

## **SOUTH OXFORDSHIRE DISTRICT COUNCIL**

### **DORCHESTER ON THAMES NEIGHBOURHOOD PLAN DECISION STATEMENT**

#### **Summary**

- 1 Following an independent Examination, South Oxfordshire District Council's Cabinet Member for Planning confirmed on 19 December 2017 that the Dorchester on Thames Neighbourhood Plan will proceed to referendum.
- 2 This Decision Statement and the Examiner's Report can be viewed on the Council's website. Hard copies of these documents can be inspected until 15 March 2018 in the following locations:

Reception <b>South Oxfordshire District Council</b> 135 Eastern Avenue, Milton Park, Milton, OX14 4SB	Mon - Thurs, 8.30am - 5pm and Friday, 8.30am - 4.30pm
<b>The George Hotel</b> High Street Dorchester on Thames Oxon OX10 7HH	Opening Times: 7.00am to midnight every day

#### **Background**

- 3 Dorchester on Thames, as the qualifying body, successfully applied for Dorchester on Thames parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
- 4 Following the submission of the Dorchester on Thames Neighbourhood Plan Submission Version ('the Plan') to the district council, the Plan was publicised and comments were invited from the public and stakeholders. The publicity period closed on 27 October 2017.
- 5 South Oxfordshire District Council appointed an independent examiner, Andrew Ashcroft, to review whether the plan meets the basic conditions required by legislation and should proceed to referendum.
- 6 The examiner concluded that the plan meets the basic conditions, and that subject to the modifications proposed in his report, the plan should proceed to referendum.

## Decision

Having considered the examiner's recommendations and reasons for them, South Oxfordshire District Council's Cabinet Member for Planning decided on 19 December 2017:

1. To accept all modifications recommended by the Examiner;
2. to determine that the Dorchester on Thames Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and
3. to take all appropriate actions to progress the Dorchester on Thames Neighbourhood Development Plan to referendum on Thursday 1 March (tbc). **\*\*\* the date of the referendum was revised to 15 March 2018 \*\*\***
4. the referendum area should not extend beyond the neighbourhood area designated by the District Council on 07 June 2013.

## Reasons for decision

- 7 The Dorchester on Thames Neighbourhood Development Plan (the Plan), as modified by the Examiner's recommendations, has had regard to national policies and advice contained in guidance issued by the Secretary of State. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but it is intended to have and does have a significant effect. The principal document in which national planning policy is contained is the National Planning Policy Framework (March 2012) (NPPF) and this conclusion is reached bearing this in mind. The advice within national Planning Practice Guidance ("NPPG") has also been borne in mind in reaching this conclusion.
- 8 Having considered all relevant information, including representations submitted in response to the Plan, the Examiner's considerations and recommendations, the council has come to the view that the Plan recognises and respects its Green Belt location. The Plan has developed a suite of policies that aim to safeguard its character and appearance and to promote sensitive development appropriate to this character, Green Belt location and the position of the village in the local settlement hierarchy.
- 9 The Plan, as modified by the Examiner's recommendations, contributes to the achievement of sustainable development. This condition relates to the making of the plan as a whole. It does not require that each policy in it must contribute to sustainable development. Sustainable development has three principal dimensions - economic, social and environmental. In the economic dimension the Plan includes policies for infill residential development (DOT8), tourism development (DOT12), and for business use (DOT15). In the social role, it includes a policy on sporting and leisure uses (DOT13) and on affordable housing (DOT9). In the environmental dimension the Plan

positively seeks to protect its natural, built and historic environment. It has specific policies on the built environment (DOT1-3) and on the natural environment and wildlife (DOT4-6).

- 10 As a whole, the council is satisfied that the Plan sets out to achieve sustainable development in the plan area. It promotes sensitive development, appropriate to the character of the village, its location within the Green Belt, and its position in the local settlement hierarchy.
- 11 The Plan, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the Development Plan for the area. The adopted Development Plan does not require small villages to make site allocations. In this context, proposals for development in Dorchester on Thames should be consistent with the overall strategy of supporting its role and function within the wider network of settlements. The Plan proposes that new development in the is strictly controlled in the Plan area to reflect its location within the Green Belt.
- 12 The council's emerging Local Plan, which will replace the Core Strategy, continues to direct development to the most sustainable locations and supports neighbourhood planning groups who wish to promote development in the smaller villages. The Plan proposes that new development is strictly controlled in the Plan area to reflect its location within the Green Belt. The Plan allows for Limited infilling within the built-up form of Dorchester, limited affordable housing for local community needs, leisure facilities and employment opportunities.
- 13 The Plan, as modified by the Examiner's recommendations, would not breach, and be otherwise incompatible with EU obligations, including the following Directives: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). In addition, no issue arises in respect of equality under general principles of EU law or any EU equality directive. The Council issued a Strategic Environmental Assessment (SEA) on 12 June 2017, which confirmed to the qualifying body that a SEA the Dorchester on Thames Neighbourhood Development Plan was not required. The relevant statutory bodies were consulted on the council's Screening Opinion and raised no concerns with its conclusions.
- 14 The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites and on the Little Wittenham SAC in particular. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination on 12 June 2017, which confirmed to the qualifying body that a SEA and a full HRA were not required on the Dorchester on Thames Neighbourhood Development Plan. The relevant statutory bodies were consulted on the council's screening opinion and raised no concerns with its

conclusions. Natural England confirmed its agreement to the conclusions of the council's screening determination.

- 15 The Plan, as modified by the Examiner's recommendations, is in all respects fully compatible with Convention rights contained in the Human Rights Act 1988. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known.
- 16 The Plan, as modified by the Examiner's recommendations, complies with the definition of an NDP and the provisions that can be made by a NDP. The Plan sets out policies in relation to the development and use of land in the whole of the neighbourhood area; it specifies the period for which it is to have effect and it does not include provision about development that is 'excluded development'.
- 17 The council cannot make a decision that differs from the Examiner's recommendations about the referendum area. Therefore, there is no reason to extend the referendum area beyond the boundaries of the designated plan area as they are currently defined.
- 18 The individual modifications proposed by the Examiner are set out in Appendix 1 alongside the council's decision in response to each recommendation and the reasons for them. The Examiner's Report is available in Appendix 2.
- 19 The council has taken account of all the representations received.

## **SEA/ HRA SCREENING**

- 20 The modifications set in Appendix 1, both separately and combined, produce no likely significant environmental affects and are unlikely to have any significant effects on European Designated Sites.

### **Councillor Felix Bloomfield**

South Oxfordshire District Council Cabinet Member with Portfolio for Planning  
Date: 02 February 2018

## Appendix 1 – Examiner’s modifications

Policy/ Section	Examiner’s recommendations	Council’s Decision	Justification/Reason
<p>Policy DOT1 &amp; Supporting Text</p>	<p><b>Replace the policy as follows:</b>  <i>Within the identified Dorchester/Overy Heritage Area as shown in Appendices 1 and 2 development proposals should demonstrate how they have addressed the existing built and archaeological historic environment and its character and appearance. Proposals that would maintain or enhance the historic environment in the identified Heritage Area will be supported.</i></p> <p><b>At the end of the supporting text in 4.1.7:</b>  <i>Policy DOT 1 acknowledges that the proposed extension of the two conservation areas is a separate matter for the District Council to address in due course. On this basis the Plan identifies a Heritage Area within which the policy will apply. This is an interim measure. Its longer-term requirement will be assessed when the Plan is reviewed or when the conservation area extension process has been concluded.</i></p> <p><b>Delete the Explanation after the policy</b></p>	<p>Agree</p>	<p>The National Planning Policy Framework (NPPF) NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.</p> <p>The council considers the modifications proposed by the examiner necessary to ensure that the Plan achieves the clarity required by the NPPF and addresses land use issues in particular.</p>

<p>Policy DOT2 &amp; Supporting Text</p>	<p><b>Replace the policy to read:</b>  <i>The buildings shown in Appendix 5 are identified as important character buildings.</i>  <i>Proposals for the demolition, redevelopment or substantial alterations to the important character buildings should demonstrate the consideration that has been given to retaining:</i></p> <ul style="list-style-type: none"> <li>• <i>the important character building itself;</i></li> <li>• <i>its most distinctive and important features;</i></li> <li>• <i>the positive elements of its setting and its relationship to its immediate surroundings; and</i></li> <li>• <i>the contribution that the building and its setting makes to the character of the local area.</i></li> </ul> <p><b>Delete the first sentence of the second paragraph of the supporting text at 4.1.6.</b></p> <p><b>Insert the following at the end of the supporting text in 4.1.7:</b>  <i>Policy DOT 2 acknowledges that the proposed expansion of the list of non-designated assets is a separate matter for the District Council to address in due course. On this basis the Plan identifies the buildings in Appendix 5 as ‘important character buildings’ and to which the policy will apply. This is an interim measure. Its longer-term requirement will be assessed when the Plan is reviewed or when the District Council’s consideration of increasing the number of non-designated assets has been concluded’.</i></p>	<p>Agree</p>	<p>The council considers the modifications recommended by the Examiner necessary to ensure this policy achieves the clarity required by the NPPF.</p>
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	<b>Delete the Explanation after the policy</b>		
Policy DOT3 & Supporting Text	<p><b>Replace the policy to read:</b>  <i>Development proposals should preserve the views and vistas as shown in the schedule and maps at Appendices 1 and 2 Subject to the provisions of other policies in this Plan development proposals will be supported where they demonstrate how they have taken account of the various views and vistas and the contribution that they make to the setting of heritage assets as appropriate.</i></p> <p><b>In Appendices 1 and 2 add a schedule of the views shown on the maps including the heritage asset(s) to which they make a contribution.</b></p>	Agree	The council considers the modifications recommended by the Examiner necessary to ensure this policy achieves the clarity required by the NPPF.
Policy DOT4 & Supporting Text	<p><b>Insert a new component at the start of the policy as follows:</b>  <i>Development of land that contains or is adjacent to either the River Thames or to the River Thame should protect and enhance the function and setting of the watercourse and its biodiversity.</i></p> <p><b>Modify the submitted policy to sit as the second component of the policy and to read:</b>  <i>Subject to the provisions of other policies in this Plan development proposals will be supported where they:</i></p> <ul style="list-style-type: none"> <li>• <i>protect or enhance the biodiversity of the river</i></li> </ul>	Agree	The modifications recommended by the Examiner is considered necessary to ensure this policy is supported by appropriate evidence and achieves the clarity required by the NPPF.

	<p><i>concerned;</i></p> <ul style="list-style-type: none"> <li>• <i>are located at least 10 metres away from the banks of the river concerned; and</i></li> <li>• <i>preserve the tranquillity and the natural environment of the affected part of the Plan area.</i></li> </ul>		
Policy DOT5 & Supporting Text	<b>Insert '2' after 'Map' and delete 'the' before 'Policy'</b>	Agree	The modification recommended by the Examiner is considered necessary to ensure this policy achieves the clarity required by the NPPF.
Policy DOT6 & Supporting Text	<b>Insert '4' after 'Map' and delete 'the' before 'Policy'</b>	Agree	The modification recommended by the Examiner is considered necessary to ensure this policy achieves the clarity required by the NPPF.
Policy DOT7 & Supporting Text	<p><b>Replace the policy to read:</b>  <i>'Proposals for development on land outside the built-up part of the Plan area in the areas shown as Excellent and Very Good on Map 6 will not be supported.'</i></p> <p><b>Insert a new paragraph of supporting text after the third paragraph of supporting text in 4.2.2 to read:</b>  <i>'Policy DOT7 sets out a policy approach to safeguard the best and most versatile agricultural land. This approach has regard to national planning policy (NPPF 112). Its effect will be to safeguard a non-renewable</i></p>	Agree	The modifications recommended by the Examiner is considered necessary to ensure this policy is supported by appropriate evidence and achieves the clarity required by the NPPF.

	<p><i>land resource and to assist in agricultural-related employment opportunities’.</i></p> <p><b>Reconfigure Map 6 so that it excludes land within the built-up area of the village and shows only the agricultural land identified as ‘Excellent’ and ‘Very Good’ and to ensure full consistency with Natural England maps and the associated Technical Information Note (TIN 049) on this matter.</b></p>		
Policy DOT8 & Supporting Text	<p><b>Replace the first two paragraphs of the policy to read:</b></p> <p><i>New residential development in the Plan area will be strictly controlled to reflect its location within the Green Belt.</i></p> <p><i>Limited infilling within the built-up form of Dorchester and limited affordable housing for local community needs will be supported where those developments:</i></p> <ul style="list-style-type: none"> <li>• <i>reflect the character of their immediate area in terms of their scale, design and layout;</i></li> <li>• <i>contribute towards a balanced mix of housing in the Plan area; and</i></li> <li>• <i>where applicable are consistent with the special characteristics of their location as described in the Dorchester and Overy Character Appraisals</i></li> </ul> <p><b>In the final paragraph of the policy replace ‘must’ with ‘should’ and delete ‘sites’</b></p>	Agree	<p>Having regard to national policy and guidance, in particular section nine of the NPPF, the council considers the modifications recommended by the Examiner necessary to ensure the Plan meets basic conditions.</p> <p>In the council’s view, the proposed modifications also ensure the plan achieves the clarity required by the NPPF and is general conformity with strategic policies in the adopted Development Plan, particularly Policies CS EN2 and CS R1 from South Oxfordshire’s Core Strategy 2012.</p>

	<p><b>Delete the remainder of the policy</b></p> <p><b>Insert the following additional text at the end of the existing supporting text on page 43:</b>  <i>'Policy DOT8 sets out a policy context whereby limited new residential development could take place in the neighbourhood area. It follows the approach set out in the NPPF. On this basis it is likely that any new residential development would be of the limited scale anticipated by the adopted Core Strategy for smaller villages. This would continue the approach that has been followed in recent years and has resulted in pockets of sensitively-designed new houses within the built-up area of the village.</i></p> <p><i>Developments above 5 or 6 dwellings are unlikely to come forward given the character, appearance and layout of the village. However, in the event that they come forward and are otherwise acceptable [insert here the deleted third paragraph of the policy]</i></p> <p><b>Insert here the deleted fourth paragraph of the policy followed by:</b>  <i>'The criteria for a strong local connection are:</i></p> <ul style="list-style-type: none"> <li><i>• where the applicant(s) have lived in the parish for five years out of the last eight years and are currently resident in the parish</i></li> <li><i>• where the applicant(s) had previously lived in the parish for at least five years and their parents or</i></li> </ul>		
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	<p><i>children still live there and have done so for at least ten years</i></p> <p><i>If no persons meeting these criteria are in housing need when a property becomes available a local connection with South Oxfordshire criteria will be applied'.</i></p>		
Policy DOT9 & Supporting Text	<p><b>Replace the policy with the following:</b>  <i>Proposals for small scale affordable housing sites will be supported where they are accompanied by an up to date housing needs assessment that justifies the need for the houses and their location outside the built-up area of Dorchester.</i></p> <p><i>Proposed developments should:</i></p> <ul style="list-style-type: none"> <li>• <i>reflect the character of their immediate surroundings in terms of scale, design and layout and contribute to a balanced housing mix in the Plan area;</i></li> <li>• <i>not compromise the purposes of the Green Belt; and</i></li> <li>• <i>be predominantly of one, two or three-bedroom houses.</i></li> </ul> <p><i>All new affordable homes will be subject to a planning obligation restricting their occupancy in general, and to persons with a strong local connection in particular.</i></p>	Agree	<p>Having regard to national policy and guidance, in particular section nine of the NPPF, the council considers the modifications recommended by the Examiner necessary to ensure the Plan meets basic conditions.</p> <p>In the council's view, the modifications recommended by the Examiner are necessary to ensure this policy achieves the clarity required by the NPPF and addresses land use issues.</p>

	<p><b>Insert the following additional text at the end of the recommended additional supporting text earlier in this report in relation to Policy DOT8:</b></p> <p><i>'Policy DOT9 provides specific guidance for the potential development of affordable housing exception sites. It sets out to ensure that any proposals are properly justified and take account of national Green Belt policy. The expectation is that the resulting houses will be small in scale and size. The definition of a strong local connection is identical to that applied in Policy DOT8.'</i></p>		
Policy DOT10 & Supporting Text	<p><b>In the first sentence of the first part of the policy replace 'will be encouraged to' with 'will be supported where they would'</b></p> <p><b>Delete the second sentence of the first part of the policy.</b></p> <p><b>In the second part of the policy insert 'Where appropriate new' before 'developments'</b></p> <p><b>In the second part of the policy delete 'where appropriate' from the end of the third criterion Include '; and' at the end of the third criterion</b></p> <p><b>Reposition the deleted second sentence of the first part of the policy to the end of the second paragraph of the supporting text in section 4.3.3 under the sub heading 'Environmental issues'</b></p>	Agree	Having regard to national policy and guidance, particularly the written ministerial statement on March 2015, which sets out that qualifying bodies preparing neighbourhood plans should not set in their emerging neighbourhood plans any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings, the council considers the modifications recommended by the Examiner necessary to ensure the Plan meets basic conditions.

Policy DOT11 & Supporting Text	<p><b>Replace the policy to read:</b>  <i>'Proposals for new houses in the Dorchester Conservation Area should provide the appropriate number of car parking spaces to development plan standards unless it can be demonstrated that such provision is either impracticable to deliver or would detract from the character and appearance of the Conservation Area.</i>  <i>In circumstances where development plan car parking standards cannot be met the planning application concerned should include measures to mitigate the consequential impact of additional on-street car parking'.</i></p>	Agree	The modification recommended by the Examiner is considered necessary to ensure this policy achieves the clarity required by the NPPF.
Policy DOT12 & Supporting Text	<p><b>Delete the first sentence of the policy.</b></p> <p><b>Insert the following paragraph to replace the remainder of the first part of the policy in the submitted plan up to the two criteria:</b>  <i>Proposals that would support tourism and leisure in the Plan area will be supported where they:</i></p> <ul style="list-style-type: none"> <li>• <i>Preserve or enhance the character and appearance of the village and its natural environment;</i></li> <li>• <i>[insert at this point the two criteria in the submitted Plan as criteria 2 and 3]</i></li> </ul>	Agree	The modifications recommended by the Examiner is considered necessary to ensure this policy achieves the clarity required by the NPPF.

	<p><b>Replace the coloured numbers 1 and 2 with bullet points</b></p> <p><b>Reposition the deleted first sentence of the policy to the beginning of the first paragraph of the supporting text in section 4.4.2.</b></p>		
<p>Policy DOT13 &amp; Supporting Text</p>	<p><b>Delete the first and third sentences of the policy.</b></p> <p><b>Replace the second sentence with:</b>  <i>'New developments which broaden and extend the accessibility and use of sporting and leisure facilities by residents and visitors will be supported where they retain the character and appearance of the village and preserve its natural environment'</i></p> <p><b>Reposition the deleted first sentence of the policy to become the second sentence of the third paragraph of supporting text on page 50.</b></p> <p><b>Insert the following additional text at the end of the final paragraph of the supporting text on page 50:</b>  <i>'Policy DOT13 sets out a positive context within which improvements to these various facilities can take place to improve their accessibility and use by local residents and visitors alike.'</i></p> <p><b>Reposition the deleted third sentence of the policy</b></p>	<p>Agree</p>	<p>The modifications recommended by the Examiner is considered necessary to ensure this policy achieves the clarity required by the NPPF.</p>

	<b>to become the final sentence of the final paragraph of the supporting text on page 50.</b>		
Policy DOT14 & Supporting Text	<b>Replace the first sentence to read:</b> <i>'All new development should respect and take account of the peace and tranquillity'.</i>	Agree	The modification recommended by the Examiner is considered necessary to ensure this policy achieves the clarity required by the NPPF.
Policy DOT15 & Supporting Text	<b>In the first sentence replace 'encouraged' with 'supported'</b>  <b>In the second sentence replace 'These developments.... significant' with 'All such developments for business and employment development should be designed in a way which would not result in an unacceptable'</b>	Agree	The modification recommended by the Examiner is considered necessary to ensure this policy achieves the clarity required by the NPPF.
Other Matters	<u>Section 1</u> <b>Delete the final paragraph of the Executive Summary.</b>  <u>Section 2.1</u> <b>Replace 'accepted by made in the final paragraph of the Introduction (What are Neighbourhood Development Plans?)</b>	Agree	<u>Section 1</u> If the plan is made, this paragraph will become unnecessary in the final format of the plan.  <u>Section 2.1</u> To reflect the technical language used in the appropriate legislation.

**Appendix 2**

# **Dorchester-on-Thames Neighbourhood Plan 2017-2033**

**A report to South Oxfordshire District Council on  
the Dorchester-on-Thames Neighbourhood Plan**

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

**Director – Andrew Ashcroft Planning Limited**

## **Executive Summary**

- 1 I was appointed by South Oxfordshire District Council in November 2017 to carry out the independent examination of the Dorchester-on-Thames Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 6 November 2017.
- 3 The Plan includes fifteen policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and promoting and safeguarding its rich historic environment.
- 4 The Plan has been significantly underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Dorchester-on-Thames Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

**Andrew Ashcroft  
Independent Examiner  
4 December 2017**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Dorchester-on-Thames Neighbourhood Plan 2017-2033 (the Plan).
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Dorchester-on-Thames Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the Plan is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

## 2 The Role of the Independent Examiner

2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.

2.2 I was appointed by SODC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the SODC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.

2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

### *Examination Outcomes*

2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:

- (a) that the Plan is submitted to a referendum; or
- (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
- (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

### *The Basic Conditions*

2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

2.6 In order to comply with the Basic Condition relating to European obligations the District Council carried out a screening assessment. The conclusion of the screening report was that there were no likely significant environmental effects as a result of the production and implementation of the Plan. The letter confirming this outcome is usefully included as part of the submission documents.

2.7 The required consultation was carried out with the three prescribed bodies and their responses are included within the screening report. This is best practice.

- 2.8 SODC has also undertaken a Habitats Regulations Assessment (HRA) screening report on the Plan. This report concluded that the Plan was not likely to have any significant effect on a European site in general terms and on the Little Wittenham SAC in particular. Natural England agreed with the outcome of the screening opinion.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

*Other examination matters*

- 2.11 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

### **3 Procedural Matters**

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

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the SODC Screening report.
- the representations made to the Plan.
- the Parish Council's responses to my Clarification Note.
- the South Oxfordshire Core Strategy 2012.
- the saved policies of the South Oxfordshire Local Plan 2011.
- the emerging Local Plan 2033.
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 6 November 2017. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised SODC of this decision early in the examination process.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is proportionate to the Plan area and its policies. It also provides specific details on the consultation processes that took place on the two pre-submission versions of the Plan (2016 and 2017).
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. Appendix 9 provides details about:
- the articles in the Dorchester News;
  - the use of a village questionnaire;
  - the various consultation meetings; and
  - the ongoing engagement with SODC.
- 4.4 The Statement also reproduces the various letters, leaflets, reports and other information that were used throughout the consultation process. This provides a real sense of interest to the Statement. This is reinforced by the effective use of photographs of the various community events. They add further to the integrity of the consultation process.
- 4.5 Appendices 5 and 6 sets out how the submitted Plan took account of consultation feedback. They do so in a proportionate and effective way. They help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. SODC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

### *Representations Received*

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 27 October 2017. This exercise generated comments from the following organisations:

- Thames Water
- South Oxfordshire District Council (Housing)
- Historic England
- Natural England
- Highways England
- National Grid
- Oxfordshire County Council
- South Oxfordshire District Council

## 5 The Plan Area and the Development Plan Context

### *The Plan Area*

- 5.1 The Plan area is the parish of Dorchester-on-Thames. It sits approximately 6 miles north of Wallingford and 6 miles east of Abingdon in pleasant rolling countryside. The village itself is located on slightly higher ground between the open floodplains of the River Thames and its tributary the River Thame. Its population in 2011 was just over 1000 persons living in 480 houses. It was designated as a neighbourhood area on 7 June 2013.
- 5.2 The Plan area is mainly in agricultural use and sits within a rich landscape setting. It is wholly within the Oxford Green Belt. These important factors have been properly assessed in plan-making and the associated environmental assessments. The village is the principal focus of built development and sits within the middle of the Plan area.
- 5.3 Dorchester is predominantly linear in format based on High Street and Henley Road which formed the traditional carriageway between Henley and Oxford. It displays a wide range of building types and ages that reflect its rich built heritage. The majority of the built-up element of the Plan area is within the either the Dorchester or the Overy Conservation Areas.

### *Development Plan Context*

- 5.4 The South Oxfordshire Core Strategy was adopted in December 2012. It sets out the basis for future development in the District up to 2027. Most of the policies in the Core Strategy are strategic policies of the development plan (see paragraph 2.5 of this report). The adoption of the Core Strategy partially replaced a number of policies in the South Oxfordshire Local Plan 2011. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan. The following policies are particularly relevant to the Dorchester Neighbourhood Plan:

CS1	Presumption in favour of sustainable development
CS S1	The Overall Strategy
CS EM1	Supporting a successful economy
CS H3	Affordable Housing
CS H4	Meeting Housing Needs
CS R1	Housing in Villages
CS R2	Community facilities and rural transport
CS EN1	Landscape
CS EN2	Green Belt
CS EN3	Historic Environment
CS Q3	Design

- 5.5 Section 4 of the Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.

- 5.6 Dorchester is identified as a smaller village in the adopted Core Strategy (policy CSR1 and Appendix 4). In these villages housing allocations are not required. Any new development is required to protect local character and distinctiveness.
- 5.7 The emerging Local Plan was the subject of its own consultation process (from October to November 2017) at the time that this examination was taking place. It incorporates a review of the adopted Core Strategy and the saved policies of the Local Plan. Plainly the timings involved have not permitted the submitted neighbourhood plan directly to take account of this emerging local planning context. Nevertheless, its fundamental approach refines the previous approach taken in the Core Strategy by focusing new development in Science Vale, promoting major development at Berinsfield, Chalgrove, Culham and Wheatley and in market towns and larger villages commensurate with their size and capacity. The submitted neighbourhood plan anticipates a need for monitoring and review in its Section 6. The adoption of the emerging Local Plan 2033 will be a key milestone in this review process.
- 5.8 The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

#### *Site Visit*

- 5.9 I carried out an unaccompanied visit to the Plan area on 6 November 2017. I was fortunate in selecting a very pleasant day.
- 5.10 I drove into the Plan area from the A4074 from the east. I parked in High Street by its junction with Watling Lane.
- 5.11 I looked initially at the northern end of the village based around Oxford Road, the recreation ground and the Orchid Lakes. I then saw the western end of the village as I walked along Watling Lane. I saw the variety of buildings including some sensitive new buildings. I also saw the allotments.
- 5.12 I then walked along Bridge End and saw Saint Birinus Church. I then walked along Henley Road to the bridge and enjoyed walking along some of the pathways in the floodplain down to the River Thames.
- 5.13 I looked at the range of buildings in the Overy Conservation Area. I saw their largely agricultural heritage.
- 5.14 I then retraced my steps back into the village centre. I looked at the Abbey, Abbey Ford and the range of other historic buildings based in and around High Street. North Gate House provided a very clear association to the village's Roman heritage.

- 5.15 Throughout my visit I was very taken by the quality of building maintenance and the general pride that had been taken in the local village environment. There was an overwhelming sense of quietness and tranquillity in the village. The temporary roadworks on that day did not affect this tranquillity.
- 5.16 I finished my visit by driving to the north and south of the Plan area along the A4074 and to the east along the A415. This gave me an opportunity to see the Plan area in its wider landscape setting.

## 6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

### *National Planning Policies and Guidance*

- 6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Dorchester-on-Thames Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Core Strategy/saved Local Plan;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas including protecting Green Belts;
  - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its historic character.

At its heart are a series of policies that seek to safeguard its very special heritage and landscape settings. However, it actively supports proposals for infill development, for tourism and leisure development and for business use. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.
- Contributing to sustainable development*
- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for infill residential development (DOT8), tourism development (DOT12), and for business use (DOT15). In the social role, it includes a policy on sporting and leisure uses (DOT13) and on affordable housing (DOT9). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on the built environment (DOT1-3) and on the natural environment and wildlife (DOT4-6). This assessment overlaps with the Parish Council's assessment in section 3 of the submitted Basic Conditions Statement.
- General conformity with the strategic policies in the development plan*
- 6.11 I have already commented in detail on the development plan context in the wider South Oxfordshire District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Core Strategy. Section 4 of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the Core Strategy/saved Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It also identifies a series of proposals which are addressed separately.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Its proposals are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.
- The initial sections of the Plan (Sections 1-3)*
- 7.8 The presentation of Plan as a whole has been prepared to an exceptionally-high standard. It is well-organised and includes effective maps and photographs that give real depth and purpose to the Plan. It makes an appropriate distinction between the policies and their supporting text. It also ensures that the vision and the objectives for the Plan set the scene for the various policies. Its design will ensure that it will comfortably be able to take its place as part of the development plan in the event that it is eventually 'made'. The Plan would be an excellent template for any group about to embark on its own plan-making process.
- 7.9 The initial elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and the subsequent policies. Section 1 provides very clear Executive Summary of the Plan.
- 7.10 Section 2 helpfully sets out the timetable and the challenges addressed in the Plan. Its commentary on the timetable overlaps with the Consultation Statement. Section 2.3.3 identifies that the key issue involved in the preparation of the Plan was the amount of housing that it should be delivering given its historic character and location within the Green Belt.
- 7.11 Section 3 sets out some key facts and figures on the Plan area. It also describes the SWOT analysis that was prepared as part of the evolution of the Plan. There is an interesting summary of its history.

- 7.12 Section 3 also sets out the Community Vision for the Plan area. It is clear, concise and proportionate. Its overall aim is underpinned by four objectives – Historic and Natural Environment, Housing, Tourism and Leisure and Economy. These objectives very clearly cascade into the various policies.
- 7.13 The policies are then set out in section 4. The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.  
Policy DOT1: Historic Environment
- 7.14 This policy is fundamental to the approach set out in the submitted Plan. It sets out to safeguard the historic character and appearance of the built-up part of the Plan area based on the villages of Dorchester and Overy. These two areas form the basis of longstanding conservation areas designated in 2004.
- 7.15 The policy relates the general approach of safeguarding the historic environment with the various proposals set out in paragraph 4.1.6. The proposals are:
- The identification of non-designated heritage assets for inclusion by SODC in a local list;  
Revisions to the Dorchester Conservation Area;  
Revisions to the Overy Conservation Area; and  
The identification of Heritage Areas as an interim measure until the conservation area boundaries are reviewed by SODC
- 7.16 The Plan correctly identifies that the first three proposals are not within the gift of the Plan and fall to be determined by SODC under separate legislation and powers. Nevertheless, the policy then seeks to include the various proposals within its structure and content. As a result, its format becomes complicated and potentially unwieldy.
- 7.17 In order to ensure that the Plan meets the basic conditions in general terms, and addresses land use issues in particular I recommend a series of modifications to the policy and its supporting text. The modified policy applies important national planning policy principles within an identified Dorchester/Overy Heritage Area (Appendices 1 and 2). This area includes the full extent of the two designated conservations, the proposed extensions to the conservation areas and significant parts of the Scheduled Ancient Monuments in the Plan area. Whilst applying general conservation principles in this Heritage Area it recognises that the intended extensions of the two conservation areas is not a matter for the submitted Plan. I also recommend consequential modifications to the supporting text.

**Replace the policy as follows:**

**Within the identified Dorchester/Overy Heritage Area as shown in Appendices 1 and 2 development proposals should demonstrate how**

**they have addressed the existing built and archaeological historic environment and its character and appearance.  
Proposals that would maintain or enhance the historic environment in the identified Heritage Area will be supported.**

*At the end of the supporting text in 4.1.7:*

*Policy DOT 1 acknowledges that the proposed extension of the two conservation areas is a separate matter for the District Council to address in due course. On this basis the Plan identifies a Heritage Area within which the policy will apply. This is an interim measure. Its longer-term requirement will be assessed when the Plan is reviewed or when the conservation area extension process has been concluded.*

*Delete the Explanation after the policy*

Policy DOT2: Buildings of Interest

- 7.18 This policy takes a similar approach to buildings of local interest as that adopted in Policy DOT1. It reflects the importance of traditional and vernacular buildings in the Plan area. However, there is a disjoint between the policy and the supporting text. The former effectively seeks to identify the additional buildings are being included in the local list. The latter recognises that this is a role for SODC.
- 7.19 In this respect the policy does not have regard to national policy which indicates that the responsibility for preparing local lists rests with the local planning authority (here SODC). SODC comments that it is intending to produce a local list for the wider District at some future point. The Parish Council anticipate that the additional buildings identified in this Plan (Appendix 5) can eventually be incorporated into the extended local list. Furthermore, its Conservation Officer applauds the approach adopted by the Parish Council as an interim measure.
- 7.20 I recommend modifications to the policy and to the supporting text to address these matters and to bring the clarity required by the NPPF. In particular the recommended modifications remove any direct reference to a local list of heritage buildings. However, the modifications to both the text and the policy acknowledge the interim approach adopted in the Plan. To this extent I recommend detailed modifications to the supporting text in paragraph 4.1.6. Whilst the Parish Council and SODC have adopted common thinking on this important matter a neighbourhood plan is not necessarily the place for a parish council to comment on the capacity of the relevant district council to undertake work where it is its responsibility to do so.

**Replace the policy to read:**

**The buildings shown in Appendix 5 are identified as important character buildings.**

**Proposals for the demolition, redevelopment or substantial alterations to the important character buildings should demonstrate the consideration that has been given to retaining:**

- the important character building itself;
- its most distinctive and important features;
- the positive elements of its setting and its relationship to its immediate surroundings; and
- the contribution that the building and its setting makes to the character of the local area.

Delete the first sentence of the second paragraph of the supporting text at 4.1.6.

*Insert the following at the end of the supporting text in 4.1.7:*

*'Policy DOT 2 acknowledges that the proposed expansion of the list of non-designated assets is a separate matter for the District Council to address in due course. On this basis the Plan identifies the buildings in Appendix 5 as 'important character buildings' and to which the policy will apply. This is an interim measure. Its longer-term requirement will be assessed when the Plan is reviewed or when the District Council's consideration of increasing the number of non-designated assets has been concluded'.*

*Delete the Explanation after the policy*

Policy DOT3: Views and Vistas

- 7.21 This policy requires that proposed developments should preserve identified views and vistas as set out in Appendices 1 and 2.
- 7.22 The Parish Council has provided additional information and evidence in its response to my Clarification Note on this policy. It points out the complex relationship between the various heritage assets in the Plan area and their setting in the wider surrounding landscape. In part, the complex relationships are formed by the views into and out of the built-up parts of the Plan area. This policy would have the effect of extending the impact of the existing Character Studies.
- 7.23 I am satisfied that the purpose and effect of the policy in general terms meets the basic conditions. It reflects the very special built and natural environment of the Plan area. I recommend modifications to the policy so that it has the clarity required by the NPPF. In particular the recommendations address the need to take account of other neighbourhood plan policies. Read in isolation this policy might otherwise support development that is not supported by other more strategic policies. They also recommend that a schedule of the views is included in the appendices to add clarity to their locations and purpose.

**Replace the policy to read:**

**Development proposals should preserve the views and vistas as shown in the schedule and maps at Appendices 1 and 2**

**Subject to the provisions of other policies in this Plan development proposals will be supported where they demonstrate how they have**

**taken account of the various views and vistas and the contribution that they make to the setting of heritage assets as appropriate.**

*In Appendices 1 and 2 add a schedule of the views shown on the maps including the heritage asset(s) to which they make a contribution.*

Policy DOT4: River Impact

- 7.24 This policy refers to potential development that may impact on the setting of the Rivers Thames and Thame. It identifies that such developments should protect biodiversity, preserve the tranquillity and enjoyment of the natural environment and be located 20 metres away from the bank of the River concerned.
- 7.25 There is a degree of inconsistency between the policy and the supporting text. The former identifies the need for development to be located at least 20 metres away from the banks of the River Thames or the River Thame. The latter comments about Environment Agency guidance on this matter which requires a minimum distance of 10 metres. I sought clarification on this point from the Parish Council. In its response I was directed to the emerging Local Plan (Policy ENV4) where there is reference to the need for a construction management plan for any development within 20 metres of a watercourse. Elsewhere in the policy a minimum 10 metre buffer zone is applied.
- 7.26 Having considered all the evidence available as part of the examination I recommend that the 20-metre figure is replaced by 10 metres. There is no detailed evidence available to justify the imposition of a buffer figure above that recommended by the Environment Agency in a general sense, and that included in the emerging Local Plan by SODC.
- 7.27 I also recommend other modifications to the policy so that it can meet the basic conditions and take its place within a development plan context. In particular I recommend that it is accompanied by an initial component which provides a framework within which the submitted part of the policy would apply. I also recommend that it cross refers to other policies in the Plan. Given the composition of the Plan as a whole it would be unlikely to generate development within close proximity to the Rivers Thames and Thame in any event. In this context the need for 'where possible' at the end of the third criteria is unnecessary.

**Insert a new component at the start of the policy as follows:**

**Development of land that contains or is adjacent to either the River Thames or to the River Thame should protect and enhance the function and setting of the watercourse and its biodiversity.**

**Modify the submitted policy to sit as the second component of the policy and to read:**

**Subject to the provisions of other policies in this Plan development proposals will be supported where they:**

- **protect or enhance the biodiversity of the river concerned;**

- are located at least 10 metres away from the banks of the river concerned; and
- preserve the tranquillity and the natural environment of the affected part of the Plan area.

#### Policy DOT5: Community Meadows

- 7.28 This policy refers to three community meadows shown on Policies Map 2. Their background and management regimes are addressed in a comprehensive fashion in the supporting text (4.2.3).
- 7.29 The policy is well-written. It requires that any development proposals within their areas should make a positive contribution to their ecology. For absolute clarity I recommend that the policy should made direct reference to the particular map on which the Community Meadows are shown.

#### **Insert '2' after 'Map' and delete 'the' before 'Policy'**

#### Policy DOT6: Green Infrastructure

- 7.30 This policy refers to the various elements of local green infrastructure shown on Policies Map 3. They include footpaths and bridleways. The context to the various elements of the policy is addressed in a comprehensive fashion in the supporting text (4.2.3).
- 7.31 As with Policy DOT5 the policy is well-written. It requires that any development proposals should retain, protect and enhance the various elements of green infrastructure. For absolute clarity I recommend that the policy should made direct reference to the particular map on which the elements of green infrastructure are shown.

#### **Insert '4' after 'Map' and delete 'the' before 'Policy'**

#### Policy DOT7: Agricultural Land Use

- 7.32 The Parish Council has helpfully responded to the Clarification Note that the commentary in the policy about 'alternative land uses' should read as 'agricultural land uses in the area'. The policy seeks to retain the best and most valuable agricultural land in the Plan area both in its own right and to provide opportunities for agricultural employment opportunities. The policy has regard to national policy on this matter (NPPF paragraph 112).
- 7.33 As submitted however the policy does not have the clarity required by the NPPF. It does not directly relate to the development process. I recommend modifications to its structure to remedy this matter. I also recommend a series of modifications to the policy both to reflect the clarity on wording provided by the Parish Council, to identify which of the various categories are to be safeguarded (the 'Excellent' and 'Very Good') and to make a direct reference to the Map concerned in the Plan.

- 7.34 In addition I recommend modifications to the policy to remove narrative into the supporting text. I also recommend that Map 6 is reconfigured so that it excludes land within the built-up area of the village and shows only the agricultural land identified as ‘Excellent’ and ‘Very Good’. I also recommend that in doing so that the Parish Council and the District Council ensure that the identification of the different parcels of agricultural land are identical to those shown in Natural England maps and the associated Technical Information Note (TIN049). This will ensure consistency throughout the Plan period.

**Replace the policy to read:**

**‘Proposals for development on land outside the built-up part of the Plan area in the areas shown as Excellent and Very Good on Map 6 will not be supported.’**

*Insert a new paragraph of supporting text after the third paragraph of supporting text in 4.2.2 to read:*

*‘Policy DOT7 sets out a policy approach to safeguard the best and most versatile agricultural land. This approach has regard to national planning policy (NPPF 112). Its effect will be to safeguard a non-renewable land resource and to assist in agricultural-related employment opportunities’.*

*Reconfigure Map 6 so that it excludes land within the built-up area of the village and shows only the agricultural land identified as ‘Excellent’ and ‘Very Good’ and to ensure full consistency with Natural England maps and the associated Technical Information Note (TIN 049) on this matter.*

**Policy DOT8: Housing Infill Developments**

- 7.35 Earlier sections of the Plan have commented that the matter of the scale and location of new housing in the Plan area was at the heart of the production of the Plan. The changes to the initial pre-submission version were so significant as to cause the Parish Council to publish a revised pre-submission version. The Plan recognises that the neighbourhood area has a significant proportion of large houses and older persons. It identifies that these facts may cause the village to become a less sustainable, balanced and mixed community. In particular it identifies that the Plan area has a limited amount of social or affordable housing.
- 7.36 At the same time those preparing the Plan have recognised the significance of its location within the Oxford Green Belt, and the identification of Dorchester as a smaller village in the adopted Core Strategy where allocations for housing development are not expected.
- 7.37 The policy in the submitted plan seeks to establish a balanced approach to new development. It identifies that new residential development will be supported where its scale and design respect the Green Belt and the character of the Plan area in general, and that of the two conservation areas in particular. Its second part then sets out very specific guidance on the

affordable housing that would be required for any proposals of eleven houses or more.

- 7.38 In the circumstances of the submitted Plan and its location within the Green Belt the starting point for an assessment of the policy must be against national policy. Section 9 of the NPPF is devoted to the government's approach towards protecting Green Belt land. Paragraph 79 comments that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.
- 7.39 Paragraph 87 of the NPPF consolidates this approach in commenting that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 89 comments further that 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. It then identifies exceptions to this approach. In relation to this policy one of the exceptions is 'limited infilling in villages and limited affordable housing for local community needs under policies set out in the Local Plan.'
- 7.40 The adopted Core Strategy addresses the overlapping issues in the neighbourhood area of the Green Belt and the identification of Dorchester as one of a series of smaller villages. Policy CS EN2 emphasises the importance and spatial extent of the Green Belt together with its strategic function. Policy CS R1 identifies that infill development on sites up to 0.2 hectares (equivalent to 5-6 houses) will be supported together with rural exception sites. It also comments that all developments should respect national designations including Green Belts.
- 7.41 Taking all these matters into account I recommend a series of modifications to the policy. In particular I recommend that its emphasis should be on restraint in accordance with national Green Belt policy rather than a positive promotion of housing where it respects Green Belt designation. Whilst the distinction between the two approaches may be subtle it gets to the heart of Green Belt policy in paragraph 89 of the NPPF where housing is regarded as inappropriate development subject to clearly-defined exceptions.
- 7.42 I also recommend a modification to the second half of the policy which refers to developments above eleven dwellings and the associated requirements for affordable housing. I do so for two reasons. In the first instance development of this scale would be unlikely given the nature and character of the Plan area. In any event development of that scale would conflict with Policy CS R1 of the Core Strategy.
- 7.43 In the second instance the allocation of social housing is not a land use issue. In this case it represents the exercise of the powers of SODC as the housing authority under Housing Acts powers. This overlaps with the comments from the SODC Housing Officer. Whilst I acknowledge that the distinction between the development of affordable houses (as required under the Planning Acts) and their allocation (through the Housing Act powers) is technical and often

overlaps in planning obligations, Planning Practice Guidance is clear that neighbourhood plans should relate to land use issues. On this basis I recommend that an amended version of the local allocations policy is addressed in the supporting text rather than in the policy itself. The amended local allocations policy takes account of the approach as applied by SODC and included in the representations made by its Housing Team to the Plan.

**Replace the first two paragraphs of the policy to read:**

**New residential development in the Plan area will be strictly controlled to reflect its location within the Green Belt.**

**Limited infilling within the built-up form of Dorchester and limited affordable housing for local community needs will be supported where those developments:**

- **reflect the character of their immediate area in terms of their scale, design and layout;**
- **contribute towards a balanced mix of housing in the Plan area;**  
**and**
- **where applicable are consistent with the special characteristics of their location as described in the Dorchester and Overy Character Appraisals**

**In the final paragraph of the policy replace ‘must’ with ‘should’ and delete ‘sites’**

**Delete the remainder of the policy**

*Insert the following additional text at the end of the existing supporting text on page 43:*

*‘Policy DOT8 sets out a policy context whereby limited new residential development could take place in the neighbourhood area. It follows the approach set out in the NPPF. On this basis it is likely that any new residential development would be of the limited scale anticipated by the adopted Core Strategy for smaller villages. This would continue the approach that has been followed in recent years and has resulted in pockets of sensitively-designed new houses within the built-up area of the village.*

*Developments above 5 or 6 dwellings are unlikely to come forward given the character, appearance and layout of the village. However, in the event that they come forward and are otherwise acceptable [insert here the deleted third paragraph of the policy]*

*Insert here the deleted fourth paragraph of the policy followed by:*

*‘The criteria for a strong local connection are:*

- *where the applicant(s) have lived in the parish for five years out of the last eight years and are currently resident in the parish*
- *where the applicant(s) had previously lived in the parish for at least five years and their parents or children still live there and have done so for at least ten years*

*If no persons meeting these criteria are in housing need when a property becomes available a local connection with South Oxfordshire criteria will be applied’.*

Policy DOT9: Affordable Housing – Exception Sites

- 7.44 This policy effectively follows on from the previous policy. In this case it refers exclusively to exception sites for affordable housing. As outlined in paragraph 7.39 of this report limited affordable housing is one of the few elements of built development that is acceptable in a Green Belt location.
- 7.45 The policy includes a range of different elements. The first requires that any resulting development meets the requirements for such development in the emerging Local Plan. The second requires that the development should be supported by an up to date housing needs assessment. The third requires that developments should reflect their immediate surroundings in terms of scale, design and layout. The fourth requires that developments should not compromise the purposes of the Green Belt. The fifth requires that the resulting houses should be predominantly one to three bedrooms in size. These elements of control are essential to ensure that the sites are genuine exception sites and to ensure that the integrity of the Green Belt is protected.
- 7.46 This policy takes the same approach towards local connection as that taken in Policy DOT8. I recommend a similar set of modifications to this policy for the same reasons.
- 7.47 The opening part of the policy is unclear as it refers to an emerging Plan that has yet to be submitted for examination. It may be subject to change both before submission (as a result of SODC’s assessment of any comments made) or after examination (as a result of proposed Main Modifications). In any event a neighbourhood plan is assessed against the adopted Plan (in this case the Core Strategy). On this basis I recommend that this element of the policy is deleted. Other than on this matter I am satisfied that in general terms that the approach adopted by this policy is appropriate. I recommend that the component of the policy that refers to a housing needs assessment is tightened to ensure that the assessment justifies the need for the development proposed. I also recommend a series of modifications to the policy so that it addresses its different elements by way of criteria. This will bring the clarity to the policy required by the NPPF.

**Replace the policy with the following:**

**Proposals for small scale affordable housing sites will be supported where they are accompanied by an up to date housing needs assessment that justifies the need for the houses and their location outside the built-up area of Dorchester.**

**Proposed developments should:**

- reflect the character of their immediate surroundings in terms of scale, design and layout and contribute to a balanced housing mix in the Plan area;
- not compromise the purposes of the Green Belt; and
- be predominantly of one, two or three-bedroom houses.

**All new affordable homes will be subject to a planning obligation restricting their occupancy in general, and to persons with a strong local connection in particular.**

*Insert the following additional text at the end of the recommended additional supporting text earlier in this report in relation to Policy DOT8:*

*'Policy DOT9 provides specific guidance for the potential development of affordable housing exception sites. It sets out to ensure that any proposals are properly justified and take account of national Green Belt policy. The expectation is that the resulting houses will be small in scale and size. The definition of a strong local connection is identical to that applied in Policy DOT8.'*

#### Policy DOT10: Environmental Issues

- 7.48 This policy adopts an aspirational approach in seeking to stretch the environment credentials of new development. It is helpfully designed in a fashion that is not prescriptive. To this extent it recognises that the environmental performance of new development in general, and new housing development in particular, is determined by the Building Regulations.
- 7.49 I recommend modifications to the policy so that it has full regard to national policy. In the first instance I recommend that the reference to the Home Quality Mark standard is repositioned into the supporting text. The written ministerial statement on March 2015 is clear that neither local plans nor neighbourhood plans should seek to apply particular environmental and energy efficiency standards. In the second instance I recommend that the ambitions of the policy are applied only where it is appropriate to do so. In the third instance I recommend that the policy has the clarity required by the NPPF by using 'supported' rather than 'encouraged'.

**In the first sentence of the first part of the policy replace 'will be encouraged to' with 'will be supported where they would'**

**Delete the second sentence of the first part of the policy.**

**In the second part of the policy insert 'Where appropriate new' before 'developments'**

**In the second part of the policy delete 'where appropriate' from the end of the third criterion**

**Include '; and' at the end of the third criterion**

*Reposition the deleted second sentence of the first part of the policy to the end of the second paragraph of the supporting text in section 4.3.3 under the sub heading 'Environmental issues'*

Policy DOT11: Conservation Area Development - Parking

- 7.50 The policy recognises the demands of on-street car parking in the Dorchester Conservation Area. Many of its historic properties are in residential use and do not have off-street car parking. As the Plan describes in section 4.3.3 there is also a wider demand for parking spaces associated with local tourism and the village school. The helpful response from the Parish Council to my Clarification Note identified the reasoning why this policy is specific to the Dorchester Conservation Area.
- 7.51 The policy requires that new residential development in the conservation area should provide an effective plan to mitigate the impact of additional on-street parking. I recommend a modification to the policy so that it addresses both the traditional need for car parking provision where it is practical and applicable to do so, and circumstances where the provision of normal parking provision would not be practicable. This will provide the clarity required by the NPPF both in general terms and, as submitted, the policy suggests that new dwellings will neither be able nor will be required to provide a degree of car parking.

**Replace the policy to read:**

**‘Proposals for new houses in the Dorchester Conservation Area should provide the appropriate number of car parking spaces to development plan standards unless it can be demonstrated that such provision is either impracticable to deliver or would detract from the character and appearance of the Conservation Area.**

**In circumstances where development plan car parking standards cannot be met the planning application concerned should include measures to mitigate the consequential impact of additional on-street car parking’.**

Policy DOT12: Tourism

- 7.52 The Plan area’s attractiveness and character make it a natural tourism attraction. As the Plan comments it benefits from its proximity to the River Thames and its rich heritage. The Abbey is an important attraction in its own right for general visitors and those attending concerts. Its popularity in recent years has been extended by its association with ‘Midsomer Murders’.
- 7.53 The policy addresses the positive and negative impacts of tourism in a positive and balanced fashion. I am satisfied that the thrust of the policy is appropriate and distinctive to the Plan area. However, I recommend three modifications. The first is to provide a supporting context to the policy. As it is submitted it does not make a definitive statement that tourism-related proposals will be supported. The second is to reposition supporting text in the policy into the relevant part of the Plan. The third is to ensure that the two criteria in the policy are identified as such. The policy in the submitted Plan includes numbering from other parts of the Plan rather than the bullet point format used in other policies.

**Delete the first sentence of the policy.**

**Insert the following paragraph to replace the remainder of the first part of the policy in the submitted plan up to the two criteria:  
Proposals that would support tourism and leisure in the Plan area will be supported where they:**

- **Preserve or enhance the character and appearance of the village and its natural environment;**
- **[insert at this point the two criteria in the submitted Plan as criteria 2 and 3]**

**Replace the coloured numbers 1 and 2 with bullet points**

*Reposition the deleted first sentence of the policy to the beginning of the first paragraph of the supporting text in section 4.4.2.*

Policy DOT13: Sport and Leisure

- 7.54 This policy seeks to extend the use of the Plan area's existing sport and leisure facilities for residents and visitors alike. The context to the policy is helpfully described in section 4.4.2.
- 7.55 As submitted the policy adopts a descriptive and narrative tone rather than a traditional policy format. Nonetheless its approach is clear and my recommended modifications seek to capture its intentions in a format that can be delivered with clarity by SODC through its development management functions.

**Delete the first and third sentences of the policy.**

**Replace the second sentence with:**

**'New developments which broaden and extend the accessibility and use of sporting and leisure facilities by residents and visitors will be supported where they retain the character and appearance of the village and preserve its natural environment'.**

*Reposition the deleted first sentence of the policy to become the second sentence of the third paragraph of supporting text on page 50.*

*Insert the following additional text at the end of the final paragraph of the supporting text on page 50:*

*'Policy DOT13 sets out a positive context within which improvements to these various facilities can take place to improve their accessibility and use by local residents and visitors alike.'*

*Reposition the deleted third sentence of the policy to become the final sentence of the final paragraph of the supporting text on page 50.*

Policy DOT14: Peace and Tranquillity

- 7.56 As I mentioned earlier in this report the peace and tranquillity of the village is one of its most obvious characteristics. This policy seeks to capture this fundamental component of the Plan area.

- 7.57 The policy is distinctive and sits comfortably within the wider context of the Plan. I recommend a modification to its first sentence so that it adopts a policy rather than a narrative format.

**Replace the first sentence to read:**

**‘All new development should respect and take account of the peace and tranquillity’.**

Policy DOT15: Business and Employment

- 7.58 This policy establishes a positive context within which a series of business and employment opportunities can be promoted. The policy makes specific reference to home working, the expansion of retail facilities and general employment opportunities including rural diversification. Its ambition is to allow existing businesses to flourish and contribute towards a sustainable neighbourhood area that respects its role as a service centre for local people on the one hand and as a tourism and visitor attraction to others on the other hand.
- 7.59 The policy makes an appropriate balance between the promotion of business development and the need to respect the character of the village. I recommend a modification so that this balance will be clearer for its application through the development management process.

**In the first sentence replace ‘encouraged’ with ‘supported’**

**In the second sentence replace ‘These developments.... significant’ with ‘All such developments for business and employment development should be designed in a way which would not result in an unacceptable’**

Plan Proposals

- 7.60 The Plan identifies a series of proposals which it acknowledges are not able to be included as neighbourhood plan policies. As such the various proposals will not form part of the development plan in the event that the neighbourhood plan is ‘made’. The approach of including proposals of this type in a neighbourhood plan is anticipated in Planning Practice Guidance.

*Local list of non-designated assets*

- 7.61 This will form the basis of an important component of safeguarding the historic environment of the Plan area. As the Plan acknowledges this will ultimately be a matter for SODC to address.

*The extension of the Overy Conservation Area*

- 7.62 This proposal sets out the intention to incorporate the field between Overy Lane and the A4074 into the Conservation Area. This will form the basis of an important component of safeguarding the historic environment of the Plan area. As the Plan acknowledges this will ultimately be a matter for SODC to address.

*The extension of the Dorchester-on-Thames Conservation Area*

- 7.63 This proposal sets out the intention to incorporate the Demesne Field into the Conservation Area. This will form the basis of an important component of safeguarding the historic environment of the Plan area. As the Plan acknowledges this will ultimately be a matter for SODC to address.  
*Associated changes to the Conservation Area Management Plans*

- 7.64 Plainly it would be appropriate to update the Management Plans in the event that the two conservation areas were extended at some future point. This would ensure that there is appropriate clarity and that SODC could properly exercise its development management powers.

Other matters

- 7.65 The Executive Summary of the Plan (Section 1) is very well-developed. Nevertheless, I recommend that its final paragraph is deleted. The submitted Plan is the Plan that has been considered as part of the examination process. In any event on the basis that the Plan is 'made' this paragraph will become unnecessary in its final format.

*Delete the final paragraph of the Executive Summary (Section 1)*

- 7.66 The final paragraph of the Introduction (Section 2.1) anticipates the end of the Plan-making process. I recommend that 'accepted' is replaced by 'made' to reflect the technical language used in the appropriate legislation.

*Replaced 'accepted by made in the final paragraph of the Introduction (What are Neighbourhood Development Plans?)*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2033. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Dorchester-on-Thames Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended some technical modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

### *Conclusion*

- 8.4 On the basis of the findings in this report I recommend to South Oxfordshire District Council that subject to the incorporation of the modifications set out in this report that the Dorchester-on-Thames Neighbourhood Plan should proceed to referendum.

### *Referendum Area*

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 7 June 2013.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The responses to my Clarification Note were very helpful in preparing this report.

**Andrew Ashcroft**  
**Independent Examiner**  
**4 December 2017**