

SOUTH OXFORDSHIRE DISTRICT COUNCIL

CHALGROVE NEIGHBOURHOOD PLAN DECISION STATEMENT

Summary

- 1 Following an independent Examination, South Oxfordshire District Council's Cabinet Member for Planning confirmed on 11 October 2018 that the Chalgrove Neighbourhood Plan will proceed to referendum.
- 2 This Decision Statement and the Examiner's Report can be viewed on the Council's website. Hard copies of these documents can be inspected until 22 November 2018 in the following locations:

Reception South Oxfordshire District Council 135 Eastern Avenue, Milton Park, Milton, OX14 4SB	Mon - Thurs, 8.30am - 5pm and Friday, 8.30am - 4.30pm
Chalgrove Parish Council Baronshurst Drive Chalgrove OX44 7TE	Opening Times: 9am to 12pm Tuesday to Friday <i>(Documents can also be viewed by appointment with the parish clerk.)</i>

Background

- 3 Chalgrove Parish Council, as the qualifying body, successfully applied for Chalgrove parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
- 4 Following the submission of the Chalgrove Neighbourhood Plan ('the Plan') to the council, the Plan was publicised, and comments were invited from the public and stakeholders.
- 5 South Oxfordshire District Council appointed an independent examiner, Mr John Slater, to review whether the plan meets the basic conditions required by legislation and should proceed to referendum.
- 6 The examiner concluded that the plan meets the basic conditions, and that subject to the modifications proposed in his report, the plan should proceed to referendum.

Decision

Having considered the examiner's recommendations and reasons for them, South Oxfordshire District Council's Cabinet Member for Planning decided on 11 October 2018:

1. To accept all modifications recommended by the Examiner;
2. to determine that the Chalgrove Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and
3. to take all appropriate actions to progress the Chalgrove Neighbourhood Development Plan to referendum. A date for the referendum is set for Thursday 22 November 2018.
4. the referendum area should not extend beyond the neighbourhood area approved by the District Council on 21 December 2012.

Reasons for decision

- 7 The Chalgrove Neighbourhood Development Plan (the Plan), as modified by the Examiner's recommendations, has had regard to national policies and advice contained in guidance issued by the Secretary of State. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but it is intended to have and does have to a significant effect. The principal document in which national planning policy is contained is the National Planning Policy Framework (2012) (NPPF) and this conclusion is reached bearing this in mind. The advice within national Planning Practice Guidance ("NPPG") and the revised NPPF (2018) has also been borne in mind in reaching this conclusion.
- 8 Having considered all relevant information, including representations submitted in response to the Plan, the Examiner's considerations and recommendations, the council has come to the view that the Plan recognises and respects relevant constraints such as areas that are at risk of flooding. The Plan has developed a positive suite of policies that aim to safeguard the character and appearance of Chalgrove and meet the indicative housing requirement identified by the local planning authority.
- 9 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. The Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes site allocations for residential development (Policies H1a and H1b) and a policy supporting the facilitation of home working (H3). In the social role, it includes a policy on community facilities (CF2 and CF3) and on dwelling mix. In the environmental dimension the Plan positively seeks to

protect its natural, built and historic environment. It has specific policies on the location of development (C1) and design and character (C2).

- 10 As a whole, the council is satisfied that the Plan sets out to achieve sustainable development in the plan area. It contains policies to support sustainable development in the village, having appropriate regard to flood risk, heritage assets, the character of the village, and its position as a larger village in the local settlement hierarchy.
- 11 The Plan, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the Development Plan for the area. Criterion 3 of Policy CSS1 (The overall strategy) of the South Oxfordshire Core Strategy (2012) is particularly relevant to the settlement of Chalgrove, it sets out that: proposals for development in South Oxfordshire should be consistent with the overall strategy of supporting and enhancing the larger villages as local service centres.
- 12 Criterion 5 of Policy CSS1 is relevant to the wider neighbourhood area, it sets out that: outside the towns and villages, and other major developed sites, any change/development will need to relate to very specific needs or enhancement of the environment.
- 13 Policy CSH1 of the Core Strategy deals with the amount and distribution of housing in the district. It sets out that planning permission will be granted to meet housing requirements in Table 7.1 in accordance with Tables 7.2 to 7.3. The policy directs the reader to Table 7.3 - which identifies the figure of: 1,154 homes to be allocated in a Site Allocations Development Plan Document for the larger villages in the district. As regards the distribution of this figure, the Core Strategy only went as far as setting out that at least 500 homes should be provided in the central Oxfordshire area in order to secure general conformity with the South East Plan.
- 14 Preparation of the Site Allocations Development Plan Document was superseded by the preparation of the emerging South Oxfordshire Local Plan. In September 2013, a cabinet paper proposing distribution numbers for the larger villages, as a basis for taking forward neighbourhood plans in advance of the Local Plan was approved by the council. The figure apportioned to Chalgrove is 80 homes. This number has been used by the council when considering the Core Strategy housing requirements for Chalgrove.
- 15 Policy CSR1 (Housing in villages) of the Core Strategy (2012) is also relevant. It guides the nature and scale of housing development in accordance with the position of the settlement in the district wide settlement hierarchy.
Notably, as a larger village, Chalgrove is expected to have housing allocations and there is no limit on the size of infill development sites.
- 16 Paragraph 5.24 of the council's emerging Local Plan (Publication Version October 2017), sets out that Chalgrove is not expected to deliver an additional 15% growth over and above the strategic allocation in that

location. On 15 May 2018, the Council endorsed Cabinet's recommendations to do more work to determine the most suitable locations for strategic development before the Local Plan is submitted for examination. This issue arose because of concerns over the delivery of Chalgrove Airfield strategic allocation.

- 17 In the event that the strategic allocation in Chalgrove does not go ahead, it would be reasonable to expect Chalgrove to plan for at least 15% growth plus the historic requirement from the Core Strategy, in line with what is proposed for the larger villages in the district. The Plan, as modified by the examiner, supports the strategic priorities of the district and makes a positive contribution towards meeting housing needs. Notably, the Plan allocates sites which combined will deliver approximately for 320 homes. The proposed site allocations ensure that the level of growth identified in the emerging Local Plan can be met and potentially exceeded.
- 18 The Plan, as modified by the examiner, may influence development brought forward by the council's emerging Local Plan, such as the potential strategic allocation at Chalgrove Airfield, provided there is no conflict between the policies in the neighbourhood plan and the emerging Local Plan, when adopted. Should there be any conflict, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Therefore, when adopted, the emerging South Oxfordshire Local Plan will supersede any conflicting policies in a made neighbourhood plan.
- 19 The Plan, as modified by the Examiner's recommendations, would not breach, and be otherwise incompatible with EU obligations, including the following Directives: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). In addition, no issue arises in respect of equality under general principles of EU law or any EU equality directive. In order to comply with the basic condition on European Union legislation the Qualifying Body has prepared a Sustainability Appraisal Report. The report was updated to assess the Qualifying Body's response to the examiner's preliminary recommendations. The updated report was subject to public consultation. The Sustainability Appraisal prepared by the Qualifying Body incorporates a Strategic Environmental Assessment. The Sustainability Appraisal sets out how it was developed in an iterative fashion with the wider preparation of the plan itself (Figure 2.1). Table 4.2 sets out a comprehensive range of sustainability issues in the parish to which the plan responds to. Section 4.3 describes the principal environmental characteristics of the plan area. Section 5.2 makes an assessment of the neighbourhood plan objectives against a wider set of sustainability objectives. Section 6 assesses potential development sites against the sustainability objectives and consider reasonable alternatives. Section 7 then provides an assessment of the neighbourhood plan policies against the sustainability objectives. Section 6

and 7 also cover the prediction of effects and mitigation. Section 8 sets out proposed local monitoring indicators.

- 20 The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites. The Council commissioned a screening report on the impact of development proposed in the Plan on EU Special Areas of Conservation (SACs) and this was completed in November 2017. The HRA screening report concluded that the Plan will not have any likely significant effects on the integrity of European sites around South Oxfordshire. Natural England was consulted on the council's screening opinion and raised no concerns with its conclusions. The council decided to commission an update to the screening report in light of the recent judgment from the Court of Justice of the European Union 'People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17)' which ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment and should not be taken into account at the screening stage. The revised screening assessment concluded that the Plan will not have any likely significant effects on the integrity of European sites. Natural England confirmed on 23 August 2018 that they agree with the conclusion of the report that the Chalgrove Neighbourhood Plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and Appropriate Assessment is therefore not required.
- 21 The Plan, as modified by the Examiner's recommendations, is in all respects fully compatible with Convention rights contained in the Human Rights Act 1988. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known.
- 22 The Plan, as modified by the Examiner's recommendations, complies with the definition of an NDP and the provisions that can be made by a NDP. The Plan sets out policies in relation to the development and use of land in the whole of the neighbourhood area; it specifies the period for which it is to have effect and it does not include provision about development that is 'excluded development' (county matters, waste development, Annex 1 Environment Impact Assessment Development, Nationally Significant Infrastructure Projects).
- 23 The council cannot make a decision that differs from the Examiner's recommendations about the referendum area. Therefore, there is no reason to extend the referendum area beyond the boundaries of the designated plan area as they are currently defined.
- 24 The individual modifications proposed by the Examiner are set out in Appendix 1 alongside the council's decision in response to each recommendation and the reasons for them. The Examiner's Report is available in Appendix 3.

- 25 The examiner noted in his report that his examination was focused on whether the plan's policies meet the basic conditions. The examiner made recommendations relating to the drafting of a number of the policies but considered to be beyond the remit of his role, as the examiner, to be recommending changes to the supporting text. To ensure that the plan reads as a coherent document the examiner directed the qualifying body and the council to agree changes to supporting text and consequential modifications. These additional changes are noted in appendix 2.
- 26 The National Planning Policy Framework was revised on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. The policies in the previous Framework (published on 27 March 2012) will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Paragraph 213 sets out that policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The council is satisfied that the policies in the Chalgrove Neighbourhood Plan are consistent with the revised National Planning Policy Framework (2018).
- 27 The council has taken account of all the representations received.

SEA/ HRA SCREENING

- 28 In order to comply with the basic condition on European Union legislation the Qualifying Body has prepared a Sustainability Appraisal Report. The report was updated to assess the Qualifying Body's response to the examiner's preliminary recommendations. The updated report was subject to public consultation.
- 29 The revised Habitats Regulations Screening Assessment (August 2018) concluded that the Plan will not have any likely significant effects on the integrity of European sites either alone or in combination with other plans or projects.

Councillor Felix Bloomfield

South Oxfordshire District Council Cabinet Member with Portfolio for Planning
Date: 11 October 2018

Appendix 1 – Examiner’s modifications

Policy/ Section	Examiner’s recommendations	Council’s Decision	Justification/Reason
Policy C1- Development Within the Built – up Area	<p>Retitle the policy “Location of Development”</p> <p>Insert at the end of the policy “Reuse of existing buildings in the countryside; Diversification of agricultural and other land-based rural businesses and operational development necessary for existing businesses so long as the development does not encroach upon the open countryside. Proposals for residential development outside the built-up area of Chalgrove will only be supported if it is necessary or suitable for a countryside location and is consistent with development plan policies”.</p>	Agree	The council considers the modifications proposed by the examiner to be necessary to ensure the policy has sufficient clarity and is not overly restrictive.
Policy C2– Design and Character	At the start of the policy insert “Within the built-up areas of Chalgrove and/ or sites allocated for development in Policy H1 or other allocated sites in the development plan within the plan area,”	Agree	<p>The council shares the examiner’s view that the criteria in Policy C2 is not relevant to development away from the village or non-residential development.</p> <p>The council raised concerns in relation to the effect the policy may have on non-residential development or on any strategic allocation in Chalgrove.</p> <p>The Council expressed support for the examiners preliminary view that the</p>

			<p>application of the policy should be restricted to development within or adjacent to the built-up area of Chalgrove and suggested that the policy should not apply to other allocated sites in the development plan within the plan area.</p> <p>Whilst the modification proposed by the examiner does not restrict the scope of the policy so that it does not apply to a strategic allocation in Chalgrove, as suggested by the council, policy C2 is sufficiently flexible and will not place excessive burden on new development. Furthermore, should a strategic allocation be brought forward through the Local Plan, strategic Local Plan polices would take precedence.</p>
Policy H1– Housing Site Allocation	Replace all the wording after “200 dwellings” and insert “as shown on the aerial photograph, described as Map 4 and at H1 option B land to the east of Chalgrove for up to 120 dwellings as shown on the aerial photograph, described as Map 4a”. If the plan’s aerial photographs are to be changed to maps in the future versions of the plan then the wording of the policy should be amended so as to remove references to aerial photographs and it may be necessary to make further consequential	Agree	The council considers the proposed modification necessary to ensure that the policy supports the strategic priorities of the district and makes a positive contribution towards meeting housing needs. Notably, as modified, the policy allocates sites which combined will deliver approximately for 320 homes. The proposed site allocations will ensure that the level of growth identified in the emerging Local Plan can be met and

	changes.		potentially exceeded.
Policy H1A – Land to the West of Marley Lane	<p>Delete a)</p> <p>In e) After “All” delete “development” and insert “new buildings and roads” and after “Zone 1” insert “incorporating Sustainable Urban Drainage measures.</p> <p>In f) delete “ownership and maintenance to be agreed with the Scout Group”</p> <p>In h), delete the second sentence. In j) insert a comma after “semi- detached”.</p>	Agree	The council considers the proposed modifications necessary to ensure that the policy has the clarity required by the NPPF and to ensure the policy does not set out excessive and inappropriate requirements.
New Policy H1B- Land to the east of Chalgrove	<p>Insert the following policy: Policy H1B- Land to the East of Chalgrove</p> <p>Site H1 B is allocated for up to 120 dwellings, subject to the following:</p> <p>(i)The proposed development conforming to the policies contained in the Chalgrove Neighbourhood Plan and the Development Plan and;</p> <p>(ii) The following site specific requirements.</p> <p>a) Provide a vehicular entrance on to the B480 via a roundabout, and provide pedestrian entrances onto a new B480 footpath and via the upgraded existing footpath onto Monument Road. Provide safe pedestrian crossing across the entire extent of Monument Road from the footpath to the</p>	Agree	The council considers the addition of this policy necessary to ensure the Plan supports the strategic priorities of the district and makes a positive contribution towards meeting housing needs.

	<p>High Street.</p> <p>b) Provide open areas within the development.</p> <p>c) The existing public footpath to be retained.</p> <p>d) All development to be undertaken in Flood Zone 1 with appropriate and effective flood mitigation measures which ensure that flood risk is not increased to neighbouring properties and where possible is decreased.</p> <p>e) Provide high quality play areas including a Multi-Use Games Area (MUGA) or a Neighbourhood Equipped Area for Play (NEAP).</p> <p>f) A maintenance agreement to be in place for all public open spaces including grass verges and waterways.</p> <p>g) Overall up to 10% or more new homes should have 1-bedroom, a minimum of 35% should have 2, a minimum of 35% should have 3, and up to 15% can have 4 or more bedrooms unless viability or other material considerations show a robust justification for a different mix</p> <p>h) Approximately two-thirds of new homes should be terraced or semi-detached, and one-third detached properties unless viability or other material considerations show a robust justification for a different mix</p> <p>i) Roads within the development to be wide enough to accommodate two cars</p>		
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	<p>j) Minimum of two off road parking places excluding garage to be provided for 1 to 3 bedroom homes, a minimum of 3 spaces including garage to be available for 4 bedroom houses unless viability or other material considerations show a robust justification for a different mix</p> <p>k) 40% of development to be made available for affordable housing</p> <p>l) Survey existing trees, hedgerows and wildlife to retain valuable resources and habitat. Maintain the current open drainage ditch which runs along the West side of the site. Planting of additional trees and hedges will be strongly encouraged to improve biodiversity and provide a buffer between existing homes and the new development.</p> <p>m) Development should be phased in tandem with the timely provision of infrastructure to help support sustainable growth</p> <p>n) Development must be informed by a stage program of archaeological evaluation and mitigation, carried out by a professional archaeological organisation in accordance with a written scheme of investigation approved by South Oxfordshire District Council, prior to any development taking place. Any find should be recorded and listed for further examination and the work</p>		
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	should include a full report which should be published and placed in a public archive.		
Policy H2– Dwelling Mix	At the end of the second sentence replace “include link and semi- detached dwellings” by “be made up of approximately two thirds terraced or semidetached properties, and one third detached properties, unless viability or other material considerations justify a different mix”.	Agree	The council considers the proposed modifications necessary to ensure that the policy has the clarity required by the NPPF.
Policy H4– Residential Parking	In the first bullet point, delete “in the supporting Design and Access Statement”.	Agree	As noted by the examiner, this policy offers locally distinctive criteria for assessing the siting of car parking, beyond the numerical standards set out in Parking Standards. The council considers the proposed modification necessary to ensure the policy can be applied consistently to all residential development, instead of being applicable only to residential development which require a Design and Access Statement.
Policy H5 – Walking /Cycling	Insert “major” after “new”.	Agree	The council considers the proposed modification necessary to ensure that the policy does not place overly onerous requirements on small scale residential development.
Policy CF1 –	Delete the Policy and replace as a non-	Agree	As noted by the examiner, this policy is not a

Community Infrastructure Levy	development plan “Community Aspiration” or similar.		<p>planning policy that can be used to determine a planning application. As a Statement of Intent, it is perfectly appropriate for the Parish Council to set out its spending priorities in the neighbourhood plan document, but it should not be a development plan policy. It should instead be clearly identified as a community action, community aspiration or similar. That is the advice of the Secretary of State in the Planning Practice Guidance.</p> <p>Having regard to national planning policy and guidance, the council considers the examiner’s recommendation necessary and appropriate.</p>
Policy CF2 - Community Assets	Change the title of the policy to “Assets of Community Value”	Agree	The council considers the proposed modifications necessary to ensure that the policy has the clarity required by the NPPF.
Policy CF3 – Improvement to Community Assets	Replace “of any other established community use” by “community building,”.	Agree	The council considers the proposed modifications necessary to ensure that the policy has the clarity required by the NPPF.

Appendix 2 – Additional/consequential modifications

Section	Agreed change	Justification/Reason
Page 14, Table 1, Objective 8	Replace: ' <i>CF1 - Community Infrastructure Levy</i> ' with ' <i>Community Infrastructure levy - Supporting statement appendix 1</i> '	To align supporting text with the examiner's recommendation to delete policy CF1 and present the text as a supporting statement.
Page 42, 5.4, Objective 8	Replace: ' <i>CF1 - Community Infrastructure Levy</i> ' with ' <i>Community Infrastructure levy - Supporting statement appendix 1</i> '	To align supporting text with the examiner's recommendation to delete policy CF1 and present the text as a supporting statement.
Page 13	Addition of paragraph 4: Community Infrastructure Levy - The Community Infrastructure Levy (CIL) is received in respect of all qualifying development that takes place in the plan area. The supporting statement sets out the spending priorities for the CIL. A number of projects have been identified through the neighbourhood plan preparation process and would significantly benefit the village community facilities and environment. Projects related to desilting, flooding and amenities will contribute to meeting the Neighbourhood Plan objectives.	To align supporting text with the examiner's recommendation to delete policy CF1 and present the text as a supporting statement.

Page 29	Delete last sentence: <i>'(need to add map of indicative plan for site 7)*****'</i>	Map now included.
Page 42	In paragraph 1: replace <i>'(see Table 4 below - Project List for Developer Funding)'</i> with <i>'see supporting statement - appendix 1'</i>	To align supporting text with the examiner's recommendation to delete policy CF1 and present the text as a supporting statement.
Page 9	In the third paragraph of point 3.2.1 replace '7' with '8'.	Factual correction. The village plan was adopted in 2010, so now 8 years ago.
Page 14 Village Character Objective 1 and Page 15 point 5.2	Replace <i>'C1 Development within the Built Up Area'</i> with <i>'C1 Location of Development'</i>	To align supporting text with the examiner's recommendation to rename policy C1.
Page 14 Community Assets Services and Facilities Objective 8 and Page 42 Objective 8	Replace <i>'CF2 Community Asset'</i> with <i>'CF2 Assets of Community Value'</i>	To align supporting text with the examiner's recommendation to rename policy CF2.
Page 43 last paragraph	Remove <i>'One has a Chinese takeaway'</i>	Factual correction. There is no longer a takeaway available from the pub

Paragraph 2.2	Replace '2018' with '2019'	Factual correction. Changes to the timetable for the adoption of the South Oxfordshire emerging Local Plan

Appendix 3

Examiner's Report



Listening Learning Leading