

SOUTH OXFORDSHIRE DISTRICT COUNCIL

LITTLE MILTON NEIGHBOURHOOD PLAN DECISION STATEMENT

Summary

- 1 Following an independent Examination, South Oxfordshire District Council's Cabinet Member for Planning confirmed on 26 September 2018 that the Little Milton 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 22 November 2018 in the following locations:

Reception South Oxfordshire District Council 135 Eastern Avenue, Milton Park, Milton, OX14 4SB	Mon - Thurs, 8.30am - 5pm and Friday, 8.30am - 4.30pm
The Lamb Inn High Street Little Milton OX44 7PU	Opening Times: 12pm to 3pm, then 6.30pm to 11pm

Background

- 3 Little Milton, as the qualifying body, successfully applied for Little Milton parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
- 4 Following the submission of the Little Milton 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 20 June 2018.
- 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 26 September 2018:

1. To accept all modifications recommended by the Examiner;
2. To modify the neighbourhood plan's Terminology definition of National Policy on page 4 (para 15 below)
3. To determine that the Little Milton 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;
4. To take all appropriate actions to progress the Little Milton Neighbourhood Development Plan to referendum. A date for the referendum is set for Thursday 22 November 2018.
5. The referendum area should not extend beyond the neighbourhood area approved by the District Council on 04 August 2016.

Reasons for decision

- 7 The Little Milton 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 to a significant effect. The principal document in which national planning policy is contained is the National Planning Policy Framework (2012) (NPPF) and this conclusion is reached bearing this in mind. The advice within national Planning Practice Guidance ("NPPG") and the revised NPPF (2018) 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 relevant constraints such as its location partially within the Green Belt. 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 constraints and the position of the village in the settlement hierarchy.
- 9 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. 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 (LM1) and to stimulate and enhance employment and commercial development (LM15). In the social role, it includes a policy on community facilities (LM10), on dwelling mix (LM13) and to designate local green spaces (LM7). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on the built environment (LM4), design and character (LM5), biodiversity (LM6) and the Wells Farm Nature Reserve (LM8).

- 10 As a whole, the council is satisfied that the Plan sets out to achieve sustainable development in the plan area. It contains policies to support sustainable development in the village that will not adversely impact on the rural nature of the village, having appropriate regard to heritage assets, the character of the village, its partial 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 Little Milton 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 Plan area is strictly controlled to preserve and enhance its heritage assets and its partial 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 preserve and enhance its heritage assets and its partial location in the Green Belt. The Plan allows for infilling within the built-up form of the villages and limited development adjoining the settlement, in-line with emerging Local Plan Policy H8: Housing in the Smaller Villages. It identifies and protects locally significant green spaces and the intrinsic value of open countryside. It guides design of new development and supports the retention and provision of community 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. In order to comply with the basic condition on European Union legislation the Council has prepared a Screening Opinion on the determination of the need for a Strategic Environmental Assessment (SEA). This process concluded that

the Plan is unlikely to have significant environmental effects and therefore a Strategic Environmental Assessment is not required. Consultation was carried out with the three statutory bodies. Their responses are included in the screening report which came to the same conclusion that an SEA was not required.

- 14 The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination on 21 December 2016, which confirmed to the qualifying body that an Appropriate Assessment would not be required. In response to the council's screening opinion, Natural England confirmed on 31 August 2016 that the proposals in the plan will not have significant effects on sensitive sites that they have a statutory duty to protect. A recent judgment from the Court of Justice of the European Union 'People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17)' ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment and should not be taken into account at the screening stage. It should be noted that the council's assessment, paragraph 4 of the council's screening determination in particular, did not take mitigation into account.
- 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 National Planning Policy Framework was revised on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. The policies in the previous Framework (published on 27 March 2012) will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Paragraph 213

sets out that policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The council is satisfied that the policies in the Little Milton Neighbourhood Plan are consistent with the revised National Planning Policy Framework (2018).

- 20 The council has taken account of all the representations received.
- 21 To modify the neighbourhood plan's Terminology definition of National Policy on page 4. The second sentence to read: "Note that as this Neighbourhood Plan was undergoing formal Examination, the Government published a revised National Planning Policy Framework. (July 2018)". This change is made by request of the qualifying body and provides the reader the most up to date information relating to the NPPF.

SEA/ HRA SCREENING

- 22 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: 26 September 2018

Appendix 1 – Examiner’s modifications

Policy/ Section	Examiner’s recommendations	Council’s Decision	Justification/Reason
<p>Policy LM1 – Spatial Strategy and Development Pattern</p>	<p>Replace the first part of the policy with: ‘Housing development in the Plan period will be supported where it is consistent with development plan policies for smaller villages within the District and with Sections B, C and D of this policy</p> <p>Add two new paragraphs after paragraph 6.1 to read: ‘The current development plan consists of the South Oxfordshire Core Strategy and the saved policies of the South Oxfordshire Local Plan. Policy CSR1 of the Core Strategy (and its Appendix 4) identifies Little Milton as one of a series of smaller villages in which housing allocations are not required. In such villages new residential development will be supported through infill development and on rural exception sites. At the time that the neighbourhood plan was submitted for its examination the Local Plan 2011-33 was emerging. Little Milton continues to be identified as a smaller village. Policy H8 of the emerging Local Plan sets out a requirement for the delivery of 500 new homes in the smaller villages. That policy comments that this will be achieved through</p>	<p>Agree</p>	<p>The council considers the change necessary so the wording in the policy gives more clarity and context in terms of the development plan and its connection with the other elements of this policy. It also future proofs the policy as is the ambition of NDP.</p> <p>The additional supporting text is necessary to address the emerging Local Plan in general terms in case it is materially different from that envisaged when the NDP was being prepared, ensuring continued conformity with the Development plan.</p>

	<p>Neighbourhood Development Plans which allocate sites for at least a 5% increase in dwelling numbers above those recorded in the 2011 Census. In smaller villages where there is no Neighbourhood Development Plan a 5-10% increase in dwelling numbers will be achieved through the development of suitable sites and through infill development.</p> <p>In this context Policy LM1A sets out the neighbourhood plan's overall spatial strategy. It has been designed to be future-proofed when the emerging Local Plan has been adopted. The neighbourhood plan could be reviewed at that point in the event that LM1A was not in general conformity with the rural housing policies within the adopted Local Plan.'</p>		
Policy LM2 – Mitigation of Flood Risk	<p>Insert 'and' after the second criterion.</p> <p>In the second paragraph of the policy insert 'proposed new development which are adjacent to or which drain directly to' between 'to' and the River Thame'.</p>	Agree	<p>The council considers the proposed modifications to be necessary to ensure that the policy is inclusive and that developers need to meet all its criteria.</p> <p>The second part is necessary to provide clarity to what the policy applies to.</p>
Policy LM4 – Conservation of Heritage Assets	<p>In the second part of the policy replace 'should' with 'will be supported where it'.</p> <p>Replace the second criterion with 'be in</p>	Agree	<p>The council considers the proposed modifications to be necessary to ensure that the policy has the clarity required by the NPPF.</p>

	<p>harmony with other buildings in the immediate locality’.</p> <p>In the fourth criterion replace ‘not press too closely’ with ‘not impact detrimentally’.</p>		<p>The first part provides clarity has to how applications will be determined if the criteria are complied with.</p> <p>The other modifications are necessary to bring clarity to the various criteria and to present them in a positive way.</p>
Policy LM5 – Design and Character	<p>Replace the opening part of the policy with: ‘Development proposals should reflect the character of Little Milton. Proposals will be supported where they meet all the following criteria:’</p> <p>Include the following sentences at the end of paragraph 7.6: ‘Policy LM5 sets out the Plan’s approach to this important issue. It operates in parallel with Policy LM1. Policy LM1 identifies appropriate locations where new development can take place. Policy LM5 addresses the design and character of that development’</p>	Agree	<p>The council considers the proposed modifications to be necessary to ensure that the policy has the clarity required by the NPPF.</p> <p>The modification clarifies the outcome of an application if it addresses the various matters in the policy.</p> <p>The additional text provides clarity on how this policy should be applied in relation to other policies in the plan.</p>
Policy LM6 – Biodiversity and Wildlife Corridors	<p><i>In the first part of the policy delete ‘(see Note)’ and the Note at the foot of the policy.</i></p> <p><i>In the second part of the policy insert ‘Where site circumstances make such an approach</i></p>	Agree	<p>The council considers the proposed modifications to be necessary to provide clarity to the policy and supporting text by relocating the note relating to ‘biodiversity net gain’ to the supporting text. The second change to the</p>

	<p>appropriate’.</p> <p><i>Add a new paragraph after paragraph 8.9 to read: ‘Policy LM6 sets out the Plan’s approach to these important matters. In the first part of the policy biodiversity net gain [insert text from policy between ‘should be assessed...offsetting metric’]</i></p>		<p>policy ensures unreasonable requirements are not placed on housing schemes in line NPPF.</p>
<p>Policy LM8 – BBOWT Wells Farm Nature Reserve</p>	<p>Replace ‘permitted’ with ‘supported’</p> <p>Delete LM8B.</p> <p>At the end of paragraph 8.17 add: ‘The policy identifies a limited set of circumstances where development would be supported on the site. In making an assessment of the three circumstances highlighted a developer will be expected to address the effects of the proposed development on each of the following matters: [Reproduce the list of six matters from LM8B] On a case by case basis other factors may need to be considered insofar as they are material to the development proposed.</p>	<p>Agree</p>	<p>The council considers the proposed modifications to be necessary to provide the appropriate flexibility to take into account all material planning considerations in determining any planning applications submitted on the site.</p>
<p>Policy LM9 – Protection of Views</p>	<p>In the first part of the Policy insert ‘the following’ between ‘on’ and ‘important’. After ‘views’ add ‘as shown on Map 15’. Thereafter list the seven important views as set out in Appendix C.</p>	<p>Agree</p>	<p>The council considers the proposed modifications necessary to ensure that the policy has the clarity required by the NPPF. The Changes to the first part of the policy ensure it can read and interpreted easily</p>

	Delete part B of the policy.		without the inconvenience of needing to visit Appendix C to identify the safeguarded views. Part B is not deemed a necessary part of the policy and is instead supporting text which is already covered in an earlier paragraph.
Policy LM10 – Community Facilities	<p><i>Replace the opening part of Section E of the policy with: ‘The community facilities affected by this policy are:’</i></p> <p><i>In paragraph 9.1 insert ‘currently’ between ‘village’ and ‘enjoys’.</i></p> <p><i>At the end of paragraph 9.2 add: ‘Policy LM10E identifies the current facilities as set out in the previous paragraph as those to which the policy applies. Nevertheless, this approach is not intended to be exclusive. Any additional community facilities which are established in the neighbourhood area either generally or as a direct result of the supportive approach included in Policy LM10A will also be covered by the policy’.</i></p>	Agree	The council considers the proposed modifications necessary to ensure that the policy has the clarity required by the NPPF. The updated text makes clearer the NDPs intention to future proof the policy and has greater regard to the NPPF. The additional wording also links the policy and supporting text allowing for easier interpretation.
Policy LM11 – Residential Parking	<i>Replace ‘permitted’ with ‘supported’.</i>	Agree	The council considers the proposed modifications to be necessary to provide the appropriate flexibility to take into account all material planning considerations in determining any planning applications submitted on the site

Policy LM13 – Dwelling Mix	<p>In the first part of the policy (A):</p> <ul style="list-style-type: none"> • in 1 replace ‘meets’ with ‘meet’ • in 2 replace ‘addresses’ with ‘address’ • in 3 replace ‘Is’ with ‘Are’ • <p>In the second part of the policy replace ‘are strongly encouraged’ with ‘will be particularly supported’.</p>	Agree	<p>The council considers the proposed modifications necessary to ensure that the policy has the clarity required by the NPPF.</p> <p>The first tidies up the format and the second proposes change of wording to provide appropriate clarity in the development management process.</p>
Policy LM15 – Employment and Commercial Development	<p>In the first part of the policy (A) replace ‘permitted’ with ‘supported’.</p> <p>In the first part of the policy (A) delete all text after ‘local area’ and replace with: ‘B. Proposals for the alteration or expansion of existing premises or the change of use of existing premises to employment or commercial use will be particularly supported. Well-designed new development which is located outside the builtup area of the village and which is proportionate in scale and in character with any adjoining buildings and with the character of the local landscape will also be supported.’</p> <p>In the final part of the policy replace B with C.</p>	Agree	<p>The council considers the proposed modifications necessary to ensure that the policy has the clarity required by the NPPF.</p> <p>The change of wording in the first part will provide the appropriate flexibility for SODC to take into account all material planning considerations in determining any planning applications that may be submitted on the site.</p> <p>Reconfiguring the way proposals are included in the policy brings clarity to the range of development that would be supported.</p>
Paragraph 3.4	I recommend a modification to ensure clarity on the definition and application of previously	Agree	The councils consider this modification necessary to achieve consistency with NPPF

	<p>developed sites. At the end of the first sentence of paragraph 3.4 add ‘that could potentially be suitable for development’</p>		
Paragraph 6.1	<p>I recommend a modification to delete ‘or any successor documents’. By definition the development plan will change over time. Delete ‘or any successor documents</p>	Agree	The councils consider this modification necessary to achieve Clarity and consistency within the NDP
Paragraph 10.14	<p>I recommend that additional text is included to take account of permitted development rights. As drafted the paragraph implies that development plan policies directly permit proposals for some the factors listed which are more likely to be permitted development.</p> <p>At the end of paragraph 10.14 add ‘Many proposals for the extension of dwellings are likely to be permitted development and therefore not need planning permission’.</p>	Agree	The councils consider this modification necessary to achieve consistency with NPPF
Other Matters	<p>Several policies include different text colours. This creates a somewhat unusual effect. It detracts from the otherwise exemplary presentation of the submitted Plan. Whilst a modification is not necessary to ensure that the Plan meets the basic conditions I suggest that this matter is addressed in its final version.</p>	Agree	The councils consider this modification necessary to achieve consistency in the Plan

Other Matters	<p>This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for SODC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.</p> <p>Modification of general text (where necessary) to achieve consistency with the modified policies.</p>	Agree	<p>The council consider this recommendation is necessary to facilitate consequential changes to the general text of the plan to achieve consistency with the modified policies.</p>
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Appendix 2

**Little Milton Neighbourhood
Development Plan
2018-2033**

**A report to South Oxfordshire District Council on
the Little Milton Neighbourhood Development 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 June 2018 to carry out the independent examination of the Little Milton Neighbourhood Plan.

2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 2 July 2018.

3 The Plan includes a variety of policies. It 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. It proposes the designation of two local green spaces.

4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.

5 Subject to a series of recommended modifications set out in this report I have concluded that the Little Milton 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 area.

**Andrew Ashcroft
Independent Examiner
8 August 2018**

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Little Milton Neighbourhood Development Plan 2018-2033 (the Plan).
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Little Milton 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 (NPPF) in 2012 and 2018. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive to its historic character, and to be complementary to the development plan.
- 1.6 Within the context set out above 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.
- 1.7 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 35 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;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not be likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

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 and fifth bullet points above in paragraphs 2.6 to 2.12 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 In order to satisfy the regulations SODC undertook a screening exercise. This process concluded that the Plan is unlikely to have significant environmental effects and therefore a Strategic Environmental Assessment is not required. Consultation was carried out with the three statutory bodies. Their responses are included in the screening report. This is best practice.
- 2.8 SODC also undertook a Habitats Regulations Assessment (HRA) screening report on the Plan. The report is very thorough in its approach. It comments that there are no European sites within 5kms of the neighbourhood area. On this basis it concludes that the submitted Plan is unlikely to have significant effects on a European site and that an appropriate assessment is not required.
- 2.9 Since the screening work was undertaken a case in the Court of Justice of the European Union (People Over Wind, Peter Sweetman and Coillte Teoranta, April 2018) has changed the basis on which competent authorities are required to undertake habitats regulations assessments. SODC has given this matter due consideration and has advised me that it did not take mitigation into effect when considering whether the submitted Plan would have adverse effects on the integrity of European sites. In this context SODC concluded that the recent Court of Justice judgement does not affect the integrity of its early screening work on this important matter.
- 2.10 I am satisfied that SODC has approached this issue in a sound and responsible manner. The outcome of the European Court case could not have been anticipated as the neighbourhood plan was being prepared.
- 2.11 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.
- 2.12 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

2.13 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.

2.14 Having addressed the matters identified in paragraph 2.13 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 Neighbourhood Development Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Screening Statement.
- the various appendices to the Plan.
- the information provided by SODC (20 July 2018) on the Habitats Regulations Assessment after the publication of the People Over Wind/Sweetman case in the European Court.
- 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 South Oxfordshire Local Plan 2033.
- the decision of SODC on the Local Plan 2033 (May 2018).
- the National Planning Policy Framework (March 2012 and July 2018).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 2 July 2018. 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 concluded that the Plan should be examined by way of written representations.

3.4 On 24 July 2018 a revised version of the NPPF was published. The examination of the submitted Plan was taking place on that date. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

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. Its strength is the distinction between Part 1 (providing an overall view) and Part 2 (which provides detailed information). This has been very useful for examination purposes.
- 4.3 The Statement is particularly detailed in terms of its recording of the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (January-February 2018). It has internal consistency and integrity. It provides an ideal model for other groups embarking on this task.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the various stages of the Plan. Section 3 provides details about:
- the organisation of specific meetings;
 - the organisation of a village-wide survey;
 - the organisation of two village meeting in April 2017;
 - the organisation of a stall at the village fete in June 2017.
- 4.5 Part 2 of the Statement also reproduces parts of surveys, 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. This reinforces the approach that was adopted by those responsible for the Plan through the application of the consultation principles set out in Section 2 (of Part 1) of the Statement.
- 4.6 Section 4 of the Statement sets out how the submitted Plan took account of consultation feedback at the pre-submission phase. It does so in a proportionate and effective way. It helps to describe how the Plan has progressed to its submission stage.
- 4.7 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 20 June 2018. This exercise generated representations from the following organisations:
- Oxfordshire Clinical Commissioning Group
 - South Oxfordshire District Council

- National Grid
- Highways England
- Historic England
- Thames Water
- Oxfordshire County Council
- Environment Agency
- Natural England

5 The Plan Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Little Milton. It consists principally of the village of Little Milton. The village is located approximately seven miles to the south-west of Thame and approximately 8 miles north of Wallingford. Outside the village the Plan area mainly consists of pleasant rolling countryside. Its population in 2011 was 486 persons. It was designated as a neighbourhood area on 4 August 2016.
- 5.2 The Plan area is mainly in agricultural use and sits within a rich landscape and ecological setting dominated by the River Thame. The River Thame forms most of the western boundary of the neighbourhood area. The neighbourhood area to the west of the A329 lies within the Oxford Green Belt.
- 5.3 Little Milton is a nucleated village located on the A329. It is based around the triangle formed by Church Hill (the A329), Gold Street and Haseley Road. The historic core remains clear in design and architectural terms. It was designated as a conservation area in 1984. Whilst the village contains a range of different buildings and styles its appearance is defined by its stone vernacular buildings within in the historic core. Some have retained their thatched roofscapes. Others now have tiled roofs. The overall character and appearance of the village is very attractive.

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 Little Milton 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 R3	Community facilities and rural transport
CS EN1	Landscape
CS EN3	Historic Environment
CS Q3	Design

- 5.5 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 Little Milton is identified as a Smaller Village in the adopted Core Strategy (Policy CSR1 and Appendix 4). In smaller villages housing allocations are not required to be identified. Infill developments are acceptable up to 0.2 hectares (the equivalent of 5-6 houses). Any new development is required to protect local character and distinctiveness.
- 5.7 The emerging Local Plan 2033 (Publication Version) was the subject of its own consultation process from October to November 2017. Following a Council meeting on 15 May 2018 SODC is currently considering the deliverability of strategic housing in the District following an update on the availability of the Chalgrove site. The emerging Plan incorporates a review of the adopted Core Strategy and the saved policies of the Local Plan. In process terms the timings involved have not permitted the submitted neighbourhood plan directly to take account of this emerging local planning context. Nevertheless, it is clear that the emerging neighbourhood plan has taken account of the emerging local plan both in terms of its growth and delivery agenda in general terms. The emerging Local Plan is consistent with the adopted Core Strategy both in terms of the position of the village in the settlement hierarchy and the expectations for new development for smaller villages in general terms.
- 5.8 The submitted neighbourhood 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 2 July. I was fortunate in selecting a perfect day during the hot Summer of 2018.
- 5.10 I drove into the Plan area along the A329 from the north east. This helped me to understand the neighbourhood area in its wider landscape context.
- 5.11 I looked initially around Haseley Road and Gold Street. I saw that the junction between the two roadways handled the difference in levels very skilfully. I continued down Haseley Road to the brook.
- 5.12 I then looked at the School, Church Hill and St James Church. I saw the impact of through traffic on the otherwise relaxed and calm character of the village.
- 5.13 I stumbled across the list of family names resident in the village in 2000 at the junction of Church Hill and Haseley Road. It was a good indication of the community spirit in the village.

- 5.14 I then walked to the northern edge of the village. I saw its character change as the traditional vernacular houses changed to more modern housing stock.
- 5.15 I then spent some time looking at the range and variety of streets in the historic core of the village based on its conservation area. I saw a fine range of well-maintained vernacular buildings.
- 5.16 I drove out of the Plan area to the south along the A329 towards Stadhampton so that I could understand further its setting in its wider landscape.

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 five basic conditions. Paragraphs 2.6 to 2.12 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 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 Little Milton Neighbourhood Development Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Core Strategy/saved Local Plan;
 - proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - 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 in designing policies for new residential development within the context of its historic character. It includes a series of policies that seek to safeguard community facilities. In addition, it actively supports proposals for infill development and for employment 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 (LM1) and to stimulate and enhance employment and commercial development (LM15). In the social role, it includes a policy on community facilities (LM10), on dwelling mix (LM13) and to designate local green spaces (LM7). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on the built environment (LM4), design and character (LM5), biodiversity (LM6) and the Wells Farm Nature Reserve (LM8). This assessment overlaps with the Parish Council's comments on this matter in 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. 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. The Plan identifies a range of other, non-land use matters (referred to as Statements). They are shown with separate headings and in a different colour to the policies. The Statements are included within the main body of the Plan rather than in a separate part of the Plan as recommended by this national guidance. Nevertheless, given that there are only two such Statements, as they are clearly differentiated from the policies and as they sit within a natural order in the Plan I am satisfied that the arrangements are satisfactory and well-considered.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. The two Statements are addressed separately 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 modifications to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-4)

- 7.8 The Plan as a whole is very well-organised. It includes effective maps and photographs that give real depth and purpose to the Plan. The various maps are particularly effective. The Plan 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 'made'. The Plan is remarkably well-presented and constructed. It gets to the heart of the issues that will affect the future of the neighbourhood area in a thoroughly professional fashion. It is a credit to all concerned. On this basis my recommended modifications are of a fine-tuning nature.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. Section 2 provides a very

clear context to the Plan. It describes the neighbourhood plan process. It introduces the range of supporting documents and background evidence studies. It provides the connection with the wider development plan and the process by which the submitted Plan was developed.

- 7.10 Section 3 helpfully sets out background information on the neighbourhood area including demographic and employment statistics. It provides a useful reference point for various policies later in the Plan. It comments about the scale and impact of the traffic that passes through the village on the A329. The section appropriately finishes with a summary of key challenges facing the village.
- 7.11 Section 4 sets out the Vision, Aims and Objectives for the Plan. Its six aims are each underpinned by a series of objectives.
- 7.12 The policies are then set out in sections 5- 12. 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 LM1 – Spatial Strategy and Development Pattern

- 7.13 This policy sits at the very heart of the Plan. Its approach is to focus new development proposals so that they align with the development plan. At the current time this is that set out principally in Policy CSR1 of the Core Strategy. For smaller villages such as Little Milton this would be infill development and on rural exception sites.
- 7.14 The policy has four related sections. The first seeks to relate the overall approach to that in the development plan. The second offers support to infill development. The third offers support for development adjacent to the built-up area. The fourth sets out a restrictive approach towards development elsewhere.
- 7.15 The overall spatial strategy has regard to national policy in general terms. As submitted however the first part of the policy (A) is somewhat general. Rather than designing a policy particular to the submitted Plan it simply comments that development will be in accordance with strategic development plan policies for smaller villages. I sought clarity from the Parish Council on this matter. I was advised that the Plan had been prepared to take account of the emerging Local Plan 2011-33. The ambition was to ensure that it would be future-proofed as and when that Plan was eventually adopted.
- 7.16 This approach would have some merit if the direction of travel of the emerging Local Plan was well-advanced and came with a high degree of certainty. However, this is not the case and further targeted consultation is currently taking place on the delivery of new housing within the wider District. In any event the basic condition test is ultimately against the adopted development plan.
- 7.17 I recommend that the policy is modified to address this matter. The recommended modification retains the Plan's ambition that it should be future-proofed. It also makes the connection with the other elements of the policy. I also recommend the inclusion of additional supporting text to address the circumstances of the emerging Local Plan

in general terms and if it was materially different from that envisaged when the neighbourhood plan was being prepared.

Replace the first part of the policy with:

‘Housing development in the Plan period will be supported where it is consistent with development plan policies for smaller villages within the District and with Sections B, C and D of this policy’

Add two new paragraphs after paragraph 6.1 to read:

‘The current development plan consists of the South Oxfordshire Core Strategy and the saved policies of the South Oxfordshire Local Plan. Policy CSR1 of the Core Strategy (and its Appendix 4) identifies Little Milton as one of a series of smaller villages in which housing allocations are not required. In such villages new residential development will be supported through infill development and on rural exception sites. At the time that the neighbourhood plan was submitted for its examination the Local Plan 2011-33 was emerging. Little Milton continues to be identified as a smaller village. Policy H8 of the emerging Local Plan sets out a requirement for the delivery of 500 new homes in the smaller villages. That policy comments that this will be achieved through Neighbourhood Development Plans which allocate sites for at least a 5% increase in dwelling numbers above those recorded in the 2011 Census. In smaller villages where there is no Neighbourhood Development Plan a 5-10% increase in dwelling numbers will be achieved through the development of suitable sites and through infill development.

In this context Policy LM1A sets out the neighbourhood plan’s overall spatial strategy. It has been designed to be future-proofed when the emerging Local Plan has been adopted. The neighbourhood plan could be reviewed at that point in the event that LM1A was not in general conformity with the rural housing policies within the adopted Local Plan.’

Policy LM2 – Mitigation of Flood Risk

- 7.18 This policy sets out to mitigate the risk of flooding in the neighbourhood area. Paragraph 6.10 of the Plan addresses the seasonal issues in relation to the River Thame and its smaller feeder watercourses. The policy applies a local dimension to the sequential approach on flooding issues included in the NPPF.
- 7.19 The policy has three related ambitions. It seeks to direct new development to the areas with the lowest probability of flooding, to ensure that new development addresses flood risk and to ensure that new development does not increase the risk of flooding elsewhere.
- 7.20 The approach adopted has regard to national policy in general terms. I recommend detailed modifications to ensure that it meets the basic conditions. The first ensures that the policy is inclusive and that developers need to meet all its criteria. The second provides clarity that the second part of the policy applies to proposed new development rather than the watercourses shown in Map 4.

Insert 'and' after the second criterion.

In the second paragraph of the policy insert 'proposed new development which are adjacent to or which drain directly to' between 'to' and the River Thames'.

Policy LM3 – High Grade Agricultural Land

- 7.21 This policy indicates that development on land outside the built-up part of the Plan area on Excellent or Very Good agricultural land will not be supported. This approach consolidates existing development plan policies and Green Belt policy.
- 7.22 It meets the basic conditions.

Policy LM4 – Conservation of Heritage Assets

- 7.23 This policy sits at the heart of the Plan. It reflects the historic character of the village. The policy also complements the existing Village Character Assessment. It makes use of the existing Conservation boundary (Map 7) and defines a separate, overlapping Historic Core.
- 7.24 The policy has two related parts. The first seeks to ensure that developments in the conservation area, those affecting listed buildings and those affecting archaeological areas should address the aspirations of the Village Character Assessment. The second applies additional criteria to proposals in the defined Historic Core.
- 7.25 The approach adopted has regard to national policy in general terms. I recommend a series of modifications to the second part of the policy to ensure that it has the clarity required by the NPPF. In the first instance this part of the policy fails to describe how planning applications would be determined assuming that they complied with the various criteria. In the second instance I recommend modifications to bring clarity to the various criteria and to present them in a positive way.

In the second part of the policy replace 'should' with 'will be supported where it'.

Replace the second criterion with 'be in harmony with other buildings in the immediate locality'.

In the fourth criterion replace 'not press too closely' with 'not impact detrimentally'.

Policy LM5 – Design and Character

- 7.26 This policy addresses the design and character of new development within the Plan period. Its inclusion within the Plan reflects the importance of this matter to the local community. As paragraph 7.9 of the Plan comments the village has evolved over time

to create a place which has several different and distinctive architectural styles, historic buildings and public and private spaces.

- 7.27 The policy identifies a series of design factors that will apply to new development in the neighbourhood area. They include the scale and form of buildings, boundary treatments, residential parking spaces, the storage of waste and connectivity to the village.
- 7.28 One of the 12 core planning principles in the NPPF (paragraph 17) is '(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).
- 7.29 I recommend that the opening part of the policy is modified so that it has the clarity required by the NPPF. As submitted the policy does not provide clarity for either a developer or SODC on the outcome of planning applications that address the various design matters addresses in the policy. I also recommend the insertion of additional sentences in the supporting text to clarify that the application of this policy runs hand in hand with Policy LM1 (Spatial Strategy).

**Replace the opening part of the policy with:
'Development proposals should reflect the character of Little Milton. Proposals will be supported where they meet all the following criteria:'**

*Include the following sentences at the end of paragraph 7.6:
'Policy LM5 sets out the Plan's approach to this important issue. It operates in parallel with Policy LM1. Policy LM1 identifies appropriate locations where new development can take place. Policy LM5 addresses the design and character of that development'.*

Policy LM6 – Biodiversity and Wildlife Corridors

- 7.30 The policy sets out the Plan's approach to biodiversity and wildlife corridors. It is comprehensively underpinned by the supporting text (paragraphs 8.1-8.9). The details in paragraphs 8.4 to 8.6 and Maps 9 and 10 are particularly impressive. They provide a context for the inclusion of the policy in the Plan.
- 7.31 The policy has two parts. The first is more general in nature and identifies the need to maintain and enhance existing on-site biodiversity assets. The second part indicates that proposals for residential development should provide wildlife corridors.
- 7.32 The generality of the approach adopted by the policy has regard to national policy as set out in paragraphs 109 to 125 of the NPPF. Within this context I recommend two modifications. The first transposes the note relating to 'biodiversity net gain' to the

supporting text. The second ensures that the second part of the policy applies to new residential development where it is relevant to the site concerned. As submitted the policy would run the risk of applying unreasonable requirements on housing schemes which provided no opportunity for connections with existing wildlife corridors. This matter is already acknowledged in paragraph 8.9 of the supporting text.

In the first part of the policy delete '(see Note)' and the Note at the foot of the policy.

In the second part of the policy insert 'Where site circumstances make such an approach appropriate'.

Add a new paragraph after paragraph 8.9 to read:

'Policy LM6 sets out the Plan's approach to these important matters. In the first part of the policy biodiversity net gain [insert text from policy between 'should be assessed...offsetting metric']'

Policy LM7 – Local Green Spaces

- 7.33 The Plan proposes the designation of two Local Green Spaces (LGSs). The first is Barn Field and Spinney, Wells Farm. The second is the Allotments, Wells Farm. They are shown collectively on Map 11 and respectively on Maps 12/13.
- 7.34 Appendix B provides an assessment of the sites against the criteria in paragraph 77 of the NPPF. It does so to good effect.
- 7.35 The policy meets the basic conditions. Its personalisation of the widely-used LGS policy is a nice touch.

Policy LM8 – BBOWT Wells Farm Nature Reserve

- 7.36 This policy affects land to the north east of the village. It is shown on Map 14. It is held by the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) on a 999-year lease as a Nature Reserve. The conditions of the lease require that the tenant to use the property for agricultural purposes consistent with supporting the charitable purpose of the tenant and to ensure that the property is used in a manner which is sympathetic to the needs of wildlife.
- 7.37 The first part of the policy (A) identifies a limited series of circumstances in which development would be supported on the site. They are appropriate and distinctive to the site and its location within the village. It meets the basic conditions in general terms. However, I recommend that in the opening part of the policy that 'permitted' is replaced by 'supported'. This will provide the appropriate flexibility for SODC to take into account all material planning considerations in determining any planning applications that may be submitted on the site. As submitted the Plan's approach is absolute.
- 7.38 The second part of the policy (B) comments that consideration should be given to a series of environmental and ecological matters. However, it is written in a non-policy format. In its response to my clarification note the Parish Council explained the way

in which the policy had evolved over time and acknowledged that the format of LM8B was very different from that of LM8A.

- 7.39 I recommend that LM8B is deleted and replaced by additional supporting text that captures the thought process set out in the submitted policy. The six matters set out in this part of the policy are clearly important matters to be addressed.

Replace ‘permitted’ with ‘supported’

Delete LM8B.

At the end of paragraph 8.17 add:

‘The policy identifies a limited set of circumstances where development would be supported on the site. In making an assessment of the three circumstances highlighted a developer will be expected to address the effects of the proposed development on each of the following matters:

[Reproduce the list of six matters from LM8B]

On a case by case basis other factors may need to be considered insofar as they are material to the development proposed.’

Policy LM9 – Protection of Views

- 7.40 This policy highlights the importance of particular views in the neighbourhood area. The Plan comments that they are an important element of preserving the character of the village and the surrounding landscape. Appendix C lists the important views and their importance. They are shown on Map 15.
- 7.41 I am satisfied that the policy has been properly underpinned by research and evidence. Appendix C is particularly impressive, as are the identified views towards Great Haseley Windmill and the Wittenham Clumps.
- 7.42 The policy has two parts. The first sets out to safeguard the local character of the landscape and the identified views. The second identifies particular views and their importance. I recommend modifications to ensure that the policy has the clarity required by the NPPF. In doing so I have taken account of the comments made by the Parish Council to my clarification note. In the first instance anyone seeking to understand the policy has the inconvenience of needing to visit Appendix C to identify the safeguarded views. In the second instance part of the Policy (B) is supporting text rather than policy. In any event the matter is already addressed well in paragraph 8.22 of the Plan. I recommend accordingly.

**In the first part of the Policy insert ‘the following’ between ‘on’ and ‘important’.
After ‘views’ add ‘as shown on Map 15’.**

Thereafter list the seven important views as set out in Appendix C.

Delete part B of the policy.

Policy LM10 – Community Facilities

- 7.43 This policy sits at the heart of the Plan’s proposed contribution towards the social dimension of sustainable development in the neighbourhood area. In essence it intends to ensure that community facilities are safeguarded and where possible improved. The focus of the policy is to maintain a balanced and sustainable community (paragraph 9.5).
- 7.44 The policy has overlapping components. The first offers support for new or extended community facilities subject to a series of criteria. The second seeks to safeguard existing essential community facilities or services subject to a series of exceptions. The third seeks to establish a functional and timing relationship between new residential development and community facilities. The fourth requires that new development makes appropriate contributions to community facilities.
- 7.45 The approach adopted in the first four components has regard to national policy. In particular its second part is sufficiently flexible to take account of the potential for new and improved facilities and the ability of existing facilities to remain financially viable throughout the Plan period.
- 7.46 The final part of the policy (E) lists the community facilities that are ‘included’ within the policy. Whilst the facilities are not precisely in the same order the list is identical to that in paragraph 9.1 of the Plan. Paragraph 9.1 identifies that the seven facilities are its community facilities. Part E of the policy suggests that there may be others. The Parish Council has confirmed that the seven facilities are indeed those to be affected by the policy. It also advised that the policy had been designed to capture any new community facilities which may come forward during the Plan period (as a result of the implementation of Policy LM10A). I recommend accordingly to ensure that the policy has the clarity required by the NPPF.

**Replace the opening part of Section E of the policy with:
‘The community facilities affected by this policy are:’**

In paragraph 9.1 insert ‘currently’ between ‘village’ and ‘enjoys’.

At the end of paragraph 9.2 add:

‘Policy LM10E identifies the current facilities as set out in the previous paragraph as those to which the policy applies. Nevertheless, this approach is not intended to be exclusive. Any additional community facilities which are established in the neighbourhood area either generally or as a direct result of the supportive approach included in Policy LM10A will also be covered by the policy’.

Policy LM11 – Residential Parking

- 7.47 This policy addresses residential parking. It reflects that the village is very reliant on car transport. Paragraph 9.8 of the Plan acknowledges that the situation is largely under reasonable control. This reflects the opportunities that have been taken over the years to incorporate off street parking within the curtilage of traditional houses that were designed well before the widespread use of the private motor car.

- 7.48 In this context the policy intends to safeguard against part parking on pavements, restricting space opposite driveways and restricting the safe flow of traffic on the highway. The policy is well-constructed. It ensures that new residential development will be supported where it provides parking in accordance with development plan standards. I recommend that 'permitted' is replaced with 'supported'. This will provide the appropriate flexibility for SODC to take into account all material planning considerations in determining any planning applications that may be submitted on the site. As submitted the Plan's approach is absolute.

Replace 'permitted' with 'supported'.

Policy LM12 – Waste Water System

- 7.49 The policy looks to ensure that new development can be accommodated within the existing waste water network and treatment works or with appropriate upgrades.
- 7.50 The policy is well-constructed. It meets the basic conditions.

Policy LM13 – Dwelling Mix

- 7.51 This policy seeks to address the skewed nature of the current housing stock in the neighbourhood area towards 4-bedroomed houses or larger accommodation. This also overlaps with the decline in the number of younger adults and their families in the village. On this basis the Plan looks towards encouraging more 2/3 bedroomed houses and discourages the development of larger houses.
- 7.52 The policy has three related parts. The first sets out a requirement for new residential development to demonstrate a mix of dwelling types and sizes. The second strongly encourages the development of smaller houses. The third supports rural exception sites that conform with development plan policies.
- 7.53 The Parish Council's response to my clarification note on the third part of the policy highlighted that this element had been included to demonstrate the likely balance of new housing development in the Plan period. On balance whilst it largely repeats development plan policies I am happy that its retention within the policy meets the basic conditions. It provides clarity as to likely composition of new dwellings to come forward in the Plan period.
- 7.54 I recommend two modifications to the policy. The first tidies up the format of its first part so that it has the clarity required by the NPPF. The second replaces 'strongly encouraged' with 'particularly supported' in the second part of the policy. The latter will provide appropriate clarity in the development management process.

In the first part of the policy (A):

- in 1 replace ‘meets’ with ‘meet’
- in 2 replace ‘addresses’ with ‘address’
- in 3 replace ‘Is’ with ‘Are’

In the second part of the policy replace ‘are strongly encouraged’ with ‘will be particularly supported’.

Policy LM14 – Road Developments

- 7.55 This policy supports road development or improvement proposals where the benefits would outweigh the environmental impact. Its focus is on proposals that would mitigate the impact of increased traffic flows through the village.
- 7.56 The policy has been carefully designed to be a land use policy. As such it meets the basic conditions.

Policy LM15 – Employment and Commercial Development

- 7.57 This policy is at the centre of the Plan’s proposed contribution to the achievement of the economic dimension of sustainable development in the neighbourhood area. It intends to build on its existing employment development.
- 7.58 The policy has two related parts. The first has general effect. The second relates more specifically to agricultural and land-based rural businesses. Both elements meet the basic conditions in general terms.
- 7.59 I recommend modifications to bring the clarity required by the NPPF. The first clarifies the range of development which would be supported. I recommend that the way in which the proposals are included within the policy is reconfigured. The second relates to the first part of the policy where I recommend that ‘permitted’ is replaced by ‘supported’. This will provide the appropriate flexibility for SODC to take into account all material planning considerations in determining any planning applications that may be submitted on the site. As submitted the Plan’s approach is absolute.

In the first part of the policy (A) replace ‘permitted’ with ‘supported’.

In the first part of the policy (A) delete all text after ‘local area’ and replace with: ‘B. Proposals for the alteration or expansion of existing premises or the change of use of existing premises to employment or commercial use will be particularly supported. Well-designed new development which is located outside the built-up area of the village and which is proportionate in scale and in character with any adjoining buildings and with the character of the local landscape will also be supported.’

In the final part of the policy replace B with C.

LM Statement 1 – Bypass

- 7.60 The Statement is acknowledged not to be a land use policy. No proposals exist for a bypass of the village. The Statement identifies two criteria that would need to be addressed if any such proposal came forward.
- 7.61 The Statement is appropriate for the neighbourhood area. It addresses an issue of significance for the local community.

LM Statement 2 – Community Infrastructure Levy

- 7.62 The Statement identifies the Parish Council's approach towards the expenditure of the local element of Community Infrastructure levy funding.
- 7.63 It is appropriate for the neighbourhood area. It addresses an issue of significance for the local community.

Other Matters

- 7.64 SODC has raised a series of technical matters in relation to elements of text in the Plan. I recommend modifications to the following paragraphs. In other areas modifications are not required to ensure that the Plan meets the basic conditions.

Paragraph 3.4.

I recommend a modification to ensure clarity on the definition and application of previously developed sites.

At the end of the first sentence of paragraph 3.4 add 'that could potentially be suitable for development'

Paragraph 6.1

I recommend a modification to delete 'or any successor documents'. By definition the development plan will change over time.

Delete 'or any successor documents'.

Paragraph 10.14

I recommend that additional text is included to take account of permitted development rights. As drafted the paragraph implies that development plan policies directly permit proposals for some the factors listed which are more likely to be permitted development.

At the end of paragraph 10.14 add 'Many proposals for the extension of dwellings are likely to be permitted development and therefore not need planning permission'.

- 7.65 Several policies include different text colours. This creates a somewhat unusual effect. It detracts from the otherwise exemplary presentation of the submitted Plan.

Whilst a modification is not necessary to ensure that the Plan meets the basic conditions I suggest that this matter is addressed in its final version.

- 7.66 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for SODC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

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 to safeguard the character of the village its community facilities and its local green spaces.
- 8.2 Following my independent examination of the Plan I have concluded that the Little Milton 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 a variety of modifications to the policies in the Plan. Nevertheless, the Plan 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 Little Milton Neighbourhood Development Plan should proceed to referendum.
- 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 4 August 2016.
- 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 Parish Council's response to the Clarification Note was particularly effective and timely.

Andrew Ashcroft
Independent Examiner
8 August 2018