

# **Warborough and Shillingford Neighbourhood Development Plan 2011-2033**

**A report to South Oxfordshire District Council on  
the Warborough and Shillingford Neighbourhood  
Development Plan**

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## **Executive Summary**

- 1 I was appointed by South Oxfordshire District Council in March 2018 to carry out the independent examination of the Warborough and Shillingford Neighbourhood Plan.
- 2 The examination was undertaken by a combination of written representations and a hearing. I visited the neighbourhood plan area on 26 March 2018. A hearing was held on 30 April 2018.
- 3 The Plan includes a variety of 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. It proposes a housing allocation and designates four 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 Warborough and Shillingford 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**  
**25 June 2018**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Warborough and Shillingford Neighbourhood Development Plan 2011-2033 (the Plan).
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Warborough 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 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 in general terms, and to be complementary to the development plan in particular.
- 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 2.14 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 SODC issued a screening opinion in April 2017 requiring a strategic environmental assessment to be prepared. In order to comply with this requirement, the Parish Council prepared a Sustainability Appraisal Report which incorporated a Strategic Environmental Assessment. The Sustainability Report was prepared by the Neighbourhood Plan Steering Committee. Given the technical nature of the task the Committee was advised by its technical consultants, AECOM as part of a review of the emerging report.
- 2.8 The Appraisal properly assessed the environmental baselines in the neighbourhood area together with the environmental impacts of the implementation of the Plan's policies. It also addressed reasonable alternatives for the growth strategy as eventually captured in policy H2. The first option considered was one which did not allocate a housing site. This approach would have relied upon the positive implementation of housing infill (H3) and village character policies (VC1) to enable some growth within the built-up area. The second option considered was one which proposed infill development (in accordance with policies H3 and VC1) together with a site allocation. The Parish Council selected the second alternative to provide greater certainty and assurance to the community in general, and to meet the growth requirements for the neighbourhood area in the emerging local plan in particular. As part of this process it evaluated six potential sites. This exercise is summarised in the Sustainability Appraisal. It was also underpinned by a more detailed Technical Site Assessment report (Appendix 2 of the Sustainability Appraisal). I address this matter in further detail in the part of this report that addresses policy H2 (the proposed Six Acres site).
- 2.9 The Appraisal and its associated documents commented on a range of overlapping environmental matters. Various representations have been submitted to the Plan which challenge the extent to which the Appraisal was properly undertaken. I have considered these representations very carefully. I have concluded that the Appraisal has been prepared to a high standard and that it is proportionate to the scale of development proposed in the Plan. It carefully sets out the reasonable alternatives that were considered as part of the Plan-making process. In doing so it provides compelling evidence to support the selection of the proposed allocated housing site.
- 2.10 SODC commissioned a Habitats Regulations Assessment (HRA) screening report on the Plan. The report is very thorough in its approach. In particular it assesses the likely effect of the Plan on European sites that fall within 17kms of Warborough and Shillingford. The 17km screening distance was used to ensure consistency with previous HRA work on the South Oxfordshire Core Strategy and the emerging Local Plan 2033. The screening report concluded that the scale of growth proposed in the submitted plan (29 houses) is neither on its own, nor in combination with other plans, more than that prescribed in policy H8 of the emerging local plan. As such the scale of growth in the submitted Plan has already been addressed by the October and December 2017 versions of the Local Plan HRA and the associated air quality

assessment. On this basis the report advises that the proposed housing allocation in the submitted plan would not have potential significant effects on European sites even when potential cumulative impact issues are assessed.

- 2.11 During the course of the examination a case in the European Court (People Over Wind and Peter Sweetman, April 2018) 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 terms of potential in-combination effects the assessment undertaken by SODC relied on the Habitats Regulations Assessment (HRA) of the emerging Local Plan. I was advised that whilst that HRA considered mitigation during the screening phase, an Appropriate Assessment (AA) was prepared, and that the conclusions of that AA informed the assessment of the submitted neighbourhood plan. In this context SODC concluded that the recent Sweetman judgement does not affect the integrity of its early screening work on this important matter.
- 2.12 I am satisfied that the Council 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.
- 2.13 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.
- 2.14 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*

- 2.15 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.

2.16 Having addressed the matters identified in paragraph 2.15 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 Sustainability Appraisal and its appendices.
- the various other appendices to the Plan.
- the information provided by SODC 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 hearing statements.
- 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).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 26 March 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 5.11 to 5.18 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 in a way which included a public hearing. This process allowed an adequate consideration of two related issues – the consultation exercises and the proposed housing allocation (Policy H2). The hearing note is included as Appendix 1 to this report.

3.4 I am grateful to all those who attended the hearing and contributed to the discussions. It allowed me to get to the heart of the two issues concerned.

3.5 The findings of the hearing are principally captured in my commentary in Section 4 of this report (the consultation process) and in Policy H2 (the proposed Six Acres housing allocation).



## 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 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 (April to June 2017).
- 4.3 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 4 provides details about:
- the organisation of eight public meetings;
  - the distribution of two surveys to every household;
  - the use of parish magazine updates;
  - the use of e-mail updates;
  - the use of the Parish Council website for key updates;
  - the use of posters and notifications on parish noticeboards;
  - the use of Facebook posts; and
  - direct communication with key village groups
- 4.4 Appendix F 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 3 of the Statement.
- 4.5 Appendix B of the Consultation Statement sets out a comprehensive record of the consultation events that were undertaken as part of the preparation of the Plan. They include a series of public meetings, drop in events and meetings with landowners and potential developers.
- 4.6 Section 4.6 of the Statement sets out how the submitted Plan took account of consultation feedback. It does so in a proportionate and effective way. It helps to describe how the Plan has progressed to its submission stage. Earlier elements of the Statement identify how the Plan makers have addressed key elements of commentary on the Plan in general, and on potential housing allocations in particular.

- 4.7 The hearing explored the extent to which the consultation exercises on the Plan corresponded with paragraphs 183 and 184 of the NPPF. In their representations to the submitted Plan several local residents had commented on their overlapping concerns about the composition of the steering committee, the consultation approaches adopted and their view that the allocation of the Six Acres housing allocation was largely pre-determined.
- 4.8 The Parish Council and members of the Plan's steering committee helpfully set out its approach to consultation at the hearing. I was advised about its ambition to ensure that the right types of development were shaped and influenced by consultation. I was also advised about its role in ensuring that the submitted Plan recognised its role in ensuring general conformity with the local planning policy context in the District in general, and its ambition to propose appropriate degrees of new development.
- 4.9 On the issue of the approach and composition of the steering committee I was advised about its origins in Autumn 2015. I was advised that volunteers were sought and included within the committee as it sought to secure the full participation and support of the wider community.
- 4.10 In contrast I heard from several local residents who took a very different view on the nature of the consultation exercises and their openness. I heard comments about the methodology used in the village questionnaire, the limited time for debate at key stages, the inability of persons to join the steering committee once the plan-making process had started, the lack of responses to queries and challenges, the geographic location of steering committee members within the village and its unwillingness to treat those directly affected by the proposed Six Acres site in a responsible and respectful fashion.
- 4.11 The Parish Council acknowledged that the latter parts of the Plan preparation process had been complicated. It highlighted that the submission of a planning application on the emerging Six Acres site had focused an element of community engagement on this part of the Plan. I was also advised that this matter had generated its own set of comments directly to SODC. The Parish Council provided commentary at the hearing about the different stages of community engagement during Plan preparation. There was an initial period within which all volunteers were incorporated into the steering committee. During that period its composition changed as members both joined and left. I was also advised about the establishment of an Assessment Panel to evaluate the potential housing sites being considered. The Parish Council confirmed that it had taken advice on the wider consultation process from Community First Oxfordshire. That advice was that the composition of the Assessment Panel should not incorporate new assessors as the sites were being evaluated to ensure consistency and a common approach. This overlaps with the concerns expressed by several local residents that they were not able to join the steering committee beyond a certain point in the process.
- 4.12 Plainly this approach has created its own tensions in the local community. Nevertheless, the approach adopted is appropriate and is based on professional advice. As SODC highlighted at the hearing not everyone needs to be part of the

steering group to get involved in the Plan process. Equally it would have been impractical for the steering committee to have been expanded at a particular point to be able to capture community feedback on the emerging Six Acres site. By definition such comments have been fed into the plan-making process and have been considered as part of the examination process.

- 4.13 Having taken account of all the information available to me 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. The evolution of the Plan has addressed a series of challenges. Those challenges have reflected the range and significance of the issues addressed by the Plan. In addition, that the Plan has promoted an open and proportionate 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*

- 4.14 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 14 March 2018. This exercise generated 153 representations from local residents and a range of public and private organisations. I list the relevant organisations below:

- Health and Safety Executive
- National Grid
- Natural England
- Ministry of Defence
- Welbeck Land
- South Oxfordshire District Council
- Homes England
- Environment Agency
- Oxfordshire County Council
- South Oxfordshire District Council

- 4.15 I have taken account of all the representations as part of the examination of the Plan in general terms, and from local residents in particular. In doing so I have looked carefully at the various local representations that have objected to the consultation process and the allocation of the Six Acres site for residential development. I have also taken account of more general representations which support the Plan. Where it is appropriate and relevant to do so I refer specifically to the representation concerned in this report in general terms and to comments made at the hearing in particular.

## 5 The Plan Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area is the parish of Warborough. It consists of the village of Warborough and the hamlet of Shillingford. The largely separate built-up areas of Warborough and Shillingford sit respectively to the north and both to the north and to the south of the A4074. The River Thames forms the southern boundary of the neighbourhood area. Outside the two main settlements the Plan area is mainly comprised of pleasant rolling countryside to the north and the south and the flat River Thames valley to the east and west. Its population in 2011 was 987 persons living in 433 dwellings. It was designated as a neighbourhood area on 1 March 2016.
- 5.2 The Plan area is mainly in agricultural use and sits within a rich landscape and ecological setting dominated by the River Thames. Both settlements have their own long-standing conservation areas.
- 5.3 Warborough is largely linear in its format based on its position on Thame Road. As the Plan describes the core of the settlement is based on the square of land formed by St Laurence's Church, The Green North, The Green South and The Green itself. There are a series of attractive historic buildings based around The Green North and South. Shillingford straddles the A4074. The older part is primarily to the south of this road and is based around Wharf Road which leads down to Shillingford Wharf.

### *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 Warborough and Shillingford 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 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 Warborough and Shillingford north-east of the A4074 is identified as a Smaller Village in the adopted Core Strategy (policy CSR1 and Appendix 4). In smaller villages housing allocations are not 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. Once the comments received have been assessed the Plan will be submitted for its own independent examination. 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 26 March 2018. I was fortunate in selecting a dry and pleasant day.
- 5.10 I drove into the Plan area from the A4074 from the north. I initially walked down Wharf Road, Shillingford to the River Thames. I saw the proposed Wharf local green space. I then retraced my steps and drove down Wallingford Road to the Shillingford Bridge Hotel.
- 5.11 I then drove to Warborough. I walked to the Green and saw the two local green spaces identified in Policy C3. The combination of the attractive open spaces, the Six Bells P.H. and the Post Office and the Church provide an attractive central point of the village.
- 5.12 I then looked at the proposed housing allocation at Six Acres off Thame Road. I saw its relationship with the residential properties to the west off Thame Road and to the

north off The Green and Quaker Lane. I saw the natural vegetation which formed several of the boundaries of the site and its existing vehicular access off Thame Road.

- 5.13 Whilst I was in this part of the village I took the opportunity to walk past the School and to Warborough Road.
- 5.14 I then retraced my steps back into the village. I looked at the other proposed local green space (Rod Eyot). I also walked to the northern edge of the village and returned by way of Hammer Lane.
- 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 towards Benson 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 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 Warborough and Shillingford 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 promoting 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 (H3), for an allocated residential site (H2) and to enhance employment facilities (E1). In the social role, it includes a policy on pedestrian links (H4) and to designate local green spaces (C3). It also aims to safeguard existing affordable housing (H6). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on the built environment (VC1) and on local green spaces (C3). 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. 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. The Plan identifies a range of other, non-land use matters in a separate part of the Plan as recommended by this national guidance.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Its Community Issues (identified as Projects) 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 1-4)*

- 7.8 The Plan as a whole 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 initial elements of the Plan set the scene for the policies. They are proportionate to the Plan area and the subsequent policies.
- 7.9 Section 2 provides a very clear context to the Plan. It describes the neighbourhood plan process. It introduces the concept of sustainable development and summarises the issues addressed in the Plan. It provides details on the designation of the neighbourhood area and how the community was engaged as part of its production.
- 7.10 Section 3 helpfully sets out a brief history of the two principal settlements in the neighbourhood area. It also sets out a range of demographic and employment information about the Plan area. It provides a useful reference point for various policies later in the Plan.

- 7.11 Section 4 sets out the Vision and Objectives for the Plan. It includes twelve objectives based on four key headings.
- 7.12 The policies are then set out in section 5. 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 VC1- Village and rural character and design
- 7.13 This policy sits at the heart of the Plan. It builds on from the extensive supporting text on character and design which itself follows on from the preparation of the Character Assessment. The Assessment identifies six distinctive village areas. They are helpfully described in Table 1.
- 7.14 The policy's approach is to support new development proposals subject to a series of nine factors which, in different ways, seek to capture the rural character of the neighbourhood area.
- 7.15 I recommend a series of modifications to bring the clarity required by the NPPF. They largely mirror the helpful suggestions made by SODC in its representations on the Plan. In the first instance I recommend that the ninth criterion becomes the basis of the policy itself. It will secure a focus of development within the built-up area. I also recommend that the policy takes the opportunity to provide a context for the allocation of the Six Acres site later in the Plan.
- 7.16 I recommend a technical modification to criterion G of the policy. In doing so I have taken account of the Parish Council's helpful response to my Clarification Note. As submitted this section of the policy simply requires that development proposals should 'minimise' a series of environmental impacts. This approach would fail to provide clarity to SODC as it seeks to determine future proposal through the development management process. I recommend an approach that requires that any such impacts do not generate unacceptable impacts.
- 7.17 In structural terms I recommend that the various factors in the policy become criteria within the context of the modified policy. This will provide clarity to SODC as it seeks to implement any made Plan over time. In the context of the cumulative nature of the modifications I recommend that the title of the policy is broadened so that it properly reflects its contents.

**Replace the opening part of the policy with the following:**

**'Proposals for new residential development within the built-up areas of the villages will be supported where they accord with the policies of this Plan and the development plan for the District and subject to the following criteria:**

**A. They reflect the scale and character of the village concerned;**

**B. As A in the submitted Plan with 'They' replacing 'The proposals' and 'full' replacing 'ffull' (sic)**

- C. As B in the submitted Plan with ‘Their materials’ replacing ‘Materials that’ and deleting ‘are used’
- D. As C in the submitted Plan
- E. As D in the submitted Plan with the insertion of ‘Any’ at the start
- F. As E in the submitted Plan with ‘They’ replacing ‘New development’
- G. As F in the submitted Plan with ‘Proposals’ replacing ‘Development’
- H. As G in the submitted Plan with ‘Proposals should not result in unacceptable impacts on noise, odour, air pollution and light pollution in the immediate locality’ replacing ‘Development.... light pollution’

Delete H as a criterion in the main body of the policy and include it in an unchanged fashion as a separate part of the policy.

Delete I as a separate criterion in the policy

Include a separate part of the policy (not within the criteria in its main part) to read:

**‘New residential development in the neighbourhood area will be focused in the housing allocation at Six Acres and as set out in Policy H2 of this Plan’.**

Include a further separate part of the policy to read:

**‘Proposals for new residential development outside the built-up areas of the villages or outside the allocated housing site (H2) in this Plan will only be supported if they are suitable for a countryside location and are consistent with the policies in this Plan and the Development Plan for the District.’**

Replace the title of the policy to read as follows:

**‘Development principles and the character of the villages.’**

*At the end of the supporting text on page 16 (and before table 1) add the following: ‘Policy VC1 also sets out an overarching strategy for the neighbourhood area. It focuses new development within the built-up areas and within the housing allocation as set out in Policy H2 of this Plan. Development outside these areas will only be supported where it is consistent with a countryside location. These key development principles overlap with the key elements of village design.’*

#### Policy H1- Housing Mix

- 7.18 This policy comments on the housing mix expected for new developments. In doing so it relies on detailed Census information and the results of the Community Survey.
- 7.19 The policy has two related parts. The first requires that proposals for more than ten dwellings deliver a housing mix to meet community needs. It includes a component that encourages developers to engage in pre-application discussions with the Parish Council on this issue. The second part looks to ensure that 20% of any affordable housing will, on first letting only, be subject to a local connection.

- 7.20 I am satisfied that the initial sentence of the first part of the policy meets the basic conditions. However, I recommend the deletion of its second sentence. It describes a desired process rather than operating as a land use policy. Nevertheless, to take account of its importance to those who have prepared the Plan I recommend that it is replaced within the supporting text.
- 7.21 I recommend that the second part of the policy is deleted. In doing so I have taken account of the response of the Parish Council to my clarification note. The approach reflects the District Council's housing allocations policy. However, that policy is in relation to its role as the housing authority under the Housing Acts. Plainly SODC's different functions in this area overlap. On the one hand the delivery of affordable housing to development plan standards is a land use issue. On the other hand, the allocation of the housing delivered is not a land use matter. Nevertheless, to take account of its importance to those who have prepared the Plan I recommend that it is replaced within the supporting text.

**Delete the second sentence of Part A**  
**Delete Part B**

*Immediately before the final two paragraphs of supporting text on page 21 insert the following new paragraph of text.*

*'Policy H1 requires that new developments meet these identified local housing needs. [Insert at this point the deleted second sentence of Part A of the policy].'*

*Immediately after the final paragraph of the supporting text on page 21 insert the following:*

*'On this basis the Plan will expect relevant new developments to secure the allocation of affordable dwellings to the District Council's allocation policy. [Insert at this point the deleted Part B of the policy].'*

Policy H2 – Allocation of Six Acres as a residential extension to Warborough village

- 7.22 This policy has proved to be the principal focus for the Plan. It allocates the Six Acres site off Thame Road for residential development.
- 7.23 The site is located to the immediate east of the A329, the main road linking the two villages. It is an unused field and is bounded by a hedge to the south and a hedge with mature trees to the west. The Warborough Conservation Area and a number of listed buildings are located to the north and west of the site. The village school sits to the immediate south of the site.
- 7.24 The policy itself is extensive. Its opening section allocates the site for housing development and then identifies key development principles (local character, respecting heritage assets, protecting existing boundaries and safeguarding key community views). Its second section identifies further detailed criteria that will determine the layout and design of the site. The third section refers to other factors that would be supported if they were included in its development. The fourth and final

section comments on management agreements for the long-term maintenance of the public aspects of the proposal. The policy is underpinned by extensive supporting text.

- 7.25 The hearing considered three related matters on the proposed allocation of this site. The first was the extent to which the site selection process was robust and evidence-based. The second was whether the development of the site would contribute towards the achievement of sustainable development in the neighbourhood area. The third was whether its proposed allocation had properly taken account of heritage assets. I address these issues in turn.

*Site selection process*

- 7.26 On the first matter the Parish Council advised me at the hearing that it exercised due diligence in assessing a variety of sites in general and the need to plan for future deliverable development in particular. The wider site selection process took account of advice from both SODC and AECOM. Within this context all available development sites were subject to Sustainability Assessment which included a rigorous and extensive Technical Site Assessment process.
- 7.27 SODC took a similar view of the site selection process. I was advised that the Plan was far more detailed than other plans that have been prepared in the District and that it includes a wide range of information in its various documents, including the Sustainability Appraisal. The process followed had been slightly different from that adopted elsewhere in the District. The steering committee came to a local judgement and then sought to engage with the different landowners to identify potential mitigation measures on a site by site basis for the issues identified.
- 7.28 In contrast a series of local residents highlighted a series of concerns about the integrity of the process followed. I was advised that the SA was arbitrary and inconsistent, that the findings of professional reports were disregarded, that the Six Acres sites had been pre-determined as the preferred site and that the technical site assessments were rudimentary and partisan
- 7.29 I have considered these contrasting views of the site selection process very carefully. In doing so I am satisfied that the Parish Council has pursued a robust and evidence-based approach. It sought to ensure an equitable basis for the consideration of all the sites. Its pre-mitigation and post-mitigation phases of the work provided an opportunity for the various landowners to participate in the exercise as they sought fit to do so. Some welcomed the offer. Other declined to become involved in any detail. Across the full range of sites 31 criteria ratings (pre-mitigation) were changed through consultation and seven criteria ratings were changed through land owner offered mitigation. At the hearing the Parish Council advised me that it was unable to achieve consensus on the site selection process. This was considered to be regrettable but not surprising.
- 7.30 The selection process plainly become more complicated than might otherwise have been the case once the planning application for the Six Acres site was submitted. This resulted in the production of several technical reports challenging the submitted

proposal. Inevitably they overlapped with the emerging site allocation in the neighbourhood plan. To some extent the neighbourhood plan allocation of the site was refined and further tested through the planning application process. Whilst this has complicated the issues and raised public awareness this does not in itself devalue the work that was undertaken to promote the site in the emerging Plan.

#### *Sustainable development*

- 7.31 On the second matter the Parish Council advised me both in its hearing statement and at the hearing itself that the Six Acres site performed better than all the other sites considered in sustainability testing. I was also advised that this was also the case in the associated technical site assessment and its capacity to deliver the housing numbers required for the neighbourhood area. SODC agreed with this approach. In combination the two organisations suggested that the development of the site would contribute directly and indirectly to achieving the following components of sustainable development:

#### *Economic Dimension*

The construction of the houses themselves and the associated expenditure;  
The potential for the enhancement of the activity of existing commercial facilities in the village.

#### *Social Dimension*

Different types/sizes of houses can be incorporated on the site;  
Its central location has the potential to support the sense of community;  
Its central location has the potential for the occupants of the new houses to engage in the various social and community activities in the village; and  
Parking included on the site will assist the current issues of on road parking at school peak times.

#### *Environmental Dimension*

The built/historic environment is protected by existing trees and hedgerows; and  
Appropriate mitigation measures exist to ensure that the site can be satisfactorily incorporated into the fabric of the village.

- 7.32 Several local residents who appeared at the hearing took a different view on this matter. Their main concerns were around the social and environmental dimensions of sustainable development. In particular Jonathan Lewis commented that the harm to heritage assets would be intrinsically unacceptable and that any street lighting on the site would have a detrimental effect on the nature of the local environment. Nick Brown also commented that the proposed parking provision within the site would be a simple solution that would not properly address the issues identified in the community surveys. I was advised at the hearing that he would have liked to have seen a detailed financial breakdown of the benefits that the Parish Council had concluded would originate from the development of the site. In his view its development would be materially damaging to a small community.

- 7.33 I have considered all these different views very carefully. I am satisfied that the development of the site would contribute towards the achievement of sustainable development. As a site it is centrally located within the neighbourhood area and as such it is within walkable distance of its principal amenities (shop/post office, church, pub, village halls and the school). As SODC commented its impact on heritage matters has the potential to be mitigated through good design and layout. This matter was also debated at the hearing and occupies the next section of this report.

*Has the proposed allocation properly taken account of heritage assets?*

- 7.34 On the third matter the Parish Council advised me about the measures that it had put in place to ensure that the heritage assets in the vicinity of the site were properly and fully taken into account in the selection process and the design of policy H2 itself. The Parish Council/Steering Committee acknowledged that they were not heritage experts. Nevertheless, I was advised about the measures that had been put in place to identify the heritage assets and the discussions that had taken place with SODC officers on this matter. The Parish Council's approach had been to balance the levels of harm with the public benefits that they considered would arise from the development of the site.
- 7.35 The way in which heritage assets were assessed was influenced by the submission of the planning application on the Six Acres site in February 2017. This planning application was submitted at a key stage in the development of the neighbourhood plan. It generated its own range of comments of support and objection. Several of the objectors commissioned technical experts to comment on heritage matters.
- 7.36 As a result of the consideration of the various matters raised during its own consultation process the planning application was amended. Subject to the satisfactory completion of a planning obligation SODC resolved to grant planning permission for the revised proposal on 28 March 2018. The revised scheme includes 29 dwellings (reduced from 36 houses in the original submission) together with an area of open space in its north eastern corner. The revised scheme also includes a 30-space car park in its south west corner and adjacent to the school to the south of the site.
- 7.37 Plainly the decision on the planning application has been made and it is not within the scope of this examination. Nevertheless, its determination provides helpful information about the extent to which a development in its own right and/or arising from the proposed allocation in the submitted Plan would address heritage matters in a satisfactory fashion.
- 7.38 Historic England commented on the revised proposal in August 2017. In doing so it had access to a views analysis and a revised heritage statement. It commented that 'there would be some change in the character of the conservation area as the development would be visible from Thame Road. A change need not necessarily mean harm. This end of the village does not have a strongly defined rural edge (development continues some way to the south) nor are there important views out over the site from the conservation area or into the area from the site'. The letter continues by

commenting that ‘we do not think that the connection of this land to the local Quaker community is of a particular significance which demands that it remains undeveloped’

- 7.39 At the same time the Historic England letter takes account of the local policy documents that have a bearing on this matter. It comments that ‘the Conservation Area Appraisal does identify views out over the landscape from within the site itself and that the connection of the village to agricultural land farmed from it as an important aspect of the character of the area; furthermore, the linear nature of the village would be compromised.’
- 7.40 The letter concludes that:  
 ‘The loss of the linear character of development and rural views identified in the Appraisal would therefore entail a degree of harm to the significance of the conservation area. Historic England regards the level of harm to the Conservation Area to be low given that these views are not directly appreciable from within the area itself. However, it would still need to be justified and outweighed by public benefits as required by paragraphs 132 and 134 of the NPPF.’
- 7.41 I have considered this matter very carefully given the nature of the heritage assets within the immediate vicinity of the site and the importance of the wider issue to the local community. In doing so I have given particular attention to the reports produced by Heritage Matters (September 2017) and worlledge associates (March 2017). These reports were attached as supporting information to representations made by local residents to the submitted Plan. I conclude that in principle the submitted Plan has properly taken account of heritage assets. It has recognised their importance in the wider planning of the neighbourhood area and has given them the appropriate weight in the Sustainability Appraisal and its associated Technical Sites Assessment. In coming to its judgement on the selection of a housing allocation and in formulating Policy H2 it sought to balance the extent of the harm to the heritage assets surrounding the chosen site with the need for additional housing both in the neighbourhood area and the wider district. Clearly there would have been a potential range of outcomes as the Plan was developed. Nevertheless, all the evidence suggests that the Parish Council has approached this matter in a thorough and balanced fashion. In effect its choices and judgements go to the heart of the localism agenda. Whilst not all of the community agrees with the principal contents of the submitted Plan it is both a rational and well-evidenced response to the circumstances which the Plan addressed. The Plan makers have sought to make appropriate judgements between the need on the one hand to boost significantly the supply of housing (NPPF paragraph 47) with on the other hand the need to safeguard the character and appearance of the neighbourhood area and its heritage assets in particular.
- 7.42 Within this context I turn now to the extent to which the policy itself has the clarity required by the NPPF. The hearing and the clarification note explored two related issues. They were the extent to which the policy adequately addressed the heritage assets surrounding the site and the structure of the policy respectively. As discussed at the hearing notwithstanding the recent resolution to approve the planning application



on the site there may be a need in the future for amended proposals on the Six Acres site to be determined by SODC.

- 7.43 The structure of the policy has four component parts as previously described in paragraph 7.24 of this report. The Parish Council advised that it adopted this approach based on advice and consultation feedback. It commented that it had designed the policy so that the site would be both deliverable and viable.
- 7.44 I can understand the approach that has been adopted. Nevertheless, the tiered nature of the policy reads in a rather complicated way. I recommend that the policy is simplified whilst retaining its distinction between the criteria that must be met and those which would receive support in the event that they were incorporated in any potential future developments on the site.
- 7.45 There was a helpful debate at the hearing about the extent to which the policy adequately addressed the heritage assets surrounding the site. As submitted the policy requires that 'development will (therefore) be required to conserve heritage assets in a manner appropriate to their significance'. The supporting text on page 23 highlights the presence of the Warborough Conservation area adjacent to the site and a number of listed buildings to the north and west of the site.
- 7.46 At the hearing I sought advice from the Conservation Officer at SODC on the extent to which the heritage matters addressed in the Plan had full regard to national policy. I was advised that the policy wording was undeveloped and that it did not fully reflect the advice in paragraph 128 of the NPPF. At the same time, I was advised that the policy would have greater clarity if it required future development proposals to have consideration for local distinctiveness by referencing the character assessment that itself informed policies VC1 and H2. I was also provided with a summary of the way in which SODC had addressed heritage matters in determining the recent planning application on the site. Taking all these matters into account I recommend modifications to the policy to ensure that it has regard to national planning policy and that it is distinctive to the heritage assets surrounding the site. In particular I recommend that the policy makes explicit reference to the need for any future planning applications to prepare a heritage appraisal and an associated impact assessment and to have due regard to the identified impacts.
- 7.47 I also recommend that the final part of the policy (which deals with the long-term maintenance of the site) is incorporated into the schedule of matters which would be supported as part of the development of the site. As submitted it reads more as a Community Issue than as a land use policy.

**At the end of the first sentence add 'subject to the following criteria:  
Replace the remainder of the first paragraph and the second paragraph of the policy with the following criteria:**

- the development of the site must respond to and be in keeping with local character by demonstrating reference to the Warborough and Shillingford Character Assessment;
- development proposals must be supported by a heritage appraisal and impact statement to describe the significance of any heritage assets affected including any contribution made by their setting. The statement should include an assessment of the impact of any proposed development on the character and appearance of the Warborough Conservation Area and the listed buildings to the north and west of the site;
- development proposals must protect and where possible enhance existing tree and hedgerow boundaries to the site;
- development proposals must protect and where possible enhance existing key community views identified in the Warborough and Shillingford Character Assessment;
- [as a in the submitted Plan];
- [as b in the submitted Plan];
- [as c in the submitted Plan]; and
- [as d in the submitted Plan]

Replace the opening part of the third paragraph of the policy with the following: ‘Development proposals will be supported which, in addition to the criteria above, deliver the following measures:’

Delete v.

Incorporate the final paragraph of the policy (on maintenance) into the previous paragraph (as recommended to be modified) as vi) and with the deletion of ‘The Parish Council will support’

Policy H3 – Infill development

- 7.48 This policy consolidates the approach already taken in Policy VC1. It offers support to infill development within the built-up form of the villages. It identifies a series of criteria against which proposals will be assessed. They include matters such as residential amenity, highways safety and the retention of natural features.
- 7.49 I recommend the deletion of the fourth criterion for two reasons. The first is a matter of definition – a small gap in an otherwise continuous built up frontage will naturally be infill development. The second is that the Plan offers no clarity on the definition of ‘the harm to rural character or appearance through the loss of glimpsed views to greenery beyond the building line’. As submitted the criterion would be impractical for SODC to apply consistently throughout the Plan period. In any event it is not in general conformity with the development plan.

- 7.50 I also recommend a modification to the fifth criterion of the policy. The list of examples is not necessary and has the potential to exclude other natural features which might have an influence on the development of the site or its detailed design and layout.

**Delete the fourth criterion**

**In the fifth criterion insert ‘and appropriate’ between ‘possible,’ and ‘retain’ and delete ‘such as.... streams’**

Policy H4 – Pedestrian Links

- 7.51 This policy reflects that the life of the village is based around The Green, the shop, the church, the village halls and the pub. On this basis the first part of the policy requires that new developments should provide appropriate pedestrian links to this central hub of the community. The second part of the policy requires that any such assessments make reference to community issues projects as promoted as part of the wider Plan.
- 7.52 The principle of the approach adopted in this policy reflects the nature of the neighbourhood area. Nevertheless, as submitted its first part is both too detailed and impractical to apply. By way of example a proposed development to the south of the A4074 in Shillingford which might otherwise be acceptable on the basis of Policy H3 would fail the prescriptive tests of Policy H4 due to its inherent inability to be ‘linked to the main community facilities including walks, the Green, church, school, post office, pub and public transport by high quality pedestrian routes’. I recommend that this part of the policy is modified so that it take on a more general approach. I also recommend that some of the particular directions of the submitted policy are relocated into the supporting text.
- 7.53 I also recommend a similar approach to the second part of the policy. Its submitted format requires the decision-maker to look at specific details of the Plan’s preparation and at the same time come to judgements on the deficiencies both of the existing network and potentially the relationship between new developments and their accessibility to the same network. On this basis the policy would be impractical for SODC to implement on a consistent basis throughout the Plan period. In a similar fashion it would not offer certainty to potential developers. As with the first part of the policy I recommend that this part of the policy is modified so that it takes on a more general approach. I also recommend that some of the particular directions of the submitted policy are relocated into the supporting text.

**Replace the first part of the policy with:**

**‘New development proposals should be well-connected with the existing network of pedestrian links in the neighbourhood area. Where appropriate developments should be arranged so that their designs take account of the existing local footpath network in their immediate locality.’**

**Replace the second part of the policy with:**

**‘Subject to other development plan policies proposals for new development will be supported where they protect or enhance existing public rights of ways and other forms of access. Proposals will also be supported which provide new public rights of ways and other forms of access which connect with existing routes.’**

*‘Between the second and the third paragraphs of supporting text on page 27 add: Policy H4 sets out the Plan’s approach to this important matter. Part A sets out an expectation that new developments should be well-connected to the existing network. [Insert at this point the submitted part A of the policy replacing ‘Permission...that it is’ with ‘Where it is practical to do so developments should be’]. Part B provides a supportive context for such proposals. When preparing development proposals developers should make reference to the Community Issues Project 3 (Pedestrian Links/Footpaths) and Community Issues Project 5 (Traffic Calming) and design their proposals accordingly.’*

Policy H5 – Parking Provision

- 7.54 This policy has two related parts. The first requires new residential development to make adequate parking provision to meet the future needs of the development. The second part of the policy welcomes the provision of short-term off-street parking.
- 7.55 I sought clarification from the Parish Council on its definition of ‘adequate’ in the first part of the policy. I was advised that the Parish Council considered that the current SODC car parking policies are inadequate for the higher levels of car ownership in the neighbourhood plan area.
- 7.56 On balance I can see that the approach adopted is distinctive to the neighbourhood area and has taken account of factual information about car ownership levels. Its design will provide the necessary flexibility to allow SODC to take account of all the site-specific considerations in determining planning applications. However, I recommend the deletion of ‘being proposed’ from the policy to ensure full clarity.
- 7.57 The second part of the policy is underpinned by supporting text. Reference is made to the Community and Parent surveys which highlighted the need for off street car parking in the vicinity of the school at peak school times. Neither the policy nor the text are site-specific. In addition, they do not suggest any means by which the matters would be implemented. On this basis the policy ‘welcomes’ the provision of additional short-term off-street parking.
- 7.58 In all the circumstances I recommend that the policy and its supporting text are deleted. There is no site being proposed or any delivery method identified. Nevertheless, to recognise the importance of this matter to the wider community and to the Plan-makers I recommend that the approach is reproduced (with stylistic modifications) as an additional Project in Section 7.7 of the Plan. It will be a matter for the Parish Council to pursue with landowners as it sees fit.

**In the first part of the policy delete ‘being proposed’ and the letter ‘A’ at the start. Delete the second part of the policy.**

*Delete the supporting text under the heading ‘School parking and traffic’ on pp28/29*

*Include a new Project in Section 7.7*

*Title: Project 8. School parking and traffic*

*Initial text:*

*To explore opportunities to provide additional short-term off-street car parking to cater for the parking demands for the school and morning and afternoon peak times.*

*Evidence:*

*Insert the deleted supporting text as included with the submitted part two of the policy.*

#### Policy H6 – Safeguarding Affordable Housing

- 7.59 This policy sets out to safeguard existing affordable housing in the neighbourhood area. The need for such a policy approach is underpinned by evidence in the supporting text.
- 7.60 I sought clarification from the Parish Council about the need for the policy given that the matter was largely addressed in local planning policies. I was advised about the particular importance of this matter in the neighbourhood area and to the local community. I was also advised that the Parish Council considered that it was particularly important that a developer commissioned an independent assessment of the longer term need for affordable housing in the event that proposals were being promoted for its potential loss.
- 7.61 Taking all matters into account I recommend that the policy is simplified in its structure and composition. In doing so I have adopted the approach proposed by SODC. It addresses the key matters and provides a robust basis for future decision making. The Parish Council’s commentary about the need for a developer to provide an independent assessment of the long-term retention of affordable housing is more of a process matter than a policy issue. In any event it is addressed as one of the criteria in the recommended modified policy.

**Replace the policy with:**

**‘Proposals that would result in the loss of existing affordable housing through either redevelopment or change of use will not be supported unless:**

- **they would result in an increase in the number of affordable houses or a significant improvement in the quality of the existing stock of affordable housing on the site; or**
- **the affordable houses to be lost are replaced elsewhere in the neighbourhood area; or**
- **it can be demonstrated that the affordable houses concerned are no longer needed in the neighbourhood area.’**

## Policy C1 – Community Infrastructure

- 7.62 This policy provides a clear indication of the importance of community facilities in the neighbourhood area. The extensive supporting text provides helpful details about both the facilities and their importance to the local community.
- 7.63 The policy has three related parts. The first offers support to new community facilities. The second sets out an expectation for developers to consult with the Parish Council and other service providers to assess the impact of their proposals on community facilities in the neighbourhood area. The third provides a context against which to resist proposals that would result in the loss of identified facilities.
- 7.64 I recommend the deletion of the second part of the policy. It addresses development processes and consultation rather than policy matters directly. Nevertheless, I recommend that the matter is captured (with modifications) in the supporting text.
- 7.65 SODC suggest that the policy is less detailed than development plan policies and that it should be modified so that it more closely relates to policy CF1 of the emerging Local Plan. Whilst I agree with these comments, modifications are not directly required to ensure that the policy meets the basic conditions. However, I recommend other modifications to the third part of the policy so that it has the clarity required by the NPPF.

### **Delete the second part of the policy.**

### **In the third part of the policy replace ‘be resisted’ with ‘not be supported’**

*At the end of the supporting text on page 35 add the following paragraph:*

*The relationship between new development and community infrastructure is an important consideration in the neighbourhood area. In this context developers are advised to consult early with the Parish Council, SODC, Oxfordshire County Council and the relevant utility providers. This process will help to understand and assess the additional load that the proposed development may have on the neighbourhood area. It will also help to clarify the scale and nature of any appropriate mitigation’.*

## Policy C2 – Improvements to Community Assets

- 7.66 This policy is complementary to Policy C1. It offers support to proposals that would improve the viability of an identified community facility.
- 7.67 I understand the approach adopted. However, the planning process primarily addresses development proposals in physical terms. I recommend a modification to bring this clarity to the policy. In doing so I acknowledge that there will often be a direct relationship between extension/modification works to a community facility and its viability. I also recommend the deletion of any reference to increased use of the community facility as a result of any physical works undertaken. Plainly the planning process controls the design and mass of buildings. It has no direct control over future levels of use.

**Replace:**

**‘Proposals to .... buildings or land’ with ‘Proposals for the extension, adaptation or redevelopment of the community facilities identified in Table 2 (Community Facilities)**

**‘design....in use’ with ‘resulting improved facilities’; and**

**‘will not harm’ with ‘will not have an unacceptable impact on’.**

## Policy C3 – Local Green Space

- 7.68 This policy designates four local green spaces in the neighbourhood area. In doing so it follows the advice set out in paragraphs 76-78 of the NPPF.
- 7.69 Appendix H very carefully assesses the four spaces against the criteria in the NPPF. It does so to good effect.
- 7.70 I recommend that the format of the policy is modified so that it fully delivers the expectations of the NPPF on this important matter.

**Replace the policy to read:**

**‘The following green spaces are designated as Local Green Spaces:**

**[List the local green spaces as submitted in WNDP10 as bullet points]**

**New development will not be supported on land designated as Local Green Space except in very special circumstances.’**

## Policy C4 – Community Infrastructure Levy Contributions

- 7.71 This policy sets out the approach intended to be adopted with regard to the Community Infrastructure Levy (CIL). It indicates that the CIL contributions will be used for a variety of purposes including the priority projects listed in Appendix G.
- 7.72 Whilst I can understand the purpose of the approach taken I am not convinced that the policy is a land use-based policy. On this basis I recommend that it is deleted as a policy. However, given the significance of the wider issue to the local community I recommend that it is reintroduced into the Plan as a non-land use Project in section 7.7 of the document. I also recommend the addition of a new sentence in the supporting text to bring absolute clarity that the approach adopted is referring only to the Parish Council’s use of the local element of any CIL funding generated in the neighbourhood area in the event that the Plan is ‘made’.

**Delete the policy**

*Delete the associated supporting text*

*Include a new Project in Section 7.7*

*Title: Project 9. Community Infrastructure Levy Contributions*

*Initial text (in yellow)*

*To ensure that the local element of CIL funding is focused in projects that have been identified by the community.*

*Evidence:*

*Insert the deleted supporting text as included with the submitted policy/supporting text  
Delete the last sentence of the opening paragraph of the supporting text and replace it with:*

*'The infrastructure projects (1-8 above) have been identified during the production of the Plan. They will be prioritised as CIL funding becomes available. In working through the various projects and coming to decisions on their relative priority and delivery, the Parish Council will work with partner organisations to identify their various costs. It will also have regard to the SODC Infrastructure Delivery Plan. This Project refers specifically to the Parish Council's use of the local element of any CIL funding generated in the neighbourhood area.'*

#### Policy E1 – Enhancement of Employment Facilities

- 7.73 This policy sets out the Plan's approach to new and extended employment facilities. It has two parts. The first relates to proposals in the built-up parts of the area. The second relates to proposals elsewhere.
- 7.74 The first part of the policy has regard to national policy and is in general conformity with the strategic policies in the development plan. I recommend two modifications. The first corrects the name of the organisation referenced in its third criterion. The second ensures that any such development has to comply with all of the three criteria.
- 7.75 The second part of the policy seeks to apply the same criteria to proposals outside the built-up area. However, the policy tests are different in countryside locations. On this basis I recommend a modification so that this aspect of the policy takes on a more generalised format.

**In the first part of the policy insert 'and' after the second criterion and replace 'South Oxfordshire District Council' with 'Oxfordshire County Council' in the third criterion.**

**Replace the second part of the policy with the following:**

**'Proposals for new or extended business premises outside the built-up areas of the neighbourhood area will be supported where they are appropriate to a countryside location and they are otherwise consistent with other development plan policies.'**

#### Community Issues

- 7.76 The Plan proposes an extensive series of Projects. It is anticipated that non-land use community actions will arise out of the process of preparing a land use-based neighbourhood plan. National guidance recommends that community actions of this



nature are included in a separate part of the Plan. This approach has been correctly adopted in the submitted Plan. In summary they are as follows:

Project 1 – St Laurence Hall/Church facilities

Project 2 – Shop Premises

Project 3 – Pedestrian Links, Footways

Project 4 – The Pub

Project 5 – Traffic Calming

Project 6 – Outdoor Fitness Equipment/Playground

Project 7 – Parking on and around The Green

- 7.77 In general terms I am satisfied that the Projects are appropriate within the context of the Plan and that they are distinctive to the neighbourhood area. They properly reflect the broader range of issues that have arisen as the Plan has been developed.
- 7.78 As part of the series of modifications recommended in this report I have proposed the inclusion of two additional Projects. In both cases they largely repeat the contents of policies in the submitted Plan that are recommended for deletion.

Other matters

- 7.79 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 balance housing growth with broader ambitions to safeguard the character of the village and its community facilities.
- 8.2 Following my independent examination of the Plan I have concluded that the Warborough and Shillingford 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 Warborough and Shillingford Neighbourhood Development 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 1 March 2016.

### *Other comments*

- 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. This includes the Parish Council, SODC and the other participants who attended the hearing in April 2018. It was approached in good faith by all concerned. It allowed me to understand the identified issues more fully than would otherwise have been the case. Whilst the hearing proved to be a logistical challenge for all concerned it allowed me to get to the heart of the issues that were discussed. It also responded to the series of local residents who wished to raise their representations on the Plan in this particular way.
- 8.7 In this context I am particularly grateful to SODC for organising the hearing, liaising with local residents, keeping its website fully up to date and in providing me with the necessary documents.

- 8.8 I am also grateful to the Parish Council for the efficient and helpful way in which it responded to the various questions in my Clarification Note.

**Andrew Ashcroft**  
**Independent Examiner**  
**25 June 2018**

## Appendix 1

### Warborough and Shillingford Neighbourhood Development Plan

#### Arrangements and Matters for debate at oral hearing

Monday 30 April 2018

Venue 12.00 noon

#### **Context**

I have now visited the Plan area, read the submitted documents and the representations made to the Plan. In accordance with paragraph 9 (3) of Schedule 4B to the Town and Country Planning Act 1990 I have concluded that it is necessary to hold a hearing. That hearing will allow oral representations to be made on the following matters:

#### ***The Consultation Process***

- Has the plan-making process had regard to paragraphs 183 and 184 of the NPPF?
- In particular has the qualifying body been inclusive and open in the preparation of the submitted neighbourhood plan? Has it ensured that the wider community is kept fully informed of what is being proposed and is able to make their views known throughout the process? Has the qualifying body provided opportunities for the community to be actively involved in shaping the emerging neighbourhood plan and has it made the community aware of how their views have informed the neighbourhood plan (paragraph 47 of Planning Practice Guidance (ID: 41-047-20140306))?

#### ***The proposed housing allocation (H2)***

- Has the site selection process been robust and evidence-based?
- Will the development of the site contribute towards the achievement of sustainable development in the neighbourhood area?
- Has the proposed allocation of the site properly taken account of heritage assets?

#### ***Timing and Locations***

The hearing will be held on Monday 30 April 2018 between 12 Noon and 17.00. The session on the consultation process will take place between 12.00 and 14.00. The session on the proposed housing allocation will take place between 15.00 and 17.00. The venue is Greet Memorial Hall, Thame Road Warborough OX10 7DH. The general public are invited to attend the hearing.

I would like to meet the various participants for each session at 11.45 and 14.45 respectively on that day in the venue to discuss procedural matters and to assist in the smooth running of the hearing. These pre-meetings will not debate any of the substantive issues.

### *The participants*

In accordance with paragraph 9 (3) of Schedule 4B to the Town and Country Planning Act 1990 Warborough and Shillingford Parish Council (the qualifying body) and South Oxfordshire District Council (the local planning authority) will be entitled to make oral representations at both of the sessions at the hearing.

In addition, the following persons are invited to participate at the specific sessions to address the matters set out earlier in this Note. The reference numbers are those set out in the SODC schedule of representations.

### ***The Consultation Process***

- Dr R Graham (54)
- Mr and Mrs Bright (55)
- Mrs M. Mc Larty (82)
- Mrs M Curran (85)
- Nicola Maytum (111)
- Helen and Jonathan Lewis (127)
- Richard Thomas (135)
- Sue Thirkettle (136)
- Howard Norman-Taylor (138)
- William and Sheila Partridge (139)
- Michael Robertson (140)
- Colin Mc Larty (141)
- Jane Harrington (142)
- Jennifer and James Thomson (143)
- Dave and Denise Kirby (146)
- Nick Brown (148)
- Susan Brown (151)
- Anne Brewer SWAV (152)
- Welbeck Land (129)

### ***The proposed housing allocation (H2)***

- Dr R Graham (54)
- Mr and Mrs Bright (55)
- Mrs M. Mc Larty (82)
- Mrs M Curran (85)
- Mrs E freeman (100)
- Chair of Governors St Laurence School Warborough (102)
- Nicola Maytum (111)

- Helen and Jonathan Lewis (127)
- Richard Thomas (135)
- Sue Thirkettle (136)
- Howard Norman-Taylor (138)
- William and Sheila Partridge (139)
- Michael Robertson (140)
- Colin Mc Larty (141)
- Jane Harrington (142)
- Jennifer and James Thomson (143)
- Dave and Denise Kirby (146)
- Nick Brown (148)
- Susan Brown (151)
- Anne Brewer SWAV (152)
- Welbeck Land (129)
- Oxfordshire County Council (149)

It will be helpful if both the qualifying body and the local planning authority are represented by no more than two persons at each of the sessions. The other bodies and organisations should be represented by one person. If any party considers that this approach may be impractical to their circumstances, please contact Ricardo Rios at the District Council as soon as possible.

The majority of those invited to participate in the hearing are local residents. I request that they appoint spokespersons to present a common case to the hearing. Plainly there will not be the time for largely identical cases to be made several times. In any event this would not make best use of the time allocated for the hearing.

There will be no opportunity for other bodies or the public to participate directly at the hearing.

#### *The format of the hearing and associated documents*

The hearing will address the two matters listed above in turn and in the times set out in the Note. The format will follow that set out in the bullet points under each heading. There will be no opportunity for any party to question the other parties.

The hearing will proceed on the basis that all the submitted statements should be taken as read. Participants will be expected to respond directly to the questions raised. In general terms answers to individual questions should not exceed two minutes in duration. I may ask follow up questions as the need arise.

I recognise that the matters that I have identified do not necessarily overlap with the information that has been included in the submitted Plan (by the Parish Council). In addition, I recognise that the Parish Council has not otherwise had the opportunity to respond to the various representations made to the Plan. On this basis, I invite the Parish Council to prepare a single document that addresses the two matters that will be explored at the hearing. This document should not exceed 2000 words (1000 words for each of the two sessions) and

should be submitted by 3.00pm Monday 23 April 2018. Thereafter it will be circulated to all other participants invited to attend the hearing.

In my view the representations made by the other parties invited to the hearing are clear and comprehensive. On this basis, I am satisfied that the preparation of separate statements for the hearing is not required. Nevertheless, I do not want any party to feel potentially disadvantaged. On this basis if any other party invited to participate at the hearing wishes to do so they can submit their own statement by the same date and time as that specified for the Parish Council. Any statement should not exceed 1000 words. In the event that any organisation or person has been invited to attend both sessions it is permitted to submit two such statements. Any documents submitted will be circulated to all other hearing participants.

#### *The examiner's report*

I am satisfied that the remainder of the Plan can be examined by written representations. I have sent a separate Clarification Note to the District Council and the Parish Council on a series of more technical matters. Those matters will not be discussed at the hearing. The Clarification Note and the responses to the Note will be published on the SODC website.

Following the hearing I will be working to produce my report on the submitted Plan as quickly as possible. The time concerned will depend on the findings from the hearing. There will be no separate report arising from the hearing. Its findings and conclusions from the hearing will form part of my overall report.

Andrew Ashcroft

Independent Examiner – Warborough and Shillingford Neighbourhood Development Plan  
29 March 2018 - Revised on 6 April 2018