

# Warborough and Shillingford Neighbourhood Plan Review – Response (2) to Examiner’s Clarification Note

## Contents

In regard to comments from the Examiner: .....	1
In regard to comments from SODC: .....	1
In regard to comments on ENV2 from SODC, Thames Water and Welbeck Strategic Land .....	4
In regard to comments from OCC .....	11

## In regard to comments from the Examiner:

***Is there any specific evidence for the policy’s expectation for the requirement for a 20% biodiversity net gain or is it an ambition rather than a policy requirement? If it is an ambition, should the policy restate the 10% national baseline for biodiversity net gain (as identified in paragraph 5.5.18 of the Plan)***

- The policy wording in the Warborough & Shillingford Neighbourhood Plan is intended to set a clear target of 20% Biodiversity Net Gain (BNG), calibrated to the parish’s particular ecological circumstances and opportunities and not simply an aspirational ambition. This higher requirement is grounded in the local context identified in the People and Nature Strategy: biodiversity in the parish is currently fragmented and relatively limited, with intensively managed farmland, heavily trimmed hedgerows, and constrained river corridors. At the same time, the parish sits within the River Thames Corridor Conservation Target Area (CTA 11), which offers a rare opportunity for significant habitat creation and connectivity at a landscape scale. In order to address both the low baseline and to make full use of this exceptional riverside opportunity, a higher BNG target is necessary.  
The Neighbourhood Plan therefore follows the same approach taken in East Hagbourne, where a 20% BNG requirement is justified by local circumstances and by the supporting People and Nature Strategy. In both parishes, the higher target reflects the reality that starting from a depleted ecological baseline requires more than the statutory 10% to deliver meaningful recovery. Combined with the climate and ecological emergency declared by South Oxfordshire District Council, the higher standard reflects local need and ambition—ensuring that new development actively contributes to repairing historic losses, while realising the parish’s unique potential to connect fragmented habitats into a thriving nature recovery network.

## In regard to comments from SODC:

The majority of comments have been actioned in Response (1), with the exception of the following:

2. **Policy VC1** - *recommend greater clarity that Design and Access Statements are not required on all developments.*

- The PC are happy to accept a modification to make this clearer.

*We also recommend that the phrase “accord with” is replaced with “have regard to” to align with the expectations set out in national policy regarding the use and application of design codes.*

- The PC feel this is watering down the policy and would prefer to see a justification for when an application does not accord with the Design Code.
3. **Policy VC3** - *we recommend that this policy is reworded to set out that it should be applied on a proportionate basis to enable it to be applied effectively during the development management process, therefore ensuring the policy has the clarity required by the NPPF.*
    - The PC feel that the phrase “as appropriate to their scale and nature” covers this point appropriately and that any amendment would diminish its effectiveness.
  4. **Policy H3** - *we recommend that part 2 of this policy is reworded so that it is also applied on a proportionate basis.*

- The PC feel that the phrase “as appropriate to their scale and nature” covers this point appropriately and that any amendment would diminish its effectiveness.

*We also recommend minor modifications to the text for clarity: “Cycle Paths: As appropriate to their scale, nature and location, new development should provide on-site cycle paths both in general, and to facilitate access to the village amenities, transport links and community facilities, and to surrounding settlements. Where relevant, they should also contribute to improvements to existing cycling facilities.”*

- The PC are happy to accept any minor modifications for clarity reasons.
5. **Policy C1** - *this is more restrictive than Policy CF1: Safeguarding Community Facilities of the South Oxfordshire Local Plan. No clear justification is given as to why a more restrictive policy is required for Warborough and Shillingford than that set out by the District Council. On the basis of the above, we recommend that this section of the policy is modified so that it is less restrictive in the one instance and less overly prescriptive.*
    - The PC are concerned about the loss of facilities that has taken place within the parish and feel that the current Local Plan policy is being misused to enable change of use which no longer benefits the community. We would be happy to accept modification but would like applicants to submit more detailed justification to prevent the loss of important facilities.

*The final paragraph of this policy currently lacks the clarity required by the NPPF. We recommend a series of modifications to ensure the policy is clear and*

*unambiguous, and to recognise that it will be the development management officers at South Oxfordshire District Council who will determine the outcome of a planning application and not the Parish Council. We also recommend that this section of the policy is reworded to set out that it should be applied on a proportionate basis to enable it to be applied effectively during the development management process.*

- The PC are happy to accept modifications for clarity purposes but feel that PCs should be given the ability to discuss with officers any local information which may be relevant to the decision-making process.

**6. Policy C3** - *we recommend a modification to the text of this policy so that it takes the matter-of-fact approach in the NPPF and so that it recognises that Neighbourhood Plans do not have the power to determine the outcome of planning applications permitted.*

- The community feel that it should be as per the Made Neighbourhood Plan.

*Some of the proposed new LGS, such as LGS 2 and LGS 3 in Shillingford, fall within land already covered by the Green Belt. It is not clear how these spaces would benefit from designation as Local Green Spaces on top of the protection already afforded to them by Green Belt policies. We recommend greater detail is provided as to why these sites require additional protection.*

- Under latest government proposals the Green Belt has potential for review and could be altered, as such LGS designation is considered appropriate.

*We also note that LGS04 in Shillingford overlaps with identified Green Gap 1. We encourage you to consider if it is appropriate to look to designate the same parcel of land as both a Local Green Space and a Green Gap, and if one of the designations is more appropriate than the other for this location.*

- See “In relation to proposed LG S04 Plough Field” section in Response (1) previously submitted to the Examiner.

**7. Figures 52 and 53** - *we recommend against using the words “Biodiversity Local Green Space” on these figures as Local Green Spaces refer to a specific designation. We recommend the use of “Local Biodiversity Area” instead to ensure the plan brings the clarity required by the NPPF.*

- Local Green Spaces can be designated on the basis of “richness of its wildlife” therefore if an amendment is proposed to reflect this that would be accepted.

*These figures and figures in other documents such as the Strategy for People and Nature in Warborough and Shillingford should be reviewed carefully to make sure that the identified areas are consistent across all figures/maps (e.g. the boundary of the Clay’s Orchard Local Wildlife Site are shown on only some maps in the documents).*

- Happy for any changes to be made for consistency.

**Figure 53** - *it is also unclear what the numbers 1-5 are referring to on Figure 53. This information should be added to the key for the map to ensure it has the clarity required by the NPPF.*

- Agreed, to be amended.

*Some additional Priority habitats (most notably ponds) could be incorporated in the requirements to protect existing and create new priority habitats.*

- Agreed, to be amended.
8. **Policy ENV1** - *in the first and second paragraphs on page 76 it breaks down the policy into part A and part B. It is not clear which sections of the policy ENV1 these refer to as the policy is not subdivided in this way. We recommend that either the supporting text or policy is modified to ensure consistency. This policy would read better if named: "Protecting and enhancing nature, and achieving biodiversity net gain".*
- Happy for any changes to be made for clarity.
9. **Policy ENV3** - *we recommend a modification to the wording relating to the identified views to align it more closely with Policy VC3 and to ensure that it is not overly onerous.*
- The PC generally accept the changes however we disagree with the wording of "having regard to the Design Code" as per above. We also do not wish to see solar arrays within the Green Belt.
10. **Character Appraisal** - *as mentioned above, a more up-to-date Landscape Character Assessment has been produced for both South Oxfordshire and Vale of White Horse by LUC as part of the new Joint Local Plan Evidence base, which we are now using as our most up to date landscape character assessment. We recommend including references to this new document within the assessment and incorporating some of its findings where relevant. Additionally, there are other parts of assessments produced for the JLP, such as that on tranquillity, which may be of relevancy for the Warborough and Shillingford NDP Review.*
- The PC have referred to the latest landscape assessment by LUC in the assessment of the landscape, however, it is not as in-depth as the previous version in which there were many more locally specific references which still apply to date.

*We recommend the word "native" is removed in relation to trees and hedgerows. With the impacts of climate change, species selection will need to become more diverse and robust to ensure the establishment of a future tree stock that is both climate and more disease resilient. To do this this we need to move away from the ethos of retaining and planting just native trees. However, on some ecologically sensitive sites the planting of native trees and flora may still be preferable due to their associated wildlife habitats.*

- The PC do not want to remove the word native; however, we are happy to include drought tolerant plants to acknowledge climate change.

**In regard to comments on ENV2 from SODC, Thames Water and Welbeck Strategic Land**

Given the importance of this policy to the community the PC are pleased that the examiner's clarification note commented that this was a good locally distinctive policy...

#### a) SODC: Policy ENV2

11. **Policy ENV2 SODC recommendation 38 1** – *'In conclusion, we would recommend the deletion of the requirement that development proposals for new housing should demonstrate that they achieve 100% surveyed, legal ground levels above 48.1m AOD.'*

- The PC accept the recommendation that this part of the policy should be removed. A concern remains about flood risk and given the feedback to the draft plan we would like the following policy wording to be inserted instead - 'Flood Risk Assessments in support of planning applications that rely upon hydraulic modelling to assess flood risk in the village of Warborough and hamlet of Shillingford should seek and use a copy of the Neighbourhood Plan map of the village catchment area and watercourses (Appendix 6 Flooding Report figures 5 catchment area maps) to verify their mapping of the catchment area and direction of flow is accurate in support of any hydraulic modelling of the flood risk they undertake.'
- We also wish to publish more detailed figure 5's for the Appendix 6 Flooding Report catchment area, which replaces existing figure 5) .

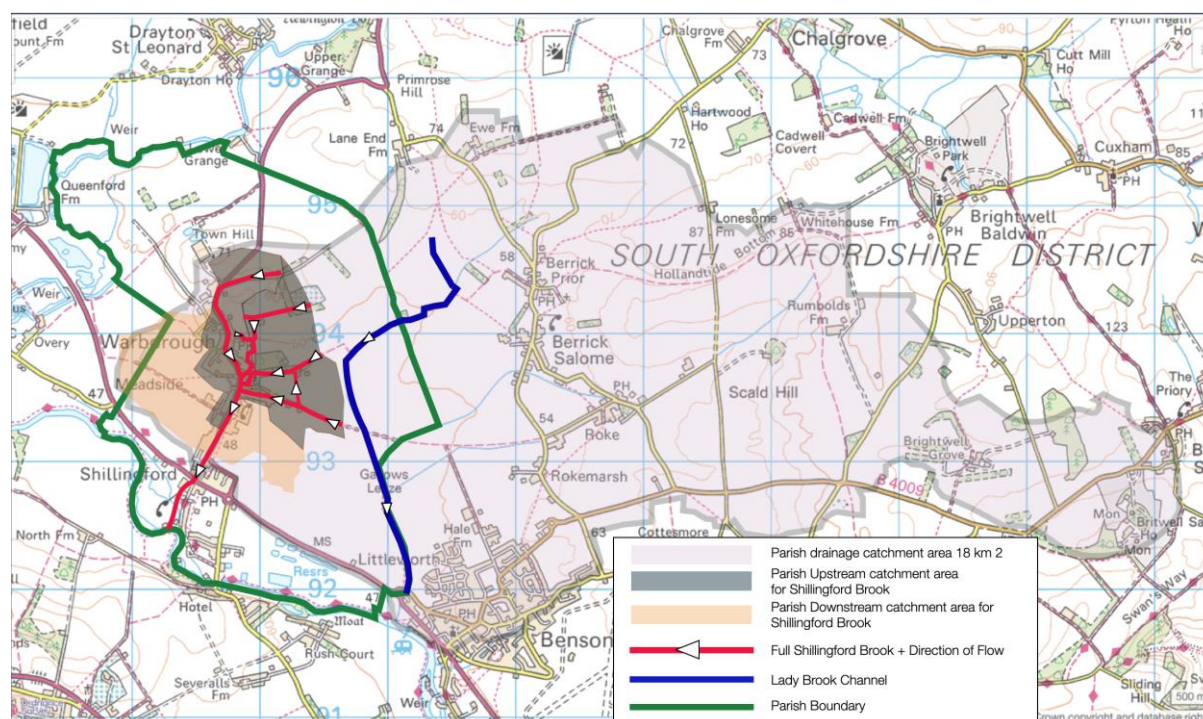


Fig. 5.1. A map of the wider drainage catchment area flowing from east to west into the Parish showing the two major drainage channels that direct runoff to the River Thames – Shillingford Brook and Ladybrook Channel.



## Warborough Parish Council Catchment Area Map for Shillingford Brook

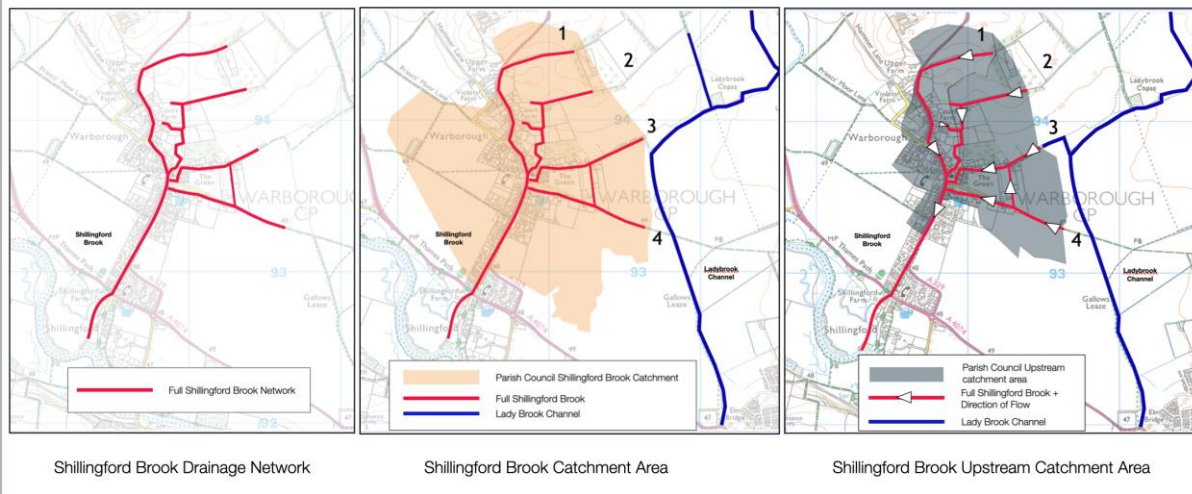


Fig 5.2. A detailed map of Shillingford Brook network running through the centre of Warborough & Shillingford detailing the catchment area and the upstream catchment area.

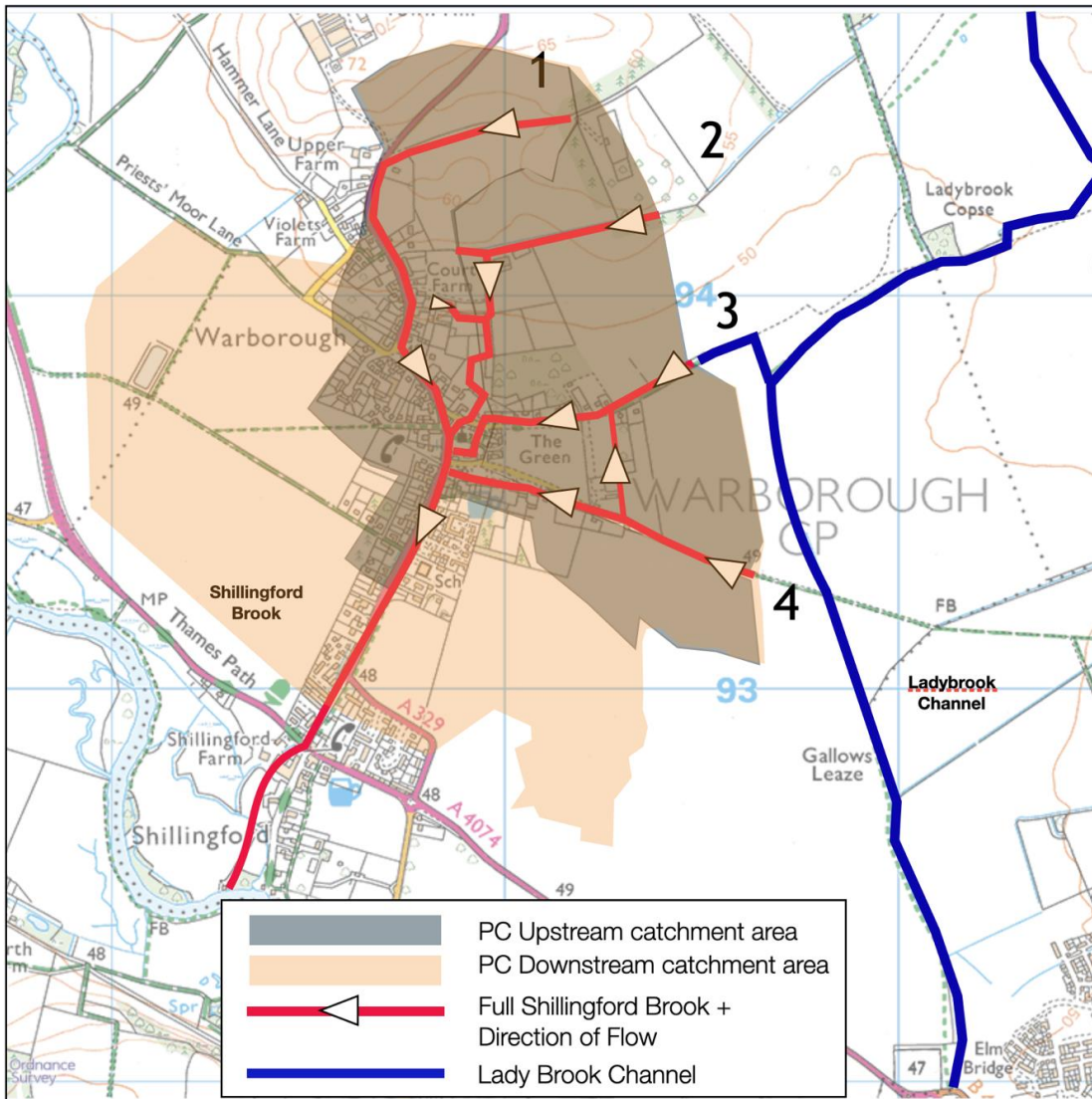


Fig 5.3. Combined overlay of fig 5.2

12. **Policy ENV2 SODC recommendation 38 2** - *We recommend that policy ENV2 is reworded to set out that it should be applied on a proportionate basis to enable it to be applied effectively during the development management process, therefore ensuring the policy has the clarity required by the NPPF. This modification will ensure that the policy recognises that not all developments will need to adhere to the specifications of this policy due to their scale, nature, or location:*

*“As appropriate to their scale, nature and location, development proposals should demonstrate that they will:”*

- The PC and community are highly concerned about flood risk and think the existing wording remains appropriate, and do not wish to dilute the wording. The existing wording ‘Development proposals for new housing should demonstrate that they will’ already has the clarity required for NPPF and the wording contains the words ‘should have’ and not ‘must have’ which gives flexibility to decision makers.

13. **Policy ENV2 SODC Recommendation 38 3:** *It is not appropriate to require developers to consult with Thames Water in criterion d of this policy as this may not always be required. Planning practice guidance encourages early engagement between local planning authorities and water/sewerage companies where water quality is likely to be a significant planning concern. Ultimately, the decision to grant or refuse a planning application rests with the District Council, who will take into account all relevant planning considerations and the advice from relevant consultees. In order to ensure the policy is not overly onerous, we recommend this criterion is deleted, alternatively the criterion could encourage developers to engage with Thames Water where appropriate.*

- The PC are concerned with the ongoing pollution of the river Thames with sewage and the evidence provided supports the policy. If the examiner is minded to rule that the policy is overly onerous then we would, as suggested by SODC, move to wording which encourages this engagement. d) ‘if new sewage processing is enabled by the development, developers are encouraged to consult with Thames Water and confirm the wastewater and treatment works will either already have sufficient capacity or will be upgraded to provide sufficient capacity before any new development is occupied

14. **Policy ENV2 SODC Recommendation 39 Fig 44 flood zones, surface water and topography.** *We recommend that a label is added directing the reader to the EA website as the information in the NDP represents a snapshot in time and the most up-to-date information will be held by the EA.*

- The PC agree the addition of a label to this figure would be useful.

15. **SODC Recommendation 53 - ENV2 supporting Appendix 6** *alter executive summary to the latest information within SFRA 2024 ‘With climate change, the frequency, pattern and severity of flooding are expected to change and become more damaging.’*

- The PC agree this change is beneficial

16. **SODC Recommendation 54 ENV2 supporting appendix 6** – *The appendix does not include sufficient evidence regarding the deflection and its suggested effect on flooding. In order to ensure accuracy, we recommend the examiner asks the parish council to provide further evidence, or that the sentence is amended to read: Request to alter paragraph page 7 “Finally, Shillingford experiences fluvial flooding when the River Thames floods which has been modelled to hydraulically to rise to 48.10m AOD in a 0.1% annual flood risk and travel up the Thame Road ditch as far north as the Greet Hall when deflected and there is no natural mitigation into the Village Flood Plain.”*

- The PC accept this change.



17. **SODC Recommendation 55 ENV2 supporting appendix 6 – Mapping updated to latest Environment Agency model.**

- This change is acceptable (also add label to reference location of latest Environment Agency mapping)

**b) Thames Water comments – Policy ENV2**

18. **ThamesWater env2:** *We support the reference to water supply and sewage disposal in Policy ENV2- Mitigating Flood Risk Part (b) to (d), but consider it is such an important issue that ideally there should be a separate policy covering water supply infrastructure and wastewater/sewerage infrastructure in the Neighbourhood Plan.*

*Proposed new text: “Where appropriate, planning permission for developments which result in the need for off-site upgrades, will be subject to conditions to ensure the occupation is aligned with the delivery of necessary infrastructure upgrades”.*

*“The Local Planning Authority will seek to ensure that there is adequate water and wastewater infrastructure to serve all new developments. Developers are encouraged to contact the water/waste water company as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements. Where there is a capacity constraint the Local Planning Authority will, where appropriate, apply phasing conditions to any approval to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of the relevant phase of development”.*

- The PC feel strongly that existing issues with sewer flooding to properties, gardens, roads and into the drainage ditch are such a primary concern that this should be retained within the Mitigating Food Risk Policy to avoid the issue being marginalised.

19. Paragraph 5.5.36 We support the references to water consumption, but consider that this needs to be strengthened. We consider that the Neighbourhood Plan should include the following policy: “Development must be designed to be water efficient and reduce water consumption. Refurbishments and other non-domestic development will be expected to meet BREEAM water-efficiency credits. Residential development must not exceed a maximum water use of 105 litres per head per day (excluding the allowance of up to 5 litres for external water consumption) using the ‘Fittings Approach’ in Table 2.2 of Part G of Building Regulations. Planning conditions will be applied to new residential development to ensure that the water efficiency standards are met”.

- The PC would not like to add this new policy. The existing comment within NP Paragraph 5.5.36 is preferred, including that planning policies are not supposed to duplicate other regulations, including building regulations.

20. **Thames Water** *request that the following paragraph should be included in the Neighbourhood Plan: “It is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, as this is the major contributor to sewer flooding”.*

- The PC think this is not a required addition to the Neighbourhood Plan. This is already covered by Building regulations/Local Plan.

### c) Welbeck Strategic Land – Policy ENV2

- Responding to all Welbeck Strategic Land detailed flooding questions/statements would essentially be repeating the documentation submitted to the Appeal on this site. It is assumed that the Examiner would not wish to see this level of detail, as this policy applies to the Parish. However, the PC would be very happy to provide the Examiner with whatever additional information required to assist him in reaching conclusions on this matter. Where we have not replied to a general statement/question, this does not mean we accept the statement, it means we do not believe it is applicable for the NP Process.
- The comments below highlight the areas where feedback adds clarity:

21. *Welbeck has reviewed the W&SN DP flooding information together with its consultants Floodline and hereunder makes observations and comments in its regard. First, it is noted that in the Steering Group Minutes of 04 October 2024, at paragraph 19.13 that: "Very few examples [of flooding are] caused by river flooding". In the Executive Summary it states that: "In some cases, this is more extreme than the EA mapping for Fluvial and Surface Water".*

*However, Flood risk is assessed against the EA mapping service. These models are regularly updated and importantly calibrated to known flood events as part of the validation checking exercise. This statement therefore is misguided.*

- The Steering Group clarified this in their 31 January 2025 Steering Committee meeting - residents are reluctant to formally report flooding, but that there are in fact, significant flooding experiences across the parish. Warborough Parish Council's Rule 6 party are still in discussion with the Environment Agency with specific concerns about the illegal bunds built by this developer, deflected flood risk and a significant reduction in the catchment areas used in the models that underpinned the developer's flood map challenge. This material would have been adjudicated on at the appeal which the appellants withdrew from.

22. *At the section: Flooding – Parish Catchment Area, it states: "The East side of Warborough is a massive flood plain of +100 hectares..." This is incorrect as the agricultural fields are defined as being in Flood Zone 1 and 2 and not the floodplain (Flood Zone 3). The floodplain is concentrated to the River Thames / Thame and not on the surrounding farmland.*

- Although this point has no material impact on the policy, the PC would like to replace the wording with 'The East side of Warborough is a massive flood area which can be viewed by Environment Agency Flood maps showing Flood Zone 3 and Flood Zone 2'.

23. *Figure 34. Diagram of Flooding Issues within the Parish and Figure 35. Surface Water Flood Risk overlaid on geology (darker areas at higher risk) are now both inaccurate and are not based on the latest Surface Water Flood Risk mapping*

- These diagrams can remain (and remain valid reference models), as also requested by SODC a label will be added to each figure stating that the latest flood model can be found on the Environmental Agency web site.

24. *There is no evidence of groundwater emergence to the Site and recent additional testing in November 2024 also indicates that there is no evidence of groundwater emergence to this location. It is not possible for any development to 'displace' groundwater.*

- The field floods and groundwater is a major factor contributing to this. Extensive evidence is presented to illustrate this and the appeal hearing that the applicant withdrew from would have ratified this issue. Ground water flooding is an issue in other parts of the Parish and infiltrates parts of the sewer system adding to sewer flooding.

## In regard to comments from OCC

### 1. Policy ENV1

Whilst OCC appreciate and support the goals of ENV1 to support the delivery of 20% BNG. We still believe the wording is ambiguous and would recommend that the policy wording reflects that of the emerging South Oxfordshire and Vale of White Horse Joint Local Plan 2041 Policy NH2- Nature Recovery.

Additionally, Oxfordshire County Council still believes that the policy should clearly outline what evidence is required to demonstrate a 20% net gain in biodiversity.

- Addressed in answers to the Examiner's question on ENV 1, above

### 2. Policy VC1 - Village Character (Page 30)

The policy states:

*'d. Any proposal which is likely to lead to an increased demand for parking which would adversely impact the street scene through car dominance would not be supported.  
e. A loss of parking in front gardens, particularly around the village green, adjacent to green spaces or around those areas identified in Policy H4, would not be supported.'*

This shall be amended to:

*'Proposals should provide cycle and vehicle parking in accordance with Oxfordshire County Council standards. Proposals shall be supported by adequate footway and cycleway links to access local amenities, and where possible, access to public transport routes.'*

It would be difficult to assess a proposal on its likelihood for bringing an increased demand in parking / loss in parking around the wider neighbourhood area. Due to the impracticalities in assessing this, the text should be removed from the policy.

However, officers can assess if a proposal is supported by adequate footway/cycleway links and access to public transport. These links provide people the opportunity to choose active/sustainable modes of travel rather than travel by private vehicle. Amending the policy to the recommended wording would be in line with Oxfordshire County Council principles and allow officers to carry out an effective assessment.

- This criteria relates to Paragraph 5.1.33 specifically and therefore we would accept any modification which leads to greater clarity on this point.

### 3. Policy VC2 - Landscape and Green Gaps (Page 36)

#### **Page 36: Policy VC2 – Landscape and Green Gaps**

The policy states:

*'a) Preserve or enhance the valued characteristics of the settlements and wider landscape setting as identified in the CA (Appendix 2.0) and have regard to relevant recommendations as set out in Table 1.'*

The landscape benefits within Table 1 (page 32) are acknowledged. The Highway Authority have concerns with the suggestions within the Roads and Paths section. Often, due to highway safety and accessibility reasons, footpaths/footways are designed or redesigned to accommodate lighting, signage, widenings or resurfacing. This allows for the public to travel to destinations safely, accommodating those with

4

mobility issues or wheeled users. The poor (and lack of) footway/cycleway infrastructure within Shillingford and Warborough is highlighted within the Active Travel section (pages 55/56) of the Plan. It should be acknowledged that 'road improvements' are necessary to improve the accessibility of the area. The wording of Policy VC2 does not favour this.

In addition, roads and paths are often Public Highway. Land that is classified as public highway is covered by local highway authority obligations. We cannot accept any additional restrictions on land of this classification.

It is requested that suggestions made to Roads and Footpaths are **removed** from Table 1 – and subsequently the obligations under Policy VC2.

- We believe that it is necessary to find a balance between road improvements which urbanise an area unnecessarily and those suitable for safety in a rural area.

#### **4. Policy H2 - Infill Development (Page 54)**

##### **Page 54: Policy H2 – infill development**

The policy states:

*'Infill development within the built-up area of Warborough and Shillingford will be supported where it meets the identified infill definition above and accords with the Design Code in Appendix 9.1 and will: ...*

*ii) provide secure vehicle access which does not impact highway safety, and provides vehicles with appropriate parking and turning arrangements; and*  
*iii) Provide safe and secure access for cyclists and pedestrians; and'*

should be amended to:

*'Infill development within the built-up area of Warborough and Shillingford will be supported where it meets the identified infill definition above and accords with the Design Code in Appendix 9.1 and will: ...*

*ii) provide secure vehicle access **designed in accordance with the appropriate design safety standards and, as such, which** does not impact highway safety; and provides vehicles with appropriate parking and turning arrangements;*  
*iii) provide vehicle/cycle **with appropriate parking and turning arrangements in accordance with Oxfordshire County Council design and parking standards;** and*  
*iv) Provide safe and secure access for cyclists and pedestrians; and'*

- Intent of amendment seems reasonable - accept amendment and replace words 'as such' with 'ensures that' which keeps same intent as OCC require. This slight change is required since Access on a private estate or private land should follow design safety standards even if it doesn't interface directly onto a highway. Proposal... 'Infill development within the built-up area of Warborough and Shillingford will be supported where it meets the identified infill definition above and accords with the Design Code in Appendix 9.1 and will: ... ii) provide vehicle access designed in accordance with the appropriate design safety standards and, ensures that, does not impact highway safety; and iii) provide vehicle/cycle parking and turning arrangements in accordance with Oxfordshire County Council design and parking standards; and iv) Provide safe and secure access for cyclists and pedestrians; and'

## 5. Policy H3 - Active Travel (Page 57)

Traffic Evidence section states:

*'g) When preparing development proposals, developers should make reference to the Parish Council's commissioned traffic survey, or any subsequent or amended relevant evidence base document, and design their proposals accordingly.'*

This section should be **removed** from the policy. When assessing proposals for new development, officers **cannot** take into account a traffic survey which has been provided by the neighbourhood plan. If a traffic survey is necessary for the assessment of the proposal **this will be provided by the developer** and accompany the planning application.

- This survey was commissioned and managed by the PC as a result of the original NP, and not provided by the NP review process. Whilst it is understood that this is the case, we would like this local evidence to be considered in future planning applications and taken into account.

## 6. Policy H3 - Active Travel (Page 64 - Table 2)

It is assumed that community facility m – 'A4074 Cycle Path' is intended to be a physically separated path for cyclists that is apart of the highway but segregated from motor vehicle traffic. It would be correct to use the phrase 'cycle track' instead. This should be corrected

A 'cycle path' is a route designated for cycling that is off the highway network.

- Accept clarification - change to cycle track.

## 7. Appendix 8 - Transport and Traffic

A 2021 census survey is referenced to justify the conclusions made in this document - relating to vehicle ownership/usage. The 2021 survey data was undertaken in March 2021 at which time the government was progressing its 'four-step roadmap' back to 'normal life' following national lockdowns and the roll-out of Covid vaccines. The 'stay at home' rule was still in force until the end of March 2021. As such, only 'key workers' were able to travel for work, while many others were on furlough and working from home. Additionally, many people remained fearful of travelling even when permitted and travel abroad for pleasure was still prohibited. Therefore, the results of the 2021 census should be treated with a degree of caution.

Text should be included to acknowledge this.

- Agree with adding contextual information for 2021 Census survey.