

# South Oxfordshire Local Plan 2034

## Publication Version

## Representation Form

**Please return by 5pm on Monday 18 February 2019 to:** Planning Policy, South Oxfordshire District Council, 135 Eastern Avenue, Milton Park, Milton, Abingdon, OX14 4SB or email it to [planning.policy@southoxon.gov.uk](mailto:planning.policy@southoxon.gov.uk)

This form has two parts:

**Part A** – contact details

**Part B** – your comments / participation at oral examination

### Part A

Are you responding as an: (please tick)

Agent

Business or organisation

Individual

Due to the plan-making process including an independent examination, a name and contact details are required for your comments to be considered. If you are acting on behalf of another organisation, please provide their details in column one and your company name and contact details in column two.

	1. Personal Details	2. Agent Details (if applicable)
Title	Mrs	
Full Name	Helen	
Job Title (where relevant)	Marshall	
Organisation (where relevant)	CPRE OXFORDSHIRE	
Address Line 1	20 High Street	
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## Part B – Please use a separate sheet for each representation

For comments on the Local Plan, please provide the paragraph or policy to which your comments relates.

If you wish to comment on one of the evidence documents or the policies maps, please state the document title as well as the paragraph or policy reference.

Document / Policy / Paragraph:

ENV 7 Listed Buildings

Do you consider the Local Plan and supporting documents:

(1) are legally compliant

Yes

No

Don't know

(2) are sound

Yes

No

Don't know

(3) comply with the Duty to Cooperate

Yes

No

Don't know

Please provide further information in relation to the previous question. e.g. why you do or do not consider the Local Plan to be legally compliant or sound.

(SEE ALSO RESPONSES TO ENV 6 AND ENV 8-10)

Policies ENV6 to ENV10 are in general **positively planned** with a good range of aspirations to conserve and enhance the historic environment, but in detail have some shortcomings and no commitment to a delivery framework for the partnership working that is laudably envisaged.

As drafted, these policies are unlikely to be as **effective** as they should be unless the parameters for informed decision-making judging the planning balance and delivering positive outcomes and effective reduction or offsetting of harm are much more clearly stated as applying generally to all heritage assets. As it stands, the draft is extremely repetitive and seeks to paraphrase NPPF in a way that is incomplete and or introduces misleading emphasis to issues where judgments are more subtly nuanced when the full NPPF tests are applied. A very much simpler reference to national policy would serve very much better and make the policies more concise AND more explicitly consistent with NPPF simply by virtue of NOT repeatedly trying (inaccurately) to paraphrase it.

At present the NPPF policies on the historic environment are repeated for different types of assets but to different extents and not in a fully consistent way. The effect is to apply NPPF in an inconsistent manner depending on the type of asset.

The most obvious discrepancy is in the very partial application of requirements for recording of assets to mitigate harm, which apart from only being partially applied is in any case not fully compliant with NPPF

Taken together policies ENV6-10 while appearing to be quite thorough in fact leave gaps and loopholes that make them not fully compliant with national policy or likely to be as effective in achieving the worthy objectives they aspire to as they should be.

Please set out any modifications you consider necessary to make the Local Plan legally compliant or sound, having regard to your comments above. (NB - any non-compliance with the duty to co-operate is incapable of modification at examination).

It will be helpful if you could put forward your suggested wording of any policy or text as precisely as possible.

The fairly extensive revisions proposed below retain the structure of the policies but have restructured the content in several cases to avoid repetition while also adding detailed points to plug gaps, clarify the issues and improve grammar etc. It has drawn heavily on the revised policy agreed between Historic England, CPRE and West Oxfordshire District Council in respect of the WODC Local Plan Examination, which started with a draft with almost identical wording to SODC.

Following the same principles, ENV6 is made more comprehensive in reflecting the principles of decision-making across all types of heritage asset in line with and closely reflecting NPPF, but without repeatedly paraphrasing the details of balancing heritage significance and harm with other public benefits.

The asset-specific policies refer back to ENV6 for this, but retain some comments especially pertinent to the asset type.

Overall, without adding length the proposed changes would result in a more comprehensive clearer and better constructed set of policies for this topic.

Amend as follows (~~deletions~~ bold strikethrough insertions bold underlined):

#### **Policy ENV7: Listed buildings and other historic structures**

1. Great weight will be given to conserving Listed Buildings and their settings following the principles of assessment, decision-making investigation and recording as set out in ENV6. Proposals for the substantial or total demolition of a listed building will only be granted in exceptional circumstances, as they are a finite and irreplaceable resource.
2. ~~1. Proposals for development, including change of use, that involve any alteration of, addition to or partial demolition of a listed building or within the curtilage of, or affecting the setting of a listed building will be expected to:~~
  - i) conserve or enhance the special architectural or historic interest of the building's fabric, detailed features, appearance or character and setting;
  - ii) respect ~~any features of special architectural or historic interest, including, where relevant, the building's~~ historic curtilage or context, such as burgage plots, or its value within a group and/or its setting including its historic landscape or townscape context, such as the importance of a street frontage or traditional shopfronts; and
  - iii) retain the special interest that justifies its designation through appropriate design and in accordance with the South Oxfordshire Design Guide, ~~be~~ and in a manner sympathetic both to the listed building and its setting, and that of any adjacent heritage assets in terms of its siting, size, scale, height, alignment, materials and finishes (including colour and texture), design and form. ~~in order to~~

~~Where a proposed development affecting the significance of a listed building or its setting will lead to substantial harm to or total loss of significance they will only be supported where it is justified that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. This will be demonstrated by:~~

~~i) the greater the harm to the significance of the Listed Building, the greater justification and public benefit that will be required before the application could gain support;~~  
~~ii) providing exceptional circumstances exist for the demolition of a listed building; and~~  
~~iii) minimising any identified harm or loss to the Listed Building through mitigation.~~

3. Changes of use will be supported where it can be demonstrated that the new use can be accommodated without any adverse effect on the significance of the building and its setting.

**4 Non-listed buildings, that make a distinctive and locally valued contribution to the District's urban, rural industrial or other historic interest, especially those included in the Local List, will be conserved following the principles set out in ENV6 based on their relative architectural and historical significance.**

This policy contributes towards achieving objectives 5, 6 & 7

(Continue on page 4 if necessary)

Would you like to participate at the oral part of the examination, which takes place as part of the examination process? \*

Yes

No

\* **Please note:** the inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the public hearing.

Signature:

(this can be electronic)

Date:

15.2.19

### Sharing your personal details

All comments will be submitted in full to the Secretary of State alongside a submission version of the Local Plan. The Secretary of State will appoint an independent planning inspector, who will carry out an examination of the plan.

Your name, contact details and comments will also be shared with the planning inspector and a programme officer, who will act as a point of contact between the council, inspector and respondents. This means that you will be contacted by the programme officer (and where necessary the council) with updates on the Local Plan. This is required by Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Section 20 of the Planning and Compulsory Purchase Act 2004.

We have received assurance that the data passed to the planning inspector and programme officer will be kept securely and not used for any other purpose. The inspector and programme officer will retain the data up to six months after the plan has been adopted. South Oxfordshire District Council will hold the data for six years after the plan has been adopted.

Comments submitted by individuals will be published on our website alongside their name only. No other contact details will be published. Comments submitted by businesses and/or organisations will be published on our website including contact details. If you would like to know more about how we use and store your data, please visit [www.southoxon.gov.uk/dataprotection](http://www.southoxon.gov.uk/dataprotection)

### Future contact preferences

As explained in our data protection statement, in line with statutory regulations you will be contacted by the programme officer (and where necessary the council) with relevant updates on the Local Plan. South Oxfordshire and Vale of White Horse District Councils have a shared planning policy database. If you would like to be added to our database to receive updates on other planning policy consultations, please tick the relevant district box(es):

- I would like to be added to the database to receive planning policy updates for South Oxfordshire
- I would also like to be added to the database to receive planning policy updates for Vale of White Horse

**Further comment:** Please use this space to provide further comment on the relevant questions in this form. **You must state which question your comment relates to.**

**Alternative formats of this form are available on request.** Please email [planning.policy@southoxon.gov.uk](mailto:planning.policy@southoxon.gov.uk) or call 01235 422600 (Text phone users add 18001 before you dial).

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