

Summertown and St Margaret's Neighbourhood Development Plan 2018-2033

**A report to Oxford City Council on the Summertown
and St Margaret's Neighbourhood Development Plan**

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

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Oxford City Council in July 2018 to carry out the independent examination of the Summertown and St Margaret's Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 30 July 2018.
- 3 The Plan includes a variety of policies. It seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding green and open spaces and supporting the vitality and viability of the Summertown District Centre. It also includes a suite of housing policies.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Summertown and St Margaret's 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
26 September 2018

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Summertown and St Margaret's Neighbourhood Development Plan 2018-2033 (the Plan).
- 1.2 The Plan has been submitted to Oxford City Council (OCC) by the Summertown and St Margaret's Neighbourhood Forum in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012 and 2018. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive to its distinctive character, and to be complementary to the development plan.
- 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 OCC, with the consent of the Neighbourhood Forum, to conduct the examination of the Plan and to prepare this report. I am independent of both the OCC and the Neighbourhood Forum. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - 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 be likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.12 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 In order to satisfy the regulations OCC undertook a screening exercise. This process concluded that the Plan is unlikely to have significant environmental effects and therefore a Strategic Environmental Assessment is not required. Consultation was carried out with the three statutory bodies. Their responses are included in the screening report. This is best practice.
- 2.8 OCC also undertook a Habitats Regulations Assessment (HRA) screening report on the Plan. The report is very thorough in its approach. It comments that there are no European sites within 5kms of the neighbourhood area. On this basis it concludes that the submitted Plan is unlikely to have significant effects on a European site and that an appropriate assessment is not required.
- 2.9 Since the screening work was undertaken a case in the Court of Justice of the European Union (People Over Wind, Peter Sweetman and Coillte Teoranta, April 2018) has changed the basis on which competent authorities are required to undertake habitats regulations assessments. OCC has given this matter due consideration and has advised me that it has concluded that the recent Court of Justice judgement does not affect the integrity of its early screening work on this important matter. In particular I was advised that the HRA had been undertaken on the precautionary principle basis.
- 2.10 I am satisfied that OOC has approached this issue in a sound and responsible manner. The outcome of the European Court case could not have been anticipated as the neighbourhood plan was being prepared.
- 2.11 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.12 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

2.13 In examining the Plan I am also required to check whether:

- the policies relate to the development and use of land for a designated neighbourhood plan area; and
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.14 Having addressed the matters identified in paragraph 2.13 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

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

- the submitted Neighbourhood Development Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Screening Statement.
- the various appendices to the Plan.
- the information provided by OCC (September 2018) on the Habitats Regulations Assessment after the publication of the People Over Wind/Sweetman case in the European Court.
- the representations made to the Plan.
- the Neighbourhood Forum's responses to my Clarification Note.
- the Oxford Core Strategy 2026.
- the saved policies of the Oxford Local Plan 2016.
- the Sites and Housing Plan 2026
- the emerging Oxford Local Plan 2033.
- the National Planning Policy Framework (March 2012 and July 2018).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 30 July 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan should be examined by way of written representations.

3.4 On 24 July 2018 a revised version of the NPPF was published. The examination of the submitted Plan was taking place on that date. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that Plans submitted before 24 January 2019 will be examined against the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Neighbourhood Forum has prepared a Consultation Statement. This Statement is proportionate to the Plan area and its policies.
- 4.3 The Statement is particularly detailed in terms of its recording of the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (January to February 2017). It has internal consistency and integrity. It is particularly detailed in the way it describes the activities, focus and membership of the various Policy Working groups.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the various stages of the Plan. Section 3-7 provide details about:
- the engagement of the local media;
 - the distribution of the 'Have your say' leaflet;
 - the development of an online survey;
 - the development of a Forum website;
 - the organisation of a series of community events; and
 - the development of policies through the holding of a series of focus groups and workshops
- 4.5 The Statement also reproduces parts of surveys, reports and other information that were used throughout the consultation process. This reinforces the approach that was adopted by those responsible for the Plan.
- 4.6 In addition the Statement sets out how the submitted Plan took account of consultation feedback at the pre-submission phase. It does so in a proportionate and effective way. It helps to describe how the Plan has progressed to its submission stage.
- 4.7 Consultation on the submitted plan was undertaken by the City Council for a six-week period that ended on 20 June 2018. This exercise generated representations from several local residents and from the following organisations:
- Environment Agency

- Highways England
- Historic England
- Natural England
- Network Rail
- Oxfordshire Clinical Commissioning Group
- South Oxfordshire District Council
- SSE
- Cherwell District Council
- Oxford University
- Summer Fields School
- University College Oxford

4.9 I have taken account of all the representations received. Where it is appropriate to do so I have identified the organisations which have comments on the Plan on a policy-by-policy basis.

5 The Plan Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is that of the designated Summertown and St Margaret's Neighbourhood Forum. Its population in 2011 was approximately 12700 persons living in 4800 households. It was designated as a neighbourhood area on 10 July 2013.
- 5.2 The neighbourhood area sits to the north of Oxford and to the south of the A40 trunk road. It is itself divided by two major arterial roads leading into Oxford from the north - the Banbury Road and the Woodstock Road. In broad terms the neighbourhood area sits between the River Thames to the west and the River Cherwell to the east. The latter forms part of its eastern boundary. The neighbourhood area is primarily in residential use. Nevertheless, it provides a home to a variety of educational facilities and the Summertown District Centre.
- 5.3 The District Centre sits at the heart of the community in geographic, functional and economic terms. It displays a vibrant and eclectic range of national and independent retail units and other business and commercial outlets. It is one of a series of District Centres identified in the Oxford Core Strategy. As that Plan comments the centre 'is divided by the Banbury Road, but its wide pavements provide a good pedestrian environment which has recently been improved further through repaving, landscaping and improvement to bus stops and pedestrian crossings'. The southern part of the neighbourhood area is within the North Oxford Victorian Suburb Conservation Area.

Development Plan Context

- 5.4 The Oxford Core Strategy was adopted in March 2011. It sets out the basis for future development in the City up to 2026. The adoption of the Core Strategy partially superseded a number of policies in the Oxford Local Plan 2001-2016. However, many of the Local Plan policies remain as saved policies. Following the adoption of the Core Strategy the City Council produced the Sites and Housing Plan 2011-2026. It was adopted in February 2013. This Plan allocates sites for development for housing, employment and other uses and sets out detailed policies for residential development. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan. The following policies in the Core Strategy are particularly relevant to the Summertown and St Margaret's Neighbourhood Plan:

- CS1 Hierarchy of Centres
- CS8 Land at Summertown
- CS9 Energy and Natural Resources
- CS12 Biodiversity
- CS15 Primary Healthcare
- CS18 Urban Design
- CS23 Mix of Housing

CS24 Affordable Housing
 CS25 Student Accommodation

- 5.5 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 The neighbourhood area is not directly referenced in the adopted Core Strategy due to the timing of its designation. However, the Key Diagram identifies both the Summerfield District Centre and the proposal for new residential development (Policy CS8).
- 5.7 The City Council is in the process of refreshing its planning policy. The emerging Local Plan 2016 to 2036 was the subject of its own consultation process (on Preferred Options) in the Summer of 2017. In process terms the timings involved have not permitted the submitted neighbourhood plan directly to take account of this emerging local planning context.
- 5.8 The submitted neighbourhood 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 Oxford City. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 30 July 2018. I was fortunate in selecting a relatively cool day during the hot Summer of 2018.
- 5.10 I entered the neighbourhood area along the Banbury Road from the north off the A40. This helped me to understand the neighbourhood area in its wider context within the City.
- 5.11 I looked initially at the range of land uses on the Banbury Road. I saw first-hand the delicate mix of residential and educational uses. I saw the pleasant and tree-lined nature of that major arterial route. In amongst more modern and larger buildings I saw the delightful cottages at 293 to 309 Banbury Road.
- 5.12 I then looked at the Summertown District Centre. I saw its vibrancy and range of national and independent retail units. Its vibrancy was heightened as I arrived during the lunchtime period. I also saw the different demands on its car parking facilities.
- 5.13 I took the opportunity to walk along South Parade to look at Alexandra Park. I saw how it sits at the heart of the community. In particular I was able to see the well-maintained tennis courts and the children's play area.

- 5.14 I then walked to the Banbury Road, Moreton Road and Marston Ferry Road junction. I walked to the east as far as the River Cherwell. In doing so I was able to see the Cherwell School site and the importance and openness of the River Cherwell floodplain.
- 5.15 I then retraced my steps back to the Banbury Road and walked to the south to St Margaret's Road. Thereafter I continued into Aristotle Lane and over the railway footbridge to the Trap Ground allotments and then along the pathways in the River Thames floodplain.
- 5.16 I then walked back to the northern part of the neighbourhood area along the Woodstock Road. I saw that Woodstock Road had a different character to that of Banbury Road.

6 The Neighbourhood Plan as a whole

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.12 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.

6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Summertown and St Margaret's Neighbourhood Development Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Core Strategy/Sites and Housing Plan/saved Local Plan;
- proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places;
- recognising the intrinsic character and beauty of the countryside;
- always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 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.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area in terms of promoting certain types of development and growth on the one hand whilst safeguarding its character and appearance on the other hand. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (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.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Several of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for key worker housing (Policy HOS 2) and specialist housing (Policy HOS4). In the social role, it includes a policy on community facilities (Policy HCS1), and on allotments (Policy HCS2)). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has six specific policies (ENS1-6) addressing matters as varied as green spaces, renewable energy, sustainable construction and biodiversity. This assessment overlaps with the Forum’s comments on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in Oxford City in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Core Strategy and the

Sites and Housing Plan. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Core Strategy/saved Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Neighbourhood Forum have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. The Plan identifies a range of other, non-land use matters (referred to as community policies). Taken as a whole there are nineteen land use (spatial) policies and seventeen non-land use (community) policies in the Plan. The community policies are included within the main body of the Plan rather than in a separate section as recommended by this element of national guidance. However, as they sit within a natural order in the Plan I am satisfied that the arrangements are satisfactory and well-considered. Nevertheless, there is a clear need for the community policies to be differentiated clearly from the spatial policies. I address this matter by way of a recommended modification later in this report.
- 7.5 I have addressed the spatial policies in the order that they appear in the submitted plan. The community policies are addressed separately after the spatial policies.
- 7.6 For clarity this section of the report comments on all policies (spatial and community) whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing modifications to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-8)

- 7.8 The Plan as a whole is well-organised. It includes effective maps and photographs. 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.
- 7.9 The initial elements of the Plan (sections 1-3) set the context for the production of the Plan. They describe the neighbourhood plan process in general terms and the remit of the Neighbourhood Forum in particular. They are proportionate to the neighbourhood area and the subsequent policies.
- 7.10 Sections 4 and 5 helpfully sets out background information on the neighbourhood area including demographic and employment statistics. They provide a useful reference point for various policies later in the Plan. They also provide a context for the identification of the Plan period.
- 7.11 Section 6 comments on how the local community was engaged in the Plan-making process. It overlaps with the Consultation Statement. Section 7 comments on how the Forum is organised. Section 8 identifies the Vision and Objectives for the neighbourhood area. Its six aims are each underpinned by a series of objectives. The policies are then set out in Sections 9 to 13. The delivery of the Plan is addressed in Section 14.
- 7.12 The remainder of this part of the report addresses each policy in turn in the context set out in paragraphs 7.4/7.5/7.7 of this report.

Spatial Policies

- 7.13 As I have mentioned in paragraph 7.4 of this report on balance I am satisfied that the relevant community policies should follow the spatial policies within the topic chapters of the Plan. There is a degree of synergy between the component policies. Nevertheless, the physical presentation of the community policies in the Plan is identical to that of the spatial policies. This is an important matter as the spatial policies will become part of the development plan in the event that the Plan is 'made'. In contrast the community policies will not have development plan status.
- 7.14 In order to remedy this matter, to highlight the significance and importance of the spatial policies in the Plan and to conform with national policy I recommend that the spatial policy boxes are filled with light tonal grey. I also recommend changes to the text on page 13 (Section 8) to address this matter. These recommended modifications should be read side-by-side with those proposed in paragraph 7.85 of this report in relation to the community policies.

In respect of all the spatial policies insert light tonal grey shading in the policy box.

In the second paragraph of the supporting text on page 13:

- *at the end of the first sentence add: ' They will become part of the development plan'.*

- *at the end of the paragraph add: 'In this Plan the spatial policies are shown with light tonal grey shading to distinguish them from the community policies'.*

Policy HCS1 Community Facilities

- 7.15 This policy sets out to retain community facilities and to support opportunities for their improvement or replacement. The policy anticipates that some facilities may be proposed for redevelopment within the Plan period and identifies criteria for their replacement as part of the wider development proposal.
- 7.16 The generality of the approach adopted has regard to national policy. The implementation of the policy will play a significant part in the way in which the Plan contributes towards the achievement of the social element of sustainable development in the neighbourhood area. Nevertheless, some of its language is of a non-policy nature and does not provide clarity to the decision-maker. I recommend accordingly.
- 7.17 As submitted the policy loosely refers to 'all' community facilities without identifying them. The Forum has clarified that the named facilities in the supporting text are the community facilities to which the policy refers. I recommend that the facilities concerned are listed in the policy. This will bring the clarity required by the NPPF.

Replace the first sentence of the policy with the following:

'The community facilities listed below will be safeguarded and proposals for their improvement will be supported:

- **North Oxford Community Centre [insert location]**
- **St Margaret's institute [insert location]**
- **Cuttislowe Community Centre [insert location]**
- **Public Library [insert location]**
- **Ferry Leisure Centre [insert location]**
- **St Michael's Church Hall [insert location]**
- **Baptist Church Hall [insert location]**
- **Summertown United Reformed Church Hall [insert location]**
- **Esporta Health Centre [insert location]**
- **North Wall Arts Centre [insert location]**

In the second sentence replace 'will be sought' with 'should be provided'.

In the third sentence replace 'welcomed' with 'supported'.

At the end of the supporting text on page 13 add:

'Policy HCS1 provides a mechanism to safeguard these important community facilities. It supports their improvement and/or their replacement. It also identifies opportunities that may exist for their replacement as part of wider development proposals.'

Policy HCS2 Allotments

- 7.18 This policy seeks to protect existing allotments (Marston Ferry Road and Trap Grounds). I saw the way they contributed towards both openness and social well-being when I visited the neighbourhood area.
- 7.19 As with Policy HCS1 I recommend technical modifications to ensure that the policy meets the basic conditions.

Replace:

- **‘NPA with ‘neighbourhood area’ (first paragraph).**
- **‘sought’ with ‘supported’ (first paragraph).**
- **‘welcomed’ with ‘supported’ (second paragraph).**
- **‘permitted’ with ‘supported’ (third paragraph).**

Policy HCS3 Protecting and Enhancing Sports Leisure and Community Facilities

- 7.20 This policy looks to protect existing sports/leisure and community facilities. It adopts a flexible approach recognising that development proposals may affect such facilities. In these circumstances it sets out a requirement that a replacement facility is provided in the general proximity of the existing facility or the provision of a financial contribution towards a replacement facility.
- 7.21 The generality of the approach taken in the policy meets the basic conditions. However, OCC comments that it conflicts with the development plan proposal for residential development at Summer Fields School. I recommend modifications to the supporting text to address this issue. Plainly it would be inappropriate for a neighbourhood plan to negate an adopted Local Plan policy.
- 7.22 I also recommend technical modifications to the policy so that it has the clarification required by the NPPF and thereby meets the basic conditions.

Modify the structure of the policy so that the four sentences are displayed as four separate paragraphs in the policy (as in HCS2).

In the first sentence (paragraph) replace ‘protected’ with ‘safeguarded from other development. Proposals for other development will not be supported’.

Replace the remainder of the sentence with ‘Opportunities for the improvement of existing facilities will be supported’.

In the second sentence (paragraph) replace ‘will be sought’ with ‘should be provided’.

In the third sentence (paragraph) replace ‘If this is not possible’ with ‘In the event that the provision of a replacement facility is neither practical nor viable’.

In the third sentence (paragraph) replace ‘financial compensation...loss of public amenity’ with ‘a financial contribution should be provided to secure an alternative facility and/or the improvement of an existing facility’.

In the fourth sentence (paragraph) replace ‘welcomed’ with ‘supported’.

At the end of the supporting text at the bottom of page 14 add:

'Policy HCS3 does not apply to sports and leisure sites that are allocated for other developments in the development plan. The Summer Fields School site is an obvious example'.

Policy RBS1 Parking in Summertown District Centre

- 7.23 This policy has a clear focus on the Summertown District Centre. I saw its operation and vibrancy on my visit to the neighbourhood area. It concentrates on car and bicycle parking. In doing so the supporting text comments that the vibrancy of the Centre depends on the availability of short-stay car parking for shoppers and business clients. The policy offers particular support to an increase in cycle parking.
- 7.24 OCC contend that the policy is not in general conformity with the development plan. It draws my attention to emerging work on the Oxford Transport Strategy and the Local Transport Plan 4. Both documents have proposals for sustainable travel.
- 7.25 Plainly there are degrees of emphasis and focus between the different approaches. Policy RBS1 of the submitted Plan is clear that car parking for commuters should be discouraged and that developments which would result in an increase in bicycle parking will be welcomed. The difference between the Forum's approach and that of OCC is focused on the submitted Plan's intention to maintain the existing public short stay parking spaces to serve the needs of the District Centre. However, given that this element of the Plan seeks to safeguard parking spaces rather than increase their number I am satisfied that, with modifications, the policy meets the basic conditions. Plainly there may be proposals for sustainable transport initiatives that will be developed by OCC and/or the County Council within the Plan period which may impact on the operation and efficiency of the District Centre. They would be considered on their merits insofar as planning permission was required. I recommend an additional element of supporting text to respect this potential scenario.

Delete the first part of the policy.

In the second part of the policy replace 'same' with 'existing'.

At the end of the second part of the policy add: 'Development proposals which would result in the loss of existing short stay vehicle parking will not be supported'.

In the third part of the policy replace 'Applications' with 'Development proposals' and 'be refused' with 'not be supported'.

In the fourth part of the policy replace 'welcomed' with 'supported'.

At the end of the first paragraph of supporting text on page 18 add the deleted first part of the policy. Thereafter add:

'Both the Oxford Transport Strategy and the Local Transport Plan 4 have proposals for sustainable travel. Particular schemes may be developed for the Summertown District Centre during the Plan period. They would be considered on their merits insofar as planning permission was required. In doing so Oxford City Council will come to its own judgement on any impact on the number of short stay car parking

facilities serving the District Centre against the benefits of the sustainable travel facilities being promoted’.

Policy TRS1 Sustainable Transport Design

- 7.26 This policy addresses sustainable transport design. It reflects the high volumes of through traffic along the main arterial routes at peak times. It has two related parts. The first identifies that all new development proposals should be designed to give priority to the needs of pedestrians, cyclists, children and disabled persons. The Manual for Streets 2 is identified as a suitable template. The second identifies specific related requirements.
- 7.27 I am satisfied in principle that the first part of the policy meets the basic conditions. However, I recommend that the reference to Manual for Streets 2 is repositioned into the supporting text for two reasons. Firstly, there may be other suitable standards which emerge within the Plan period. Secondly reference to a specific standard may cause the policy to become quickly out-of-date.
- 7.28 In relation to the second part of the policy I recommend that it has a general context at its beginning. I also recommend the deletion of its fourth component (freight consolidation facilities outside the neighbourhood area). Whilst this may be both desirable and helpful a neighbourhood plan cannot include policies that address development outside its designated area.

In the first part of the policy replace ‘according...where’ with ‘to ensure that priority is given to’.

At the beginning of the second part of the policy insert ‘In particular new development proposals should as appropriate’.

Delete iv.

At the end of the supporting text add:

‘Policy TRS1 captures these important matters. At the time of the publication of the Plan the Manual for Streets 2 (Department of Transport September 2010) represents a good model for the application of the principles in the first part of the policy. Plainly other models may supersede this approach within the Plan period.’

Policy TRS2 Sustainable Transport

- 7.29 This policy continues the approach developed in Policy TRS1. It requires that new development proposals should demonstrate how they would encourage safe and sustainable modes of transport which, as appropriate, would include the preparation of Travel Plans and Transport Assessments.
- 7.30 The policy meets the basic conditions in general terms. I recommend the insertion of ‘and’ after the second element of the policy to ensure that, where necessary, a

developer would need to comply with each of the three elements of the policy. I also recommend that the clarification at the end of the policy is repositioned into the supporting text. It explains the operation of the policy rather than constituting policy in its own right.

At the end of criterion ii. add 'and'.

Delete the Note at the end of the policy.

Reposition the deleted part of the policy to the end of the supporting text (after the additional text recommended for Policy TRS1 above).

Policy HOS1

- 7.31 This policy addresses the issue of dwelling size in the neighbourhood area. The supporting text refers to the recent trend towards the redevelopment of existing dwellings and the development of larger dwellings (4-6 bedrooms). These trends reflect the popularity of the neighbourhood area and the general housing market in Oxford. The Plan expresses a concern that the resulting new developments (and indeed the existing housing stock) is both too big and too expensive to meet the needs of young people, essential public service workers and the elderly.
- 7.32 On this basis the policy proposes that 80% of any new developments of ten dwellings or more should consist of 1/2/3-bedroom houses. The policy is partly underpinned by research carried out for the Plan in 2016 by Oxford Brookes University.
- 7.33 OCC has made representations on the policy. It contends that it is not in general conformity with Policy CS23 of the Core Strategy which supports a balanced mix of housing. It also draws my attention to the Balance of Dwellings Supplementary Planning Document (SPD) which was adopted in 2008.
- 7.34 I have considered this matter carefully given the tension between the different approaches. On the one hand the work on the neighbourhood plan post-dates the production of the Core Strategy and has been underpinned by its own research. On the other hand, the Balance of Dwellings SPD is directly referenced in Policy CS23 of the Core Strategy and is particularly detailed and well-researched. In a broader sense the issue is of particular importance to the wider City where demand is high and land supply is restricted.
- 7.35 On balance I conclude that the policy is not in general conformity with Policy CS23 of the Core Strategy and therefore does not meet the basic conditions. Plainly however there is a debate that needs to be continued on this important matter in the neighbourhood area. As such I recommend that the policy is translated into a community policy that sets out an ambition for the Forum and the City Council to address this general issue in greater detail in the neighbourhood area.

Delete the policy

Replace the policy as a community policy (HOC4) to read:

'The Forum will work with the Oxford City Council and other relevant partners to identify the appropriate mix of new major residential development in the neighbourhood area and with a view to delivering 1/2/3 bedroomed homes'

Policy HOS2 Key Worker and Affordable Housing

- 7.36 This policy addresses local concern about the lack of affordable housing for those on housing waiting lists, for young people and for essential public-service workers.
- 7.37 The supporting text in the submitted Plan overlaps with the representation from OCC on this policy. The issue is inevitably fluid as OCC reviews its planning policy through the emerging Local Plan 2036. This situation is not unusual where a neighbourhood plan comes to examination before an emerging local plan. In these circumstances the submitted neighbourhood plan is examined against the adopted planning policies rather than against emerging policies.
- 7.38 OCC contend that the policy is not in general conformity with the strategic policies of the development plan. In particular, my attention is drawn to Policy CS24 of the Core Strategy and Policy HP3 of the Sites and Housing Plan.
- 7.39 I have considered this matter carefully given its importance to the neighbourhood area. I have also considered the responses of the Forum to my clarification note. Having taken all matters into account I recommend that the policy is deleted. I have come to this conclusion for the following two overlapping reasons:
- the submitted policy does not add local distinctiveness to either Policy CS24 (of the Core Strategy) or to Policy HP3 (of the Sites and Housing Plan); and
 - the submitted policy does not include the detailed information in Policy HP3 on tenure split or the cascade approach.
- 7.40 On this basis the policy falls short of the approach already set out in the development plan. Plainly the recommended deletion of this policy will not affect the adopted nature of either the Core Strategy or the Sites and Housing Plan. At the same time, it will not affect the way in which those plans are applied in Summertown and St Margaret's.

Delete policy

Delete supporting text

Policy HOS4 Specialist Housing

- 7.41 This policy addresses the need for houses for elderly persons and people with disabilities. It also addresses the needs of older people who are hoping to downsize.

- 7.42 The policy adopts a supportive approach rather than requiring any or all residential developments to provide elements of specialist housing (as defined in the supporting text). On this basis I am satisfied that the policy meets the basic conditions in general terms. I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF.

At the end of the first sentence replace ‘encouraged’ with ‘supported’.

Replace the second sentence with: ‘In particular:’

In both the subdivision and new residential proposals sections replace ‘permitted’ with ‘supported’.

Policy HOS5 Protecting Family Dwellings

- 7.43 This policy raises similar issues to those with Policy HOS2. In this case Policy HOS5 seeks to protect the current housing stock, and sites identified for residential development, from either conversion to student accommodation or for development as new built student accommodation.
- 7.44 The approach proposed in the policy attempts to parallel that in Policy HP5 of the Sites and Housing Plan. Nevertheless, its very general approach would result in any proposal of this type in the neighbourhood area not being supported. This is in contrast with Policy HP5 (of the Sites and Housing Plan) which offers support to such proposals that are:
- on or adjacent to an existing university or college academic site (of which there are several in the neighbourhood area);
 - located in the City Centre or a District Centre (of which Summerfield is one); and
 - located adjacent to a main thoroughfare (which includes Banbury Road and Woodstock Road).
- 7.45 On this basis the submitted neighbourhood plan policy would reduce the effectiveness and remit of the adopted development plan. This approach would conflict with the basic conditions as the policy is not in general conformity with the strategic policies in the development plan. As such I recommend the deletion of the policy.
- 7.46 I also recommend the deletion of the supporting text associated with the policy. In particular the second paragraph of the text on page 32 seeks to introduce an artificial distinction between student categories. Such an approach would be impractical to monitor or to enforce effectively.

Delete policy

Delete supporting text

Policy HOS6 Character Assessments

- 7.47 This policy sets out to relate new development proposals to a series of character assessments that have been prepared for the various component parts of the neighbourhood area. As the supporting text comments, the attractive character of Summertown results from its distinctive mixture of Victorian, Edwardian and twentieth century architecture.
- 7.48 The policy's approach is general in its nature. It offers support to new development where it responds to and enhances the distinctive local character described in the relevant Character Assessment.
- 7.49 OCC considers that the policy is in conflict with Policy HP9 of the Sites and Housing Plan. That policy takes a more comprehensive approach in addressing design issues. Plainly the remit of the Sites and Housing Plan is City-wide.
- 7.50 The preparation of a policy of this type in the neighbourhood plan gets to the very heart of the localism agenda. It is an attempt by local residents and the Forum to describe the character of the component parts of the neighbourhood area and to ensure that new development proposals respect and enhance their character.
- 7.51 The Plan subdivides the neighbourhood area into fourteen character areas. Each area includes the following details:
- A general overview;
 - Its history;
 - Its issues;
 - Its assets; and
 - Guidelines for New Development
- 7.52 OCC raises concerns about the potential conflict with national policy in relation to heritage assets. Whilst I acknowledge that the assessments refer in places to heritage assets and listed buildings those details are included as part of the description of the area rather than as a specific component of the policy. Nevertheless, I recommend that an additional sentence is included within the supporting text to explain what the policy addresses and what it does not.
- 7.53 Similarly I am satisfied that the policy has regard to paragraphs 56 to 61 of the NPPF. In particular it seeks to encourage developers to find appropriate design solutions rather than to impose particular solutions. However, I recommend modifications and deletions of elements of the supporting text. In places it is emotional rather than factual. In other places it speculates about the expansion of the existing conservation area.
- 7.54 In reaching this conclusion I have taken account of the representation made by Historic England. It supports the inclusion of the policy in the Plan and recognises the considerable effort that has gone into preparing the evidence base.

- 7.55 I recommend that the policy is recast as recommended by Historic England, and to ensure that the Character Assessments themselves are more obviously-presented in the main Plan (as an appendix). As submitted the Assessments sit in the Evidence base. In addition, (and as Historic England comment) at the heart of the modification is that a planning policy should not elevate a character assessment to the status of a policy (as suggested by the policy title itself). However, it should set out a principle for determining planning applications that makes clear use of the evidence and advice set out in the Assessment without preventing the option for innovative design.
- 7.56 I also recommend that the supporting text is extended to refer to the interplay between Policy HP9 of the Sites and Housing Plan and this policy.

Replace the policy with:

‘Policy HOS6 Local Character and Distinctiveness

Proposed development in the identified Character Areas (as shown in Appendix [Insert number/letter]) will be supported where it responds positively to local character and distinctiveness. Proposals should demonstrate that the design and use of development will protect those features identified as making a positive contribution to the character of the area concerned and clearly show how the design guidance has been considered.

Proposals that would be harmful to the character of the area as defined in the character assessment will not be supported.’

Include the Character Assessments as an appendix within the Plan itself.

In the first paragraph of supporting text replace/update the appendix number.

In the third paragraph of supporting text:

- *Delete the second sentence;*
- *Delete the fourth and fifth sentence; and*
- *Add ‘Policy HOS6 addresses local character and distinctiveness. It supplements Policy HP9 of the Sites and Housing Local Plan within the neighbourhood area. It does not offer direct guidance on the proposals that would affect heritage assets. This matter is addressed by the NPPF and local planning policies.’*

At the end of the supporting text add:

‘Policy HOS6 has been prepared to be distinctive to the neighbourhood area. It will operate as a supplementary policy to Policy HP9 in the Sites and Housing Plan’.

Policy HOS7 Density, Building design standards and Energy Efficiency

- 7.57 This is an innovative and detailed policy. At its heart is the objective to restrict the overdevelopment of infill and larger sites and to promote good design and energy efficiency for all buildings. The generality of the approach taken has regard to national policy.

- 7.58 The policy has several component parts. It supports both traditional and innovative designs and sets out a series of more detailed elements. Some have a general effect on development (a/b). Others relate to particular forms of development (c/d). The final element of the policy (e) addresses energy efficiency.
- 7.59 OCC comment that the policy is generally in conformity with the development plan. However, it identifies an inconsistency between the element of the policy in respect of front and rear gardens with Policy HP10 of the Sites and Housing Plan.
- 7.60 I recommend three modifications to the policy. The first is structural. It incorporates elements a and b as criteria to the opening part of the policy whilst retaining the other elements of the policy as free-standing elements. The second recommends the deletion of the garden part of element c of the policy. Its other parts are policy-compliant. The third reconfigures element d so that it takes on a policy format and to remove supporting text.
- 7.61 The final part of the policy addresses sustainable construction. Subject to a further modification I am satisfied that the generality of its approach meets the basic conditions. This differs from the approach that I have taken to Policy ENS 8 later in the Plan which sets out a very prescriptive approach.

In the opening part of the policy replace ‘permitted’ with ‘supported’.

At the end of the opening part of the policy add ‘In particular’.

In a replace ‘permitted’ with ‘supported’.

At the end of a. add ‘and’.

At the end of b. replace the semi-colon with a full stop.

For components c/d/e remove the initial letter and set the policy text to the left.

In c replace ‘Development should not..... Policy HOS8 below; or’ with ‘Development proposals will not be supported where they would result in’

Replace d with ‘Proposals to reinstate front gardens and garden walls will be supported.’

In the final element of the policy replace ‘should also demonstrate’ with ‘will be supported where they demonstrate’ and identify the three specific details as bullet points.

In the final paragraph of the supporting text on page 33 delete ‘gardens (front and back)’.

Policy HOS8 Backland development

- 7.62 This policy addresses back-land development. The supporting text identifies this as reusing parts of a number of rear gardens for further residential development. The supporting text identifies that the approach may be appropriate in certain

circumstances. It also highlights the potential impact on the character and amenity of residential communities.

- 7.63 The policy seeks to capture this approach. In doing so it adopts a negative rather than a positive approach. This has attracted a representation from OCC suggesting that the policy is not in general conformity with strategic policies in the development plan. In particular it cites Policy HP10 in the Sites and Housing Plan.
- 7.64 Looking at the policies concerned I take the view that the differences are of approach rather than detail. I recommend modifications to the policy so that it adopts a positive format in supporting backland development where it can be achieved through good design and without harming local amenities in an unacceptable fashion. The policy already includes an appropriate and distinctive range of environmental and design criteria.
- 7.65 In recommending this modification I have considered its potential impact on the delivery of the wider objectives of the Plan. Plainly developers will make their own judgements on a site-by-site basis as will OCC on their planning merits. However, sites of this type have the clear ability to deliver both family housing and/or smaller housing units.

In the first sentence delete ‘only’.

In the second sentence replace ‘must’ with ‘should’.

In the third sentence replace ‘not be supported.....regard is paid to’ with ‘will be supported where it complies with the following criteria’.

At the end of the supporting text add: ‘The implementation of Policy HOS8 has the ability to secure the development of family or smaller houses’.

Policy ENS1 Green Spaces

- 7.66 The policy seeks to protect areas of considerable habitats importance, green spaces and areas of amenity and environmental value.
- 7.67 The policy has three components. The first indicates that development proposals should maintain or enhance the local environment and in ways which are integrated with their surroundings. The second requires that development proposals should maintain and have regard to their impact on the conservation of the natural environment and open spaces shown in Appendix 3 (as corrected by the Forum from Map 5). The third comments that proposals to improve these areas will be supported.
- 7.68 The supporting text also highlights some specific important areas. They are listed and described in Table 1.
- 7.69 I am satisfied that the generality of the approach taken meets the basic conditions. Nevertheless, as submitted the policy does not have the clarity required by the NPPF in the following areas:

- Appendix 3 shows a variety of unspecified sites on an unclear map base;
- the supporting text encourages development where green spaces have no existing community use but does not define which of the sites in Appendix 3 fall into that category and does not offer any advice on how they would be defined;
- the supporting text and Table 1 identify four significant green spaces which are not then recognised in the policy (although they are then referenced in Policy ENS2); and
- the four sites above are not immediately obvious on the map at Appendix 3.

7.70 I recommend modifications to address these matters. In particular I recommend the deletion of the text as identified in the second bullet point above. It is inconsistent to identify green spaces and then dismiss their value to the community and to the character and quality of the local environment.

7.71 I also recommend that this policy is modified so that it incorporates Policy ENS2. They address overlapping issues, and the second policy effectively addresses the four specific sites identified in the supporting text to Policy ENS1.

In the second paragraph of the policy replace ‘on Map 5’ with ‘in Appendix 3’

At the end of the submitted second paragraph add the following:

‘Proposals for development at Burgess Field Nature Park, The Trap Grounds Local Wildlife Site, Sunnymead Park and Cherwell Field (as detailed in Table 1 and shown in Appendix 3) will not be supported unless they promote the conservation or enhancement of their respective amenity or ecological importance’

In the third paragraph of the policy replace ‘encouraged’ with ‘supported’.

In the first paragraph of supporting text delete the second sentence. Replace the third sentence with:

‘Areas of specific habitat importance and amenity value have been identified as the Burgess Field Nature Park, The Trap Grounds Wildlife Site, Sunnymead Park, and Cherwell Fields’.

In Appendix 3 produce a parallel text-based schedule of the sites shown on the map.

Policy ENS2 Biodiversity

7.72 In paragraphs 7.66 to 7.71 I have recommended that this policy is incorporated into Policy ENS1.

Delete policy

Delete supporting text

Policy ENS3 Renewable Energy

- 7.73 This policy offers support for individual and community scale energy proposals from hydro-electricity schemes, solar voltaic panels, local biomass facilities, anaerobic digestion and wind power subject to a series of criteria.
- 7.74 The supporting text explains the importance of such development in the City and the efforts that are required to shift to a sustainable City.
- 7.75 The policy has regard to national policy. It is well-constructed. The three criteria are appropriate to the neighbourhood area and will introduce relevant environmental controls to the policy. It meets the basic conditions.

Policy ENS4 Rainwater Infiltration

- 7.76 This policy addresses the risks to surface-water flooding by failing to retain natural rain water infiltration. It also supports proposals which would increase natural infiltration. Its final element indicates that all run-off water should be infiltrated into the ground with permeable surfaces (SUDS) or by using attenuation storage.
- 7.77 I recommend a series of modifications to ensure that the policy meets the basic conditions. The first recommends the insertion of 'where appropriate' in the first part of the policy. There may be some sites where the approach is not technically possible. Similarly, some developments (such as new shop fronts in the District Centre) would not directly be affected by the policy. In the third part of the policy I recommend a similar approach, together with the deletion of supporting policy from the policy itself.

In the first sentence of the policy replace 'All' with 'Where appropriate'

In the second sentence of the policy replace 'encouraged' with 'supported'

In the third sentence of the policy add 'Where appropriate' at the start and delete 'so that reduced'.

Policy ENS5 Pollution

- 7.78 The focus of this policy is air pollution. It identifies Woodstock Road and Banbury Road as hotspots for this type of pollution. The policy suggests that development proposals will be expected to demonstrate that there will be no significant direct or cumulative adverse impacts from air pollution. In the circumstances I recommend that the title of the policy is modified so that it directly refers to air pollution.
- 7.79 Part of the challenge of designing a policy of this nature is that of distinguishing between the wider origins of air pollution in an area and the additional pollution that may be generated directly by new development proposals. Plainly in the hotspots of Woodstock Road and Banbury Road this issue is highlighted given the volume of

local and through traffic which generates the baseline of air quality and/or the associated pollution. In short, the ability of any developer to influence the levels of air quality and pollution in the neighbourhood area is limited.

- 7.80 I recommend modifications to take account of these issues. In particular I recommend that the policy is reconfigured so that it directly refers to development proposals rather than the wider relationship between overall air quality and any new developments which may come forward within the Plan period. I also recommend that the policy is more specific on its intentions for mitigation and the use of preventative steps. As submitted the Plan suggests that any developer may have the ability to influence air quality beyond the remit of the development concerned.

Modify the policy title to read ‘Air Pollution’.

In the first sentence replace ‘will be expected’ with ‘should’.

Delete the second sentence.

Replace the third sentence with:

‘Where significant adverse impacts on air quality are identified development proposals should include information on their ability to mitigate the impacts through on-site or off-site measures such as tree and hedgerow planting. Development proposals which would have an unacceptable impact on air quality (with or without identified mitigation measures) will not be supported.’

At the end of the supporting text at the top of page 40 add:

‘Policy ENS5 relates to new development proposals. It distinguishes between the wider origins of air pollution in an area and the additional pollution that may be generated by new development proposals. Plainly in the hotspots of Woodstock Road and Banbury Road this issue is highlighted given the volume of local and through traffic which generate the baseline of air quality and/or the associated pollution’.

Policy ENS6 Sustainable Construction

- 7.81 This policy takes a positive approach towards sustainable construction. It proposes that new developments should meet three standards (BREEAM Excellent status, Sustainable Code 4 level/or zero homes standard) and for proposals for 5 or more residential units to generate at least 30% of each unit’s energy on site. The supporting text offers a context to the development of this policy.
- 7.82 Nevertheless national policy is very clear on this matter. The Written Ministerial Statement of March 2015 indicates that neither local plans nor neighbourhood plans should identify energy efficiency standards for new buildings. Such matters are now controlled through the Building Regulations. On this basis I must recommend the deletion of the policy.
- 7.83 This is a matter where national policy has changed during the Plan preparation period. Nevertheless, the deletion of the policy will not in itself prevent developers

from designing proposals which would exceed the Building Regulation requirement in general, and to meet the local ambitions captured in the submitted Plan.

Delete policy

Delete supporting text

Community Policies

- 7.84 The Plan includes a series a community policies. As the final parts of Section 8 of the Plan comment the Forum acknowledges that the community policies are different from the spatial planning policies. In particular the Plan comments that the community policies cannot be delivered through the development management process. As such they will need to be delivered directly by the Forum or by working with partners/stakeholders. I will assess the community policies on this basis.
- 7.85 As I have mentioned in paragraph 7.4 of this report on balance I am satisfied that the relevant community policies follow the spatial policies within the topic chapters of the Plan. There is a degree of synergy between the component policies. Nevertheless, the physical presentation of the community policies in the Plan is identical to that of the spatial policies. This is an important point as the spatial policies will become part of the development plan in the event that the Plan is ‘made’. The community policies however will not have development plan status. In order to remedy this issue and to ensure compliance with national policy I recommend that the tonal horizontal shading in the community policy boxes is deleted. I also recommend changes to the text on page 13 (Section 8) to address this matter. These recommended modifications should be read side-by-side with those proposed in paragraph 7.14 of this report in relation to the spatial policies.

In respect of all the community policies (as set out in the remainder of this report) delete the tonal horizontal shading in the policy box

In the third paragraph of the supporting text on page 13:

- *at the end of the first sentence add: ‘They will not become part of the development plan.’*
- *at the end of the paragraph add: ‘In this Plan the community policies are shown without any tonal shading to distinguish them from the spatial policies.’*

Policy HCC1 Health Care

- 7.86 This policy refers to proposals for a new health centre at Diamond Place in Summertown. The Forum has advised that Appendix 7 of the Consultation Statement provides the context for the emerging proposal. The policy is definitive in its tone in indicating that a new health centre ‘will be created’.
- 7.87 Plainly the creation of a new health centre would be a positive measure. Appendix 7 sets out the emerging support from the Oxfordshire Clinical Commissioning Group. Nevertheless, the support of the Group is understandably couched in terms of the

finances available to deliver the project. It is not currently prioritised for funding by NHS England.

- 7.88 Plainly this situation may change within the Plan period. However, a neighbourhood plan cannot commit an agency to develop a facility either in general terms, and in particular where a business case and funding package does not currently exist. On this basis I recommend that the policy is modified so that it indicates that the Forum will work with the Trust and other partners to secure the delivery of the facility. In any event this approach is more closely related to the principle of a community policy. The recommended modification also reflects the comments made by the Clinical Commissioning Group in its representation to the submitted Plan.

Replace the first part of the policy with:

'The Forum will work with the Oxfordshire Clinical Commissioning Group and other relevant partners to secure the development of a new health centre at Diamond Place, Summertown to provide a range of primary care and associated health services for the local community.'

Policy HCC2 Alexandra Park

- 7.89 This policy has a focus on Alexandra park. I looked at the Park when I visited the neighbourhood area. As the Plan comments it has several uses. There is an open grassed area, tennis courts and a children's play area. It sits at the geographic heart of the community.
- 7.90 The policy indicates that the Park should be redeveloped as a park serving especially young people and children. It also comments that the tennis courts should be retained. It has attracted significant support from local residents.
- 7.91 The policy is clearly distinctive to the neighbourhood area. Plainly it is aspirational in nature, and no funding package is proposed to achieve the ambitions in the policy. On this basis I recommend that the policy is modified so that it indicates that the Forum will work with partners to secure the delivery of the facility. In any event this approach is more closely related to the principle of a community policy.

Replace the first sentence of the policy with:

'The Forum will work with the Oxford City Council and other relevant partners to secure the redevelopment of Alexandra Park as a park and with a specific focus to serve young people and children in the local community.'

Policy HCC3 Promoting Healthy Living and Community Cohesion

- 7.92 This policy sets out to promote healthy living and community cohesion. It is appropriate to be included as a community policy.

Policy RBC1 Summertown District Centre

7.93 This policy supplements Policy RBS1. Its focus is on extending the accessibility of the District Centre to cyclists and pedestrians and promoting a vibrant and distinctive range of commercial uses. There is a specific focus on maximising the number of independent and small-scale retailers.

7.94 It is appropriate to be included as a community policy. Plainly it is distinctive to the neighbourhood area.

Policy TRC1 Road Improvements

7.95 This policy has a focus on road improvements to meet the needs of non-car users and at the Banbury Road/Marston Ferry/Moreton Road junction.

7.96 It is appropriate to be included as a community policy. Plainly it is distinctive to the neighbourhood area.

Policy TRC2 Reduction of Traffic

7.97 The focus of this policy is to reduce traffic flows. The benefits are considered to be reducing the levels of atmospheric pollution and to make it easier to move about in the neighbourhood area.

7.98 It is appropriate to be included as a community policy. Plainly it is distinctive to the neighbourhood area.

Policy TRC3 Sustainable Active Transport

7.99 This policy encourages sustainable active transport. It also promotes a network of well-engineered cycling and walking routes. A series of potential projects is listed on pages 24 and 25.

7.100 It is appropriate to be included as a community policy. Plainly it is distinctive to the neighbourhood area.

Policy TRC4 Bus Service Improvements

7.101 As the title suggests this policy seeks to improve bus services in the neighbourhood area. It lists seven particular initiatives.

7.102 It is appropriate to be included as a community policy. Plainly it is distinctive to the neighbourhood area.

Policy TRC5 Road Safety

7.103 As the title suggests this policy seeks to improve road safety in the neighbourhood area. It has a specific focus on enforcing the existing 20mph speed limit in the neighbourhood area.

- 7.104 It is appropriate to be included as a community policy. Plainly it is distinctive to the neighbourhood area.

Policy TRC6 Parking throughout NPA

- 7.105 The focus of the policy is on ensuring that there is adequate visitor parking at retail, sports and leisure facilities. It identifies five key priorities. They are all distinctive to the neighbourhood area.

- 7.106 As with other community policies in the Plan it is aspirational in nature, and no funding package is proposed to achieve the ambitions in the policy. On this basis I recommend that the policy is modified so that it indicates that the Forum will work with partners to secure the delivery of the various priorities.

Replace 'Ensure' with 'The Neighbourhood Forum will work with Oxfordshire County Council, Oxford City Council and other relevant partners to ensure.'

In the title and text replace 'NPA' with 'neighbourhood area'

Policy HOC1 Housing Provision

- 7.107 This policy adopts a supportive approach to housing proposals from housing associations, co-operatives, self-builders and co-ownership schemes. The approach will be particularly helpful in addressing the housing and social issues identified in the neighbourhood area.

- 7.108 It is appropriate to be included as a community policy. Plainly it is distinctive to the neighbourhood area.

Policy HOC2 HMOs

- 7.109 This policy identifies that the community does not favour the creation of new houses in multiple occupation in the neighbourhood area. It does not include any supporting text explaining the context to the policy or how it expects its approach to be addressed or implemented. It has attracted a representation from University College Oxford.

- 7.110 I appreciate that the policy has been included as a community policy which will not form part of the development plan in the event that the Plan is 'made'. Nevertheless, there is no evidence or information to support its inclusion in the Plan. In any event OCC will need to consider any such planning applications on their own merits and the Forum will be able to offer its own comments on a case-by-case basis. As such I recommend the deletion of the policy.

Delete policy

Policy HOC3 Flats above shops

- 7.111 This policy encourages proposals which would generate the residential use of vacant space above shops or businesses in the District Centre. I saw on my visit that several independent accesses to upper floors had been retained.
- 7.112 This approach will make effective use of existing accommodation in general terms. It will have the added advantage of encouraging the development of smaller units of residential accommodation. It is an entirely appropriate community policy.

Policy ENC1 Playing Fields

- 7.113 This policy seeks to secure greater public access to playing fields associated with schools and colleges. It also highlights the potential for their conservation and enhancement.
- 7.114 The approach is appropriate given the character of the neighbourhood area. The non-prescriptive approach taken by the policy is also appropriate. Plainly any wider use of school playing facilities would need to be through negotiation with the relevant owners.

Policy ENC2 Renewable and Low-Carbon Energy

- 7.115 This policy sets out a supportive context for the promotion of renewable and low carbon energy. It offers support to extensions and conversions which meet certain standards. This is particularly important as domestic applications will account for the majority of development activity in the neighbourhood area. It has regard to national policy.

Policy ENC3 Protecting Tree Cover

- 7.116 This policy takes account of the extensive tree cover in the neighbourhood area. It includes support for new planting and the management of existing resources. It resists the loss of existing trees.
- 7.117 It is appropriate to the neighbourhood area.

Policy ENC4 Enhancing the Street Setting

- 7.118 This is an innovative policy for the public realm. It looks to provide opportunities for enhancing the street scene. Several examples are provided.
- 7.119 It is a distinctive policy which is appropriate to the neighbourhood area.

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 2033. 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 Summertown and St. Margaret's Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a variety of modifications to the policies in the Plan. Nevertheless, the Plan remains largely unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Oxford City Council that subject to the incorporation of the modifications set out in this report that the Summertown and St Margaret's Neighbourhood Development Plan should proceed to referendum.
- 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 City Council on 10 July 2013.
- 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.

Andrew Ashcroft
Independent Examiner
26 September 2018