p>With regard to obtaining financial contributions through S06 agreements, it is important that the legal tests set out in Regulation 122 of the CIL Regulations 2010 are met. These tests are:</p> | <p>safeguarded, to enable a new cycle path to be provided. New development adjacent to the route should be designed to enhance safety and amenity of the proposed cycle path. Development proposals should not compromise the scope for public access to the protected route.</p> <p>B. C. Where directly related to the development, financial contributions may be sought via legal agreements towards the improvement of the B4044 cycle route, where appropriate.</p> <p>C. B. Development proposals that maximise opportunities for cycle movements to promote connectivity within and between the settlements in the Parish will be supported.</p> |
|--|--|--|--|

| | | | |
|-----|--|---|---|
| | | <p>a) Necessary to make the development acceptable in planning terms</p> <p>b) Directly related to the development</p> <p>c) Fairly and reasonably related in scale and kind to the development</p> <p>Given that provisions for obtaining financial contributions are already in place in the Local Plan, this text could be moved to the supporting text.</p> | |
| 25. | Page 62 – Policy TI3: Footpaths and Bridleways | <p>We would recommend that ‘must’ is replaced with ‘<i>should</i>’ to give the policy some flexibility. We also suggest ‘<i>where possible</i>’ is added to the second sentence, as not all new development will have opportunities to deliver enhancements.</p> | <p>The Parish Council does not accept the proposal to replace must with should.</p> <p>We evidence this both from the weight of opinion as stated in our Big Survey and consultations and also on recent experience in the pandemic when the network of footpaths and bridleways has provided a vital resource for helping the mental and physical health of parishioners and visitors alike</p> <p>In the light of above we would also resist the use of ‘where possible’ because of the environmental and health gains to be achieved by requiring all developments to take such opportunities – so building on VoWHDC and OCC ‘active travel’, environmental and ‘carbon neutral’ strategies and policies.</p> |
| 26. | Whole Document | <p>We would repeat our comment from the Regulation 14 consultation that the policies would be clearer if they were presented in boxes, making them easily distinguishable from the supporting text.</p> | <p>The Parish Council notes the Examiners kind comments that ‘The presentation of the Plan is very good. The difference between the policies and the supporting text is very clear’ and stands ready to make presentational changes that he deems necessary.</p> |

Appendix C: Cumnor Parish Council's response to Cumnor Cricket Club's representation about 'errors of fact'

Cumnor Cricket Club Regulation 16 representation

The Plan contains significant mis-statements of fact regarding the cricket pitch as follows:

1) "Home of Cumnor Cricket Club. Grass area surrounded by fencing and trees. Used for cricket as well as dog walking/running /BBQ's/summer parties games etc. Includes attractive and well used pavilion." (page 35).

Cumnor Parish Council's response

The Parish Council believes that it has provided sufficient evidence in its Local Green Spaces report to justify its description of the geography, architecture and flora of the area in question, which includes, but is not limited to, the actual 'cricket pitch'.

In respect of the utilisation of the land, the Cricket Club's [website](#) states:

'We regularly host: Social functions such as birthday celebrations, children's parties, christenings, dinners and quiz nights. The function room can also be hired by businesses for meetings, seminars and team building and other company events.'

Self-evidently, the Parish Council was not implying that dogs should be walked on the pitch itself, or allowed to defecate on it, but rather walked on the path observed by the Examiner (see pages 5 and 6 above) and in accordance with the path signage as shown in Picture 3 on page 6, which requests that dogs be kept on a lead, and that it an offence to 'fail to clean up after your dog'.

For completeness the Parish Council draws the Examiner's attention to the fact that other statements on the cricket ground in its LGS report are referenced to specific pages on the Cumnor Cricket Club website.

Cumnor Cricket Club Regulation 16 representation

2) "The facilities are maintained through a trust and have been largely purchased through public monies."

Cumnor Parish Council's response

The Parish Council acknowledges that the Cricket Club's operating costs are funded by club members and grants from organisations, such as the ECB, in receipt of, for example, National Lottery funding.

What the phrase in question is seeking to convey is the fact that the Parish Council and VoWHDC have been informed by the Cricket Club that the land on which it operates is owned by a private trust ('for the purpose of playing cricket in Cumnor'), which the Council understands bought the land in the 1950's using monies raised from the public, predominantly Cumnor parishioners.

Cumnor Cricket Club Regulation 16 representation

3) It should also be noted that there has been a numbering error between the list of properties on page 5 (where Cumnor is LGS13 and the Old Carp Ponds LGS14) compared to the numbers on the profiles on page 33

Cumnor Parish Council's response

Cumnor Parish Council thanks Cumnor Cricket Club for pointing out the transposition of numbering in column 1 of the table on page 5 in the separate LGS report, and undertakes to correct this in any final version, so that it matches Table 3 on page 22 of the main Neighbourhood Plan document.