

# BALDONS PARISH COUNCIL

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Dear Mr Freeman

## The Baldons Neighbourhood Plan Examination

Thank you for your letter dated 17<sup>th</sup> April requesting clarification on a number of points itemised in the Annex to your letter. Our response is as follows (using your numbering)

1. SEA Sustainability Appraisal: we consulted the Environment Agency, Historic England and Nature England between 1st September and 12<sup>th</sup> October 2016 as part of a scoping exercise. The comments received during this exercise are summarised in the final SA report and in the Consultation Statement.  
We sought comments on the draft SA between 20<sup>th</sup> August and the 8<sup>th</sup> October during our pre-submission consultation. The comments received are available in the Consultation Statement.
2. Baldons Design Guide: we confirm that the version of the Design Guide dated 21-01-18 on the SODC website is the latest version
3. Human Rights Convention The 1998 Human Rights Act enshrines the Convention for Human Rights into English Law. In so far as the Parish Council is a public authority exercising power, we are satisfied that nothing in the Neighbourhood Plan could be construed as attempting to breach any of the articles under the act and all the provisions of the NP, in so far as they impact at all, are consistent with the Convention, including protocol 1; the right to peaceful enjoyment of property.
4. Natural England: the recommendations of Natural England are accepted
5. Previously rejected sites. Applications for development on 4 of the preferred sites, 08TB, 09TB, 15MB and 16MB have previously been rejected by SODC. Our aim in the NP has been to identify the best sites available in the Plan Area by means of an objective assessment of a long list of sites against a clear set of criteria and informed by detailed Village and Landscape Character Assessments. These four sites emerge from this process as preferable to other, non preferred sites. In neither Responses 5 nor 6 has any objection been made to the assessment criteria nor has any specific lapse in objectivity been specified. The criteria and their application have been subject to extensive consultation and no objections were received from any statutory or individual consultees.

6. Oxfordshire County Council: request that sites LB23 and LB24 should be removed from the list of preferred sites on grounds of inaccessibility. Although these two sites are not favoured by the present owners of Little Baldon, we would like to retain them on the preferred list if at all possible for the following reasons:

- one of our objectives is to spread the proposed development in the Plan over all three settlements (see section 5.3.2 of the Plan)
- considering the 15 year duration of the Plan circumstances, including the attitude of the current owners may change
- these two sites emerged from the site assessment process as preferred sites

However, in the light of the OCC comments, we concede that we may have underestimated the accessibility problems of these sites and therefore we would accept their removal if required.

7. Historic England. We have consistently taken HE's comments on the various stages of the Plan seriously. The first comments on the Scoping Report, presented in Appendix C2 of the Consultation Statement, were dealt with in the Sustainability Appraisal. The second set of comments were received following the pre-submission consultation and are included in Appendix C6 of the Consultation Statement. We made extensive revisions to the Sustainability Appraisal and the Plan to address HE's comments - in consultation with Ms Samantha Allen, the SODC Conservation Officer - and sent the draft amendments to HE on 8<sup>th</sup> December 2017. On 22<sup>nd</sup> December we received the following reply:

"Dear Mr Attewill,

Thank you again for amending your Plan and other documents in response to our comments and for sending them through for me to consider.

Unfortunately, I have only been able to have a quick skim through the documents but I am very pleased with the amendments to the Plan, which I consider make it a more robust document (which, of course, was our intention in making the comments).

I also welcome the changes to the Consultation Statement and SEA/SA, which I also consider make the Plan and its preparation more robust. I would like to have another look though at the SEA/SA given my previous comments. I hope to find some time to do that today.

Thank you again for your efforts to address our concerns.

Best wishes  
Martin Small"

We are therefore somewhat surprised and disappointed to see Response 8, which include some new and some repeated comments. Our detailed response to these comments are included in the Annex to this letter.

8. Listed buildings. EH have included in their numbers of listed buildings 4 buildings which are situated in Nuneham Courtenay which falls outside the Plan Area. The correct number of buildings is 55, with 1 scheduled monument

9. Thames Water. We will include TW's suggested text within section 6.8 of the Plan

10. South Oxfordshire District Council. SODC's suggested modifications are accepted in full. We note that there is some confusion over Figure 3.3 the Gaps Plan, the intention of which is to show the

open countryside between the various settlements which we wish to preserve. We would be happy to modify this Plan to remove any confusion should you consider this to be necessary.

11. The 2<sup>nd</sup> bullet of Policy 1 should also refer to Figure 4.1. The third bullet should refer to Chapter 3, not section 2.3.

12. The link to the South Oxfordshire Design , which will be given in Policy 5 is:

[http://www.southoxon.gov.uk/ccm/support/dynamic\\_serve.jsp?ID=628048297&CODE=CE02022649B7F765DCAEE995A402C111](http://www.southoxon.gov.uk/ccm/support/dynamic_serve.jsp?ID=628048297&CODE=CE02022649B7F765DCAEE995A402C111)

13. Policy 6 should refer to Figure 6.3, not 5.2

14. The fourth bullet of Policy 9 should refer to the standards of Oxfordshire County Council, not South Oxfordshire District Council. The link is: <https://m.oxfordshire.gov.uk/cms/content/transport-development-control-tdc#Why>

We apologise for these errors and omissions.

## Annex: Reply to Historic England's Response

	<b>HE Response</b>	<b><i>Baldons NP Steering Committee reply</i></b>								
	Dear Sir or Madam,									
	<b><u>The Baldons Neighbourhood Plan Submission Consultation Draft</u></b>									
<b>01</b>	Thank you for your e-mail of 12th February advising Historic England of the consultation on The Baldons Neighbourhood Plan Submission Draft. We are pleased to make the following comments in line with our remit for the conservation and enhancement of the historic environment.	<i>no comment</i>								
<b>02</b>	We welcome the description of the historical development of The Baldons in sub-section 2.2.	<i>no comment</i>								
<b>03</b>	We welcome section 3 on the Village Character Assessment. Historic England considers that Neighbourhood Development Plans should be underpinned by a thorough understanding of the character and special qualities of the area covered by the Plan. Characterisation studies can also help inform locations and detailed design of proposed new development, identify possible townscape improvements and establish a baseline against which to measure change.	<i>no comment</i>								
<b>04</b>	We particularly welcome sub-section 3.6 "Heritage Assessment". According to our records there are 58 listed buildings (4 grade II* and 54 grade II) and one scheduled monument in the Plan area. The reference to English Heritage should be to Historic England.	<p><i>The EH website lists 60 buildings and monuments but 4 of these are situated in the parish of Nuneham Courtenay outside the Plan area. The correct numbers for the Baldons are:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 20px;"><i>Grade 2*</i></td> <td style="text-align: right;"><i>4</i></td> </tr> <tr> <td><i>Grade 2</i></td> <td style="text-align: right;"><i>51</i></td> </tr> <tr> <td><i>Scheduled monument</i></td> <td style="text-align: right;"><i><u>1</u></i></td> </tr> <tr> <td><i>Total</i></td> <td style="text-align: right;"><i>56</i></td> </tr> </table> <p><i>Sections 3.6.2 and 3.6.3 of the Plan cover this in detail. The scheduled archaeological monument (Roman Kilns referred to in 3.6.3) is far removed from any sites.</i></p>	<i>Grade 2*</i>	<i>4</i>	<i>Grade 2</i>	<i>51</i>	<i>Scheduled monument</i>	<i><u>1</u></i>	<i>Total</i>	<i>56</i>
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<i>Scheduled monument</i>	<i><u>1</u></i>									
<i>Total</i>	<i>56</i>									
<b>05</b>	We welcome the identification of Heritage Asset Groups. However, we are not clear if there is a list of locally-important buildings and features? Non-designated heritage assets, such as locally important buildings, can make an important contribution to creating a sense of place and local identity. Have the Oxfordshire Historic Environment	<i>Heritage Asset Groups are set out and described in 3.6.4. There is no formal list of buildings within these groups, and there is no plan identifying the group locations and their boundaries. This could be done but it was felt that to do so could result in the groups being regarded as additional 'quasi</i>								

	Record and Historic Landscape Character Assessment been consulted, the former for non-scheduled archaeological sites, some of which may be of national importance?	<i>conservation areas' and would be confusing. It was felt appropriate for the Baldons NP to describe the groups, stating why they are important, and providing brief illustrative images.</i>
06	The National Planning Practice Guidance states "... where it is relevant, neighbourhood plans need to include enough information about local heritage to guide decisions and put broader strategic heritage policies from the local plan into action at a neighbourhood scale. ... In addition, and where relevant, neighbourhood plans need to include enough information about local non-designated heritage assets including sites of archaeological interest to guide decisions". More detailed archaeological information should therefore be included in the Plan itself, not just set out in the Scoping Report.	<i>We feel that our plan does include enough information about the local heritage to guide decisions. The archaeological information currently in the Scoping Report and the Sustainability Appraisal can be included with the Plan itself, if that is required. It should be noted that there is very little archaeology of note within the Baldons and what does exist will not be impacted by development on any of the identified sites.</i>
07	We welcome sub-section 3.8 on the conservation areas in the Plan area. We note that there is currently no character appraisals or assets including sites of archaeological interest to guide decisions". More detailed archaeological information should therefore be included in the Plan itself, not just set out in the Scoping Report. We welcome sub-section 3.8 on the conservation areas in the Plan area. We note that there is currently no character appraisals or management plans for the conservation areas. The preparation of these could be undertaken by the local community with support from the District Council and possibly ourselves. We have produced new advice on conservation areas which is currently out for consultation: <a href="https://historicengland.org.uk/about/what-we-do/consultations/guidance-open-for-consultation/">https://historicengland.org.uk/about/what-we-do/consultations/guidance-open-for-consultation/</a>	<i>As noted above, there is little or no archaeological interest to guide decisions related to the identified sites.  Similarly, few listed buildings are likely to be impacted in any way by development on those sites. The Plan envisages no direct impact from development on any of the sites. Where the 'setting' of a listed building is in the vicinity of a site, that has been noted in the site selection criteria. The Plan notes that it is essential that any proposed development should result in no harm to any listed buildings, nor harmful effect to their settings. Clearly, the design detail and site layout for development on such sites needs to be carefully scrutinised at the appropriate time.  At planning submission stage, any development proposals also need to be scrutinised with regard to their effect on the Conservation Areas. Where sites are within such Areas, it has been noted in the site assessment criteria.</i>

08	Has there been any or is there any ongoing loss of character, particularly within the Conservation Area, through inappropriate development, inappropriate alterations to properties under permitted development rights, loss of vegetation, insensitive streetworks etc?	<i>HE's comments here have been addressed in previous responses. We are not aware of any inappropriate development which has resulted in such loss of character. The Baldons is a rural area and 'streetworks' of the type alluded to are unlikely to occur here. For example, there is no street lighting at all: anywhere in the Baldons.</i>
09	We welcome the Baldons Design Guide, Section 4 on landscape character and the Landscape Character Assessment, which has had regard to the Oxfordshire Historic Landscape Character Assessment.	<i>no comment</i>
10	We welcome the reference to "rich" heritage and the recognition of the need to "conserve and enhance our heritage" in the Vision (paragraph 5.1). We also welcome the recognition of the need not to jeopardise The Baldons' "rich cultural and natural heritage" by insensitive development as a key sustainability issue in paragraph 5.2.1.	<i>no comment</i>
11	However, we find it surprising that there is then no specific objective for the conservation and enhancement of the historic environment, which we would like to see – there should be a specific objective "to conserve and enhance the villages' historic environment" (we note that there is a sustainability objective in the Sustainability Appraisal to "to conserve and enhance the villages' character and historic environment").	<i>The built environment - and all heritage buildings listed and otherwise - is extremely important, We maintain that the Plan does seek to conserve and enhance the villages' character and its historic environment. and. we believe that the objective of the conservation and enhancement of the historic environment is already covered in Chapter 5: Vision Objectives and Strategies . However we would be happy to make this objective more explicit</i>
12	In principle, we welcome and support Policies 1 - General Principles and 5 - Design Guide, particularly the final bullet point of Policy 1. Paragraph 58 of the National Planning Policy Framework states "...neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics."	<i>no comment</i>

13	Perhaps Policy 1 could be a little more robust and Policy 5 could be more comprehensive, but taken together (we have previously suggested combining the two policies) we consider that they satisfy the requirement of paragraph 58 of the NPPF and that the Village Character Assessment, Landscape Character Assessment and The Baldon Design Guide. However, we would welcome an emphasis on sensitive design within the conservation areas or their settings that conserves or enhances their special interest, character and appearance.	<i>We are willing to consider enhancing the text of Policy 1 as suggested and that of Policy 5 to emphasise the requirement for sensitive design within the Conservation Areas</i>
14	We would welcome a policy specifically for the conservation and enhancement of the historic environment of the Plan area, in accordance with the National Planning Practice Guidance advice to “put broader strategic heritage policies from the local plan into action at a neighbourhood scale”, but accept that this is not essential to meet the basic tests.	<i>We prefer to amend Policy 1 to emphasise the need to conserve and enhance the historic environment</i>
15	We welcome “impact on heritage” as one of the Site Appraisal Criteria in Table 4.1. We note that Table 7.1 of the Sustainability Appraisal sets out “Appraisal Criteria”, which include “Impact on conservation areas, listed buildings and archaeological sites”. We previously noted that, in the corresponding table in the Draft Plan, impact on heritage when appraising the potential development sites was considered just to be proximity to the conservation area, which we considered to be inadequate. We are therefore pleased to see the references to listed buildings and archaeological sites.	<i>no comment</i>
16	We have undertaken our own assessment of each of the proposed allocation sites against our records of designated heritage assets, although we have not had the benefit of a visit to the sites.	<i>It is regrettable that EH have not visited the Baldons. We would have very much welcomed a site meeting at the Baldons with HE. There are many issues details HE have raised and which we feel would benefit from their inspection of the villages on the ground.</i>
17	Site 02-TB is within the setting of both the	<i>This is taken into account in the appropriate</i>

	<p>Toot Baldon Conservation Area and the Grade II listed The Crown Public House.</p>	<p><i>site assessment and selection criteria. The Crown (now The Mole) was much altered and extended at the end of the 20<sup>th</sup> century.</i></p>
18	<p>Site 04-TB does not appear to impact on any designated heritage assets.</p>	<p><i>no comment</i></p>
19	<p>Site 08-TB is both within the Marsh Baldon Conservation Area and the setting of the Grade II listed Hunters Gap.</p>	<p><i>This is taken into account in the appropriate site assessment and selection criteria.</i></p>
20	<p>Site 09-TB is within the setting of the Marsh Baldon Conservation Area.</p>	<p><i>This site adjoins the Conservation Area via a public roadway. It is not within the Area. It has been noted that development here (as always: subject to design detail) is unlikely to have an impact on the Conservation Area.</i></p>
21	<p>Site 015-MB is within the Marsh Baldon Conservation Area.</p>	<p><i>This is taken into account in the appropriate site assessment and selection criteria.</i></p>
22	<p>Site 16-MB is within the Marsh Baldon Conservation Area.</p>	<p><i>This is taken into account in the appropriate site assessment and selection criteria.</i></p>
23	<p>Site 018-MB is within the setting of the Marsh Baldon Conservation Area.</p>	<p><i>This site is centred on the farmyard and is effectively screened from the Green and the Conservation Area by the large farmhouse and other farm buildings. Insofar as it may have an impact on the Conservation Area, that is taken into account in the appropriate site assessment and selection criteria.</i></p>
24	<p>Site 020-MB is within the setting of the Grade II listed Wantills.</p>	<p><i>Not true. We have previously pointed out that Wantills is wrongly located on the HE data sheets. Sites 20-MB and 21-MB are in fact far removed from the location or setting of Wantills. The correct location of Wantills is shown on Fig 3.2 of the Plan, where it is indicated as LB <b>No 41</b>, opposite St Peter's Church.</i></p>
25	<p>Site 021-MB is within the setting of the Grade II listed Wantills.</p>	<p><i>Not true: see the above comment.</i></p>
26	<p>Site 023-LB does not appear to impact on any designated heritage assets.</p>	<p><i>no comment</i></p>
27	<p>Site 024-LB does not appear to impact on</p>	<p><i>no comment</i></p>

	any designated heritage assets.	
<b>28</b>	Given the lack of any character appraisals for the conservation areas, there is no overall indication of how significant each of the sites within or within the setting of one or other of the Conservation Areas is. Such an appraisal should really have been undertaken to inform the policies and proposals of the Plan, particularly the site allocations. As we have been unable to undertake our own on-site assessments, we will have to be satisfied with the assessments undertaken by the Advisory Group.	<i>It is not true to say "Given the lack of any character appraisals for the conservation areas" A great deal of work has been done on this and is presented in section 3.6 of the Village Character Assessment</i>
<b>29</b>	These assessments are reflected in Tables 7.3 and 7.6 of the Sustainability Appraisal, which we note has amber ratings for the majority of the allocated sites (and sites 20 and 21 are within the setting of a listed building but are rated green). Unfortunately, Table 7.2 of the Sustainability Appraisal does not explain what an amber indicator is in terms of impact on heritage – obviously it is an impact between green and red, but whilst it is clear that a red indicator indicates a harmful impact, it is not clear if a green indicator indicates enhancement or simply no harm. Consequently, amber could indicate a neutral impact or slight harm. We suspect the latter.	<i>The amber rating for the heritage criterion means either that a site has no impact on heritage or that the impact is slight and can be either substantially mitigated or even eliminated by sensitive design. We agree it would be helpful if this were clarified in the text.</i>
<b>30</b>	If that is correct, each development that causes slight harm is a concern, but particularly so when taken in combination. We cannot see how a majority of site allocations considered to be causing some harm to heritage, even if slight, can be considered cumulatively to have a neutral impact on heritage, as indicated in 8.4.	<i>The assessment of the cumulative impact of the proposed developments as neutral in Table 8.4 is based on the following analysis:</i>  <i>Of the 11 preferred sites:</i> <ul style="list-style-type: none"> <li>• <i>2 sites (02TB and 09TB) have an overall beneficial effect on heritage</i></li> <li>• <i>6 sites (04TB, 18MB, 20MB, 21MB, 23LB and 24LB) have no effect on heritage</i></li> <li>• <i>3 sites (08TB, 15MB and 16MB) have a small negative impact but that this impact is capable of mitigation or elimination by sensitive design</i></li> </ul> <i>A neutral designation therefore somewhat understates the true position. It should be noted that site 09TB is assessed in Appendix 3 of the SA as having a potentially beneficial</i>

		effect on heritage but that this has not been carried through to the scoring in Table 7.3 <i>We apologise for this error</i>
<b>31</b>	We are therefore concerned at the potential harmful impacts of at least six, and possibly eight, of the allocated sites on heritage assets, contrary to the protection afforded to such assets by the National Planning Policy Framework. Our comfort, such as it is, is that, if they are considered to be strategic policies, the saved heritage policies of the South Oxfordshire Local Plan 2011 provide some protection against development that would be harmful to the significance of listed buildings or the special interest, character and appearance of the conservation areas.	<i>See above</i>
<b>32</b>	We support the principle of designating Marsh Baldon Green as a Local Green Space in Policy 6.	<i>no comment</i>
<b>33</b>	Finally, a general observation. The preparation of the Neighbourhood Plan offers the opportunity to harness a community's interest in the historic environment by getting the community to help add to the evidence base, perhaps by inputting to the preparation or review of a conservation area appraisal, the preparation of a comprehensive list of locally important buildings and features, and/or a survey of Grade II listed buildings to see if any are at risk of neglect, decay or other threats.	<i>We understand from SODC that an updated appraisal of the Conservation Areas is 'in the pipeline'. We would welcome the opportunity to contribute suggestions and comments for conservation when that review takes place.</i>
<b>34</b>	We hope you find these comments helpful. Should you wish to discuss any points within this letter, or if there are particular issues with the historic environment in The Baldons, please do not hesitate to contact us.	<i>As noted in item (16) above, we would very much welcome a visit from HE if that were possible.</i>
<b>35</b>	Thank you again for consulting Historic England.	<i>no comment</i>
	Yours faithfully, Martin Small Principal Adviser, Historic Environment Planning (Bucks, Oxon, Berks, Hampshire, IoW, South Downs National Park and Chichester) E-mail: martin.small@historicengland.org.uk	<i>Laurence Attewill &amp; Peter Cave</i>  <i>For The Baldons NP Steering Committee</i>