

## **Berrick Salome Parish Neighbourhood Plan Examination**

The Berrick Salome Parish Council's response to the Examiner's request for clarification is set out below:

### **Policy BER1**

#### *Clarification Request*

Given the nature of the District settlement hierarchy is a settlement boundary for Rokemarsh appropriate and evidence-based?

#### *Response*

We thank you for bringing this matter to our attention and will be pleased to follow your advice on this issue so long as it does not prejudice the principal thrust of our NP in terms that the parish consists of four distinct settlements: (a) the distinction and separation of which our parishioners seek to preserve and (b) development opportunities should be restricted to infill within the defined settlement boundaries.

We understand the potential conflict inherent in defining a settlement boundary for Rokemarsh versus its classification in the SODC hierarchy, but had written the Plan so as to provide consistency across the four settlements in the Parish and in the knowledge that the SODC hierarchy would 'inform' when considering future development plans.

We suggest that, if you recommend a redraft of the plan, we retain the principle of four settlements but explain why a settlement boundary for Rokemarsh is not necessary or appropriate give its status in the SODC hierarchy.

All the above is subject to your guidance and approval.

### **Policy BER2**

#### *Clarification Request*

This policy is generally well-designed. It reflects the character of the neighbourhood area. Within this positive context I am minded to recommend that the first two paragraphs are repositioned into the supporting text as they largely act as a context for the policy. Does the Parish Council have any comments on this proposition?

In addition, could the final two paragraphs (including the bullet points/technical criteria) be located in the supporting text?

#### *Response*

We agree to both suggested changes.

**Policy BER3**

*Clarification Request*

The general approach of the policy meets the basic conditions. However why does the final part of the policy support only one such scheme given that the opening element of the policy refers to 'an established need'?

Would the need for such developments possibly generate an ability to support further such proposals?

*Response*

We agree that the criterion should be establishing a need in the Parish and, therefore, we agree to the removal of the additional limit of "one such scheme".

**Policy BER6**

*Clarification Request*

This is a very well-developed policy

Is it intended that any development should meet all the listed principles or simply those which are applicable to the proposal concerned? Paragraph 5.22 suggest that the policy takes the latter approach however its wording suggests the former approach.

*Response*

The intention is that any development should meet only those principles applicable to the proposal concerned. The relevant wording will be adjusted to clarify this.

**Policy BER7**

*Clarification Request*

This policy is another well-considered element of the Plan. I saw the importance of the facilities included in the policy in the neighbourhood area.

*Response*

Noted

**Representations**

Does the Parish Council have comments on any of the representations made to the Plan?

*Response*

The Berrick Salome Parish Council's observations on the representations are captured in the following table.

<b>ID</b>	<b>Main Issues/Concerns</b>	<b>Related Policy / Reference</b>	<b>Parish Council Response</b>
Liam Tiller	<p>1. This objection relates to policy BER 1 and the inclusion of part of a field within the settlement boundary at Rokemarsh.</p> <p>The Site</p> <p>2. The land is to the north of the lane, known as Journey's End Lane, which runs west from Harrow Corner. The land is part of a much larger field used for horse grazing and contains a stable. The objection site is marked in blue and the rest of the field in green on Plan A (separately provided).</p> <p>3. Photograph 1 (separately provided) shows the view north from Journey's End Lane with the approximate line of the proposed settlement boundary shown in red. It will be seen that there is no existing boundary where the settlement boundary is proposed.</p> <p>The Objection</p> <p>4. The NPPF makes it clear that policy choices in plans need to be justified. The Plan gives no justification for including the objection site within the settlement boundary of Rokemarsh.</p> <p>5. Paragraph 5.7 of the Plan (page 25) says: '[the settlement boundaries are] ...formed by buildings, which have a clear functional relationship to the settlement'. Paragraph 5.8 says: '[the settlement boundaries] also reflect plot boundaries where they are clearly defined in the street-scene or within the landscape, e.g. mature trees/hedges, boundary walls/fences'.</p> <p>6. It is obvious that this justification makes no case for including the objection site within the settlement boundary of Rokemarsh, in fact it does the opposite. The boundary of the land in question is not marked on the ground by any boundary. I questioned the inclusion of this land within</p>	BER1	See response to Inspector's comments on page 1.

ID	Main Issues/Concerns	Related Policy / Reference	Parish Council Response
	<p>the settlement boundary with a member of the neighbourhood plan group. He seemed to be under the impression that the map showed that there was a house on the site. In fact the building on the site is a stable. My previous objection is included in the Plan's Consultation Statement on page 53 of the consultation statement ID 14/12b, Parishioner W. The NP Team Response is 'We've applied the boundary criteria across all settlements consistently'.</p> <p>7. This reply is not a reasoned justification of why the site, which conflicts with justifications in the plan, is included. Conclusion</p> <p>8. In the absence of a sound justification for including the objection site it should be removed from the settlement boundary of Rokemarsh in the Plan.</p>		
NHS (Anne Lancaster)	<p>Many thanks for asking the Oxfordshire Clinical Commissioning Group (OCCG) to respond under Regulation 14 on your draft NP. The OCCG commissions health services for all those who are registered with an Oxfordshire GP. The current direction of travel for the OCCG is for Practices to work as Neighbourhoods with around a 30K-50K registered population, this encourages sustainability and more locally commissioned services.</p> <p>Looking at our records your Parish comes under a couple of these Neighbourhoods, as I would presume some of your residents are either registered with the Mill Stream Practice in Benson or the Watlington/Chalgrove Practice.</p> <p>I have read your draft NP with much interest and was glad to note the mention of 'promoting healthy lifestyles' to the community by encouraging use of the bridleways and footpaths, therefore, reducing shorter car journeys were possible.</p> <p>You may find it useful to view the Oxfordshire Joint Strategic Needs Assessment (JSNA) Report found on the OCC website, which provides information about Oxfordshire's population and the factors affecting health, wellbeing, and social care needs.</p> <p>Please do let me know if you have any queries in relation to our response or if you would like any further information at this stage.</p> <p>Many thanks,</p>	General	Noted

Nat. England (Sharon Jenkins)	<p>Thank you for your consultation on the above dated and received by Natural England on 15th April 2019.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.</p> <p>Natural England does not have any specific comments on this draft neighbourhood plan.</p>	General	Noted
OCC (Venina Bland)	<p>Berrick Salome Parish – Submission Neighbourhood Plan</p> <p>Comments to be forwarded to independent Examiner</p> <p>Thank you for your email on 15 April 2019 inviting Oxfordshire County Council (OCC) to comment on your Submission Draft Neighbourhood Plan.</p> <p>OCC continues to support in principle the ambition of Berrick Salome Parish Council to adopt a Neighbourhood Plan.</p> <p>Our comments follow those provided at the pre-submission draft stage in January 2019. We note that our comments have been copied into the Consultation Statement and on page 37 of that statement there is a response. As our previous comments are already available in that format we have not copied them again, as the information and advice contained in them can be used in the Examiner's considerations.</p> <p>We note that our advice was incorporated in Policy BER8 Managing Traffic relating to traffic calming measures and pedestrian refuges.</p> <p>We also note, your neighbourhood plan has been updated to reflect the submitted version of the Local Plan's classification of Berrick Salome as a 'smaller village' and Roke as an 'other village', both allowing for infill development.</p> <p>We do not have any additional comments in response to your Submission Draft Neighbourhood Plan.</p> <p>We do not request a public examination. We seek to be kept informed of any decisions on this neighbourhood plan.</p>		Noted



SODC/9	<p>The final sentence of this paragraph could be rewritten to better reflect the consideration of the development framework in decision making. We suggest:</p> <p><i>‘Planning applications that are within the neighbourhood area will be considered against the neighbourhood plan policies, as well as any relevant South Oxfordshire development plan policies and the NPPF.’</i></p>	Page 24 – Paragraph 5.6	Agreed
SODC/10	<p>This policy includes all the settlements in the neighbourhood area, including Rokemarsh. However, as the supporting text to the policy acknowledges Rokemarsh is not listed in the settlement hierarchy in the Core Strategy 2012, nor is it acknowledged as a settlement in the emerging Local Plan 2011-2034, or Settlement Assessment Background Paper 2018.</p> <p>Policy CSS1 in the Core Strategy sets out the overall strategy for the district. It identifies appropriate development in towns, larger villages, smaller villages, other villages, and outside the towns and villages. Given Rokemarsh is not identified in the settlement hierarchy, it falls within the ‘outside the towns and villages’ category. Policy CSS1 identifies that <i>‘outside the towns and villages, and other major developed sites, any change will need to relate to very specific needs such as those of the agricultural industry or enhancement of the environment’</i>.</p> <p>This is also in line with the emerging Local Plan 2034, in which Policy STRAT1 identifies that <i>‘protecting and enhancing the countryside and particularly those areas within two AONB and Oxford Green Belt by ensuring that outside of the towns and villages any changes relate to very specific needs such as those of the agricultural industry or enhancement of the environment’</i>.</p> <p>The Settlement Assessment Background Paper 2018, which forms part of the evidence base for the emerging Local Plan lists Rokemarsh as a settlement not in the hierarchy (Appendix 7), where it states <i>‘the following settlements have been considered through the settlement assessment, however following the methodology outlined in this report they were not considered suitable location for development and have not been included in the hierarchy’</i>.</p> <p>Given the position of Rokemarsh in the adopted Core Strategy and the consideration of the settlements outcome in the recent Settlement Assessment Background Paper 2018 informing the emerging Local Plan (2034), the settlement of Rokemarsh is not considered a sustainable settlement capable of sustaining development. The inclusion of</p>		<p>See our response to Inspector’s comments on page 1</p> <p>We agree to incorporate the words suggested by SODC on page 8 re a gap policy.</p>

<p>Rokemarsh in BER1 and the settlement boundary drawn around it is in conflict with the adopted development plan and emerging local plan and this may encourage development in an unsustainable location.</p> <p>National Planning policy does not prohibit neighbourhood plans from promoting more development than set out in the strategic policies for the area. However, having reviewed the evidence supporting the neighbourhood plan, we are not convinced that this is the intention.</p> <p>Appendix A1 in the evidence base documents provides an explanation for the settlement boundary around Rokemarsh, it states:  <i>'Rokemarsh is a small settlement which has a concentration of houses around a triangle and a number of houses extending down a lane. It is on the edge of The Parish and with planned developments in <u>Benson the boundary has been drawn tight to ensure that there is as much countryside and space between Rokemarsh and Benson as possible so that it maintains its individual identity. Similarly, to the north the boundary cuts through the garden of Ten Trees to maintain a landscape gap between Roke and Rokemarsh</u>'.</i></p> <p>It appears that the purpose of the proposed boundary around Rookemarsh is to maintain the separation of Rookemarsh, Benson and Roke.</p> <p>As explained above, the council is concerned that the proposed boundary in Rookemarsh will conflict with Policy CSS1. We are also concerned that it may fail to act as an appropriate mechanism to deliver the objectives of the plan.</p> <p>As such, we suggest that the proposed boundary in Rookemarsh is removed and instead, a local gap policy is introduced.</p> <p>A local gap policy could be worded as follows:  <i>'Any proposals for development within the identified Gap as shown in Figure XX should not, either individually or cumulatively, unacceptable detract from the character and/or scale of the gap between Rokemarsh and Benson and should conserve the open and tranquil character of the landscape and its views.'</i></p> <p>To support the policy, maps should be produced to identify the areas covered by the policy.</p>		
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SODC11	The supporting text will need updating to reflect the changes to the policy.	Page 25 – Supporting text – Paragraphs 5.7-5.11	See our response to Inspector’s comments on page 1
SODC/12	The maps will need updating to reflect the changes to policy BER1.	Page 26/28 - Maps	See our response to Inspector’s comments on page 1
SODC/13	<p>This policy contains three sets of bullet points and spans over two pages, it is very repetitive and could be clearer.</p> <p>The NPPG requires that neighbourhood plan policies are clear and unambiguous, therefore we propose the Examiner considers making a number of modifications to BER2. Our recommendations are as follows:</p> <p>The first paragraph which starts ‘<i>A large part of The Parish...</i>’ and finished ‘<i>within the wider countryside</i>’, is text that could be within the supporting text. Within this paragraph ‘Grade 2’ should be replaced with ‘<b>Grade II</b>’.</p> <p>The first set of bullet points cover similar areas as the paragraph that starts ‘<i>Proposals must show clearly how the scale...</i>’ and finished ‘<i>... as defined in the adopted Character Appraisal</i>’. We suggest that the bullet points might be better suited in the supporting text or character appraisal, given they are setting out what the local character is derived from.</p> <p>From the second set of bullet points, criteria IX and XI are effectively repeating the same point, with IX focused on driveways and sustainable drainage systems, and XI focused on hardstanding. The NPPF requires that policies are concise. We suggest that XI is deleted and the wording of IX amended as such:</p> <p>‘<i>Permeable surfaces on driveways and hardstanding and use of sustainable drainage systems that can connect directly to an existing or new wet environment wherever possible;</i>’</p> <p>The paragraph that starts ‘<i>Buildings should be considered...</i>’ and ends ‘<i>...by roof forms and chimneys</i>’, is text that we suggest is moved to the supporting text or into the character appraisal.</p>	Page 29 – Policy BER2 Design	<p>Agreed</p> <p>Agreed</p> <p>Agreed</p> <p>Agreed</p>

SODC/14	<p>In this paragraph it says, '<i>All proposals...should demonstrate via a Design and Access Statement...</i>'. The requirement for the Design and Access Statement is an administrative issue and it might not be required on all applications, we therefore suggest that '<i>where appropriate</i>' is inserted into the text.</p>	Page 31 – Paragraph 5.12	Agreed
SODC/15	<p>Saved Policy H10 in the Local Plan 2011 is the rural affordable housing on exception sites policy. This sets out the criteria for considering rural exception sites.</p> <p>The supporting text in the South Oxfordshire Local Plan 2011 sets out that, '<i>the planning authority must be convinced of the need for affordable housing in a particular village and be satisfied that the housing provided would be available at a price which local people could afford</i>' (paragraph 5.48). This situation is the same in the emerging Local Plan 2034.</p> <p>To align with national and local policy we suggest '<i>need in the District</i>', is replaced with '<i>need in the village</i>' in the first sentence.</p> <p>Criteria i and ii are effectively repeating points which the NPPF discusses when talking about entry-level exception sites in paragraph 71.</p> <p>Criteria iii The identified Important Views do not prevent development from coming forward. The location of a site within a Conservation Area also does not prevent development from coming forward. There are statutory tests for considering development affecting Conservation Areas and the impact of development should be focused on harm. Similarly, the impact on views should be focused on harm. We suggest this criterion is reworded:</p> <p><i>'The development of the site does not cause significant harm to the identified Important Views or harm to any designated heritage assets.'</i></p> <p>Criteria iv Subject to the changes in 10., update to remove Rokemarsh.</p> <p>We recommend that the final sentence of the policy is deleted as it does not have regard to the NPPF or local policy. The policy is based on local need, therefore restricting it to one site during the plan period is not appropriate. The first sentence of the plan identifies when this type of development is appropriate – '<i>should there be an established need in the village</i>' – therefore this final sentence would conflict with this.</p>	Page 32 – Policy BER3 Entry Level Homes	<p>We agree that para 5.48 of 2011 Local Plan should be the criterion that governs our BER 3 Policy (until that is replaced by any relevant policy in the 2034 Plan) so we will qualify our policy accordingly in the context of the proven need in the Parish.</p> <p>Agreed</p> <p>Agreed</p> <p>Agreed</p>

SODC/16	<p>Paragraph 5.15 Update this paragraph to refer to local need, as opposed to South Oxfordshire's need.</p> <p>Paragraph 5.17 This paragraph talks about the restrictive nature of BER3, this will need updating subject to the changes above being made.</p>	Page 32 – Paragraph 5.15 - 5.17	<p>Agreed</p> <p>Agreed</p>
SODC/17	<p>We suggest that the wording of the final paragraph is improved to make it less restrictive. We suggest that instead of focusing on development proposals that 'are located within or immediately adjoining', that the focus is shifted to development proposals that '<i>have an adverse impact</i>' on the views.</p> <p>Our recommendation from the pre-submission consultation remain, we suggest the following wording:</p> <p><i>'Development proposals should preserve or enhance the local character of the landscape and not have a significant adverse impact on the identified Important Views.'</i></p> <p>Our comments remain the same from the presubmission consultation, in that we are concerned that the evidence supporting the policy is not currently sufficient to justify some of the views identified. Although the character appraisal in the evidence base talks about views throughout the appraisal and there is a sectioned titled 'Important Views', the evidence base does not identify why these views are important. The text that sits alongside the images in the plan does not explain why the views are important, it factually explains what the views are of, for example 'view south across horse paddocks and stabling'.</p> <p>A large majority of the views are from public highways, looking over field boundaries. We think that more explanation needs to be provided setting out why these views are important and why they deserve the additional protection afforded to them through policy BER4.</p> <p>We are concerned that some of the views as shown by arrows on the map do not accurately relate to the views identified in the images. We therefore recommend that the map is reviewed to ensure that the arrows which represent the views are accurately related to the images.</p>	Page 33 – Policy BER4 Important Views	<p>Agreed</p> <p>Agreed</p> <p>We believe that the picture and description adequately support their inclusion as important 'views'. However, we will review their respective descriptions for accuracy, completeness and relevance.</p> <p>We will review the correlation between the images and the map identifications.</p>

SODC/18	The final sentence of the policy seems incomplete, we suggest that it reads: <i>'New development will not be permitted on land designated as Local Green Space except in very special circumstances.'</i>	Page 36 – Policy BER5 Local Green Spaces	Agreed
SODC/19	We suggest that paragraph 101 of the NPPF is also referred to as this paragraph also relates to Green Space designations. It should read: <i>'... in accordance with paragraph 99, 100 and 101 of the NPPF'.</i>	Page 36 – Paragraph 5.20	Agreed. We will also edit the table under section 3.2 to include NPPF paras 100 and 101.
SODC/20	Our comments from the pre-submission consultation remain unchanged:  We recommend that the list of community facilities is moved to the supporting text, rather than being in the policy. This will help to futureproof the plan.	Page 38 – Policy BER7 Community Facilities	Agreed
SODC/21	We recommend that in the sentence, <i>'It identifies a number of buildings in The Parish that form an essential part of life'</i> , the word <i>'building'</i> is replaced with <i>'facilities'</i> . This is to reflect that not all the community facilities are buildings, for example the allotments.	Page 38 – Paragraph 5.23	Agreed
SODC/22	This policy is currently restrictive and could be better worded to guide development positively.  We recommend that the policy text is deleted and replaced with the following wording: <i>'Development proposals will be supported provided that, where appropriate, they make the necessary contributions to mitigate their impact on the highway network. Improvements to the highway network in the Parish should be in keeping with the character of the area, and where possible avoid urbanising highways infrastructure.'</i>	Page 39 – Policy BER8 Managing Traffic	Agreed, although we are of the opinion that the reference to speed of traffic should be retained because evidence from recent traffic and speed surveys in the Parish reports on an alarming disregard for the present speed limits and consequent danger to Parishioners walking, riding and cycling in the Parish. There is concern amongst Parishioners that this situation will worsen as a result of Developments consented in Benson and Chalgrove.
SODC/23	The first bullet point We suggest 'must' is replaced with <i>'should'</i> .  Third bullet point We suggest that this bullet point is reworded as follows: <i>'it is located in an area which facilitates and where possible encourages walking, cycling and riding to access the Parish.'</i>	Page 40 – Policy BER9 Walking, Cycling and Riding	Agreed  Agreed

SODC/24	<p>Criteria ii This criteria is repeating a point already raised in BER2 Design. We recommend that this point is only raised once in BER2 as it is more in keeping with the design policy.</p> <p>Criteria iii This criterion is not achieving anything beyond criterion i. The NFFP is clear that plans should '<i>serve a clear purpose, avoiding unnecessary duplication of policies</i>' (para 16). We therefore recommend that this criterion is deleted from the policy.</p>	Page 41 – Policy BER10 Supporting Water Infrastructure	Agreed  Agreed
SODC/25	The second paragraph states that BER10 ' <i>requires proposals to be accompanied by a site-specific assessment...</i> '. However, this is not the case and therefore we advise that this sentence is deleted.	Page 41 – Paragraph 5.33	Agreed
SODC/26	This appendix is duplicating information that is in the evidence base document.	Page 44/45/46/47 – Appendix 1: Drawing of settlement boundaries	Agreed. The appendix will be deleted.
SODC/27	This appendix is duplicating information that is in the evidence base document.	Page 48/49 – Appendix 2: Settlement Boundary Assessment Guidance	Agreed. The appendix will be deleted.
SODC/28	<p>We suggest that that the evidence base report is included as an appendix to the neighbourhood plan.</p> <p>The evidence base document contains the character appraisal, information on the green spaces, and information on the important views. It is important that this information can be easily linked to the policies they support, for example the character appraisal is important for the interpretation of BER2.</p> <p>This would also address the duplication issue above.</p>	Page 48/49 - Appendix	Agreed. The Evidence Base Report will be annexed to the plan.