

Cumnor Parish Neighbourhood Development Plan 2021-2031

**A report to Vale of White Horse District Council on
the Cumnor Parish Neighbourhood Development
Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Vale of White Horse District Council in December 2020 to carry out the independent examination of the Cumnor Parish Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 5 January 2021.
- 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, heritage assets and designating local green spaces. The Plan is very-well written and presented. It is also distinctive to the neighbourhood area.
- 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 Cumnor Parish 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
18 February 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Cumnor Parish Neighbourhood Plan 2021-2036 ('the Plan').
- 1.2 The Plan has been submitted to Vale of White Horse District Council (VWHDC) by Cumnor 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 in 2012 and which 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.
- 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 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 Service.

Examination Outcomes

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

Other examination matters

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

3 Procedural Matters

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

- the submitted Plan.
- the Evidence Base.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Screening Statement.
- the various supporting documents.
- the representations made to the Plan.
- the Parish Council's responses to my Clarification Note.
- the response from Cumnor Cricket Club to my specific questions on its representation.
- The Queen (on behalf of Lochailort Investments Ltd) and Mendip District Council [2020] EWCA Civ 1259.
- the Vale of White Horse Local Plan 2031 Part 1 (2016).
- the Vale of White Horse Local Plan 2031 Part 2 (2019).
- the National Planning Policy Framework (2019).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 5 January 2021. I followed the national guidance in place at that time. In particular I was keen to ensure that I did not have contact with any other person (or vice versa) during the visit. I looked at the overall character and appearance of the neighbourhood area in general and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised VWHDC of this decision once I had seen both the Parish Council's response to my clarification note and the Cricket Club's responses to my specific questions about the Cricket Ground.

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 the production of the Plan. The summary of the consultation processes in paragraph 2.5 of the Statement is very informative. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (January to February 2020) and how the community was encouraged to get involved.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. It provides details about:
- the public meeting (September 2016);
 - the public meeting (November 2016);
 - the Big Survey (January 2018)
 - the Business Survey (May 2019);
 - the various local events;
 - updates in the Cumnor Parish Newsletter;
 - online surveys;
 - the organisation of workshops; and
 - the use of social media.
- 4.4 The Statement also comments in significant detail on how its key policies were influenced by a variety of private and public bodies.
- 4.5 Section 3 of the Statement set out how the submitted Plan took account of consultation feedback on the pre-submission Plan. They are supplemented by details on the comments received and the Parish Council's responses to those comments. They do so in a very thorough and effective way. They help 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 3 December 2020. This exercise generated comments from a range of organisations and private individuals as follows:
- North Hinksey Parish Council
 - Vale of White Horse District Council
 - Cumnor Cricket Club
 - Merton College, Oxford
 - Historic England
 - National Grid
 - Natural England
 - Oxfordshire County Council
 - Thames Water
 - Environment Agency
- 4.9 The Plan also received 21 representations from local residents. In many cases these representations set out general support for the Plan. In some cases, specific comments were included. I have taken all the representations into account in preparing this report.
- 4.10 Where it is appropriate to do so I make specific reference to certain representations in this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Cumnor. The majority of its area is within the Oxford Green Belt. Its population in 2011 was 5755 persons living in 2441 dwellings. It was designated as a neighbourhood area on 12 January 2017.
- 5.2 The neighbourhood area has an irregular shape. The A420 Oxford to Swindon runs through the parish in a north-east to south-west direction. As the Plan itself comments the parish lies four miles to the west of Oxford and is made up of four administrative wards – Dean Court, Cumnor Hill, Cumnor Village and Farmoor. It includes the smaller hamlets of Chilswell, Henwood, Filchampstead and Swinford. The parish is largely rural, with the more suburban area of Dean Court still retaining a strong sense of green space with its mature trees, wider streets and ample gardens adding to its unique identity. In this context it is an area of great contrast ranging from a built-up area on the western edge of the wider Oxford urban area in the east to a Green Belt environment in its central part and to the west. Farmoor Reservoir occupies a significant part of its area in the north-west corner adjacent to the River Thames.
- 5.3 Cumnor itself occupies a prominent central location in the parish. It is an attractive village which includes a designated conservation area. Its historic core is based around St Michaels Church and Abingdon Road. The village includes a series of retail and community facilities.

Development Plan Context

- 5.4 The Vale of White Horse Local Plan (Part 1): Strategic Sites and Policies 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). The Vale of White Horse Local Plan (Part 2): Detailed Policies and Additional Sites was adopted in October 2019. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan. The following policies in the Local Plan 2031 Part 1 are particularly relevant to the submitted Plan:

Core Policy 3	Settlement Hierarchy
Core Policy 4	Meeting our Housing Needs
Core Policy 13	The Oxford Green Belt
Core Policy 22	Housing Mix
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

- 5.5 Section 3 of the Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.6 Cumnor is identified as a Larger Village within the Abingdon-on-Thames and Oxford Fringe sub-area in the adopted Local Plan Part 1 (Core Policy 3). These larger villages are defined as settlements with a more limited range of employment, services and facilities. Unallocated development will be limited to providing for local needs and to support employment, services and facilities within local communities.
- 5.7 Farmoor is identified as a Smaller Village in the settlement hierarchy. None of the other settlements in the neighbourhood area are specifically identified within the settlement hierarchy. In this context Core Policy 3 comments that villages not included in any of the categories in the settlement hierarchy 'will be considered to form part of the open countryside'.
- 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 visited the neighbourhood area on 5 January 2021. I was fortunate in selecting a dry and breezy day. I followed the national Covid guidance in place at that time and had no social contact with other persons.
- 5.10 I drove into the neighbourhood area from the A34 to the north. This provided a helpful context to the relationship between the neighbourhood area and Oxford and the strategic road network
- 5.11 I looked initially at the Dean Court area off both Eynsham Road and Cumnor Hill. I looked at the three LGSs between Eynsham road and the A420. I saw the way in which they related to the recent development of homes. In particular I saw the popularity and the well-maintained nature of the Tilbury Lane allotments. I then took the opportunity to walk to the south and west along Cumnor Hill. I looked in particular at the part of the neighbourhood area identified as low-density housing. I saw the relationship between the traditional houses and the more modern additions to the housing stock.
- 5.12 I then drove to Farmoor. I followed the network of footpaths into the open area to the immediate north of the Reservoir and to the south of the River Thames. I took the opportunity to look at the proposed local green space off Mayfield Road.
- 5.13 Thereafter I drove to Cumnor. I spent time in the conservation area. In particular I looked at the Church, the war memorial, the village shop and post office and the

traditional buildings in the heart of the village. I found the map of the footpaths in the parish very helpful.

- 5.14 I walked along Appleton Road. I saw the village, pond, the village garage and The Bear and Ragged Staff PH. I then looked at the two proposed local green spaces in this part of the village (the Old Carp Ponds and the Cricket Ground). I saw that they had different characters. I followed the vehicular route into the cricket ground to the rear of the pavilion and then to the footpath between Robsart Place and The Park.
- 5.15 I then drove to the east to the top of Cumnor Hill. I saw the new homes off Kimmeridge Road and the associated open spaces.
- 5.16 I finished my visit by walking along Hurst Lane to the east of Kimmeridge Road. This allowed me to understand the way in which this built-up part of the neighbourhood area related to the surrounding countryside and the wider topography. It highlighted the sensitive role which the parish plays within the wider Oxford Green Belt.

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 and informative document. It is also proportionate to the Plan itself.

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

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

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

National Planning Policies and Guidance

6.4 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019.

6.5 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 Cumnor Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and Parts 1 and 2 of the Vale of White Horse Local Plan 2031;
- 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

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its position in the settlement hierarchy. It includes a series of policies that seek to ensure the character and appearance of the neighbourhood area is safeguarded. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes a policy for care homes and other residential institutions (Policy RES2). In the social role, it includes policies on local green spaces and quiet areas (Policies LGS1 and QA1 respectively) and on community, sports and recreation facilities (Policy EBC1). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy DBC1), important views (Policy DBC7) and on heritage assets (Policies DBC2 and 6). The Parish Council's assessment of this matter is set out in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development

- 6.12 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.
- 6.13 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 Parts 1 and 2. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement VWHDC undertook a screening exercise (October 2019) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. It reaches this conclusion on the basis that the Plan does not allocate any sites for development and places great emphasis on conserving the character and appearance of the area.
- 6.16 The screening report also included a separate Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.17 The HRA report is both thorough and comprehensive. It takes appropriate account of the two Special Areas of Conservation (SACs) within 5km of the boundary of the neighbourhood area - Cothill Fen SAC and Oxford Meadows SAC. It provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the

evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

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

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that 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 Plan 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 ((Section 41-004-20190509)) which indicates that neighbourhood plans must address the development and use of land.
- 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 regardless of 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 presentation of the Plan as a whole has been prepared to a good standard. It is well-organised and includes very effective maps that give real depth and purpose to its format. The Plan 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 commendable to the extent that they are proportionate to the neighbourhood area and the subsequent policies. The Introduction provides a very clear context to the preparation of the Plan, its relationship with the Vale of White Horse Local Plan and the definition of the neighbourhood area itself (as shown in Map 1). I recommend that paragraph 6 includes a start date for the Plan period. I also recommend that the Plan period is included on the front cover of the Plan. Otherwise, it is a particularly effective introduction to a neighbourhood plan.

In paragraph 6 insert 'from 2021' after 'the period'

On the front cover of the Plan insert '2021 to 2031' after 'Development Plan'

- 7.9 The Parish description section provides helpful information about the neighbourhood area. It includes comprehensive information on the following matters:

- Infrastructure;
- Housing Mix;
- Affordable Housing;
- Green Spaces;
- Business and Community Facilities;
- Traffic and Transport; and
- Environment.

The various parts of this section are further supported by the excellent suite of Evidence Reports.

- 7.10 The following section sets out the Community Vision and a series of Objectives for the neighbourhood area. Their combined effect is clear, concise and proportionate. The overall Vision is underpinned by five objectives, all of which are distinctive to the neighbourhood area.
- 7.11 The section on community engagement describes the way in which the Plan was prepared and how comments made were incorporated into the submitted version. It helpfully overlaps with the submitted Consultation Statement.
- 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 LGS1 Local Green Spaces

- 7.13 This is an important policy within the Plan. It proposes the designation of 14 local green spaces (LGSs). They are shown on Maps 3-5 and on the Policies Map. Details on each of the LGSs are captured in the Local Green Spaces document. It comments about the way in which they meet the criteria for such designation in paragraph 100 of the NPPF. It is a first-class document of this type.
- 7.14 The proposed LGSs reflect the character and the nature of the neighbourhood area. In most cases they are traditional open recreation areas and/or areas of open space.
- 7.15 The supporting text comments about the tests in the NPPF for the designation of LGSs. It also indicates that the proposed LGSs came forward as a result of community feedback about the local importance of open spaces. I looked carefully at the proposed LGSs when I visited the neighbourhood area.
- 7.16 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGSs 1-13 comfortably comply with the three tests in the NPPF. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy. They include particularly good examples of informal LGSs which respect the nature and the character of the residential areas in which they are located.
- 7.17 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that their

designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.

7.18 The proposed designation of LGS14 (the Cumnor Cricket Ground) has attracted objections from the Cumnor Cricket Club (CCC) in its capacity as the landowner. Its proposed designation also attracted support from local residents.

7.19 I looked at the proposed LGS carefully during my visit to the neighbourhood area. I saw that it consisted of a traditional cricket pitch with a pavilion, nets and car parking area in its eastern section. I also saw the vehicular access into the site from Appleton Road.

7.20 In summary the representation from CCC contends that the Club is a successful private members' club and that the LGS designation would significantly impact on its proposals to improve and maximise the use of the existing built facilities and to expand on the range of cricket activities available at the site.

7.21 During the examination I sought CCC's comments on three particular matters as follows:

Does the Cricket Club have a view about the public's use of the hard surfaces (to the east of the clubhouse and the nets and along the access drive) within the ground as an informal footpath?

Is the Club's principal concern that such a designation would affect the Club's ability to improve/extend/adapt the existing built facilities within the ground

Does the Club have any further information at this stage on when the requirements of the cricket leagues/governing bodies may change and their specific requirements on Park Field/the Cumnor ground?

I have taken account of its responses to these matters in the following sections of this report.

7.22 Paragraphs 7.23 to 7.39 of this report assess the proposed LGS against the five matters set out below. They relate to the key elements of paragraphs 99 and 100 of the NPPF:

- the extent to which the proposed LGS is in reasonably close proximity to the community it serves;
- whether the proposed LGS is demonstrably special to the local community and holds a particular significance;
- whether the proposed LGS is local in character;

- whether its designation is consistent with sustainable development in the local area; and
- whether the proposed LGS is capable of enduring beyond the end of the Plan period.

For the purposes of this report, I will come to a judgement on each of the five matters. Thereafter I will come to an overall judgement on the extent to which the proposed designation of the proposed Cumnor Cricket Ground LGS meets the basic conditions.

Reasonably close proximity to the community it serves

- 7.23 The proposed LGS is located to the south of the village centre and has vehicular access from Appleton Road.
- 7.24 In this context I am satisfied that the proposed LGS is in reasonably close proximity to the community that it serves. It is readily accessible to people living in the southern part of the village in general, and to the adjacent residential developments served off Kenilworth Road in particular. The proximity of the proposed LGS to Cumnor is not contested by CCC.

Demonstrably special to a local community and holds a particular significance

- 7.25 The LGS Study provides helpful information which the Parish Council has assessed as part of its proposed designation of the cricket ground as a LGS. In summary it contends that:

'This site provides excellent recreational value, and is a venue for public hire. The mature trees and hedgerows along the southern border provide an important habitat for wildlife.

It is a traditional village cricket green in the heart of Cumnor Village. As such it defines the character of the area. It is a particularly tranquil area and gives Cumnor a quintessential village air, especially at the weekend when cricket matches are in progress. The Club's Twitter profile describes it as having "one of the most picturesque cricket grounds in the county"

Bounded by public footpaths the grassy surrounds when not being used by cricket players is used recreationally by dog walkers and children playing informally, and provides a tranquil haven surrounded by mature trees & hedgerows. Birdsong takes over from the sound of cricket during the winter months.

The area has historic significance as cricket has continuously been played here since 1896. The facilities are maintained through a trust and have been largely purchased through public monies including a grant from the Olympic Legacy Fund'

- 7.26 In its response to my specific questions CCC commented:

'The park is private property and there is a "Private property" sign at the main entrance to the site. Obviously, we understand that people walk around the site and frequently people do not keep to the designated footpath, which runs down the south side of the site along the tree line. Since there is no practical way to police this, we accept

generally welcome local members of the public provided they respect the club's facilities. As noted in our submission this specifically relates to dog walkers and the need to keep the site clean.

The nets to the east of the clubhouse are out of bounds to the public. These are locked and monitored by CCTV. This facility is only open to members of the club or such people as may be provided with a licence to use them on a commercial basis (e.g., cricket coaches). The hard surface around the club house is the car park and access road to the club house'

- 7.27 I have considered the various information very carefully. It is clear that the wider proposed LGS falls into two distinct parts – the main grass playing area together with the surrounding trees and hedges on the one hand and the pavilion, the nets, the hard surfacing and the access drive on the other hand. In this context I am satisfied that the main grass playing area and the associated trees and hedges meet this criterion in the NPPF. They form an attractive open recreational space within the village.
- 7.28 I am also satisfied that the designation of this part of the proposed site as a LGS would not have any impact on its use as a cricket ground or require any different management or maintenance arrangements. This conclusion takes account of the following elements of Planning Practice Guidance
- 37-019-20140306 (which comments about ownership);
 - 37-021-20140306 (which comments about future maintenance issues); and
 - 37-017-20140306 (which comments about public access into the site).
- 7.29 In this context I recommend that the pavilion, the nets, the hard standing areas and the access drive are excluded from the proposed LGS. Whilst they are an integral part of the wider cricket ground, they are distinct in character and appearance from the pitch itself. In addition, in their own right these areas would fall well short of the criteria in the NPPF for LGS designation. Their removal from the LGS would avoid VWHDC having to make judgements about the extent to which CCC's reasonable adaptations of the existing built facilities or hard-standing areas on the site justified the very special circumstances required for development to take place on LGSs.

Local in character

- 7.30 Planning Practice Guidance (37-015-20140306) comments that 'there are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed'.
- 7.31 The LGS Study comments that the size of the site is 1.7 ha. In this context I am satisfied that it is local in character and not an extensive tract of land. In any event it is visually contained by extensive trees, hedgerows and vegetation. The significance or otherwise of the size of the site is not contested by CCC.

Sustainable development

- 7.32 In addressing this matter I have given particular attention to Section 4 of the Basic Conditions Statement. It provides a very effective commentary on this important

matter. In particular with regard to Policy LGS1 it comments that ‘there are no adverse social or economic effects as there remain opportunities for development to come forward in line with strategic policy’. This matter corresponds with the representations received to the Plan in general terms, and that there are no specific proposals for development proposed by landowners in the neighbourhood area.

- 7.33 In conclusion I am satisfied that the designation of the proposed LGS (as proposed to be modified) would be consistent with the delivery of sustainable development in the parish. On the one hand it will safeguard attractive recreational land as LGS and therefore contribute towards the environmental dimension of sustainable development. On the other hand, the exclusion of the hard surface areas will allow appropriate alterations and adaptations to the built facilities associated with the Cricket Club. This will assist in the delivery of the social dimension of sustainable development.

Capable of enduring beyond the end of the Plan period

- 7.34 In its representation to the proposed designation CCC raised several issues about its longer-term ambitions for the cricket club and the potential impact of the proposed LGS designation on their delivery.
- 7.35 In its response to my specific questions on this matter CCC commented:

‘There are a number of issues in terms of viability of the club Our original concern raised with the Parish Council was that the green space designation would potentially prevent any development / expansion of the existing facilities thereby affecting the club’s ability to attract new members and income streams. For example, we have a medium-term ambition to develop women’s cricket and a longer-term ambition to develop disabled cricket. We are also seeking to make greater use of the club as a venue for local events (e.g., parties/ christenings / weddings) and possibly as a training / meeting venue to provide an income stream for the club to enable some of our plans around e.g., women’s and disabled cricket.

All of these plans would potentially include some development of the existing building (e.g., opening up the upstairs area / re-configuring the bar and kitchen areas) and potentially some slight enlargement to allow for further changing and shower facilities, disabled toilets, improved access etc.

In addition, there is an area of the park in the SE corner, which we have identified as a potential development site for a single dwelling, subject planning permission. This option was explored some time ago but we did not progress it at the time due to lack of funds. We believe this was excluded from the original green space application following our initial discussions with the Parish Council and we would need to be assured that this remains excluded in the final plan. In addition, we would need assurance that the green space designation does not preclude access to this site across the existing road since this is the only viable access.

There is a longer-term viability issue - the club is constrained in developing such that it is unable to remain viable, one last option has always been to relocate and develop the site to enable investment in a new site and facilities in the Cumnor area which allow for the expansion planned. This would again be prevented by Green space designation’

- 7.36 In its response CCC also provided a detailed commentary on the future requirements which may arise from the Club's potential entry to the Home Counties Premier League. Within that context no information was included on the feasibility of the Club moving into a higher league or the potential timetable to do so. It also provided further clarity on the location of the proposed dwelling as highlighted in its earlier representation.
- 7.37 I have considered all the information available very carefully. Having done so I am satisfied that the proposed LGS is capable of enduring beyond the end of the Plan period. This judgement takes account of my recommended modification that the hard standing areas and the built facilities should be excluded from the designated area. Plainly CCC is a successful local cricket club. However, there is no specific timetable for its potential promotion to a higher league. Equally there is no clarity on the potential alterations which would need to be made to the ground to accommodate the requirements of a higher league in general and the Home Counties Premier League in particular. In any event any alterations to the existing buildings would be unaffected by the proposed LGS on the basis of the recommended modification to its area. Any potential application for a dwelling in the south eastern corner of the site would be determined by VWHDC based on development plan policies in place at that time together with an assessment of any material planning considerations.

Summary

- 7.38 In all the circumstances I recommend that the boundary of the LGS is modified so that it excludes the pavilion, the nets, the hard surfacing and the access drive. A map of the recommended modified area is included at the end of this report (Appendix 1). In this context I am satisfied that its designation would meet the criteria included in paragraph 100 of the NPPF.
- 7.39 I am also satisfied that the proposed designation is consistent with the delivery of sustainable development in the parish and is capable of enduring beyond the end of the Plan period. Whilst CCC has ambitions to develop its existing use of the built facilities on the site and to play cricket at a higher league there is no detailed evidence available at this stage to suggest that the designation could not endure beyond the end of the Plan period. In addition, none of the potential options raised in the information provided by CCC have been tested through the planning process.

The policy itself

- 7.40 The policy has four related parts as follows:
- a list of the proposed LGSs together with a general table about the way in which they relate to the criteria in the NPPF;
 - the NPPF policy approach to LGSs;
 - an identification of appropriate development proposals for the designated LGSs; and
 - a policy approach to ensure that development adjacent to a designated LGS does not undermine its essential character

- 7.41 The first part is a matter-of-fact context to the wider policy. However, the general table is unnecessary as the relevant details are included in the LGS Evidence Document. I recommend accordingly.
- 7.42 Subject to detailed modifications to ensure that it has regard to paragraph 101 of the NPPF the second part of the policy meets the basic conditions.
- 7.43 The third part of the policy attempts to take a helpful approach towards the type of development which may be acceptable on LGSs. However, it goes well beyond the approach in the NPPF. I recommend that it is deleted accordingly. I also recommend that the supporting text is expanded to address the general issue of how planning applications would be determined.
- 7.44 I can understand the reasoning behind the Parish Council's decision to include the fourth element of the policy. However, it is a matter which can be adequately safeguarded by other policies in the Plan. In addition, it would be unreasonable to expect development on adjoining land to enhance the safety and amenity of the LGS concerned. In these circumstances I recommend that this part of the policy is deleted.
- 7.45 The recommended modifications also take account of the recent case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259).

In part A of the policy delete the tabular presentation and simply list the various LGSs (numbers and names)

In LGS14 delete the pavilion, the nets, the hard surfacing and the access drive from the site's boundary to relate to the map at appendix 1 of this report.

Replace part B of the policy with: 'Development proposals within the designated local green spaces will only be supported in very special circumstances'

Delete parts C and D of the policy.

Amend Map 5 and the Policies Map Inset 2 to take account of the changed boundary of LGS14.

At the end of paragraph 57 add:

'Part B of the policy takes the matter-of-fact approach set out in paragraph 101 of the NPPF. In the event that development proposals within the Plan period the District Council will be able to assess development proposals within designated LGSs for any very special circumstances on a case-by-case basis. This will particularly apply to the LGSs which are in active recreational use in general, and for the CCC in particular. The information about the various green spaces in the LGS Report will be a helpful starting point for any such assessment.'

Policy QA1 Quiet Areas

- 7.46 This policy takes a very specific and distinctive approach to Quiet Areas.
- 7.47 The national approach to designating Quiet Areas was introduced in Part F of the Department for Environment, Food & Rural Affairs (DEFRA) Noise Action Plan: Agglomerations (Urban Areas) Environmental Noise (England) Regulations 2006 (as amended) and published on 2 July 2019. The Action Plan applies to the relevant authorities within the identified agglomerations across the country. Oxford is one of those agglomerations, and it includes part of the Cumnor neighbourhood area (the eastern part of Cumnor Village and the slopes of Cumnor Hill down to Dean Court).
- 7.48 The requirements for designating a Quiet Area are set out in Part F of the DEFRA Environmental Noise Regulations. One of the requirements is that the area needs to have been identified as a Local Green Space in the relevant Local or Neighbourhood Plan. In this context the Parish Council has assessed each of the proposed LGSs in the submitted Plan that are in the agglomeration area as possible Quiet Areas. Three candidate areas for possible designation are set out in this policy (LGS 2/5/6). The broader issue of Quiet Areas is also addressed in Community Action 5 (in paragraph 167 of the Plan). The intention of the policy is to set out a policy context in the event that the three proposed areas are designated as Quiet Areas.
- 7.49 I have considered this matter very carefully. In doing so I have taken account of the representation from VWHDC and the Parish Council's response to that commentary. I have also taken account of my judgements on the proposed designations of the three related LGSs and my own observations of the parcels of land concerned. I can readily understand the approach that the Parish Council has taken to this issue. It is also clear that the timing of the Regulations is such that it post-dates the substantive work on Part 2 of the Local Plan.
- 7.50 However, I am not satisfied that the policy approach meets the basic conditions. In particular it proposes the identification of Quiet Areas through the planning acts rather than the appropriate regulations. In addition, it proposes policy guidance for designations which do not yet exist.
- 7.51 To remedy these issues I recommend that the substance of the policy approach and the associated supporting text are repositioned into the Community Action section of the Plan. This will best capture the future ambitions of the Parish Council on this matter. In the event that the Quiet Areas are designated the Parish Council may wish to introduce a land use policy on the matter within any review of a 'made' neighbourhood plan.

Delete the policy

Delete 'Quiet Areas designation', 'Purpose' and 'Rationale' headings and paragraphs 58-63.

Delete Maps 6-8.

Replace paragraph 167 with the following paragraphs:

'An approach to designating Quiet Areas was introduced in Part F of the Department for Environment, Food & Rural Affairs (DEFRA) Noise Action Plan: Agglomerations (Urban Areas) Environmental Noise (England) Regulations 2006 (as amended) and as published on 2 July 2019. The Action Plan applies to the relevant authorities within the identified agglomerations across the country. Oxford is one of those agglomerations, including part of the Cumnor Neighbourhood Plan area (the eastern part of Cumnor Village and the slopes of Cumnor Hill down to Dean Court).

The requirements for designating a Quiet Area are set out in Part F of the DEFRA Environmental Noise Regulations. One of the requirements is that the area needs to have been identified as a Local Green Space in the relevant Local or Neighbourhood Plan. In this context the Parish Council has assessed each of the proposed Local Green Spaces in the submitted Plan that are in the agglomeration area as possible Quiet Areas.

Three candidate areas for possible designation are set out in this Plan. They are the areas identified as Local Green Spaces 2, 5 and 6 in Policy LGS1 of this Plan. They are shown in Maps [insert numbers]. The Parish Council commits to working with the District Council and other relevant bodies to designate Quiet Areas in the Parish'

Reproduce Maps 6-8 within the Community Actions part of the Plan.

Renumber the paragraphs in the Non-planning issues/Community Actions section of the Plan accordingly.

Policy DBC1 General Design Principles

- 7.52 This is an important general policy. It sets out design principles throughout the parish. It builds on the NPPF, relevant Local Plan policies and the VWHDC Design Guide 2015. In this context it responds to the increasingly important national agenda on design and the built environment.
- 7.53 The format of the policy is well-considered. On the one hand it is distinctive to the parish and the principles capture helpfully its character and attractiveness. On the other hand, it takes a non-prescriptive approach.
- 7.54 I recommend two modifications to the design principles. They reflect the representation from VWHDC. In relation to the seventh principle the recommended modification takes account of the nature of wider development proposals. The modification to the eleventh principle translates the submitted approach into a principle.

At the end of the seventh principle add 'where this approach is appropriate to the wider development proposal'.

Replace the eleventh principle with: 'Farmstead and agricultural conversions should, where appropriate, retain and complement the historic fabric and character of the existing buildings'

Policy DBC2 Cumnor Conservation Area

- 7.55 This policy addresses the Cumnor conservation area. Its boundary is shown on Map 9 in the Plan. The policy takes an appropriate and distinctive approach to this important heritage asset. The approach complements that included in national and local planning policies.
- 7.56 The policy draws attention to a series of essential principles/design matters. They are also distinctive to the conservation area. I recommend that the principles are applied as appropriate to the development concerned. I also recommend a detailed change to the wording in the initial part of the policy so that it uses language appropriate for a neighbourhood plan and has regard to national policy. Otherwise, the policy meets the basic conditions.

In A ‘must sustain and enhance’ with ‘should preserve or enhance’

In B replace ‘In doing so,’ with ‘As appropriate to their scale, nature and location within the conservation area development’

Policy DBC3 Design in the low-density areas

- 7.57 This policy identifies a low-density area. In general terms it is based around Cumnor Hill. It is characterised by large houses in large plots. In some locations modern development has been successfully incorporated into the streetscape. I looked at this part of the parish carefully as part of my visit.
- 7.58 The policy identifies a series of design principles with which development proposals in the defined area should comply. They are both appropriate and distinctive to the defined area. As with Policy DBC2 I recommend that the principles are applied as appropriate to the development concerned. I also recommend that elements of the supporting text are modified so that they correctly relate to the submitted policy and take a proportionate approach. Otherwise, the policy meets the basic conditions.

After ‘essential characteristics’ add ‘as appropriate to their scale, nature and location within the low-density areas’

In paragraph 85 replace ‘allows’ with ‘has been designed to guide’

In paragraph 87 replace ‘must be included’ with ‘should be included where appropriate’

Policy DBC4 Development in the Green Belt

- 7.59 This policy comments about the Green Belt within the neighbourhood area. It extends across the majority of the neighbourhood area with the exception of the built-up areas in the east. Cumnor is inset within the Green Belt.
- 7.60 The policy has two related elements. The first comments specifically about the way in which green belt policy would be applied in Cumnor and Farmoor. The second comments specifically about the extension of built frontages.

- 7.61 VWHDC comments that the policy misinterprets national and local policies and suggests a replacement policy. In its response to the clarification note the Parish Council comments 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 or in that part of Cumnor Village ward that lies within the Green Belt.
- 7.62 Given the extent of the Green Belt in the parish I am satisfied that it is appropriate for the neighbourhood plan to include a policy on the matter.
- 7.63 Nevertheless I am not satisfied that the policy either has regard to national policy or is in general conformity with the strategic policies in the development plan. In general terms Cumnor is one of a series of settlements in the Green Belt which are inset to the Green Belt identified in Core Policy 13 of the Local Plan part 2. In such locations development will be permitted where the proposed development is within the existing built area of the village and in accordance with Local Plan Core Policies 3 and 4. In particular the commentary on paddocks and built frontages in the submitted Cumnor Plan is not supported by evidence or any research.
- 7.64 In order to remedy this matter I recommend that the policy is replaced by one which takes on a more general format. It is based on the suggestion made by VWHDC in its representation. I also recommend consequential modifications to the policy's Interpretation.

Replace the policy with:

'The Green Belt is shown on the Policies Map. 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.'

Replace paragraph 90 with:

'Policy DBC4 provides a local iteration of national and local Green Belt policy. It recognises the importance of the Green Belt to the neighbourhood area. The settlement of Cumnor is inset in the Green Belt. In these circumstances proposed development within the existing built area of the village will be determined in accordance with Core Policies 3 and 4 of the Vale of White Horse Local Plan Part 1 and any other specific policies which may affect development in the Conservation Area'

Policy DBC5 Lower Cumnor Hill/Third Acre Rise Area of Character

- 7.65 This policy relates to the proposed Area of Character in Lower Cumnor Hill and Third Acre Rise. It is an attractive area of low-density houses. It was considered as a potential conservation area in 2007 but was not designated as such.

- 7.66 The policy has three related parts as follows:
- that development proposals should have regard to the characteristics of the area (as identified in the 2007 study)
 - that development proposals which harm this character will be resisted unless the benefits from the develop outweigh the harm; and
 - providing an indication about how any harm would be assessed.
- 7.67 I looked at the proposed Area during my visit and saw the reasoning behind the approach taken. I am satisfied that the proposed Area of Character is sufficiently well-defined and distinctive to warrant such an approach.
- 7.68 I can understand why the 2007 conservation area assessment work has been used in the context of this policy. Nevertheless, it is now fourteen years old and was prepared for a different purpose. As such I recommend that any references to the study are removed. In practical terms this will have little effect on the application of the policy given that the Area of Character remains distinctive in its character.
- 7.69 I recommend that the third and fourth parts of the policy are combined. As submitted their format is unusual to the extent that the fourth part explains the balance which will be taken in the determination of planning applications. As part of this process, I recommend that the policy adopts a more nuanced approach – as submitted it is worded in a negative fashion which, in some cases, may result in a very prescriptive determination of planning applications. The modifications replace the third and fourth elements of the policy with an approach which comments on the determination of development proposals which would affect the existing character or appearance of the Area of Character. It comments about the balancing act that VWHDC would undertake between the harm to the existing character or appearance of the Area of Character on the one hand and any public benefits which may arise from the development on the other hand. In this context the policy would have regard to Section 16 of the NPPF. I also recommend consequential modifications to the supporting text.

In B delete ‘as set out.... report of 2007’

Replace C and D with:

‘The effect which development proposals would have on the character of the Area of Character will be taken into account in determining the planning applications concerned. In weighing proposals that directly or indirectly affect the character or appearance of the Area of Character, a balanced judgement will be taken having regard to the scale of any harm or loss to its character or appearance and the public benefits which may otherwise arise from the proposed development’

Replace paragraphs 91 and 92 with:

‘This policy recognises the distinct character of the area of Lower Cumnor Hill and Third Acre Rise. It has considerable local importance in terms of its low-density nature, the character of individual properties, the relationship between the houses and their gardens, the topography of the area and its open spaces

Development proposals within the Area of Special Character are expected to respond positively to these very distinctive features. Part C of the policy comments about the way in which any proposed harm to its character would be assessed against any wider public benefits which may arise from the development'

Policy DBC6 Conserving and enhancing Local Heritage Assets

- 7.70 This policy identifies a series of local heritage assets. They are described in Appendix A by both text and photographs. They are mainly buildings. However, in other cases they are part of the natural landscape. They include interesting practice First World War trenches at Hill End.
- 7.71 The second part of the policy sets out the approach which the Plan applies to development proposals which would have an impact on the identified assets. It comments that proposals that will result in harm to, or unnecessary loss of, an identified asset will be resisted, unless it can be demonstrated that there is a public benefit that outweighs the harm or loss. However, this approach is more prescriptive than that in Section 16 of the NPPF. I recommend that this part of the policy is replaced with a form of wording which has regard to national policy. This will ensure that it meets the basic conditions. Nevertheless, the effects of the policy are largely unchanged.

Replace part B of the policy with:

'The effect which development proposals would have on the significance of the identified Local Heritage Assets in Appendix A should be taken into account in determining the planning applications concerned. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be taken having regard to the scale of any harm or loss and the significance of the heritage asset'

Policy DBC7 Important Views

- 7.72 This policy identifies an extensive range of important views. They are shown on map 12 and listed in table 5. The policy comments that development proposals should preserve or enhance the local character of the landscape and should not have significant adverse impact on the important views.
- 7.73 The approach in the policy is underpinned by the Important Views Report. It is an excellent part of the evidence base of the wider Plan. It sets out its methodology and comments about the important views in detail. In general terms the views both describe and celebrate the landscape of the parish.
- 7.74 The policy is generally well-considered. In particular it is non-prescriptive. This is particularly important given the number of views and their ranges.
- 7.75 VWHDC comments about View 6 from the tower of St Michael's Church in Cumnor. Due to its nature, it is open to the public only at certain times. On balance I am satisfied that the view should remain in the Plan. In particular it is part of the character and the appearance of the Cumnor conservation area.

- 7.76 To bring the clarity required by the NPPF I recommend that the policy identifies the implications of proposals which conflict with the policy ambitions. I also recommend that the policy refers specifically to the views rather than to their source in the Character Appraisal. This issue is already adequately addressed in the policy's Interpretation.

Replace part B of the policy with:

'Development proposals should preserve, or where practicable enhance, the local character of the landscape in general and should take account of the important views as identified on map 12 and as listed in table 5 in particular.

Development proposals which would have an unacceptable impact on the local character of the landscape and/or on an identified important view will not be supported'

- 7.77 **Policy RNE1 Green Infrastructure**
This policy sets out a comprehensive approach towards green infrastructure and biodiversity. It is underpinned by comprehensive supporting text in the Interpretation.
- 7.78 VWHDC suggests that the policy's format could have unintentional consequences. I concur with its view and recommend a modification to remedy the matter. Its effect is to introduce an additional element at the beginning which then connects to the three detailed elements in the submitted policy. This approach also allows a closer relationship between the supporting text, Map 13 and the policy itself. Otherwise, it meets the basic conditions in general terms. In particular it addresses the distinctive green infrastructure and biodiversity in the parish.

Insert at the beginning of the policy:

'Development proposals should protect, and where practicable enhance, valued landscapes, sites of biodiversity or geological value and soils as shown on Map 13 in a manner commensurate with their statutory status or identified quality in the development plan and minimise impacts on and providing net gains for biodiversity where it is practicable to do so. As appropriate to their scale, nature and location development proposals should:

Insert A/B/C from the submitted policy with the following modifications:

In A replace the initial wording with: 'take particular account of the following elements of green infrastructure:'

In B delete 'Development proposals should' and replace 'possible' with 'practicable'

In C remove the initial C so that this part of the policy sits as a free-standing element.

Policy RNE2 Flood Risk

- 7.79 The policy takes account of the flood profile in the parish. It acknowledges the sequential test in the NPPF and highlights that the Filchampstead area is unlikely to be suitable for new development. Other areas with significant flood risk are also identified. The policy also requires flood risk to be assessed and to be reflected in the location and design of new development, including appropriate mitigation measures.
- 7.80 In general terms the policy has been designed to have regard to Section 14 of the NPPF. Nevertheless, there are elements of the policy which do not have regard to national policy. In recommending modifications, I have taken account of the comments of VWHDC on the policy and the Parish Council's responses to those comments.
- 7.81 The recommended modifications address the following matters:
- the relationship between the policy and paragraph 155 of the NPPF;
 - the potential importance of the exception test as set out in paragraph 159/160 of the NPPF;
 - the use of sustainable drainage systems may not always be appropriate; and
 - that any sustainable drainage schemes should be proportionate to the development proposed.
- 7.82 The modifications remove the specific reference to Filchampstead in Part B of the policy. This is not intended to understate the significance of its potential flooding issues. However, the matter is already addressed in paragraph 116 of the Interpretation.

Replace the policy with:

'A. Development proposals should be located and designed to take account of flood risk. Particular attention should be given to potential flood risk impacts in the following wards:

- Farmoor (as shown on map 14);
- Cumnor Hill (as shown on map 15); and
- Dean Court area (as shown on map 15)

B. Inappropriate development in areas at risk of flooding will not be supported unless the exception tests in paragraph 159 of the NPPF are met. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

C. Development proposals should take account of impacts in terms of runoff generation and surface water drainage and should provide the required mitigation measures to ensure no that there is no unacceptable increase in surface water discharge off site.

D. Where it is appropriate to do so new developments should incorporate Sustainable Drainage Systems

E. As appropriate to their scale, nature and location sustainable drainage should be suitably designed to ensure that discharge rates do not exceed greenfield

rates with systems designed to add to the area’s biodiversity. Systems should be designed with full consideration for future maintenance’

Policy RES 1 Residential Mix and Standards

- 7.83 This policy comments on two related aspects of residential development. The first relates to housing mix. The second comments about the need for waste and recycling storage facilities and bicycles to be located in unobtrusive locations.
- 7.84 I am satisfied that the Plan’s intention on housing mix strikes an appropriate balance between providing policy guidance of the one hand and being non-prescriptive on the other hand.
- 7.85 VWHDC comments that the second part of the policy would sit better in Policy DCB1. I agree that this would be the case. However, such an approach is not necessary to ensure that the Plan meets the basic conditions.
- 7.86 I recommend a modification to Part B of the policy to ensure that it is not otherwise applied in an unrealistic fashion. In some cases, the types of storage anticipated in the policy may not be practicable to achieve.

Replace the second sentence of B with: ‘Where practicable such storage facilities should be located in positions not visible from street frontages’

Policy RES2 Care Homes

- 7.87 This policy provides a positive context for the development of care homes and residential institutions. It is a criteria-based policy. The criteria are both appropriate and distinctive to the parish.
- 7.88 I recommend detailed modifications to the wording used in some of the criteria to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions

In ii replace ‘possible’ with ‘practicable’

In iii replace ‘should be’ with ‘are’

Replace iv with ‘The development would not have an unacceptable impact on the amenities of residential properties in the locality’

Policy EBC1 Community, Sports and Recreational Facilities

- 7.89 This policy comments about community, sports and recreational facilities within the parish. It recognises their importance to the local community. It identifies a series of facilities under the following headings:
- Community Halls;
 - Community Play Areas;
 - Churches;
 - Sports Pitches; and
 - Allotments

- 7.90 I am satisfied that the facilities identified have been appropriately-selected. I saw their importance during my visit to the parish.
- 7.91 The policy seeks to supplement and refine existing development plan policies on community, sports and recreation facilities by identifying those facilities to which the policies should apply. It also makes comments about flexibility where parts of the facilities can be shown to be surplus to requirements.
- 7.92 VWHDC correctly points out that the wide-ranging nature of the policy impacts on different policies within the Local Plan. It suggests that the policy should relate the various facilities to the policies concerned. I am satisfied that this would be appropriate and would bring the clarity required by the NPPF.
- 7.93 I also recommend that the policy more clearly identifies the relevant Local Plan policies. As submitted the Plan does not provide any detailed guidance either to local people or to the owners of the identified facilities.
- 7.94 Finally I recommend that the supporting text is expanded so that it identifies the process which would apply to proposals for the change of use of part of an identified facility.

Replace Part B of the policy with:

B. Development proposals which would affect the use of the identified facilities in Part A of the policy will be determined against the provisions of Policies DP8 (Community Halls, Community Play Areas, Churches and Allotments) and DP34 (Sports Pitches) of the Local Plan

C. Development proposals to change the use of part of a community, sports & recreation facility (as identified in Part A of the policy) that is surplus to requirements will be supported where they will not undermine the overall viability and importance of the community, sports & recreation facility concerned'

At the end of paragraph 144 add:

Plainly different proposals will have different effects on the facility concerned and will need to be supported by evidence which is proportionate both to the facility itself, and to the proposal concerned. However, in general terms any such proposals should demonstrate the circumstances which have arisen to generate the planning application, the extent to which the former use of that part of the premises is now being delivered through another facility and the ongoing ability of the substantive part of the facility to continue to provide community facilities to the local population in the event that the proposal is approved'

Policy EBC2 Farmoor Reservoir

- 7.95 This policy comments about Farmoor Reservoir. It supports development which would improve or enhance its recreational use.

- 7.96 VWHDC comment that the policy should take account of its location within the Green Belt. I am satisfied that this addition is necessary to ensure that the policy meets the basic conditions. Otherwise, the wider policy could have unintended consequences.
- 7.97 The policy is effectively a criteria-based policy. In this context I also recommend that the policy is recast so that it more clearly adopts this format and identifies the issues which development proposals would need to address
- 7.98 Otherwise it meets the basic conditions. Its implementation will assist in the delivery of the social dimension of sustainable development in the Plan period.

Replace the policy with:

‘Development proposals located within the environs and setting of Farmoor Reservoir (map 17) which would enhance the recreational use of the reservoir and its surroundings will be supported subject to the following criteria:

- **they do not have an unacceptable impact on the residential amenity of houses in the locality by reason of noise, disturbance, vibration or other impacts;**
- **the reservoir’s function and setting are retained;**
- **public access to the reservoir is safeguarded and where practicable enhanced; and**
- **the proposals preserve the openness of the Green Belt and do not conflict with the purposes of including land within it’**

Policy EBC3 River Environment and Access

- 7.99 This policy celebrates the relationship between the parish and the River Thames. The Parish has a long boundary with the River Thames. Access via Farmoor is via a paid car park or by foot which is not accessible to mobility scooters or buggies. The Parish Council has the aim of improving limited public access to the river. The policy protects the river and environs and supports development which would encourage further recreational use of this important facility where it does not compromise the river environment or potential to improve access.
- 7.100 I recommend detailed modifications to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will play an important part in extending social and recreational opportunities in the parish.

Replace the first sentence with: ‘The Plan safeguards the River Thames and its immediate environs (as shown on map 18)’

In i replace ‘harmful’ with ‘unacceptable’

In iii replace ‘to allow public access’ with ‘or prevent existing or potential future public access’

Policy T1 Sustainable Transport

- 7.101 This policy aims to promote sustainable transport in the parish. The first part of the policy has a general format. The second part aims to ensure that new development does not add to congestion at specific points in the local network.
- 7.102 I recommend modifications to each of the elements of the policy. In relation to the first I recommend that the policy is worded in a way which would allow it to be applied in a proportionate fashion to the development proposed. In relation to the second I recommend that the policy wording more closely aligns to its objectives. This will bring the clarity required by the NPPF in general, and have regard to paragraph 109 of the NPPF in particular.

At the beginning of A add: ‘As appropriate to its scale, nature and location’

In B replace the initial wording with: ‘New development should not have an unacceptable impact on the free and safe flow of traffic in general, and at the following locations in particular:’

Policy T2 Cycle Routes

- 7.103 This policy has a hybrid nature. Its general part seeks to ensure that new development does not compromise the route of a proposed cycle path or compromise its operation through poor design. The more specific part relates to an approach towards safeguarding of the route of a proposed B4044 Cycle Path. Oxfordshire County Council supports the B4044 cycle route scheme and is developing a business case and undertaking some feasibility work.
- 7.104 In its response to the clarification note the Parish Council has suggested a reworking of the policy so that the distinction between its two elements is clearer and to ensure that the safeguarding issue is clearer. This approach is helpful and I recommend modifications accordingly. However, I recommend that the element of the policy on developer contributions to the emerging cycle route is repositioned into the Interpretation of the policy. In effect it is a procedural matter rather than a policy approach. In addition, the Interpretation provides a more appropriate place for an explanation about how such an approach would comply with national policy.

Replace the policy with:

‘A. The B4044 cycle route (as shown on map 19) is safeguarded, to enable a new cycle path to be provided. New development adjacent to the route should be designed to enhance the safety and amenity of the proposed cycle path. Development proposals should not compromise the scope for public access to the protected route.

B. Development proposals that maximise opportunities for cycle movements to promote connectivity within and between the settlements in the Parish will be supported’

At the end of paragraph 159 add:

'The development of the path is an important initiative. Financial contributions from proposed developments may be sought via legal agreements towards the improvement of the route where they would meet the tests of the Community Infrastructure Levy Regulations'

Policy T3 Footpaths and Cycleways

- 7.105 This policy has a focus on footpaths and cycleways. It has two related parts. The first comments that new development must have no adverse impact on the existing network. The second comments that new development should take opportunities to improve the network.
- 7.106 VWHDC comment about the prescriptive nature of the policy. I have also taken account of the Parish Council's response to the clarification note. Taking account of all the information I recommend a replacement policy. The first element comments about the approach which should be taken and the implications for development proposals which would have an unacceptable impact on the network. The second part of the policy recognises that opportunities for development to improve the existing network may not always be practicable. The general nature of paragraph 160 is such that consequential modifications to the supporting text are not required.

Replace the policy with:

'New development proposals should take into account the safety, accessibility and visual amenity of Cumnor's network of footpaths and bridleways. Development proposals which would have an unacceptable impact on their accessibility and recreational amenity value will not be supported.'

Where it is practicable to do so new development should take opportunities to enhance the accessibility, connectivity and amenity of footpaths and public rights of way'

Policy T4 Digital Connectivity

- 7.107 This policy comments that development proposals should incorporate high speed connectivity and/or other communications networks, so as to be ready when local services are upgraded.
- 7.108 Its approach is entirely appropriate. Nevertheless, the policy incorporates both policy elements and an interpretation of the policy. I recommend that the latter part of the policy is deleted to remedy this matter. In any event the matter of future-proofing is already incorporated with the Interpretation (paragraph 161).

Delete 'so as to.....are upgraded'

Other Matters

- 7.109 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are

required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for 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.

Modification of specific text

- 7.110 VWHDC has suggested a series of amendments to the Plan in its representations. I have found its comments very helpful. I recommend the following modifications over and above those which have already been incorporated earlier within this report on a policy-by-policy basis. They are those required to ensure that the Plan meets the basic conditions.

Paragraph 24 – Replace the first sentence with:

‘Given the increase in housing and the predominant Green Belt nature of the parish, all new development which involves 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’

Paragraph 24 – In the third sentence delete ‘The Vale’sthat’

Paragraph 39 – Replace ‘inspector’ with ‘examiner’

In the Aims and Objectives Aim 4 i (pages 16/17) replace ‘enhance’ with ‘preserve or enhance’

Paragraph 67 – In the second sentence replace ‘must’ with ‘should’

Paragraph 101 – Replace the first sentence with: ‘The majority of the parish has Green Belt designation, apart from the built area of Dean Court, Cumnor Hill and Cumnor Village’

Paragraph 112 – replace ‘Diversity’ (in brackets) with ‘Biodiversity’

Paragraph 121 - replace the second sentence with: ‘With the exception of the built-up areas of Dean Court, Cumnor Hill and Cumnor Village, the majority of the parish lies in the Oxford Green Belt.’

- 7.111 VWHDC comments that the policies themselves would be more prominent if they were included within policy boxes. I agree that this would be the case. However, the policies are shown in bold type face and are sufficiently distinguished from the supporting text. As such I am satisfied that there is no need to change their format.

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 Cumnor Parish 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 some technical modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

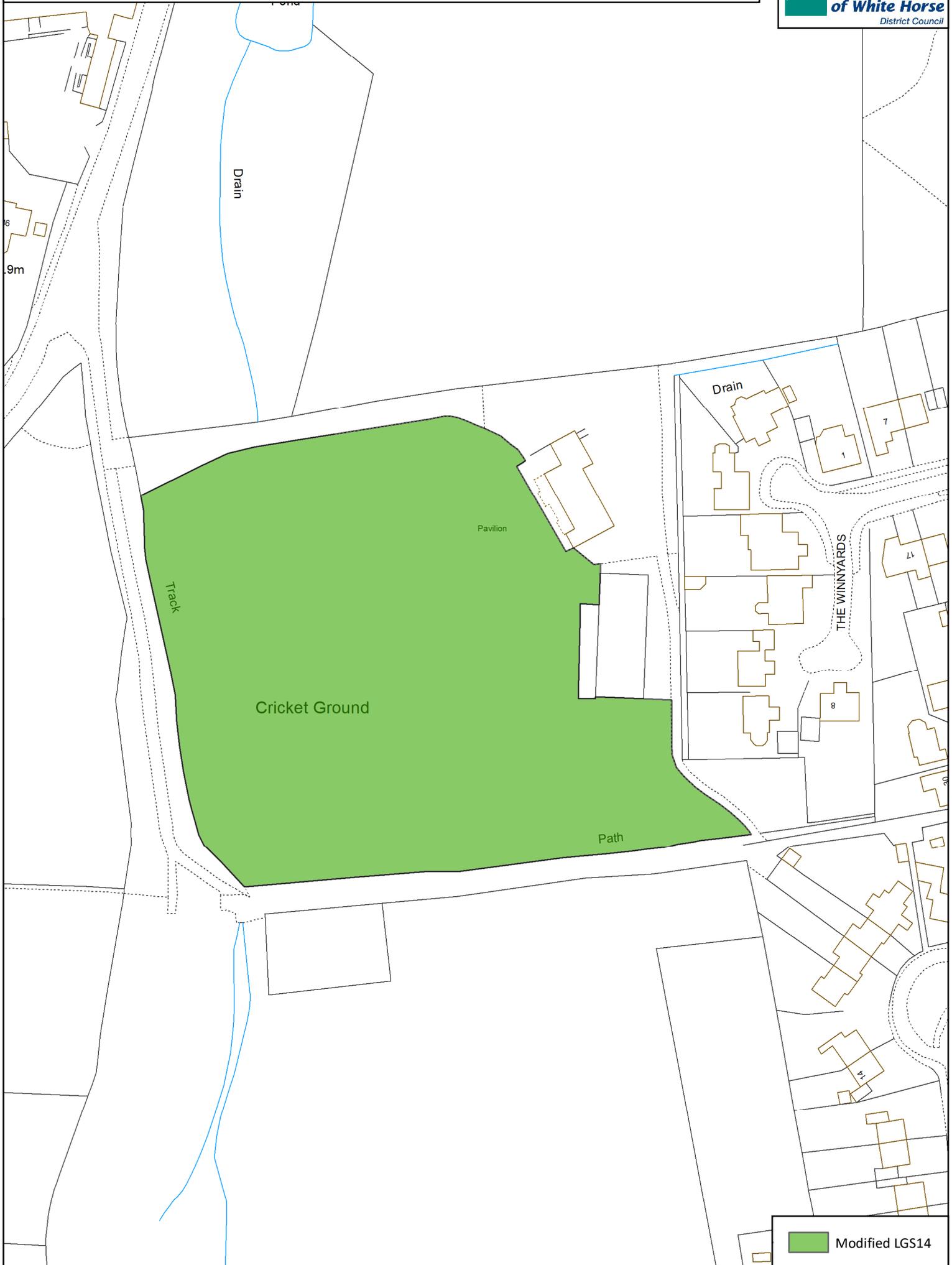
- 8.4 On the basis of the findings in this report I recommend to Vale of White Horse District Council that, subject to the incorporation of the modifications set out in this report, the Cumnor Parish Neighbourhood Plan should proceed to referendum.

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 12 January 2017.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The Parish Council's responses to the Clarification Note and the Cricket Club's responses to my specific questions about its Ground were very helpful in preparing this report.

Andrew Ashcroft
Independent Examiner
18 February 2021

Appendix 1: Recommended modified boundary of proposed LGS14 – Cumnor Cricket Pitch



 Modified LGS14



1:1,250
at A4