

OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO THE FOLLOWING CONSULTATION:

District: West Oxfordshire

Consultation: Charlbury Neighbourhood Plan 2031 – Consultation Draft

This report sets out Oxfordshire County Council's view on the Draft Charlbury Neighbourhood Plan 2031

Annexes to the report contain officer advice.

Overall View of Oxfordshire County Council

Oxfordshire County Council (OCC) supports in principle the ambition of Charlbury Town Council to produce a Neighbourhood Plan.

We note that no housing allocations have been made in this plan in accordance with the West Oxfordshire Local Plan 2031 and in light of the constraints of the parish which lies entirely within an AONB and that a criteria-based approach has been adopted. Affordable housing has been identified as a key issue and we support policy CH2 but suggest that properties be made available at the level of 'Living Rent'.

The Oxfordshire County Council Estates team has previously confirmed (email 24th January 2018) to the NP Steering Group that they do not wish to object to the inclusion of Centenary Wood and associated land within the NP as Local Green Space (LGS) site LGS9. This remains the case today.

Oxfordshire County Council Estates team has also made clear at the same time that they would strongly object to the designation of Wychwood Paddocks and land to the south of the Bowls Club and Ticknell Piece as Local Green Spaces – this was considered by the Steering Group in early 2018 and initial proposals at the time were removed from the draft NP and remain absent from the NP today. Estates reserve their right to maintain their objection should the sites be re-included as LGSs at any point in the future.

It is noted there is a rationale for the non-designation of the Wychwood Paddocks site as a LGS at Appendix F3 to the NP. It is used as a school playing field and therefore by designating the site as a LGS it would make it very difficult or at worst, impossible, to undertake future development at the site for school /education purposes (including anything other than essential ancillary facilities for sports purposes). The site is owned by a public body (the County Council) and not a private owner or developer and therefore the need to protect it to prevent commercial development occurring is not relevant in this instance (Oxfordshire County Council Estates Team).

Policy CH1 – As currently worded this policy is contrary to Local Plan policy H2 (Oxfordshire County Council Estates Team).

Policy OS2 supports a modest level of development at Rural Service Centres including Charlbury (Oxfordshire County Council Estates Team).

As drafted, NP policy CH1 appears to require a viability justification to be provided for mixed housing within the built-up area, which goes well beyond the requirement of Local Plan policy H2. The policy as drafted therefore is not in general conformity with policy H2 and should be amended to reflect the acceptance that development of a modest level can occur within the built-up area of Charlbury (Oxfordshire County Council Estates Team).

We note Community Aspiration 1 and consideration should be given to the fact that any new homes or commercial premises planned to be built have 21st digital infrastructure installed at the build phase. This will significantly mitigate environmental impacts of any proposed development. More people will be able to work from home, reducing the amount of traffic on the roads & connected homes and offices will optimise environmental controls reducing power consumption and pollution.

Parking is addressed in the plan through Policies ECT7 and ECT8. We would support alternatives to car use, including cycle park provision and public transport (policies ECT9 and ECT11).

We support the ambition to ensure all new developments are connected to the rest of the community through adequate walking and cycling provision. We would also suggest including references to Local Transport Plan 4 in the policy context discussion and when listing policy documents.

We strongly recommend that the [Oxfordshire Joint Health and Wellbeing Strategy](#) is referenced and integrate health and wellbeing throughout the Charlbury Neighbourhood Plan policy approaches. One of the headline priorities for the Oxfordshire Health and Wellbeing Board is “healthy place-shaping”:

We welcome the importance given to the benefits of green space and protections given to it through Policies NE1, NE2, NE3 and NE4 and note that 21 sites within the parish have been identified for designation as Local Green Spaces.

Further consideration should be given to waste reuse, reduction and recycling and the Plan may also wish to consider how their community spaces can be used to help reduce waste.

The plan comprehensively covers heritage however policy HE3 is restrictive in the sense that the area of significance is limited to the town centre, suggested policy wording is included in Annex 1.

Detailed officer comments, which include some suggested minor amendments, are set out in Annex 1 below.

Officer's Name: Jon Wellstead
Officer's Title: Senior Planner
Date: 28 October 2019

ANNEX 1
OFFICER ADVICE

District: West Oxfordshire

Consultation: Charlbury Neighbourhood Plan 2031 (Draft version)

Team: Education

Officer's Name: Joanne Booker

Officer's Title: School Organisation Officer

Date: 18 October 2019

Education Comments

The council notes the Plan's objective under Aim 3 of the Neighbourhood Plan 'to support Charlbury Primary School and ensure all children in Charlbury can attend the primary school if they wish to do so.' The school is a 1 form entry school, with a capacity of 210 and a Published Admission Number of 30 children per year. There were 192 pupils on roll at the time of the May 2019 pupil census. Current pupil forecasts indicate that all children in Charlbury will be able to attend the primary school if they wish to do so, but we cannot rule out that there could be some years when population fluctuations mean that some children are refused places.

The feasibility of the potential expansion of Charlbury Primary School has been assessed and would be progressed if required as a result of local population growth. However, this would only be appropriate for sustained and significant shortages of places – where the scale of over-subscription is low, it may not be financially viable for the school to admit all applicants. Should it become necessary to expand the school, the council would welcome the support implied under Aim 3.

The Neighbourhood Plan does not make reference to secondary school provision serving the area. The nearest secondary school is Chipping Norton, and the capacity of this school is currently expected to be sufficient for the level of housing development planned in the area, but this will be affected by the balance of supply and demand for places in surrounding areas.

In relation to Policy F3, it is noted that Wychwood Paddocks (currently used as a school playing field) has not been designated as a Local Green Space. However, it is noted that 'the National Planning Policy Framework (NPPF) paragraph provides strong protection for playing fields such as this.' The Neighbourhood Plan is correct in stating that the future academisation of Charlbury Primary School would not have an impact on this situation. Paragraph 6 of the Department for Education (DfE) Guidance on the Disposal or Change of Use of Playing Field and School Land (May 2015) quotes the DfE Guidance on Standards for School Premises (March 2015) in stating that 'all maintained schools and academies must provide suitable outdoor space to enable physical education in accordance with the school curriculum and to enable pupils to play outside. There is a very strong policy presumption against the disposal of school playing field land.'

Policy ECT1 states that 'development will be supported where it is shown to actively reinforce Charlbury's role as a rural service centre' which includes 'actively maintaining and enhancing services of local importance including [...], educational establishments (including early years)'. This statement is supported by the council,

and the recognition of the importance of early years provision in the area is also appreciated.

District: West Oxfordshire

Consultation: Charlbury Neighbourhood Plan 2031 (Draft version)

Team: Strategic Planning

Officer's Name: Anna Herriman

Officer's Title: Minerals and Waste Planning Policy Officer

Date: 14th October 2019

Minerals and Waste Comments

The area covered by the Neighbourhood Plan is not in a Strategic Resource Area and is also not in a Minerals safeguarding area. There are also no permitted Mineral and Waste sites within the area. Therefore, from a Mineral and Waste planning policy perspective, OCC has no comments to make.

District: West Oxfordshire
Consultation: Charlbury Neighbourhood Plan 2031 (Draft version)
Team: Drainage
Officer's Name: Adam Littler
Officer's Title: Drainage Engineer
Date: 16th October 2019

Lead Local Flood Authority

Recommendation:

No objection

Key issues:

Any development should be in line with Local and National Standards.

Detailed comments:

The [Sustainable Drainage Systems \(SuDS\) Policy](#), which came into force on the 6th April 2015 requires the use of sustainable drainage systems to manage runoff on all applications relating to major development. As well as dealing with surface water runoff, they are required to provide water quality, biodiversity and amenity benefits in line with National Guidance. The [Sustainable Drainage Systems \(SuDS\) Policy](#) also implemented changes to the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2010](#) to make the Lead Local Flood Authority (LLFA) a statutory Consultee for Major Applications in relation to surface water drainage. This was implemented in place of the SuDS Approval Bodies (SAB's) proposed in Schedule 3 of the Flood and Water Management Act 2010.

All full and outline planning applications for Major Development must be submitted with a Surface Water Management Strategy. A site-specific Flood Risk Assessment (FRA) is also required for developments of 1 hectare or greater in Flood Zone 1; all developments in Flood Zones 2 and 3 or in an area within Flood Zone 1 notified as having critical drainage problems; and where development or a change of use to a more vulnerable class may be subject to other sources of flooding.

Further information on flood risk in Oxfordshire, which includes access to view the existing fluvial and surface water flood maps, can be found on the [Oxfordshire flood tool kit](#) website. The site also includes specific flood risk information for developers and Planners.

The [National Planning Policy Framework](#) (NPPF), which was updated in February 2019 provides specific principles on flood risk (Section 14, from page 45). [National Planning Practice Guidance](#) (NPPG) provides further advice to ensure new development will come forward in line with the NPPF.

Paragraph 155 states; *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether*

existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”

As stated in Paragraph 158 of the NPPF, we will expect a sequential approach to be used in areas known to be at risk now or in the future from any form of flooding.

The [Non-statutory technical Standards for sustainable drainage systems](#) were produced to provide initial principles to ensure developments provide SuDS in line with the NPPF and NPPG. Oxfordshire County Council have published the “[Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire](#)” to assist developers in the design of all surface water drainage systems, and to support Local Planning Authorities in considering drainage proposals for new development in Oxfordshire. The guide sets out the standards that we apply in assessing all surface water drainage proposals to ensure they are in line with National legislation and guidance, as well as local requirements.

The SuDS philosophy and concepts within the Oxfordshire guidance are based upon and derived from the CIRIA [SuDS Manual \(C753\)](#), and we expect all development to come forward in line with these principles.

In line with the above guidance, surface water management must be considered from the beginning of the development planning process and throughout – influencing site layout and design. The proposed drainage solution should not be limited by the proposed site layout and design.

Wherever possible, runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required. The proposed drainage should mimic the existing drainage regime of the site. Therefore, we will expect existing drainage features on the site to be retained and they should be utilised and enhanced wherever possible.

Although we acknowledge it will be hard to determine all the detail of source control attenuation and conveyance features at concept stage, we will expect the Surface Water Management Strategy to set parameters for each parcel/phase to ensure these are included when these parcels/phases come forward. Space must be made for shallow conveyance features throughout the site and by also retaining existing drainage features and flood flow routes, this will ensure that the existing drainage regime is maintained, and flood risk can be managed appropriately.

By the end of the Concept Stage evaluation and initial design/investigations Flows and Volumes should be known. Therefore, we ask that the following Pro-Forma is completed and returned as soon as possible:



OCC Pro-Forma.pdf

District: West Oxfordshire

Consultation: Charlbury Neighbourhood Plan 2031 (Draft version)

Team: Strategic Planning

Officer's Name: Jackie Goodwin

Officer's Title: Housing Development Officer

Date: 25th September 2019

Housing Comments

We strongly support the need for more affordable homes and would point out that the definition of “affordable” particularly on property in the private rented sector is still out of reach for families on low incomes or benefits. We would urge the consideration of properties available at a “living rent” which would bring them within the reach of younger local people and may attract key workers in such areas as social care, and child care.

This would further help to address the challenges identified at 5.1

District: West Oxfordshire
Consultation: Charlbury Neighbourhood Plan 2031 (Draft version)
Team: Environment Strategy
Officer's Name: Nick Mottram
Officer's Title: Environment Strategy Manager
Date: 22nd October 2019

Environment Comments

I welcome the consideration given to landscape, biodiversity and environmental issues within the NP and, the prominence given to the Cotswolds AONB, dark skies and tranquillity issues.

I note the promotion of Centenary Wood as a Local Green Space (LGS) and do not have any objections to this from an environmental perspective.

Separating the skate park / play area and the woodland into two different LGS would better reflect their different origins and uses.

It is noted that ash dieback is starting to affect trees in Centenary Wood which may affect the long-term character and function of the wood. The inclusion of Centenary Wood in the Infrastructure Delivery Plan would provide a mechanism to support restructuring of the species mix dependent upon progress of the disease.

The value of green infrastructure in people's wellbeing is noted in the NP. The recognition of the role of footpaths in accessing the countryside is welcomed. This functionality could be reinforced through policy ETC 9 by supporting proposals which *enhance* the characteristics of rights of way, in addition to resisting those which harm these characteristics.

District: West Oxfordshire

Consultation: Charlbury Neighbourhood Plan 2031 (Draft version)

Team: Strategic Planning

Officer's Name: Rachel Burns

Officer's Title: Waste Strategy Manager

Date: 21/10/19

Waste Strategy Comments

Waste reuse, reduction and recycling appear to have not been considered fully within the neighbourhood plan.

Oxfordshire councils have ambitious targets to reduce the amount of waste generated and increase the amount recycled as demonstrated in our Joint Municipal Waste Management Strategy 2018-2023.

Enabling the residents of new dwellings to fully participate in district council waste and recycling collections, for example through providing sufficient and convenient storage space for bins both inside properties and externally, will allow Oxfordshire's high recycling rates to be maintained and minimise an increase in residual waste.

Bin store provision which can accommodate the correct number of mixed recycling, refuse and food recycling bins, are safe and easy to use for both residents and waste collection crews and meets the requirements of the waste collection authority are required.

The Neighbourhood Plan may also wish to consider how their community spaces can be used to help reduce waste and build community cohesion through assets such as community fridges, space for the sharing economy (library of things), refill stations, space for local food growing etc.

District: West Oxfordshire
Consultation: Charlbury Neighbourhood Plan 2031 (Draft version)
Team: Environment Strategy Team
Officer's Name: Haidrun Breith
Officer's Title: Landscape Specialist
Date: 22/10/2019

Natural Environment Comments (Landscape)

Thank you for consulting us on this draft Neighbourhood Plan (NP). We are impressed with the efforts that have gone into the preparation of the Plan and background documents.

Charlbury parish is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) and is considered sensitive in landscape character and visual terms.

We are pleased that the Neighbourhood Plan adequately recognises the importance of this landscape designation and strongly support the policies on landscape character, views, green infrastructure, biodiversity, open spaces, tranquillity and dark skies outlined in chapter 7 of the Neighbourhood Plan. We also support the policies on heritage assets and designs (chapter 8) and the design guidance in appendix C, all of which will assist in delivering development that is in keeping with the surrounding landscape character.

We note that the document draws on the findings of the West Oxfordshire Landscape Character Assessment (1998). The Neighbourhood Plan may also wish to refer to the findings of the Oxfordshire Landscape and Wildlife Study (OWLS) <http://owls.oxfordshire.gov.uk/wps/wcm/connect/occ/OWLS/Home/>, which defines local landscape character areas and makes recommendations for landscape and biodiversity strategies.

As part of its Local Green Space policy the Neighbourhood Plan seeks to designate Centenary Wood (LGS9), an Oxfordshire County Council owned site as Local Green Space (LGS). This designation does in our view reflect the importance of the site to the local community but also its potential for achieving biodiversity gains that work towards achieving the aims and objectives of the Northern Evenlode Valleys Conservation Target Area (CTA), in which the site is located.

District: West Oxfordshire

Consultation: Charlbury Neighbourhood Plan 2031 (Draft version)

Team: Strategic Planning

Officer's Name: Hugh Coddington

Officer's Title: Archaeology Team Lead

Date: 24th October 2019

Archaeology Comments

The draft neighbourhood plan includes a very comprehensive section relating to the historic environment. My only concern is that the proposed Policy HE3 is restrictive in that it confines the potential area of significance to the town centre. There is a likelihood that non designated heritage assets survive beyond this area. Also, there are a variety of other investigative techniques beyond evaluation that should be may be better utilised.

I would therefore recommend the following policy be used.

The Historic Environment: The parish's designated historic heritage assets and their settings, both above and below ground including listed buildings, scheduled monuments and conservation areas will be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place.

Proposals for development that affect non-designated historic assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the National Planning Policy Framework (NPPF 2018).

District: Charlbury

Consultation: Charlbury Neighbourhood Plan 2031 (Draft version)

Team: Transport Strategy/ TDC

Officer's Name: Natalie Moore, Glenn Speakman, Kim Sutherland

Officer's Title: Transport Planner/ Assistant Transport Planners

Date: Monday 28th October 2019

Transport Strategy/TDC Comments

Introduction and Context

1.3 – It is unclear whether transport policies from LTP4 have been considered as the plan makes no reference to LTP4 when listing policy documents.

Housing

5.3 - The provision of adequate parking for the subdivision of dwellings to smaller units is in line with local policy. Consideration could also be given to the provision of cycle parking for the smaller units.

Economy, Community, Transport and Movement

6.4 - The parking restrictions are of a scale deemed appropriate to address the parking issues in Charlbury presently.

6.5 - OCC supports Charlbury Town Council's ambition to ensure all new developments are connected to the rest of the community through adequate walking and cycling provision. Where pedestrian and cycle links relevant to a development are poor, OCC typically requests developers to upgrade links directly or indirectly (through S106). All new developments are assessed on their provision of walking and cycling links.

Policy ECT9 – It is important to bear in mind that any scheme that is funded by developer contributions must meet the following tests:

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

Policy ECT10 - It may not be a realistic requirement for small developments of 10/20 dwellings or less to contribute to the improvement of unsafe roads and pavements.

6.5.2 - As stated with Policy ECT9, any scheme that is funded by developers must meet certain tests.

Community Aspiration 5 - Where appropriate, officers typically request contributions from developers to enhance public transport services and/or infrastructure.

6.7- Electric vehicles - Noted and supported.

Policy ECT13 - The plan would benefit from evidence on road safety history for Stuart Road and The Slade. It must also be acknowledged that contributions towards any works to the highway would need to be in direct relation and reasonably in scale to the development.

Policy ECT14 - The need to prevent traffic and parking pressure and enable a safe walking route is taken into consideration by officers when assessing access needs for all users to and from a proposed development. This policy is justified given the subpar walking provision along these roads including the absence of dropped kerbs and narrow footpaths. Contributions towards any works to the highway would need to be in direct relation and reasonably in scale to the development.

Policy ECT15 - The plan would benefit from further evidence on road safety history at this crossroads, as the junction appears dangerous for vulnerable footpath users. Further consideration needs to be given to how to improve the junction safety and whether the developer has a role in this.

Appendix A

A.2 - There is no reference to OCC LTP4 policy in the policy context discussion.

Appendix B

Plans must not put unrealistic service or financial demands on OCC. It is therefore important that the impacts of the developments proposed are mitigated and that any infrastructure requirements are fully funded individually or collectively by the developments. Other than existing developer contributions secured it is very unlikely funding, over and above that secured through future developer contributions, will be available.

District: Charlbury

Consultation: Charlbury Neighbourhood Plan 2031 (Draft version)

Team: Strategic Planning

Officer's Name: Karen Lister

Officer's Title: Head of Estates & Strategy

Date: 25th October 2019

Once completed please save the word document with your name in the title here: <X:\Neighbourhood Plans\West Oxfordshire\Charlbury\03 - Team and Member Responses>

Please also send an email to planningconsultations@oxfordshire.gov.uk when you have completed your comments.

Comments

Oxfordshire County Council Estates and Strategy is responsible for managing the County Council's land and property holdings and in particular for ensuring that the 'estate' is

- a) not prejudicially affected by proposals in Local and Neighbourhood Plans
- b) managed effectively, where appropriate by pursuing the allocation of surplus land for development

In this regard the following comments are relevant in response to the draft Charlbury Neighbourhood Plan:

1. The Estates team has previously confirmed (email 24th January 2018) to the NP Steering Group that they do not wish to object to the inclusion of Centenary Wood and associated land within the NP as Local Green Space (LGS) site LGS9. This remains the case today.
2. Estates has also made clear at the same time that they would strongly object to the designation of Wychwood Paddocks and land to the south of the Bowls Club and Ticknell Piece as Local Green Spaces – this was considered by the Steering Group in early 2018 and initial proposals at the time were removed from the draft NP and remain absent from the NP today. Estates reserve their right to maintain their objection should the sites be re-included as LGSs at any point in the future.

It is noted there is a rationale for the non-designation of the Wychwood Paddocks site as a LGS at Appendix F3 to the NP. It is used as a school playing field and therefore by designating the site as a LGS it would make it very difficult or at worst, impossible, to undertake future development at the site for school /education purposes (including anything other than essential ancillary facilities for sports purposes).

The site is owned by a public body (the County Council) and not a private owner or developer and therefore the need to protect it to prevent commercial development occurring is not relevant in this instance.

3. Policy CH1 – As currently worded this policy is contrary to Local Plan policy H2 which advises that

“New dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances:

- On sites that have been allocated for housing development within a Local Plan or relevant neighbourhood plan;*

- On previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;*

- On undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2.*

- On undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.”*

Policy OS2 supports a modest level of development at Rural Service Centres including Charlbury.

As drafted, NP policy CH1 appears to require a viability justification to be provided for mixed housing within the built up area, which goes well beyond the requirement of Local Plan policy H2. The policy as drafted therefore is not in general conformity with policy H2 and should be amended to reflect the acceptance that development of a modest level can occur within the built up area of Charlbury.