

Brightwell-cum-Sotwell Neighbourhood Plan 2016-2032

**A report to South Oxfordshire District Council on
the Brightwell-cum-Sotwell Neighbourhood Plan**

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Executive Summary

- 1 I was appointed by South Oxfordshire District Council in April 2017 to carry out the independent examination of the Brightwell-cum-Sotwell Neighbourhood Plan.
- 2 Whilst the examination was mainly undertaken by written representations I convened a hearing to look into the specific matter of the proposed village boundary. I visited the neighbourhood plan area on 11 May 2017.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on promoting sensitive residential development and safeguarding the landscape and environment within which the village sits. In particular, it identifies Local Gaps, a Green Heart and Local Green Spaces.
- 4 The Plan has been significantly 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 Brightwell-cum-Sotwell Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
6 July 2017

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Brightwell-cum-Sotwell Neighbourhood Plan 2016-2032 (the Plan).
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Brightwell-cum-Sotwell Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the Plan is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by SODC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the SODC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

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

- 2.6 In order to comply with the basic condition on European Union legislation the Parish Council has prepared a Sustainability Appraisal Report. This report incorporates Strategic Environmental Assessment. SODC had previously issued a screening

opinion requiring the production of a SEA. Its paragraph 2.3 identifies that its methodology is intended to be proportionate to the task of assessing the modest proposals in the Plan in a relatively small rural area. The Appraisal sets out how it was developed in an iterative fashion with the wider preparation of the Plan itself (Section 1). Section 4 sets out a comprehensive range of sustainability issues in the parish to which the Plan responds. Section 5 goes on to describe the principal environmental characteristics of the Plan area. Section 7 makes an assessment of the neighbourhood plan objectives against a wider set of sustainability objectives. Section 8 then provides an assessment of the neighbourhood plan policies against the sustainability objectives. Section 9 concludes the report by making an assessment of reasonable policy alternatives. Paragraph 9.3 sets out the relationship between the Sustainability Appraisal and the Site Assessments Report. Paragraph 9.6 of the Sustainability Appraisal explains that site assessments were undertaken to ascertain the availability and capacity of land in and around the main village. Each site was then identified as being part of one of five spatial options. The alternative options are described in paragraphs 9.7 to 9.20 and tested in Table F.

- 2.7 The approach adopted in the Sustainability Appraisal has attracted overlapping representations from developers and landowners. In some cases, these representations overlap with commentary on policy BCS1 and which are addressed in paragraphs 7.15 to 7.50 of this report. It is suggested that the outcomes of the sustainability appraisal process are not clear and that the processes followed do not have the necessary validity and robustness to meet the basic conditions. I can see that anyone with an interest in the Plan has had to read the Sustainability Appraisal Report and the Site Assessments Report side-by-side. Nevertheless, the two documents conveniently refer one to another and there is internal consistency between them. Whilst there would have been an overwhelming matrix of possible alternative spatial options based on different permutations of the fourteen sites assessed I am satisfied that the five spatial options addressed (and shown in Plan A in the Site Assessment Report) are both a reasonable and a proportionate response to this matter. The Site Assessment Report properly identifies the characteristics of each site and the Sustainability Assessment comes to reasonable and informed judgements about the preferred spatial option. 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 this aspect of neighbourhood plan and European Union obligations.
- 2.8 SODC has undertaken a Habitats Regulations Assessment (HRA) screening report on the Plan. Its Habitats Regulation Assessment (HRA) screening report concluded that the Plan was not likely to have any significant effect on a European site. This screening report is comprehensive in its scope. It addresses six Special Areas of Conservation considered to be within influencing distance of the neighbourhood area. Four of the SACs are elsewhere in the South Oxfordshire District, one is in the Vale of White Horse District and the other in Oxford City. Natural England confirmed its agreement to the conclusions of the screening report.

- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. Whilst there have been challenges to the Sustainability Appraisal Report by landowners and developers I am satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

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

3 Procedural Matters

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

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Sustainability Appraisal Report
- the Site Assessment report
- the SODC HRA Screening report.
- the representations made to the Plan.
- the hearing statements
- the factual note prepared jointly by SODC and the Parish Council for the hearing.
- the South Oxfordshire Core Strategy 2012
- the saved policies from the South Oxfordshire Local Plan 2011
- the emerging Local Plan 2033: Second Preferred options
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 11 May 2017. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that some elements of the Plan should be examined by way of a public hearing. That hearing was held on 30 June 2017. It considered the appropriateness or otherwise of the identification of a village boundary as set out in policy BCS1 of the Plan. The details of the hearing and the various submissions are available for inspection on the SODC website.

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. That Statement reflects the Plan area and its policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan from November 2016 to January 2017. The Statement helpfully lists the comments that were received on this version of the emerging plan and how they were taken into account in the preparation of the submission plan.
- 4.3 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Details are provided about:
- The steering group meetings
 - Updates in the village magazine and on the village Facebook page
 - One to one meetings with interested groups and landowners
 - Stalls at village events such as the annual fete
 - Public workshops
 - Leaflet drops to every household in the village
 - Special public meetings
 - The use of posters
- 4.4 The Statement also sets out details of the consultation events that were carried out in relation to the pre-submission version of the Plan. Information is provided about the distribution of leaflets, drop in events and the preparation of a dedicated page in the village magazine. The Statement also identifies that printed copies of the Plan were made available at the Village Stores, The Red Lion Pub, Shillingford Bridge Hotel and the Parish Office.
- 4.5 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.6 The positive approach that was taken to plan-making is reflected in the focused nature of the representations received to the submitted plan (see 4.8 below)
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. SODC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 28 April 2017. This exercise generated comments from the following persons and organisations:

- Caroline Fessey
- South Oxfordshire District Council (various)
- Network Rail
- HVJ Transport
- Adrian & Alison Wood
- IPE Orchestra Land
- Phillipa Lay-Kishon
- Health and Safety Executive
- Sport England
- Oxfordshire Clinical Commissioning Group
- Vanessa East-Hardy
- Kingerlee Homes
- Oxfordshire County Council
- Barberry Brightwell Ltd
- Historic England
- Trustees of Land at Five Acres
- Philip Lay Trust and Monica Lay Estate
- Richard Lay

4.9 In examining the Plan I have taken account of all the representations received. In some cases, I have highlighted specific representations in this report where it is both appropriate and relevant to do so. I have also taken into account the responses that both the Parish Council and the District Council have provided to my points of clarification. My questions and the responses are available on the South Oxfordshire District Council website.

4.10 The hearing on the village boundary and Policy BCS1 also generated a series of statements and further correspondence. I also took these representations into account in preparing my recommendations to the District Council. Hearing statements were submitted by the Parish Council, the District Council and by PRP acting on behalf of Sotwell Manor Fruit Farm and IPE Orchestra Land Ltd. I also received further comments from Barberry Brightwell Ltd on the Plan immediately before the hearing.

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area covers the parish of Brightwell-cum-Sotwell. It was designated as a neighbourhood area on 13 April 2015.
- 5.2 The Plan area sits approximately 3.6 miles from Didcot. Wallingford sits to the immediate east of both the Plan area and the village itself. The Plan area has a population of approximately 1550 people. The Plan area is primarily in agricultural use and the built-up area of the village is at its heart. The village of Brightwell-cum-Sotwell itself is predominantly residential in character. The hamlets of Mackney, Shillingford Hill and Shires Hill also fall within the neighbourhood area. The former sits to the south of Brightwell-cum-Sotwell.
- 5.3 The village of Brightwell-cum-Sotwell is located to the immediate south of the A4130 that connects Didcot and Wallingford. It has a compact form based around High Road to the north and the axis of Brightwell Street and Sotwell Street to the south. The design of the vernacular buildings reflects the agricultural heritage of the village. The majority of the southern part of the village is within the Brightwell-cum-Sotwell Conservation Area. Mackney is also a conservation area.

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 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. Within this context, the following policies are particularly relevant to the submitted neighbourhood plan:

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

- 5.5 Section 5 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 policy context.

- 5.6 Brightwell-cum-Sotwell is identified as a 'smaller village' in the adopted Core Strategy (policy CSR1 and Appendix 4). In this context housing allocations are not required. Any new development is required to protect local character and distinctiveness.
- 5.7 The emerging Local Plan was the subject of its own consultation process at the time that this examination was taking place. It incorporates a review of the adopted Core Strategy. Plainly the timings involved have not permitted the submitted neighbourhood plan directly to take account of this emerging local planning context. Nevertheless, the fundamental approach in the emerging local plan continues to focus new development in Didcot, the other towns and the larger villages. The submitted neighbourhood plan anticipates a need for monitoring and review. The adoption of the emerging Local Plan 2033 will be a key milestone in this review process.
- 5.8 The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing 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 11 May 2017. I was fortunate in having chosen a very pleasant day.
- 5.10 I drove into the Plan area from the Didcot direction along the A4130. This allowed me to see the wider setting of the Plan area and its relationship to larger settlements and the main road network.
- 5.11 I parked at the eastern end of High Road. Given the compact nature of the village I was able to undertake the majority of the visit by foot. I looked initially at the proposed housing site at Bosley's Orchard (BCS2). I saw its physical condition and its relationship to the village to its south and west. Whilst I was in this part of the village I took the opportunity to look at the alternative housing sites proposed by the various landowners who had made representations to the Plan.
- 5.12 I then walked towards the School to look at two of the identified local green spaces in that part of the village. There was very active use of the tennis courts in the Kings Meadow Playing Field.
- 5.13 I then headed towards the two proposed housing sites in the west of the village (BCS 3 and 4). In doing so I stumbled across the Village Store and Post Office. I saw that this facility was at the heart of the community. I also saw the very pleasant arrangement of buildings in this part of the village based around the Parish Church of Saint Agatha, Church Lane and Brightwell Street. I then looked at the two proposed housing sites and their intended means of access. This part of the visit helped me to understand the very specific nature of the criteria associated with these policies.

- 5.14 I then carried on down Brightwell Street and into Mackney Lane. I looked at the ‘Green Heart’, the Local Gap and the proposed local green spaces in this part of the Plan area.
- 5.15 I then walked down Sotwell Street to look at the Slade End Green housing proposals and the other proposed Local Gap to the east of the village. I saw first-hand the tight and intimate nature of this part of the village.
- 5.16 I finished my visit by driving to Mackney, and then to the northern outskirts of Wallingford. This drive highlighted the relationship and interplay between the various settlements. I then looked at the proposed local green space to the immediate west of Brightwell-cum-Sotwell just off the A4130.

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 Brightwell-cum-Sotwell Neighbourhood 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.
 - Always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
 - Recognising the intrinsic character and beauty of the countryside and supporting thriving local communities.
 - Conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its historic character. At its heart are a suite of policies that aim to safeguard its character and appearance and to promote sensitive development appropriate to this character and the position of the village in the local

settlement hierarchy. Table A of the Basic Conditions Statement is particularly effective in terms of mapping the Plan policies with the appropriate paragraphs in 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 Plan area. In the economic dimension, the Plan includes policies for new residential development (BCS2-5) and for tourism facilities (BCS 16). In the social role, it includes policies for the retention of community facilities (BCS15), for a natural burial ground (BCS17) and to designate local green spaces (BCS11). In the environmental dimension, the Plan positively seeks to protect the natural, built and historic environment. It has specific policies on design (BCS9), the conservation areas (BCS10) and biodiversity, trees, hedgerows and wildlife corridors (BCS12).

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 Council 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 Local Plan. Table B of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the 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 (41-004-20140306) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 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 1-5)

- 7.8 These introductory elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and the subsequent policies.
- 7.9 Section 1 provides very clear context to the neighbourhood planning process. It also provides a useful connection to national legislative requirements.
- 7.10 Section 2 identifies the geographic extent of the Plan area. It also identifies how the village has developed over time and its relationships to the wider landscape and its surrounding area.
- 7.11 Section 3 sets out the planning policy context that has underpinned the production of the Plan. It also provides high level commentary on the key elements of the NPPF that have informed its production. Some of the information about the emerging local plan has now been overtaken by events. I have recommended a series of technical and factual modifications on this matter in paragraph 7.92 of this report.

- 7.12 Section 4 sets out important information on the development of the Plan in general, and the community's views in particular. It provides an overlap with the associated Consultation Statement.
- 7.13 Section 5 then describes the Vision and Objectives that have been developed as part of this process. These then cascade into the various planning policies and their supporting text.
- 7.14 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.

BCS1 Village Boundary

- 7.15 This policy sets out a broad strategic context for the remainder of the Plan. It proposes a village boundary. That boundary is shown on the Policies Map. The remainder of the policy provides general support for infill development within the village boundary where it is consistent with other development plan policies. The village boundary has been drawn to incorporate the various allocated housing sites proposed in the Plan (BCS2-5). Outside the defined boundary, including within the settlement of Mackney, proposals will only be supported if they are 'necessary and suited to a countryside location and are consistent with other development plan policies'.
- 7.16 The supporting text helpfully explains the background to the policy. In particular paragraph 5.11 advises that the approach adopted 'presents a coherent combination of sites that effectively complete the opportunities to infill the village envelope without requiring incursions into the surrounding countryside'. This approach is therefore considered to represent 'the best way to deliver the vision and objectives of the Plan and manage change in the village'.
- 7.17 The approach taken in this policy has attracted representations from SODC. It argues that the definition of a settlement boundary has the ability to create a less flexible and more restrictive approach to development than that which exists at the local level. It advises that policy H10 in the emerging Local Plan 2033 does not propose settlement boundaries. That Plan also sets out a requirement for a minimum of 500 dwellings in the range of smaller settlements through the production of neighbourhood plans, infill development and/or small suitable sites up to 10 dwellings. The adopted Core Strategy identifies Brightwell-cum-Sotwell as a smaller village (Policy CSR1 and Appendix 4). In smaller villages, no housing allocations are required and infill sites up to 0.2 hectares (5-6 dwellings) are supported. SODC also expresses concern that whilst the approach in the submitted Plan has taken account of the capacity of the identified village boundary to accommodate new housing it has not carried out the same assessment for other types of development.
- 7.18 Various land owners and developers have made similar comments on the village boundary concept. They argue that the policy is inherently in contradiction with national and local policies and that it would offer no scope for permitting further growth or development. In ways specific to their individual sites the various landowners promote their sites for residential development as part of the neighbourhood planning process.

Sotwell fruit Farm and IPE Orchestra Ltd promote Sotwell Fruit Farm. This is Site 11 in the Site Assessment Report. A planning application for the residential development of the site was submitted in June 2017 (P17/S2268/O). The Trustees of Land at Five Acres promote land at Five Acres. This is Site 12 in the Site Assessment Report. A planning application for the residential development of the site was submitted in May 2017 (P17/S0829/O). Barberry Brightwell promote land to the north of High Road. The land concerned is Sites 5/6/7 in the Site Assessment Report.

7.19 In grappling with the very different views that exist on this policy including the comments that I received as part of the clarification note process I arranged a hearing on this matter. It addressed the following issues:

- Does the definition of a village boundary have regard to national planning policy? In particular, will it contribute to the achievement of sustainable development in the Plan area?
- Is the definition of a village boundary in general conformity with the strategic policies in the development plan for the area?
- How will a village boundary be applied by the District Council in the day-to-day operation of the development management process?
- Does this policy have regard to paragraph 41-009-20160211 of Planning Practice Guidance? In particular, does the submitted plan take account of the reasoning and evidence informing the local plan process?
- To what extent was the process of identifying the village boundary robust?
- To what extent has the process resulted in the identification of a village boundary that is practical and well-defined? Are there any inconsistencies?

National policy

7.20 The submitted Plan and its policies need to have regard to national policy. It was common ground at the hearing that the submitted plan should have regard to the presumption in favour of sustainable development (paragraph 14 of the NPPF) and its implications for how communities engage in neighbourhood planning (paragraph 16 of the NPPF). The hearing considered the extent to which the submitted plan supported the strategic development needs set out in the local plan context in the District, including policies for housing and economic development. The hearing also considered the extent to which the submitted Plan had regard to Planning Practice Guidance commentary on the relationship between a submitted plan and an emerging local plan.

7.21 The Parish Council argued that the concept of a settlement or village boundary has been a part of the land use planning system for many years. The concept has continued to be applied since the introduction of the NPPF in 2012. The hearing was advised that the NPPF does not preclude or discourage the use of such a mechanism. It was argued that provided that the local planning authority concerned could maintain a healthy housing land supply a village boundary can form part of a long term spatial plan for a community. The Parish Council also commented that whilst SODC did not use a settlement boundary concept it was however applying similar principles by referring to proposals within the built-up areas of settlements in its adopted policies

and the associated supporting text. The Parish Council commented on the quantum of housing development included within the Plan itself (four allocated sites delivering together approximately 70 dwellings). It submitted that this level is well beyond that which might be expected for a smaller village in the local settlement hierarchy and that the Plan had responded positively to the strategic policy provisions of adopted and emerging local plans. The Parish Council argued that it had adopted a common-sense approach to the emerging local plan and that at no point had SODC expressed a view that the scale of growth plan would be insufficient for the period. Its approach had been to use its planning judgement to determine a sustainable level of growth which would provide 'head room' and to give the Plan a long 'shelf life'.

- 7.22 SODC consolidated its early representation at the hearing. In particular it argued that the application of a village boundary was an inflexible and unhelpful approach which may add development pressure to less suitable sites within the boundary and could prevent more suitable sites coming forward outside such a boundary. It also commented that a village boundary could become out of date in the event that there is a significant lack of land supply for housing in the wider district area. At the heart of its comments was a view that the concept of a village boundary was a constraint on further development beyond that allocated in the Plan. In its view neighbourhood plans should make site allocations in their own right without including an associated restriction to other sustainable development by way of a village boundary. On the Planning Practice Guidance issue SODC argued that the less flexible approach proposed in the submitted Plan does not take account of the reasoning and evidence informing the local plan process and may fail to support the strategic needs set out in the Development Plan. The hearing was advised that the emerging local plan continued the strategic approach in the adopted development plan of not proposing settlement boundaries.
- 7.23 Sotwell Manor Fruit Farm and IPE Orchestra Land Ltd raised similar issues at the hearing to those raised by SODC. It commented that in its view the submitted plan does not accord with paragraph 16 of the NPPF. In particular it asserted that Policy BCS1 does not contribute to sustainable development in the Plan area because it may fail to support sustainable development outside but adjacent to the identified village boundary. At the hearing, the case was submitted that there was significant potential for conflict between policy BCS1 and existing and emerging local plan policies and that a village boundary had the potential to stop good things happening in the right places. On the Planning Practice Guidance issue, it was acknowledged that the submitted Plan had taken account of evidence in the emerging local plan. Nevertheless, concern was expressed that the plan provided neither indicative timescales for the delivery of the proposed allocated sites nor the identification of reserve sites. It was contended that the site at Sotwell Manor was capable of being delivered either as an allocated site or as a reserve housing site.
- 7.24 The Trustees of Land at Five Acres consolidated its earlier representations at the hearing. In particular it was argued that the village boundary was a simplistic tool that reflected the present observable developed edge of the village and made provision for the four proposed housing allocation sites. Within this context it was contended that

the selection of the alternative strategies in the Sustainability Assessment was not based on a rational selection process and was not sufficiently robust. A concern about the inflexibility of the policy to permit further growth (as outlined by Sotwell Manor Fruit Farm and SODC) was also expressed. On the Planning Practice Guidance issue, the Trustees took the same approach as Sotwell Manor Fruit Farm. Its principal concern was the absence of indicative timescales for the delivery of the housing allocations.

7.25 Both the Clarification Note process and the hearing looked at the form and content of the third paragraph of the submitted policy. In particular there was a very helpful discussion on this matter at the hearing. As submitted the Plan indicates that proposals outside the boundary 'will only be supported if they are necessary or suited to a countryside location and they are consistent with local development plan policies on local landscape protection and the protection of the natural environment'. This approach is clarified in paragraph 5.9 of the supporting text. It recognises the variety of agricultural, recreation and other uses that already exist outside the built-up area in the Plan area. However, it is very clear in its final sentence that the policy 'rules out the type of housing and commercial schemes that should be located in established urban areas'. Various paragraphs of the supporting text comment that the policy has not necessarily been designed to address the issue of additional employment or retail land. It is argued that smaller villages are not the types of locations anticipated for these type of uses in Core Strategy policies CSS1, CST1 and CSR2.

7.26 In recent months there has been activity on two of the proposed allocated sites in the submitted plan. Planning applications have been submitted on the following proposed allocated sites:

BCS2 Bosley's Orchard
P16/S3958/O
Proposal for 13 dwellings
Registered in February 2017

BCS3 Little Martins and Home Farm Barns
P17/S0164/O
Proposal for 31 dwellings
Registered in January 2017
Committee resolution to approve on 29 March 2017 subject to the satisfactory completion of a planning obligation.

7.27 Having considered all the evidence I am satisfied that the policy has regard to national policy. The operation of Policy BCS1 through a village boundary does not prevent the development of a strong prosperous rural economy and it actively includes four housing allocations. There was common agreement at the hearing that the approach adopted by the Parish Council was positive in its approach to the identification of new residential development. Its promotion of four housing sites (together yielding a potential 70 dwellings) is in excess of that anticipated of a smaller village in policy CSR1 of the adopted Core Strategy and would contribute significantly to the expected minimum total of 500 dwellings for such villages in the emerging local plan. The Plan

will boost significantly the supply of housing in the neighbourhood area. In particular I am satisfied that the Parish Council has adopted a pragmatic and locally-distinctive approach to this policy both in general, and in relation to the likely direction of the emerging Plan in particular. Its concept of building 'head room' into the Plan is commendable.

- 7.28 The Plan does not provide indicative delivery timetables for the allocated housing sites. In addition, it does not identify reserve sites in the event that the four sites do not come forward. However, Planning Practice Guidance is not prescriptive on these matters. In any event as identified in paragraph 7.26 of this report there is already a resolution to approve a planning application on the site at Little Martins and Home Farm Barns (BCS3) and a planning application has also been submitted on the site at Bosley's Orchard (BCS2). As paragraph 7.60 of this report also comments progress has been made on securing access to the Slade End site (Policy BCS5). These matters highlight significant progress on delivery in general terms. It overlaps with comments made by the Parish Council at the hearing about its on-going engagement with landowners as part of the plan-making process. Paragraph 5.71 also comments on the Plans monitoring and review policy. It is particularly helpful that the Plan acknowledges that there is a need for progress to be monitored on delivery in general, and on the four allocated housing sites in particular. It is also encouraging that the Plan recognises the desirability of reviewing the Plan on the adoption of the emerging local plan. This will be a particular useful task to assess the effectiveness of the delivery of the allocated housing sites and to consider the identification of additional or reserve sites. The process can also assess the extent to which the strategic requirement for residential development in the neighbourhood plan area may have increased as a consequence of the local plan process.
- 7.29 In a broader sense national policy is supportive of the role played by local communities in the planning process in general, and the role of neighbourhood plans in particular. One of the core planning principles in the NPPF is that planning should 'be genuinely plan-led empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area'. (NPPF paragraph 17). Furthermore, another core planning principle is that the planning process should 'not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives'. I am satisfied that these core principles have been achieved through the submission of the Plan. In particular I am satisfied that the spatial strategy and policy BCS1 set out a positive and deliverable vision for the Plan area.
- 7.30 Whilst I consider that the approach adopted has regard to national policy in general terms, there are elements of the third paragraph of the policy itself (and the associated supporting text) that adopt a very prescriptive approach. There are other elements of that paragraph that do not have the clarity required by the NPPF. These matters were usefully debated at the hearing. In particular there are potentially different interpretations what might constitute proposals that are 'necessary or suited' to a countryside location. There was also concern expressed at the hearing that there is no justification for identifying only two sets of policies in the development plan in the policy

BCS1. I share these concerns about the policy. As drafted the submitted policy could be read as restricting the ability of the decision-maker to take account of all development plan policies. The weight that the community expects to be given to particular development plan policies is already satisfactorily addressed in paragraph 5.9 of the submitted Plan. In addition, whilst I recognise that elements of paragraph 5.9 seek to bring a degree of explanation to the policy its final sentence makes broader commentary about the general location of housing and commercial schemes that is beyond the remit of a neighbourhood plan. On this basis, I recommend modifications both to the policy and the supporting text to ensure that it has the clarity required by the NPPF and that it properly reflects the existing development plan context.

Strategic policies in the development plan

- 7.31 The submitted Plan and its policies need to be in general conformity with the strategic policies of the development plan. These are a variety of policies in the Core Strategy and the saved local plan. This point was also debated at the hearing. There was general agreement that Core Strategy policies CSS1 (The overall strategy), CS1 (Presumption in favour of sustainable development) and CSR1 (Housing in villages) are the most significant policies in this respect. The District Council confirmed that Brightwell-cum-Sotwell is a ‘Smaller Village’ in the settlement strategy hierarchy as set out in Appendix 4 of the Core Strategy (as it informs the application of policy CSR1).
- 7.32 SODC commented that it was not clear how the proposed village boundary conformed with the strategic policies in the development plan. In particular it argued that the creation of such a boundary could result in a negative approach that would constrain reasonable sustainable development. It also set out its comments on the inflexibility of the proposed boundary and that it would be incapable of dealing with a scenario where the allocated sites do not come forward. SODC expressed its view that applications should be considered flexibly and on their merits. It felt that the definition of infill development in paragraph 13.10 of the Core Strategy provides sufficient clarity to make consistent decisions.
- 7.33 Sotwell Manor Fruit Farm and IPE Orchestra Land Ltd raised similar issues at the hearing to those raised by SODC. Its principal concern with the policy was that it would not be in general conformity with policy CSR1. It also advised that the development plan needs to be read as a whole and that the application of a village boundary would restrict housing sites coming forward to meet the overall objectives of the Core Strategy.
- 7.34 The Trustees of Land at Five Acres commented that the concept of a village boundary was unnecessary given the range of existing controls to restrict undesirable development beyond the village of Brightwell-cum-Sotwell. My attention was drawn to a range of saved policies in the local plan and to the national designation of the North Wessex Down AONB to the north of the village.
- 7.35 The Parish Council’s view was that policy BCS1 of the submitted plan is a practical refinement of policy CSR1 in the Core Strategy. It had taken the pragmatic view that

policy CSR1 was out of date and had attempted to set out the quantum of development that could reasonably be accommodated in a sustainable fashion. Its view was that a village boundary incorporating housing allocations would provide greater clarity for all concerned than a more general criteria-based policy. In addition, its view was that the application of the policy by SODC in the event that the Plan was made was relatively straightforward given the contents of the NPPF on these matters.

- 7.36 Planning Practice Guidance requires that neighbourhood plans take into account emerging local plans. I have commented elsewhere about the relationship between the timescales of the two plans concerned. However, within this context and the lack of certainty about the emerging local plan at this early stage in its own process I can see no practical reason why the delivery of the neighbourhood plan policies should in any way hinder the delivery of the strategic policies in the emerging development plan. I have already commented about the contents of policy H10 in the emerging local plan in paragraph 7.17 of this report. The submitted Plan proposes a range of housing allocations that would in total deliver approximately 65 dwellings. They are the type of sites envisaged by that policy and would deliver a healthy contribution towards the overall yield required by all the smaller villages.
- 7.37 I understand the point made by SODC about the impact at day-to-day development management level of implementing two plans which were not fully complementary in the design and architecture of their policies. I can also appreciate the efforts that it is making to encourage neighbourhood planning groups to design policies that resemble and reflect the policies in its existing and emerging development plans. Nevertheless, the basic conditions test is that the submitted neighbourhood plan should be in general conformity with the strategic policies of the development plan. I am satisfied that this is the case. I am also satisfied that the combination of the policies will provide the ‘practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency’ as set out in the NPPF (paragraph 17). The importance of the development plan is safeguarded and reflected in the NPPF. As discussed at the hearing the District Council will be able to rely on the contents of paragraphs 185 and 198 of the NPPF in its decision-making processes. In particular paragraph 198 is very clear that ‘where a planning application conflicts with a neighbourhood plan...planning permission should not normally be granted’.
- 7.38 In any event looking at the different plans I can see no practical reason why the delivery of the neighbourhood plan policies should in any way hinder the delivery of the strategic policies in the development plan. It sits comfortably within the context provided by Policy CSS1 of the Core Strategy. In particular it supports its inclusion as one of the ‘smaller villages’ in allowing for limited amounts of housing and employment growth and by the provision and retention of services. In the important area of housing delivery, the submitted neighbourhood plan positively addresses new growth. It facilitates an overall level of growth well beyond that expected in Policy CSR1 of the Core Strategy. There are other examples where its specific policies provide a local and supportive context to core strategy policies. These are listed in greater detail in the Basic Conditions Statement. The proposed settlement boundary responds to a unique set of issues that exist within the particular context of the submitted Plan. My

conclusions on this matter are very specific to the circumstances in Brightwell-cum-Sotwell. As I mentioned at the hearing it is not within my remit to make any commentary about the wider matter of the use or otherwise of village boundaries in the production of neighbourhood plans in the South Oxfordshire District.

The boundary itself and the process followed

- 7.39 The hearing also looked at the process that had been followed in defining the proposed boundary and whether the resulting boundary itself is practical and well-defined. SODC took an in-principle approach at the hearing. The two landowners adopted a similar approach and also took the opportunity to comment particularly on their respective sites.
- 7.40 The Parish Council set out its approach to the definition of the village boundary at the hearing. It identified how the site assessment process overlapped with the Sustainability Appraisal. These exercises translated into a clear set of spatial principles. It considered that this process was both robust and proportionate to neighbourhood plan-making. It also contended that there had been a strong internal logic and consistency to the boundary definition and site selection processes.
- 7.41 SODC's view on this matter was essentially two-fold. In the first instance, the definition of the boundary is artificial to the extent that it included undeveloped sites within the boundary (where it includes the four proposed housing allocations). In the second instance, the methodology for defining the boundary is not clear. In its pursuit of this point it helpfully identified three areas where the boundary might be considered to be inconsistent. These matters were considered in detail at the hearing.
- 7.42 Sotwell Manor Fruit Farm and IPE Orchestra Land Ltd raised their concerns over the methodology used for defining and assessing the spatial options and sites. The process was not considered to be robust due to a lack of community engagement throughout the site selection process. Concerns were also raised about their perception of insufficient evidence being used to inform the site assessments. The point was also raised about the proposed spatial strategy potentially generating pressure for housing development in the village core and/or the conservation area.
- 7.43 The Trustees of Land at Five Acres commented at the hearing on similar issues about the integrity and robustness of the plan-making process. Concerns were raised about the extent to which the Parish Council had engaged with land owners and developers and the way in which the sites concerned had been assessed. Particular concerns were raised about the lack of a formal site inspection of its site by the Parish Council.
- 7.44 Plainly there are significant differences on this line of enquiry at the hearing. These differences reflect the challenges that are inevitably faced by any qualifying body in preparing a neighbourhood plan. I have taken account of all the information available to me on this matter and the observations that I made on the proposed village boundary and the proposed housing allocations when I visited the Plan area.

- 7.45 In terms of the outcomes of the plan-making process I am satisfied that the proposed village boundary is a practical and clear development plan expression of the spatial strategy that underpins the Plan. It either reflects the existing built-up boundaries of the village or incorporates the four proposed housing allocations. In my view, it makes perfect sense to include the housing allocations within the village boundary. Whilst I accept SODC's point that they would not naturally fall within an existing village boundary their eventual development will resolve this inconsistency. In addition, their development will naturally reflect the parcels of land in which they are located and as such there will be no need to redefine the village boundary thereafter.
- 7.46 The proposed housing sites themselves sit comfortably with the context of the existing form and nature of the village. They have the clear ability to be knitted into the existing built fabric. Whilst the various developers were keen to promote their own sites there was no direct challenge to the integrity of the sites allocated in the submitted Plan or their ability to contribute to sustainable development.
- 7.47 The submitted Plan reflects the Parish Council's selection of what it sees as the most appropriate sites to deliver the Plan's spatial strategy within the Plan period. Given the early stage of the preparation of the emerging local plan the Parish Council has exercised a degree of planning judgement in coming to a view of the level of growth that would be appropriate in the Plan area. I have considered carefully the comments made at the hearing about the potential for a village boundary to focus development on unsuitable sites within the village core or within the conservation area in particular. However, I am satisfied that there are a wide range of policies in the existing development plan and in the submitted neighbourhood plan to prevent inappropriate or unsuitable development from being permitted. In any event sensitive development has the opportunity either to preserve or to enhance the character or appearance of the conservation area.
- 7.48 I have already commented in paragraphs 2.6 and 2.7 about the Site Assessment Report and the Sustainability Appraisal. I am satisfied that the processes undertaken were sufficiently robust. I acknowledge that more detailed information has now been prepared by the two landowners as part of their submission of recent planning applications on the two sites concerned. Nevertheless, this is to be expected and is a natural part of the development process. I have taken account of the comments made by the two landowners at the hearing that their sites were not specifically visited by the neighbourhood plan steering group. The Parish Council commented on this matter partly in its response to my earlier clarification note and subsequently at the hearing. It would have been more helpful if the various reports had identified the scale and nature of the visits and that some were undertaken from outside the sites concerned from public vantage points. Nevertheless, I am satisfied that the Parish Council had an appropriate amount of information to inform its judgements as part of the plan-making process. I am also satisfied that the consultation process has been appropriate. I have already addressed this specific matter in Section 4 of this report. The Consultation Statement provides a schedule of comments received in respect of the draft Plan and I can see that the developers who participated at the hearing had made comments on the emerging neighbourhood plan at that stage.

- 7.49 The hearing looked at the SODC concerns on the three areas where the defined boundary appeared to be inconsistent. This was a useful debate. As a result, I am satisfied that the village boundary has been drawn in a practical fashion that will be capable of being well-defined and clear as part of the development management process. In relation to the residential curtilages off Brightwell Street (the SODC purple circle) I am satisfied that the differences in ground levels result in a clear and identifiable boundary. In relation to the parcel of land off Bakers Lane (the SODC blue circle) I am satisfied that the proposed boundary reflects the outcome of recent planning permissions that have resulted in the development of a dwelling in the south-western part of the site (that is within the proposed village boundary)
- 7.50 In summary I am satisfied that the proposed village boundary meets the basic conditions. I recommend modifications both to Policy BCS1 and to the supporting text to reflect the issues identified in paragraphs 7.30 of this report.

**In the third part of the policy replace ‘necessary or suited’ with ‘appropriate’
In the third part of the policy delete ‘on local landscape.... natural environment’.**

In paragraph 5.9 replace ‘necessary or suited’ with ‘appropriate’

Replace the final sentence of paragraph 5.9 with the following:

The policy does not seek to prevent the improvement and extension of such uses. In addition, the third paragraph of the policy provides flexibility for new commercial and recreational development to be supported where that development would be in accordance with development plan policies. These may include Core Strategy policies CSEM4 (Supporting economic development), CSR2 (Employment in Rural Areas) and CSR3 (Community facilities and rural transport). The Plan’s spatial strategy is reflected in paragraph 5.11. It is on this basis that housing proposals are expected to come forward within or adjacent to the existing extent of the built-up area and without needing to take up land in the surrounding countryside.

BCS2 Land at Bosley’s Orchard

- 7.51 This policy allocates land at Bosley’s Orchard for residential development. It sits comfortably in the north-eastern corner of the village to the immediate south of High Road. As its title suggests it is a former orchard. It has an overgrown appearance. Whilst previous planning applications for its development have been refused planning permission recent progress has now been made on securing access into the site. The policy includes a series of criteria with which the development of the site is expected to comply. In summary, they include the size of houses, vehicular access, design/layout/appearance and biodiversity issues. I am satisfied that the site has an appropriate relationship to the spatial strategy of the Plan.
- 7.52 I recommend modifications to the series of criteria so that they have the clarity required by the NPPF as follows:

v. Landscape

I recommend modifications to remedy inconsistencies in its format which detract from its clarity.

vi. Biodiversity net gain

I recommend the deletion of this criteria. There is no indication as to what a developer will need to provide. In any event its ambitions are covered in other criteria.

ix. Design of buildings

I recommend the deletion of the latter parts of the criterion that are explanatory text rather than policy. They are already satisfactorily addressed in the second part of paragraph 5.15.

x. Street Lighting

As ix.

In criterion v. delete 'is provided;'

Delete criterion vi.

In criterion ix. delete all text after 'in the village'

In criterion x. delete all text after 'without pavements'

BCS3 Land at Little Martins and Home Farm Barns

- 7.53 This policy allocates land at Little Martins and Home Farm Barns for residential development. This represents the most significant allocated site in the Plan. It sits in the north-western part of the village within walking distance of the Village Store and the Post Office. It is currently in agricultural use.
- 7.54 As with Policy BCS2 the policy includes a series of criteria with which the development of the site is expected to comply. In this case, they reflect the sensitive location of the site with open countryside to the west, and residential development to all other sides. In summary, they include the type and size of houses, vehicular access, landscaping and design issues. I am satisfied that the site has an appropriate relationship to the spatial strategy of the Plan. SODC has now resolved to grant planning permission for the residential development of this site.
- 7.55 I recommend modifications to the series of criteria so that they have the clarity required by the NPPF as follows:
- v. Landscaping
As submitted this criterion only requires the developer to consider ways to minimise the impact of development rather than to do so.
- vii. Biodiversity net gain
I recommend the deletion of this criteria. There is no indication as to what a developer will need to provide. In any event its ambitions are capable of being delivered by other criteria.
- ix. Design of buildings
I recommend the deletion of the latter parts of the criterion that are explanatory text rather than policy. They are already satisfactorily addressed in the fourth part of paragraph 5.17.

x. Street Lighting

As ix. The control of speed limits in the village is not a land use matter.

In criterion v. delete ‘consider ways to’

Delete criterion vii.

In criterion ix. delete all text after ‘in the village’

In criterion x. delete all text after ‘with few pavement or raised kerbs.’

BCS4 Land at Thorne’s Nursery

7.56 This policy allocates land at Thorne’s Nursery for residential development. The site sits to the immediate east of BCS3. As the Plan comments, it is a former nursery site with a long planning history. I saw much evidence on site that it had been left empty and unused for a considerable period of time. The proposal is associated with proposals to extend the village hall car park. This is a very constructive and sustainable part of its development.

7.57 As with the other housing allocations the policy includes a series of criteria with which the development of the site is expected to comply. In this case, they reflect the sensitive location of the site and the complicated access arrangements off Old Nursery Lane. In summary, they include the type and size of houses, vehicular access, landscaping and design issues. I am satisfied that the site has an appropriate relationship to the spatial strategy of the Plan.

7.58 I recommend modifications to the series of criteria so that they have the clarity required by the NPPF as follows:

ii. Highways Access

I recommend that the criterion is kept simple in its composition and format. The non-land uses are satisfactorily addressed in paragraph 5.20

iv. Biodiversity net gain

I recommend the deletion of this criteria. There is no indication as to what a developer will need to provide. In any event its ambitions are capable of being delivered by other criteria.

In criterion ii. delete all text after ‘Old Nursery Lane only’

Delete criterion iv.

BCS5 Slade End Green

7.59 This policy sets out a creative and imaginative solution to promote a series of residential, tourism and commercial developments of land at Slade End Farm. The policy identifies three specific components of the wider site and proposes particular uses for each as follows:

BCS5A: Slade End Farm

Up to six houses and business uses

BCS5B: Strange's Nursery

Up to six houses

BCS5C: Slade End South to West of Green Lane

Residential development

- 7.60 I will address the various policies within the round. The supporting text at paragraphs 5.21 to 5.24 sets out the broader context to the development of the various sites. The vision is to recreate the concept of Slade End Green by designing development around a central area located on Green Lane. The text acknowledges the challenges presented by the different landownerships and the need to safeguard nearby listed buildings and to preserve or enhance the conservation area. Nevertheless, this is precisely the type of innovative proposal that neighbourhood plans are best placed to address. It is to the credit of the Parish Council that it has pressed ahead with this proposed development. As part of the process a landowner has demonstrated how potential access issues could be overcome.
- 7.61 As with the other housing allocations the policies include criteria with which the development of the various sites is expected to comply. In this case, they reflect the sensitive location of the site and the complicated access arrangements off Green Lane. In summary, they include the type and size of houses, vehicular access, the need for related demolitions and landscaping and design issues. I am satisfied that the site has an appropriate relationship to the spatial strategy of the Plan.
- 7.62 I recommend modifications to the series of criteria so that they have the clarity required by the NPPF as follows:

In BCS5B criterion ix. delete all text after 'raised kerbs'.

In BCS5A use the same modified criterion ix. as in BCS5B

BCS6 Local Gaps

- 7.63 This policy proposes the designation of two local gaps. The first is the gap between Brightwell-cum-Sotwell and Mackney. The second is between Brightwell-cum-Sotwell and Wallingford (known in the Plan as the 'Slade End Local Gap'). The supporting text is very informative to the design and nature of the policy. Paragraph 5.38 comments that the two local gaps are designed to prevent coalescence between the identified settlements and to protect their distinctive individual character and setting. Paragraph 5.39 comments that the gaps have been drawn to include only the minimum essential area to achieve the policy objective. The evidence base to the Plan includes a Landscape and Green Spaces Study which describes each of the gaps and identifies the contributions that they make to the landscape in general, and separating the settlements concerned in particular.
- 7.64 I looked at the proposed local gaps carefully when I visited the Plan area. Having looked at all the evidence as part of this examination I am satisfied that the policy meets the basic conditions. It identifies critical gaps between the settlements concerned and seeks to identify appropriate countryside uses that would not result in

the integrity of the gaps being undermined. The identification of the gaps is underpinned by a very comprehensive landscape study. I saw the sensitivity of the areas designated as local gaps when I visited the Plan area. In particular, I am satisfied that the policy has regard to national planning policy. It takes account of the different roles and character of landscape areas within the Plan area and recognises the intrinsic character and beauty of the countryside (NPPF core principles paragraph 17). As part of the process of identifying local gaps, the policy identifies the minimum areas that are required.

BCS7 Landscape Character and the Villages

- 7.65 This policy requires that development proposals should take account of the North Wessex Downs AONB in general, and the Sinodun Hills in particular. It then continues to set out that development proposals should set out details of how they have been designed to take account of key views into and out of the village to and from the surrounding countryside. The Plan comments that some of the key views are identified in Appendix B and in the Landscape and Green Spaces Study. The supporting text at paragraphs 5.40/5.41 provide helpful commentary on the relationship between the villages and the surrounding landscape.
- 7.66 SODC raise comments about the identification of and the justification for the key views. It contends that all key views should be identified within the Plan and that there should be a clear explanation of what makes the views special. I have considered all the information available to me very carefully. I can see that the Parish Council has made a good attempt to identify the most important views that it expects new development to take into account. Nevertheless, the approach adopted does not have the clarity required by the NPPF for three reasons. In the first instance paragraph 5.41 advises that the Landscape Study and Appendix B identifies 'some specific views'. There is no definitive list of views to give clarity to the decision-maker or to a developer. Secondly the identification of important views in the two documents is not identical. Thirdly the more comprehensive information in Appendix B fails to identify the specific nature of the importance of the identified long and short views. On this basis, I recommend that the references to key views in both the policy and the supporting text are deleted. The remainder of the policy meets the basic conditions.

Delete the second sentence of the policy and Appendix B

Delete the second and the final sentences of paragraph 5.41

BCS8 The Green Heart

- 7.67 This policy is very distinctive to the neighbourhood area. I paid particular attention to its geographic extent as part of my visit. It identifies a 'Green Heart' formed of a connected sequence of open spaces and applies particular requirements to planning applications within the area and to adjoining parcels of land.

- 7.68 I am satisfied in principle that the policy is appropriate. In particular, it is not a blanket policy seeking to restrict development. Its focus is based on ensuring that development proposals take account of the special characteristics of the area as defined. Whilst the Green Heart overlaps with the Brightwell-cum-Sotwell conservation area and some of the identified local green spaces this approach will not in itself create issues for development management purposes. SODC will be able to give whatever weight it sees as appropriate to the different policies.
- 7.69 I sought clarification from the Parish Council on how it intended the policy to apply in adjoining areas. In its response, I was advised that whilst the core features are found within the defined area there is the ability for development in parcels of land adjoining the identified area to affect its integrity. The response acknowledges that the decision-maker will attributes greater weight to the policy where applications are within the designated 'Green Heart' as opposed to those in adjoining areas.
- 7.70 I recommend a modification to the policy to reflect the spatial applicability of the policy in general, and to bring the clarity required by the NPPF. Given that the 'Green Heart' itself covers a sizeable parcel of land it is inevitable that its adjoining areas are equally extensive. Some of the adjoining parcels of land are within residential curtilages and others are open countryside. Whilst I acknowledge that developments outside the identified area will have an ability to impact on its integrity they can be determined on the basis of other policies in the development plan. Given the way in which the village boundary impacts on the Green Heart it would be impractical to recommend a modification to the policy that would satisfactorily address all the potential outcomes of planning applications on parcels of land adjoining the Green Heart. On this basis, I recommend that this aspect of the policy is deleted.
- 7.71 I also recommend a modification to the policy itself. As submitted it does not have the clarity required by the NPPF. Whilst it requires development proposals to demonstrate a series of issues it offers no guidance on the eventual decision-making process.

In the second part of the policy delete 'or adjoins'. Replace 'will be required to' with 'will be supported where they:'

BCS9 Design Principles in the Parish

- 7.72 This policy sets out a series of general design principles within the Plan area. They take account of both the Village Design Statement and the Conservation Area Character Appraisal. The various principles are extensive and include street lighting, plot boundaries and enclosure walls, layout and massing and surface treatments.
- 7.73 Having reviewed all the submission documents and the representations received I am satisfied that the approach adopted is entirely appropriate. The principal settlements of Brightwell and Mackney have the characteristics and appearances that warrant such an approach. One of the 12 core planning principles in the NPPF (paragraph 17) is '(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Furthermore, the approach

adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).

- 7.74 I recommend two modifications to correct typographic errors in the policy.

**In the second line of the first part of the policy replace ‘be’ with ‘are’.
In criterion iv. Replace ‘by’ with ‘be’.**

BCS10 Design Principles in the Conservation Areas and their settings

- 7.75 This policy builds on the principles set out in policy BCS 9. It applies specifically to the two conservation areas in the Plan area. In principle, the approach adopted is entirely appropriate.

- 7.76 I recommend three modifications to the policy to bring the clarity required by the NPPF. The first is to make it clear that the policy supplements policy BCS9. The submitted Plan refers loosely to ‘the policies above’. The second is to ensure that the language used in the third criterion is consistent with the other two and therefore that the policy reads in a cogent fashion. The third ensures that the policy is an inclusive policy in which all three criteria need to be met.

**Replace ‘In addition to the policies above’ with ‘In addition to Policy BCS9’
Include ‘and’ at the end of criterion ii
In criterion iii. Replace ‘schemes to’ with schemes should’**

BCS11 Local Green Spaces

- 7.77 This policy designates six local green spaces (LGS). Details about their relationships to the criteria in paragraph 77 of the NPPF are set out in the Landscape and Local Green Space Study. This is best practice. I am satisfied that each of the identified spaces comfortably accord with the NPPF criteria and therefore meets the basic conditions.

- 7.78 The various LGSs were readily identifiable on my unaccompanied visit to the Plan area. Nevertheless, the numbers on the policies map do not always correspond with those in the policy itself. I recommend that this is remedied to bring the clarity required by the NPPF.

- 7.79 In addition the LGSs do not show up particularly well on the policies map (Inset A). This does not generate the degree of clarity that is required by the NPPF. In particular, neither land owners nor decision-makers would have the immediate clarity on the boundaries of the various LGSs from Inset A. I recommend that the various LGS are shown on separate inset maps of an appropriate scale for identification purposes.

7.80 I also recommend a modification to correct an error in paragraph 5.62

In the policy renumber the LGSs as follows:

- i Millennium Wood**
- ii Kings Meadow Playing Field**
- iii Wellsprings Footpath and stream**

Identify each of the LGSs on a separate inset map at an appropriate scale for identification purposes.

In paragraph 5.62 replace 'town' with 'village'.

BCS12 Biodiversity, Trees, Hedgerows and Wildlife Corridors

7.81 This policy ensures that development proposals have regard to a series of biodiversity principles. The schedule of issues and principles is both appropriate and proportionate to the Plan area.

7.82 The policy provides a local dimension to Core Strategy policy CSB1. It meets the basic conditions.

BCS13 Footpaths and Bridleways

7.83 The policy aims to prevent development from undermining rural footpaths and bridleways. I saw first-hand that they are an important and well-used part of the fabric of the Plan area.

7.84 The first part of the policy sets out to resist the obstruction or diversion of a footpath or bridleway. The matter is however a non-land use issue and is already controlled by the Highways Acts. The issue of the character and nature of footpaths is already satisfactorily addressed in the second paragraph of the policy. On this basis, I recommend the deletion of the first part of the policy.

Delete the first part of the policy

BCS14 Renewable Energy

7.85 This policy offers support to proposals for a solar energy array. It identifies three landscape and noise-related criteria that need to be addressed by any such proposals.

7.86 Historic England comment that the policy is imprecise on what aspects of the local landscape should be effectively screened. I agree with its comments. The policy as included in the submitted Plan does not have the clarity on the heritage assets that need to be safeguarded as part of any renewable energy development. This is a key part of national planning policy. I recommend the inclusion of an additional criterion to address this matter.

Include an additional criterion as follows:

- iv. it will not cause substantial harm to a designated heritage asset.**

BCS15 Community Facilities

- 7.87 This policy sets out to safeguard identified community facilities and to support proposals that would help to sustain their viability. In particular, the policy seeks to resist the change of use of shops, pubs and other commercial units.
- 7.88 The principle of the approach adopted is entirely appropriate. The identified facilities are at the heart of the local community. Their retention and on-going sustainability will do much to achieve the social dimension of sustainable development.
- 7.89 I recommend a series of modifications to the policy and the supporting text to ensure that they have regard to national policy and demonstrate the clarity required by the NPPF. They are as follows:

Identification of the community facilities:

The policy itself does not directly identify the facilities. They are separately listed in paragraph 5.66.

Consistency of language:

Both the policy and the text use the terms 'community facilities' and 'core parish facilities' interchangeably.

Changes of Use

The fourth component of the policy does not take account of changes to permitted development rights in 2015. In certain circumstances, the proposed changes of use which the policy seeks to resist may not need planning permission. In any event its use of 'resisted' is absolute and will otherwise remove the ability of the District Council to take account of all material planning considerations in its decision-making process.

In the first part of the policy replace 'of established.... core facilities' with 'of the community facilities listed in paragraph 5.66'

In the fourth part of the policy insert 'Insofar as planning permission is required' at its beginning and replace 'be resisted' with 'will not be supported'.

In the first sentence of paragraph 5.66 replace 'A core parish facility' with 'A community facility'. In the second sentence replace 'were set out.... include' with 'are'.

Delete the second sentence of paragraph 5.67.

Add the following text at the end of paragraph 5.67:

The fourth component of the policy seeks to safeguard shops, pubs and other commercial uses by not supporting proposals to change their uses. This approach will need to take account of permitted development rights. In 2015, additional flexibility was introduced into these procedures. They may continue to change within the Plan period.

BCS16 Tourism Facilities

- 7.90 This policy provides a positive and supportive context for the development of tourism and leisure facilities. It identifies appropriate criteria to safeguard the AONB, and the character of the conservation areas. The policy meets the basic conditions.

BCS17 Natural Burial Ground

- 7.91 This policy provides a context for the development of a natural burial ground. It requires any such proposals to be located and designed to reflect the character of the local landscape. The policy meets the basic conditions.

Other matters

- 7.92 The initial sections of the Plan include a selection of general commentary on the production of the Plan, its future process stages and its relationship to the wider local planning context. I set out below a series of recommended modifications in addition to those that stem directly from the recommended modifications to the various policies. They either recommend more technically correct language, bring the Plan up-to-date, or bring clarity to its wider intentions. They are required to ensure that the Plan has regard to national policy by having the clarity required by the NPPF.

Paragraph 3.3

Replace 'The emerging...older saved policies' with 'The emerging South Oxfordshire Local Plan will, when adopted, replace the Core Strategy and older saved policies and will cover the period 2011 to 2033'

Paragraph 3.5

Insert 'significant' between 'for' and 'growth'.

Paragraph 3.6

Delete the second sentence and replace with:

The approach towards economic development is set out in Chapter 6 of the South Oxfordshire Local Plan 2033 (Second Preferred Options).

Paragraph 3.9

Delete and replace with:

The emerging South Oxfordshire Local Plan 2033 indicates that the spatial approach of the Core Strategy will be maintained. Housing and employment growth will be focused in the main towns. This is a conventional and reasonable approach.

Paragraph 3.15

Delete the final sentence

Paragraph 5.71

I recommend some technical modifications to identify the different monitoring responsibilities of the Parish Council and the District Council.

In the first sentence replace 'by the District...Parish Council' with 'primarily by the Parish Council (and with assistance by the District Council on more strategic elements).

In the final sentence insert 'by the Parish Council' between 'reviewed' and 'on'.

Policies Map

I have made separate comments on the legibility of the identified Local Green Spaces on the Policies Map. The same comments also apply to the four proposed housing sites in general (to varying degrees) and to BCS5 in particular. The same approach as recommended for local green spaces would be appropriate. It would also allow a more refined identification of sites BCS5A/B/C.

Identify each of the housing allocations on a separate inset map at an appropriate scale for identification purposes.

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 2032. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Brightwell-cum-Sotwell 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 series of modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

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

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 13 April 2015.
- 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. I am particularly grateful to all the parties who contributed to the very productive hearing in June 2017.

Andrew Ashcroft
Independent Examiner
6 July 2017