

## **SOUTH OXFORDSHIRE DISTRICT COUNCIL**

### **EAST HAGBOURNE NEIGHBOURHOOD PLAN DECISION STATEMENT**

#### **Summary**

- 1 Following an independent Examination, South Oxfordshire District Council's Cabinet Member for Planning confirmed on 24 January 2019 that the East Hagbourne 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 14 March 2019 in the following locations:

Reception <b>South Oxfordshire District Council</b> 135 Eastern Avenue, Milton Park, Milton, OX14 4SB	Mon - Thurs, 8.30am - 5pm and Friday, 8.30am - 4.30pm
<b>St Andrew's Church, Church Cl, East Hagbourne, Didcot, OX11 9ND</b>	

#### **Background**

- 3 East Hagbourne Parish Council, as the qualifying body, successfully applied for East Hagbourne parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
- 4 Following the submission of the East Hagbourne Neighbourhood Plan Submission Version ('the Plan') to the district council, the Plan was publicised and comments were invited from the public and stakeholders. The publicity period closed on 4 January 2019.
- 5 South Oxfordshire District Council appointed an independent examiner, Andrew Ashcroft, to review whether the plan meets the basic conditions required by legislation and should proceed to referendum.
- 6 The examiner concluded that the plan meets the basic conditions, and that subject to the modifications proposed in his report, the plan should proceed to referendum.

## Decision

Having considered the examiner's recommendations and reasons for them, South Oxfordshire District Council's Cabinet Member for Planning decided on 24 January 2019:

1. To accept all modifications recommended by the Examiner;
2. to determine that the East Hagbourne 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 East Hagbourne Neighbourhood Development Plan to referendum.

## Reasons for decision

- 7 The East Hagbourne Neighbourhood Development Plan (the Plan), as modified by the Examiner's recommendations, has had regard to national policies and advice contained in guidance issued by the Secretary of State. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but it is intended to have and does have a significant effect. The principal document in which national planning policy is contained is the National Planning Policy Framework (March 2012) (NPPF) and this conclusion is reached bearing this in mind. The advice within national Planning Practice Guidance ("NPPG") has also been borne in mind in reaching this conclusion.
- 8 Having considered all relevant information, including representations submitted in response to the Plan, the Examiner's considerations and recommendations, the council has come to the view that the Plan recognises and respects relevant constraints. The Plan has developed a positive suite of policies that aim to safeguard the character and appearance of East Hagbourne and to promote sensitive development appropriate to its character and the position of the village in the local settlement hierarchy.
- 9 The Plan, as modified by the Examiner's recommendations, contributes to the achievement of sustainable development. This condition relates to the making of the plan as a whole. It does not require that each policy in it must contribute to sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. The plan identifies sustainable development through an overarching Policy SD1- Sustainable Development. In the economic dimension the Plan includes policies for housing H1-H3, infrastructure policies CF1 and CF2 and transport policies TA1-TA3. In the social role, it includes policies for housing H1-H3, infrastructure policies CF1 and CF2 and transport policies TA1-TA3. In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment Policies VC1a-VC6 which include the designation of Local Gaps Policies VC1a-VC1d. The policies in

the Plan pursue net gains across each of the different dimensions of sustainability in a mutually supportive way.

- 10 As a whole, the council is satisfied that the Plan sets out to achieve sustainable development in the plan area. It promotes sensitive development, appropriate to the character of the village, its historic environment and its position in the settlement hierarchy.
- 11 The Plan, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the Development Plan for the area. The adopted Development Plan does not require smaller villages to make site allocations. In this context, proposals for development in East Hagbourne should be consistent with the overall strategy of supporting its role and function within the wider network of settlements. The Plan proposes that new development is strictly controlled in the Plan area to reflect its position within the settlement hierarchy.
- 12 The council's emerging Local Plan, which will replace the Core Strategy, continues to direct development to the most sustainable locations and supports neighbourhood planning groups in 'smaller villages' who wish to promote development. The Plan proposes that new development is strictly controlled in the Plan area to reflect its sensitive location. The Plan allows for a site allocation and infilling within the built-up form of East Hagbourne.
- 13 The East Hagbourne NDP has responded positively to the Emerging Local Plan. The Plan includes a site allocation safeguarding the delivery of 74 new homes in the neighbourhood plan area.
- 14 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 the European Union legislation the Qualifying Body has prepared a Strategic Environmental Assessment dated September 2018. The Strategic Environmental Assessment sets out the background of how it was developed in Section 1 and 2. Section 3 sets out an overview of the plan. Section 4 details the scope of the SEA. Section 6 identifies the reasonable alternatives. Section 7 appraises the reasonable alternatives. Section 8 develops the preferred approach. Section 9 details the methodology. Section 10 assesses the submission plan. Section 11 sets out the monitoring and next Steps.
- 15 The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites. The Council screened the Plan potential impact on EU Special Areas of Conservation

(SACs) and this was completed in November 2018. The HRA screening report concluded that the Plan would not have any likely significant effects on the integrity of European sites in or around South Oxfordshire, either alone or in combination with other plans or programmes. The screening assessment was undertaken taking into account 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. Natural England was consulted on the submission version of the Plan and the Screening Assessment undertaken by the council. Natural England raised no objections to the conclusion of the Assessment - that the East Hagbourne Neighbourhood Plan will not give rise to likely significant effects on European sites, either alone or in-combination with other plans or projects, and that an Appropriate Assessment is therefore not required.

- 16 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.
- 17 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'.
- 18 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.
- 19 The individual modifications proposed by the Examiner are set out in Appendix 1 alongside the council's decision in response to each recommendation and the reasons for them. The Examiner's Report is available in Appendix 2.
- 20 The examiner noted in his report that he has recommended a series of modifications both to policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of his recommended modifications to the policy concerned, they are highlighted in his report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. The examiner noted that it would be appropriate for the council and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. These additional changes and the reasons for them are detailed in Appendix 3.

- 21 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 East Hagbourne Neighbourhood Plan are consistent with the revised National Planning Policy Framework (2018).
- 22 The council has taken account of all the representations received.
- 23 The Electoral Services team advise that the referendum is planned for Thursday 14 March 2019.

#### **SEA/ HRA SCREENING**

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

#### **Councillor Felix Bloomfield**

South Oxfordshire District Council Cabinet Member with Portfolio for Planning

Date: 31 January 2018

## Appendix 1 – Examiner’s modifications

Appendix 1: Examiner’s recommendations			
Policy/ Section	Examiner’s recommendations	Council’s Decision	Justification/Reason
Page 26	<p><b>In the policy titles and policy text concerned replace ‘Local Green Gap’ with ‘Local Gap’</b></p> <p><i>In the supporting text concerned replace ‘Local Green Gap’ with ‘Local Gap’</i></p>	Agree	The council considers the modification to the policy and supporting text to be necessary to avoid any potential confusion to the reader with ‘local green spaces’ that are also identified in the submitted plan.
Page 24	<p><i>Replace the paragraph on page 24 beginning with ‘The Didcot Garden Town Delivery Plan’ with:</i></p> <p><i>‘The spatial distribution of growth in and around Didcot will ultimately be determined through the emerging Local Plan and the (as yet unspecified) further detailed planning policies for the Garden Town area. Plainly these various documents will provide assurance on the delivery of housing growth in Didcot and the separation between Didcot, the surrounding villages and their rural hinterlands. They also will provide the context for the eventual delivery and identification of the green gaps envisaged in the Didcot Garden Town Delivery Plan</i></p>	Agree	The council considers the proposed modifications to be necessary to provide clarity.

	<i>(October 2017). The proposed local gaps identified in this Plan are an interim approach to this matter. Their extent and policy wording will be reviewed once the emerging Local Plan has been adopted.'</i>		
Page 75	<p><i>In Section 6 Implementation and Monitoring add the following additional section between the twelve-month review and the Five-year review:</i></p> <p><i>'Review following the adoption of the emerging South Oxford Local Plan</i></p> <p><i>The spatial distribution of growth in and around Didcot will ultimately be determined through the emerging Local Plan and the (as yet unspecified) further detailed planning policies for the Garden Town area. Plainly these various documents will provide assurance on the delivery of housing growth in Didcot and the separation between Didcot and the neighbourhood area. They also will provide the context for the eventual delivery and identification of the green gaps envisaged in the Didcot Garden Town Delivery Plan (October 2017).</i></p> <p><i>The key elements of the neighbourhood plan will be</i></p>		The council considers the proposed modifications to be necessary to provide clarity.

	<i>assessed and where necessary reviewed once the emerging Local Plan has been adopted. Plainly the scale and nature of the review will be determined by the eventual outcome of the Local Plan. Key elements of any assessment are likely to include future housing provision in the neighbourhood area and the extent and policy wording of the local gap policies'</i>		
Page 24	<i>In the final paragraph of supporting text on page 24 delete 'as shown in Figure 4. These Green Buffer Zones.... East Hagbourne Parish.'</i>	Agree	The council considers the modification to be necessary to avoid any potential confusion to the reader.
Page 25	<i>At the end of the first paragraph of supporting text on page 25 add: 'They are identified as Local Gaps in the various components of Policy VC1.'</i>	Agree	The council considers the proposed modifications to be necessary to provide clarity.
Page 26 Policy VC1a	<b>Replace 'diminish' with 'unacceptably' detract from the character and/or the scale of'</b>	Agree	The council considers the proposed modifications to be necessary to provide the clarity required by the NPPF.
Page 27	<b>Delete policy.</b>	Agree	The council considers the proposed

Policy VC1b	<i>Delete the supporting text.</i>		modification to be necessary as there isn't sufficient justification for the application of a specific policy beyond the range of national and local policies that are available to safeguard the matters identified within the proposed local gap.
Page 28 Policy VC1c	<p><b><i>Replace 'protect' with 'retain and respect'</i></b></p> <p><b><i>At the end of the policy add 'as shown in Figure 6.'</i></b></p> <p><i>At the end of the supporting text on the policy add:</i></p> <p><i>'Policy VC1c sets out to conserve the open landscape character of the area. It also requires that any new development should retain and respect the view identified within the local gap in Figure 6'.</i></p>	Agree	The council considers the proposed modifications to be necessary to provide clarity required by the NPPF.
Page 29 Policy VC1d	<p><b>At the beginning of the policy add:</b></p> <p><b>'Outside the local green space designations within this Local Gap (as shown on the Policies Map)'</b></p> <p><b>As a new part of the policy add:</b></p> <p><b>'Development proposals on land designated as local green spaces within the Green Wedge will be determined in accordance with the provisions of</b></p>	Agree	The council considers the proposed modifications to be necessary to provide the clarity required by the NPPF and to ensure that there is no conflict between overlapping policies.

	<p><b>Policy E1 of this plan.'</b></p> <p><i>At the end of the supporting text add: 'The Local Gap includes three local green spaces. These separate designations are covered in detail in Policy E1 of this policy. The two policy approaches are designed to be complementary. Within the parts of the Local Gap covered by local green space policy E1 will apply.'</i></p>		
Page 30 Policy VC2	<p><b>Replace the policy with:</b> <b>'Development proposals should retain and respect where practicable the views within the village, to and from the village and of the wider landscape, including views towards the North Wessex Downs AONB (as shown in Figure 6).</b></p> <p><i>At the end of the supporting text add: 'Proposals that have the potential to affect detrimentally a view from an identified viewpoint should be accompanied by a Landscape and Visual Impact Assessment to assess the proposal from the affected viewpoints. Where appropriate mitigation measures should also be included'.</i></p>	Agree	The council considers the proposed modifications to be necessary to ensure the policy is not overly restrictive and to provide clarity required by the NPPF.

Page 32 Policy VC3	<p><b>In b) replace ‘pay high regard’ with ‘have regard’</b></p> <p><i>In the final paragraph of text on page 33 add the following as a new sentence between the two existing sentences:</i></p> <p><i>‘Criterion b of the policy addresses this important matter for the neighbourhood area.’</i></p>	Agree	The council considers the proposed modifications to be necessary to provide the clarity required by the NPPF.
Page 35 Policy VC4	Replace ‘must’ with ‘should’	Agree	The council considers the proposed modification necessary to ensure the policy is sufficiently flexible.
Page 37 Policy VC5	<p><b>Insert two sub headings into the policy (Designated Heritage Assets and Non-Designated Heritage Assets)</b></p> <p><b>Under the heading ‘Designated Heritage Assets’ include the following paragraphs from the submitted policy (with modifications where specified below):</b></p> <p><b>Paragraph 1</b></p>	Agree	The council considers the proposed modifications necessary to ensure the policy has regards to advice contained in national planning policy (paragraphs 126-141 of the NPPF).

	<p><b>Replace ‘preserve’ with ‘conserve’.</b>  <b>After ‘integrity,’ add ‘significance,’.</b>  <b>Delete ‘and the wider historic landscape’.</b></p> <p><b>Paragraph 4</b>  <b>Replace ‘and its historic...local note’ with ‘listed buildings’.</b></p> <p><b>Under the heading ‘Non-designated Heritage Assets include the following paragraphs from the submitted policy (with the modifications to those policies as specified below):</b></p> <p><b>Paragraph 2</b></p> <p><b>Insert new paragraph to read:</b>  <b>‘The identity and character of buildings of local note should be conserved or enhanced by reusing original, natural materials or employing the best available new materials that are appropriate to the significance of the non-designated asset concerned’.</b></p> <p><b>Paragraph 3</b>  <b>Replace ‘will be expected to’ with ‘should’</b></p>		
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	<p><b>Paragraphs 5/6/7</b></p> <p><i>At the beginning of the main paragraph on page 39 add:</i></p> <p><i>'Policy VC5 provides a distinction between designated and non-designated assets. It properly recognises the statutory significance of the Conservation Area and the various listed buildings in the neighbourhood area.'</i></p>		
Page 39 Policy VC6	<p><b>Delete the first component</b></p> <p><b>In the second component:</b></p> <ul style="list-style-type: none"> <li>• insert 'for new housing developments' between 'schemes' and 'should'.</li> <li>• replace 'being' with 'be'</li> <li>• replace 'but respecting' with 'and respect'</li> </ul>	Agree	The council considers the proposed modifications necessary to simplify the policy and bring the two components together, thus providing the clarity required by the NPPF.
Page 42 Policy H2	<p><b>At the end of the opening part of the policy add:</b></p> <p><b>'and make appropriate provision to meet the need</b></p>	Agree	The council considers the proposed modifications necessary to retain the integrity

	<p><b>for affordable housing, both for rental and home ownership in line with the affordable housing policies in the development plan'</b></p> <p><b>In the second part of the policy delete the first of the three sections</b></p> <p><i>At the end of the associated supporting text (on pages 43/44) add:</i></p> <p><i>'Policy H2 addresses these various issues. It has been designed to ensure that housing proposals should have regard both to local housing need and to meet development plan requirements for affordable housing. The specific needs for smaller houses and/or those for older people are also included in the policy. It will need to be applied on a flexible basis. Plainly larger proposals will offer the greatest opportunities for meeting bespoke housing needs. Within the context of Policy H1 it is likely that the majority of individual proposals for housing development will be single dwellings on infill sites within the built-up part of the village. Such proposals will not necessarily provide the opportunity to meet any or all of the identified housing needs. In some cases, however they will be specifically designed to meet some aspect of identified housing need that relates to the future occupiers concerned.'</i></p>		<p>of the approach included in the submitted plan and to achieve the clarity required by the NPPF.</p>
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Page 44 Policy H3	<p><b>In the opening part of the policy replace ‘that in addition.... criteria’ with ‘that is consistent with the policies in the development plan and addresses the following criteria’</b></p> <p><b>Insert semi-colons at the end of criteria 1-6.</b></p> <p><b>Insert ‘; and’ at the end of the sixth criteria.</b></p>	Agree	The council considers the proposed modifications necessary so that the wider relationship to development plan policies is clear and to ensure that developers need to comply with all the criteria identified.
Page 47 Policy CF1	<p><b>In the first paragraph/first sentence:</b></p> <ul style="list-style-type: none"> <li><b>• replace the first ‘development’ with ‘proposals’</b></li> <li><b>• replace ‘proposed’ with ‘concerned’</b></li> </ul> <p><b>Delete the first paragraph/second sentence.</b></p> <p><b>In the third paragraph replace ‘Planning applications.... upon:’ with ‘Development proposals should address their impact and where appropriate provide mitigation on:’</b></p>	Agree	The council considers the proposed modifications to be necessary to provide sufficient clarity and ensure that the policy can be applied consistently, as required by the NPPF.

Page 48 Policy CF2	<p><b>At the start of the policy insert:</b></p> <p><b>The Plan identifies the following facilities as key East Hagbourne community facilities’:</b></p> <ul style="list-style-type: none"> <li>• The Fleur-de-Lys Public House</li> <li>• The Village Hall</li> <li>• The Pavilion at the Recreation Ground</li> <li>• The Community Shop/Post Office</li> <li>• The allotments at Butts Piece</li> <li>• Hagbourne Church of England Primary School</li> <li>• St Andrew’s Church</li> </ul> <p><b>Replace ‘permitted’ with ‘supported’.</b></p> <p><i>As a separate paragraph at the end of the supporting text on page 49 add:</i></p> <p><i>Policy CF2 identifies the key physical community facilities to which the policy will apply. There may be circumstances where additional community facilities are</i></p>	Agree	The council considers the proposed modifications to be necessary to provide the clarity required by the NPPF.

	<i>developed within the neighbourhood area and to which this policy would apply. In a similar fashion certain planning application may have an impact on other community facilities which are not identified as 'key' facilities in the policy.'</i>		
Page 50 Policy TA1	<b>In the opening part of the policy replace 'must' with 'should' and 'severe' with 'unacceptable'.</b>	Agree	The council considers the proposed modification to be necessary to provide clarity required by the NPPF.
Page 53 Policy TA3	<i>Change the colour of the third bullet point itself to black.</i>	Agree	The council considers the proposed modification to be necessary to achieve consistency throughout the plan.
Page 49 Policies figure 14	<i>Identify Lawsons Orchard and Tudor House allotments on maps which would better identify the areas concerned.</i>  <i>In the case of Lawsons Orchard do so on the basis of the boundaries shown on Map 1.</i>	Agree	The council considers the proposed modification to be necessary to provide the clarity required by the NPPF. Plans identifying Lawsons Orchard and Tudor House allotments are available in Appendix 4. These maps will be included in the referendum version of the Plan.
Page 63 Policy E2	<b>In the final paragraph of the policy replace 'development decisions' with 'development</b>	Agree	The council considers the proposed modification to be necessary to meet basic

	proposals.'		conditions.
Other Matters	Modification of general text (where necessary) to achieve consistency with the modified policies	Agree	The council considers it necessary to make changes to the general text that may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It is therefore considered appropriate for the council and the Parish Council to have the flexibility to make any necessary consequential changes to the general text.
Contextual changes	<p>Page 4</p> <p><i>Third paragraph – replace the second sentence with: ‘The Plan period extends for 16 years’</i></p> <p><i>Fifth paragraph – replace ‘Local Plan’ with ‘Development Plan’</i></p> <p><i>Sixth paragraph – as fifth paragraph and replace ‘material’ with ‘full’</i></p> <p><i>Seventh paragraph – replace ‘This new draft’ with ‘This submission version of the Plan’. Delete the final two sentences</i></p> <p><i>Page 7 Figure 4 – Replace ‘at’ with ‘in’.</i></p>	Agree	The council considers the following contextual changes to the supporting text to be necessary to correct factual errors and ensure the Plan provides the clarity required by the NPPF.

	<p><i>Page 9 Fourth paragraph and penultimate sentence - Replace 'Local' with 'Development'.</i></p> <p><i>Page 11 Final Paragraph - Replace 'The SODC Character Assessment of 200' with 'The SODC East Hagbourne Conservation Area – a character study 2000'</i></p> <p><i>Page 31 First paragraph – Replace (2017) with (2018). This is a general matter that will apply throughout the Plan as appropriate.</i></p> <p><i>Page 65 Third paragraph – Replace 'NFFP' with 'NPPF'.</i></p>		
<b>Appendix 2 – Examiner's Report</b>			
<b>Examiner's Report – Copy available at the end of this report.</b>			
<b>Appendix 3: Consequential and/or Factual Changes</b>			
Section	Agreed change	Justification/Reason	
Page 10	'There are 47 listed buildings and structures in the	This is a factual correction based on comments from	

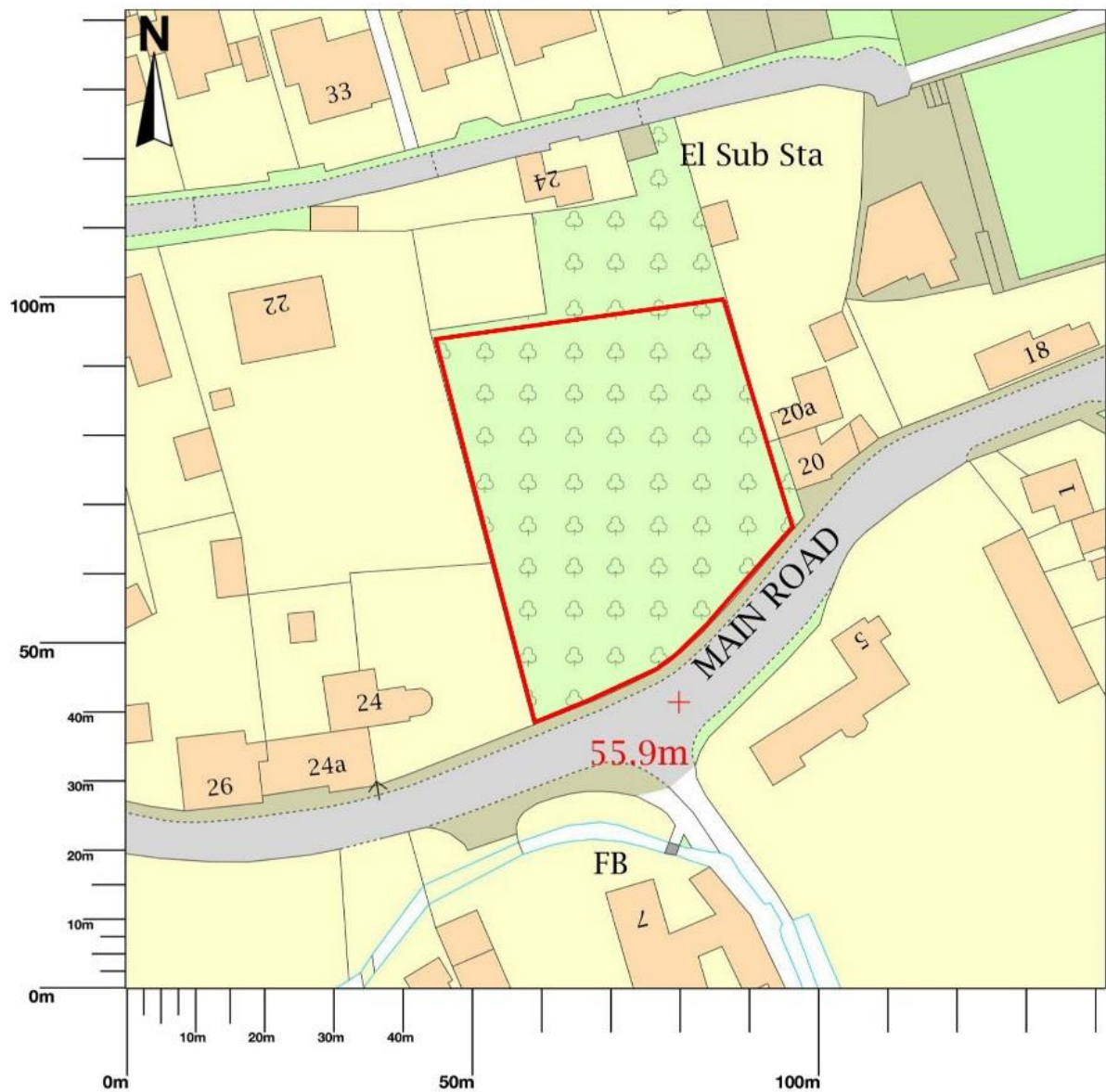
3.2 para 5	<p>parish and the village pub, the Fleur de Lys, is a listed pub.'</p> <p>Changed to:</p> <p>'There are 45 listed buildings and two scheduled monuments in the parish in the parish and the village pub, the Fleur de Lys, is a listed pub'</p>	Historic England.
Page 22 4.3.1 Figure 3 Policies Map	Western Village Fields has been deleted from Figure 3	This is a consequential amendment due to the examiners recommendations.
Section 4.3.2 Design and Character	Policies VC1c and VC1d renamed to VC1b and VC1c	This is a consequential amendment due to the examiners recommendations.
Page 24 4.3.2	'Green buffers' replaced by 'Local Gaps'	This is a consequential amendment to align with the examiners recommendations.
Page 24	The three areas that have been identified have been	This is a consequential amendment to align with the

4.3.2 Last para	changed to four.	examiners recommendations.
Page 24 4.3.2	<p>'The consultant, Novell Tullett, is engaged in similar studies for adjoining parishes. Together, these studies will provide evidence to inform the wider Didcot Garden Town Plan.'</p> <p>Changed to:</p> <p>'The consultant, Novell Tullett, is engaged in similar studies for adjoining parishes. As well as providing evidence for this Plan, these studies will provide information to inform the wider Didcot Garden Town Plan.'</p>	This is a consequential amendment to align with the examiners recommendations.
Policy VC1c (former VC1d)	"Green Wedge" has been amended to "Local Gap"	This is a consequential amendment to ensure consistency of policy wording with the examiners recommendations.
Page 32	East Hagbourne Parish has 45 listed buildings and two scheduled monuments.	This is a factual correction based on the information provided by Historic England.
Policy VC5	"and" has been inserted before "its listed buildings"	This is grammatical correction following the deletion of

para 1		“and the wider historic landscape” later in the sentence.
Page 37 Policy VC5 Supporting text para 2	The second paragraph has been amended to read: “East Hagbourne Parish has 45 listed buildings and two scheduled monuments.”	This is a factual correction based on the information provided by Historic England.
Policy TA1	“a” has been changed to “an”	This is a grammatical correction as a consequence of the examiners changes to the wording within the policy.
Policy E1 Final sentence	“permitted” has been changed to “supported”	This is to align the policy wording with the examiners recommendations for other policies in the plan.

## Appendix 4 – Plans identifying Lawsons Orchard and Tudor House allotments

### Lawsons Orchard

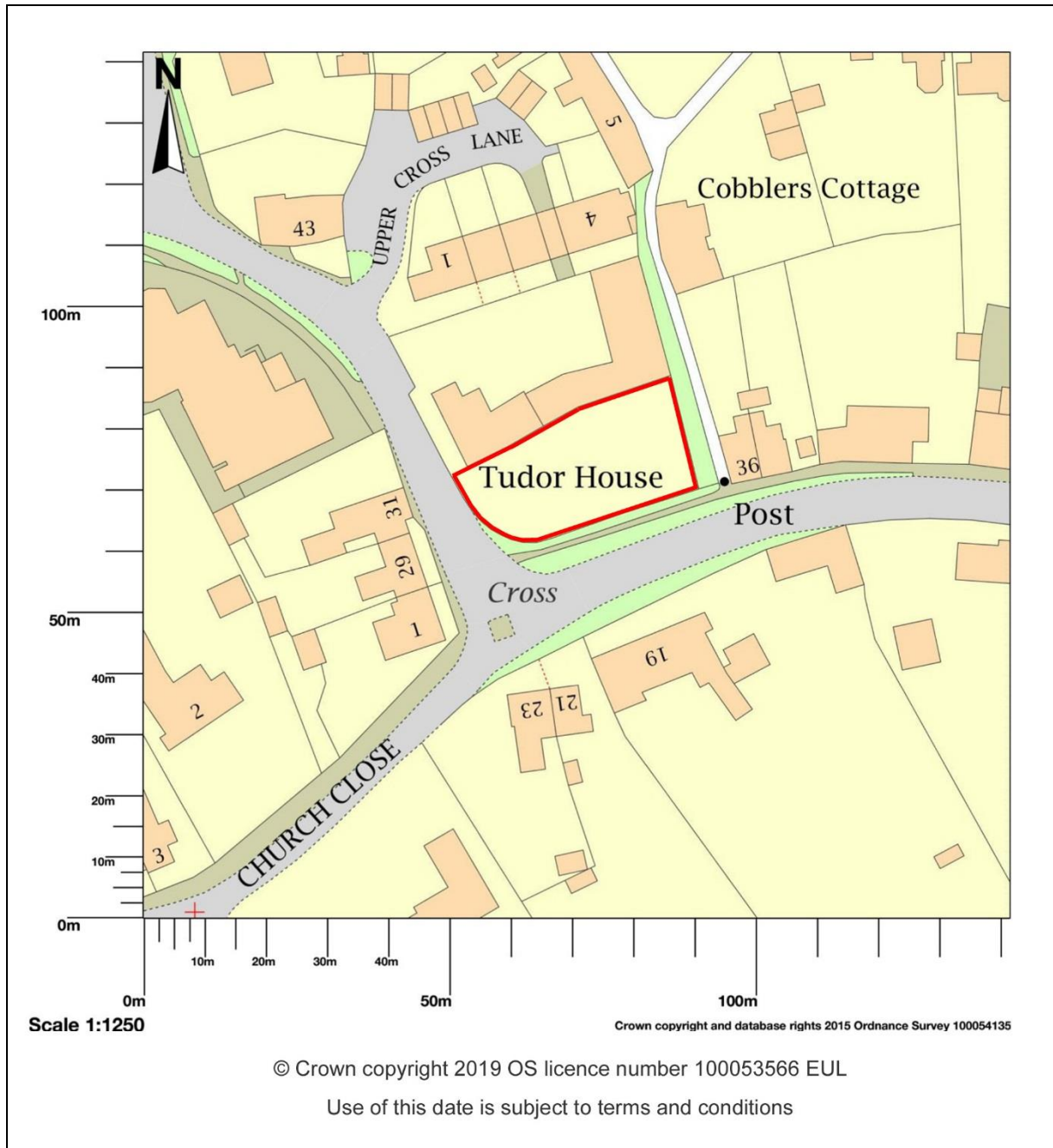


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## Tudor House allotments



Appendix 2

# **East Hagbourne Neighbourhood Development Plan 2018-2033**

**A report to South Oxfordshire District Council on the  
East Hagbourne Neighbourhood Development Plan**

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

**Director – Andrew Ashcroft Planning Limited**

## **Executive Summary**

- 1 I was appointed by South Oxfordshire District Council in November 2018 to carry out the independent examination of the East Hagbourne Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 22 November 2018.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding the separation between the village and Didcot to the north. It also promotes a housing allocation.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the East Hagbourne Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft  
Independent Examiner  
11 January 2019**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the East Hagbourne Neighbourhood Development Plan 2018-2033 (the Plan).
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by East Hagbourne Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012 and 2018. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It seeks to provide a context in which the neighbourhood area can maintain its distinctiveness and identity from Didcot to the immediate north. It proposes Local Green Gaps and a series of Local Green Spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by SODC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the SODC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

### *Examination Outcomes*

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

### *The Basic Conditions*

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
  - contribute to the achievement of sustainable development; and
  - be in general conformity with the strategic policies of the development plan in the area;
  - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

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

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 In order to satisfy the regulations the Parish Council commissioned the preparation of a Strategic Environmental Assessment (SEA). It is a well-designed and comprehensive document. Its findings inform the wider Plan in general terms and Policy H3 (Housing Allocation) in particular. I comment in later sections of this report on that policy. Nevertheless, within the context of this section of the report I am satisfied that the SEA is fit for purposes and meets the basic conditions. In particular I am satisfied about the way in which the SA has addressed its responsibilities under the European Directive 2001/42/EC (on SEA) and how it conforms with the Practical Guide to the SEA Directive (ODPM 2005).
- 2.8 SODC has prepared a Habitats Regulations Assessment (HRA) of the Plan (November 2018). It concludes that the submitted Plan is unlikely to have significant effects on a European site. The report is very thorough and comprehensive. In particular it assesses the likely effects of the implementation of the policies in the Plan on the following sites:
- Little Wittenham SAC;
  - Hartslock Wood SAC;
  - Aston Rowant SAC; and
  - Chiltern Beechwoods SAC.

It concludes that the 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 not required.

- 2.9 I am satisfied that the Council, SODC and the various consultants involved have approached this issue in a sound and responsible manner. The November 2018 HRA screening report has taken account of a European Court case in April 2018 which has changed the way in which local authorities screen for environmental effects. Plainly this case could not have been anticipated as the neighbourhood plan was being prepared.
- 2.10 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.11 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*
- 2.12 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.
- 2.13 Having addressed the matters identified in paragraph 2.12 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 (and its appendices).
  - the Basic Conditions Statement.
  - the Consultation Statement.
  - the Strategic Environmental assessment.
  - the HRA Screening reports
  - the representations made to the Plan.
  - the Parish Council's comments on the representations received
  - the Parish Council's responses to my two Clarification Notes.
  - the South Oxfordshire Core Strategy 2012.
  - the saved policies of the South Oxfordshire Local Plan 2011.
  - the emerging South Oxfordshire Local Plan 2033.
  - the decisions of SODC on the Local Plan 2033 (May and December 2018).
  - the Didcot Garden Town Delivery Plan 2017.
  - the National Planning Policy Framework (March 2012).
  - Planning Practice Guidance (March 2014 and subsequent updates).
  - relevant Ministerial Statements.
- 3.2 I carried out an unaccompanied visit to the neighbourhood area on 22 November 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations.
- 3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is proportionate to the Plan area and its policies. Its strength is its attention to detail. The general Statements sets out the chronology and types of consultation used. It is then underpinned by detailed feedback on the comments received.
- 4.3 The Statement is particularly detailed in terms of its recording of the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (March-April 2018).
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the various stages of the Plan. Section 3 and Appendices A and B provide details about:
  - the creation of a dedicated website;
  - the maintenance of an e mail circulation list;
  - the use of leaflet drops and posters;
  - the use of letters to statutory consultees;
  - the use of letters to landowners;
  - specific engagement with landowners on housing sites selections and local green space designation;
  - the use of public meetings; and
  - the circulation of a questionnaire to all householders.
- 4.5 Appendices C and D respectively set out the scale and nature of the engagement process with landowners over local green space designation and potential housing allocations. They demonstrate the professional way in which these sensitive matters were addressed as part of the wider process.
- 4.6 Section 4 of the Statement sets out how the submitted Plan took account of consultation feedback at the pre-submission phase. It does so in a proportionate and effective way. The summary information is underpinned by detailed information in Appendices F, G and H. This wider analysis helps to describe how the Plan has progressed to its submission stage.

4.7 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 4 January 2019. This exercise generated representations from the following persons and organisations:

- Mr and Mrs H Corcoran
- Oxfordshire Clinical Commissioning Group
- National Grid
- Highways England
- Natural England
- Nurton Developments
- Grainger plc
- Oxfordshire County Council
- Historic England
- Persimmon Homes Limited (North London)
- Orchestra (East Hagbourne) Limited
- Catesby Estates Limited
- Gladman Developments Limited
- South Oxfordshire District Council
- David Brewer and Fiona McDonald
- Mr and Mrs Drewe

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area is the parish of East Hagbourne. It is irregularly- shaped and consists principally of the village of East Hagbourne, together with small outlying settlements at Coscote and Hagbourne Mill. The village is located immediately to the south-east of Didcot. Outside the village the neighbourhood area is mainly comprised of pleasant countryside. Its population in 2011 was 1158. It was designated as a neighbourhood area on 31 March 2016.
- 5.2 The neighbourhood area is mainly in agricultural use. The principal settlement of East Hagbourne is located astride the B4016 which runs from Didcot in the north to Blewbury to the south. The relationship between East Hagbourne and Didcot changes throughout the village. The two settlement are largely connected by ribbon development along New Road (B4016). In addition, the northern part of the village in Harwood Road/Lake Road and within 150 metres of Green Close on the southern tip of Didcot. Elsewhere there are established visual and functional areas of separation between the two settlements. They are mainly the area to the east of New Road, the green area within the middle of East Hagbourne and the western parts of the parish (to the west of the disused railway line), facing Coscote.
- 5.3 East Hagbourne itself is a nucleated village based around the junction formed by Main Road, New Road and Blewbury Road. The historic core remains clear in design and architectural terms. It has a strong visual focus around St Andrew's Church, the Tudor House and the Fleur de Lys public house. It is designated as a conservation area. More modern residential development has taken place to the north of Main Road off Harwood Road. The southern boundary of the village is clearly formed by Hakka's Brook.

### *Development Plan Context*

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

CS1	Presumption in favour of sustainable development
CS S1	The Overall Strategy
CS EM1	Supporting a successful economy
CS H3	Affordable Housing
CS H4	Meeting Housing Needs
CS R1	Housing in Villages
CS R3	Community facilities and rural transport
CS EN1	Landscape
CS EN3	Historic Environment
CS Q3	Design

- 5.5 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.6 East Hagbourne is identified as a Smaller Village in the adopted Core Strategy (policy CSR1 and Appendix 4).
- 5.7 SODC is preparing an updated local plan. It will incorporate a review of the adopted Core Strategy and the saved policies of the Local Plan. East Hagbourne remains as a Smaller Village in the settlement hierarchy. Following a Council meeting in May 2018 the deliverability of strategic housing in the District has been considered in detail. In December 2018 the Council approved a draft plan for consultation. That consultation process began on 7 January 2019.
- 5.8 Plainly in process terms the timings involved have not permitted the submitted neighbourhood plan directly to take account of this emerging local planning context. Nevertheless, it is clear that the emerging neighbourhood plan has taken account of the emerging local plan both in terms of its growth and delivery agenda in general terms. The neighbourhood plan process has sought to respond to the changing strategic figures which have been considered within the emerging Local Plan. The emerging Local Plan is consistent with the adopted Core Strategy both in terms of the position of the village in the settlement hierarchy and the expectations for new development for Smaller Villages in general terms. The submitted neighbourhood plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

*Visit to the neighbourhood area*

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 22 November 2018.
- 5.10 I drove into the Plan area along the New Road from the north. This helped me to understand the neighbourhood area in its wider landscape context. It also highlighted its close proximity to Didcot
- 5.11 I looked initially around Main Road. I saw the heart of the well-preserved conservation area and its associated variety of vernacular and traditional buildings. I took the opportunity to look at the Tudor House allotments and Lawsons Orchard, both of which are proposed to be designated as local green spaces in the submitted Plan. I also saw the impressive St Andrews Church and its significance in the heart of the village. I took the opportunity to walk to the south along the footpath to Hakka's Brook. I saw the very distinctive boundary between the village and the countryside to the south.
- 5.12 I then continued along Main Road to the west. I saw the school, the village hall, the site for the proposed housing allocation (H3), the cemetery, the Western Village Fields Local Green Gap and the former railway line (now Sustrans route 544)

- 5.13 I then continued under the former railway bridge into the countryside to the west of the village. I saw the Coscote Fields Local Green Gap. I also saw the middle-distance views of Didcot to the north.
- 5.14 I retraced my steps into Main Road and then into Bakers Lane so that I could see the proposed Green Corridor Local Green Gap. I saw the proposed Local Green Space in the paddocks off Bakers Green. I then found myself at the garage at the junction of Bakers Lane and New Road.
- 5.15 I then carried on New Road to the north and then turned west along the footpath. I saw the Millennium Wood. I continued to the west up to Butts Piece and the former railway line. I saw the southern tip of Didcot (Green Close). I walked back into the village along Harwood Road
- 5.16 I drove out of the Plan area to the south along Blewbury Road so that I could understand further its setting in its wider landscape. I then drove back into the village and then along New Road towards Didcot. I looked at the proposed Lower End Field Local Green Gap.

## **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 2.11 of this report have already addressed the issue of conformity with European Union legislation.

### *National Planning Policies and Guidance*

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the East Hagbourne Neighbourhood Development Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Core Strategy/saved Local Plan;
  - proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies that address a range of housing growth and environmental matters. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.

- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for infill residential development (H2) and for new residential development (H3). In the social role, it includes a policy on housing needs (H2) and for community facilities (CF2). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on proposed Local Green Gaps (VC1), its heritage assets (VC5) and on proposed Local Green Spaces (E1). This assessment overlaps with the Parish Council's comments on this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in the wider South Oxfordshire District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Core Strategy. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Core Strategy/saved Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

## **7 The Neighbourhood Plan policies**

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. The Plan identifies a range of other, non-land use matters which are referred to as Community Needs. They appear in a separate part of the Plan as recommended by national policy.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. The Community Needs are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

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

- 7.8 The Plan as a whole is well-organised and includes effective maps. It makes an appropriate distinction between the policies and their supporting text. Its design will ensure that it will comfortably be able to take its place as part of the development plan in the event that it is eventually 'made'. The initial elements of the Plan set the scene for the policies. They are proportionate to the Plan area and the subsequent policies.
- 7.9 The Introduction describes the neighbourhood area, and the community process involved in preparing the Plan.
- 7.10 Section 2 helpfully sets out how the Plan would fit into the wider planning system, when it was designated, the community engagement that has been involved and the stages through which the Plan has proceeded.
- 7.11 Section 3 provides helpful background to the neighbourhood area. It also sets out a range of demographic and employment information about the neighbourhood area. It provides a useful reference point for various policies later in the Plan. The sections on the housing site selection process (3.4) and village character (3.5) are particularly effective. Section 3.6 very succinctly sets out the key challenges addressed as part of the preparation of the Plan. They are:
- community facilities;
  - traffic, transport and parking;
  - coalescence with Didcot;
  - environmental issues;
  - housing need; and
  - preserving village character.
- 7.12 Section 4 sets out a comprehensive vision for the Plan. It is underpinned by a series of objectives.
- 7.13 The policies are then set out in detailed parts of section 4. The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### Policy SD1 Sustainable Development

- 7.14 This is an overarching policy. It addresses a wide range of matters which are expected to be considered when determining planning applications. The matters include many of the issues listed in the objectives of the Plan.
- 7.15 The approach taken is very appropriate. It consolidates and expands the Vision set out in Section 4 of the Plan. It is precisely the type of strategic policy that is properly found in neighbourhood plans. In addition, it will contribute significantly towards the delivery of sustainable development in the neighbourhood area. It meets the basic conditions.

#### Local Green Gap Policies (VC1a-d)

- 7.16 The Plan proposes four proposed local green gaps. They are shown on Figure 3. I comment on each local green gap in turn in the following sections of this report. However, to avoid repetition I address the more general issues at this point.
- 7.17 In many respects this aspect is at the heart of the Plan. It reflects the location of East Hagbourne immediately to the south of Didcot. The neighbourhood area has the potential to act as a green environment within the context of the future expansion of Didcot as a Garden Town. The significance of Didcot is captured in the consultation

version of the emerging Local Plan. Policy STRAT1 identifies that major new development will be focused in the Science Vale including Didcot Garden Town. The Garden Town initiative has been designed to help shape growth already identified in the emerging Local Plan for housing, employment and infrastructure. Policy STRAT 4 comments that proposals in the Garden Town area will be expected to demonstrate how they positively contribute towards the achievement of Garden Town Principles set out in Appendix 6 of the emerging Local Plan. One of these principles is that:

*'the garden town will establish a confident and unique identity, becoming a destination in itself that is distinctive from surrounding towns and villages whilst respecting and protecting their rural character and setting'*

- 7.18 The Didcot Garden Town Delivery Plan (DGTDP) was published by SODC in October 2017. It highlights the importance of the surrounding rural villages and landscapes as buffer zones. It is a well-developed document. However, it does not have development plan status. The supporting text to Policy STRAT 4 identifies that SODC will produce further planning policy, including a masterplan for the Garden Town.
- 7.19 The policy approach towards local green gaps draws on detailed evidence from the East Hagbourne Village Character and Landscape Assessment (Appendix 2 of the Plan) and the East Hagbourne Green Buffer Assessment (Appendix 10 of the Plan). Both of the documents are well-researched and professionally prepared. The Character and Landscape Assessment provides an integrated character assessment of the natural and historic environment of the parish. It identifies the features that make the area distinctive and the types of landscape which provide a sense of space. It subdivides the various landscapes into local areas of distinct character. The Green Buffer Assessment was commissioned to assist in the definition and justification of green buffer areas around East Hagbourne within the context of the emerging Didcot Garden Town initiative. It resulted in the identification of eleven separate landscape character areas.
- 7.20 The Plan includes a specific policy for each proposed local green gap. Whilst there is a degree of similarity between the four policies each in turn directly relates to its own physical and locational characteristics. As the Plan explains the various local green gap policies are intended to prevent coalescence between the communities of East Hagbourne, Coscote and Didcot. They are also intended to preserve the distinctive individual characters and settings of the various communities. The Plan also comments that the local green gap policies do not seek to prevent development or open land uses that would otherwise be suited to a countryside location. Their primary purpose is to ensure that any development proposals do not result in the integrity of the gaps being undermined.
- 7.21 In principle I am satisfied that the concept of local green gaps in the identified locations is appropriate and meets the basic conditions. The gaps have been carefully chosen to reflect the Garden Town principles for the future development of Didcot in the emerging Local Plan and in particular that the development of a garden town should respect and protect the rural character and setting of the surrounding villages. The submitted Plan also seeks to develop the concept of green gaps as identified in the DGTDP. Whilst some of the proposed gaps, and Coscote Fields in particular, cover significant areas in most cases they have been sensitively selected. I consider the representations made to the individual green gaps in the following parts of this report. However, in a wider context I am satisfied that the potential

coalescence of East Hagbourne and Didcot would not represent sustainable development and that the designation of local green gaps has an important role to play in this matter.

- 7.22 It is clear from other neighbourhood plans both in the District and elsewhere that gap policies can be justified in appropriate cases. The results of the community consultation process highlight the importance of the physical and visual separation that exists between East Hagbourne and Didcot to the north. In several cases the gaps proposed are very sensitive. In addition, the boundary of an area subject to a gap policy does not have to be capable of extending to the end of the Plan period. This contrasts with boundaries which may be proposed in a neighbourhood plan for a green belt (which is not relevant in the context of the submitted Plan) and for local green spaces (which are proposed in the Plan). If within the plan period the emerging local plan contains a policy which conflicts with the any or all of the local green gap policies the new local plan will prevail on the basis of Section 38(5) of the Planning and Compulsory Act 2004.
- 7.23 The spatial distribution of growth in and around Didcot will ultimately be determined through the emerging Local Plan and the (as yet unspecified) further detailed planning policies for the Garden Town area. Plainly these various documents will provide assurance on the delivery of housing growth in Didcot and the separation between Didcot, the surrounding villages and their rural hinterlands. They also will provide the context for the eventual delivery and identification of the green gaps envisaged in the DGTDP. Subject to my site-specific comments below I recommend that the proposed local green gaps in the submitted plan are considered as an interim approach to this matter. I also recommend that the various local green gap policies are reviewed once the emerging Local Plan is adopted.
- 7.24 In reaching this conclusion based on national and local planning policy it is clear that the submitted Plan relies heavily on the findings of the DGTDP which does not in itself form part of the development plan. This matter has been raised by several organisations that have made representations on the Plan. I recommend modifications to the supporting text both to clarify and to remedy this matter.
- 7.25 I also recommend a series of related modifications to the language used in the policies and the supporting text. In the first instance the use of 'local green gap' has the potential to be confused with the 'local green spaces' that are identified in the submitted Plan. This is compounded as parts of each of the proposed local green gaps have been considered previously as potential local green spaces as the Plan has been prepared. This matter has been raised by several of the representations, and in some cases the representations have concluded that the proposed local green gaps are an opportunity to establish a Green Belt policy approach 'by the back door' (PPG 37-015-20140306). Having considered all the information available to me I am satisfied that the Plan has taken a proportionate and proper approach to the distinction between its proposals for local green gaps and local green spaces. The final paragraph of supporting text on page 25 properly explains this matter. Nevertheless, to bring absolute clarity to this matter I recommend that the various policy and supporting text references to 'Local Green Gap' are replaced with 'Local Gap'.
- 7.26 In the second instance I recommend the deletion of Figure 4 (Green Buffer Zones) from the Plan. Its presentation in the Plan has caused a degree of confusion. It has

also resulted in representations against the definition of the Buffer Zone. However, it is clear from the supporting text that the work on Buffer Zones has been used to inform the policy approach to Local Green Gaps. In addition, there is no policy in the Plan on buffer zones.

**In the policy titles and policy text concerned replace ‘Local Green Gap’ with ‘Local Gap’.**

*In the supporting text concerned replace ‘Local Green Gap’ with ‘Local Gap’.*

*Replace the paragraph on page 24 beginning with ‘The Didcot Garden Town Delivery Plan’ with:*

*‘The spatial distribution of growth in and around Didcot will ultimately be determined through the emerging Local Plan and the (as yet unspecified) further detailed planning policies for the Garden Town area. Plainly these various documents will provide assurance on the delivery of housing growth in Didcot and the separation between Didcot, the surrounding villages and their rural hinterlands. They also will provide the context for the eventual delivery and identification of the green gaps envisaged in the Didcot Garden Town Delivery Plan (October 2017). The proposed local gaps identified in this Plan are an interim approach to this matter. Their extent and policy wording will be reviewed once the emerging Local Plan has been adopted.’*

*In Section 6 Implementation and Monitoring add the following additional section between the twelve-month review and the Five-year review*

*‘Review following the adoption of the emerging South Oxfordshire Local Plan*

*The spatial distribution of growth in and around Didcot will ultimately be determined through the emerging Local Plan and the (as yet unspecified) further detailed planning policies for the Garden Town area. Plainly these various documents will provide assurance on the delivery of housing growth in Didcot and the separation between Didcot and the neighbourhood area. They also will provide the context for the eventual delivery and identification of the green gaps envisaged in the Didcot Garden Town Delivery Plan (October 2017).*

*The key elements of the neighbourhood plan will be assessed and where necessary reviewed once the emerging Local Plan has been adopted. Plainly the scale and nature of the review will be determined by the eventual outcome of the Local Plan. Key elements of any assessment are likely to include future housing provision in the neighbourhood area and the extent and policy wording of the local gap policies’*

*In the final paragraph of supporting text on page 24 delete ‘as shown in Figure 4. These Green Buffer Zones.... East Hagbourne Parish.’*

*At the end of the first paragraph of supporting text on page 25 add:*

*‘They are identified as Local Gaps in the various components of Policy VC1.’*

**Policy VC1a – Lower End Field Local Green Gap**

- 7.27 I turn now to the specific details of each of the proposed Local Green Gaps. I do so in the order in which their respective policies appear in the Plan. The proposed Lower End Field Local Green Gap is located in the northern part of the neighbourhood area. Its western end is the gap in the built development between the houses on the eastern side of New Road and the allotments and the residential development in Didcot off Sandringham Road. The proposed Gap projects to the

east up to the boundary of the neighbourhood area. In effect it is a line of sight through the open gap in the New Road frontage. At the time of my visit some of the view was obscured by a close board fence.

- 7.28 The proposed Local Green Gap consists of agricultural land in arable use. It is owned and managed in separate parcels. The importance of the proposed local green gap is most obvious from the footpath running along its northern edge. Whilst its western extent fronting onto New Road is comprised of a tree and fence screen the significance of the break in built frontage on the eastern side of the road is prominent both in its own right, and when seen in combination with the allotments to the immediate north (outside the neighbourhood area).
- 7.29 The proposed Local Green Gap has defined boundaries to the west and to the north (the public footpath). Its other boundaries are not defined by physical or natural features. I sought clarification from the Parish Council on this matter. It advised that it had sought to keep the proposed local green gap to as small an area required to ensure that it served the purpose intended. The northern boundary is defined by footpath 197/24 in the west and is then extrapolated to the parish boundary in the east. From that point the eastern boundary of the proposed green gap runs along the parish boundary to where it crosses bridleway 197/17. From this point a straight line is drawn to the edge of the property on the southern edge of the gap in dwellings along New Road. The Parish Council acknowledges that this boundary does not follow natural features. However, it contends that the defined area is manageable in general terms, and that its southern boundary follows a slight natural ridge in the landscape and safeguards the most important sightlines.
- 7.30 The proposed designation has generated detailed representation from Nurton Developments, Grainger plc, Persimmon Homes, Gladman Developments. In most cases the representations reflect the different landownerships and development interests in this part of the neighbourhood area. In summary the representations raise the following matters:
- the plan-making process should be halted until the emerging local plan has been adopted;
  - differences between developer-commissioned landscape appraisals of the proposed local green gap and the Character Assessment and Landscape Study;
  - detailed appraisals/commentary on the submitted Green Buffers Assessment;
  - commentary that the premise of the policy is to establish local green space designation by a different name;
  - commentary that there is no basis in national policy for the identification of green gaps;
  - commentary that the approach taken is pre-emptive and has the ability to restrict the natural and/or planned growth of Didcot;
  - suggests that the circumstances that apply to the proposed green gap are different to those which were considered by a planning inspector in connection with a recent dismissed appeal for residential development on part of the site; and

- commentary on a lack of clarity on how the detailed boundaries of the proposed local green gap have been defined, and that they are arbitrary in nature.

- 7.31 Within the context of my findings in paragraphs 7.21 to 7.25 above and having considered all the information available to me I am satisfied that the proposed Local Green Gap meets the basic conditions. Whilst some of its proposed boundaries are less than ideal, I agree with the Parish Council that they are capable of being interpreted by SODC in the discharge of its development management duties. The recommended modification in paragraph 7.26 of this report in respect of an early review of the boundaries of the local gaps following the adoption of the emerging Local Plan will ensure that this issue will be resolved relatively quickly.
- 7.32 My attention has been drawn both by the Plan itself and one of the representations to the dismissal of an appeal in 2017 against the refusal of planning permission for housing development (P15/S3228/O) on part of the proposed Local Green Gap. The representation properly makes the point that there are different matters to be addressed in the proposed designation of a Local Green Gap in an emerging neighbourhood plan. Nonetheless it was evident on my visit that there is a clear and obvious break in the built-up frontage on New Road in this sensitive part of the neighbourhood area. The current tree/fence screening along New Road does little to reduce the significance of this break. From the public footpath to the north there are extensive views into the agricultural landscape immediately to the south and more widely towards the adjacent North Wessex Downs AONB beyond. The initial opening at the western end of the proposed Local Green Gap, expanding into a much wider area beyond, heightens its significance.
- 7.33 In this context, and taking account that the appeal site and the proposed Local Green Gap are not identical areas, I concur with the Planning Inspector that it 'provides a clear physical and visual separation or gap between the built-up areas of Didcot and East Hagbourne on the east side of New Road' (paragraph 19 of the decision notice), 'the open gap helps to preserve the separate function and character of each settlement (paragraph 21), and that 'the gap is particularly important in providing a clear sense of separation' (paragraph 22).
- 7.34 I am also satisfied that the Parish Council has made an appropriate conclusion on the matter of the designation of the area as a proposed Local Green Gap or as a Local Green Space. As the Plan makes clear a rectangular part of the area to the east of New Road was considered as a local green space and was not pursued further.
- 7.35 The policy wording has been designed to be sufficiently flexible to support development which might be acceptable within a countryside location. Nevertheless, it requires that development proposals should not 'diminish' the remaining gap between the two settlements. I am not satisfied that 'diminish' provides the necessary clarity to this policy. It does not directly identify the current character of the landscape and its implication is that any reduction in that character would be unacceptable. Plainly this would be a matter for SODC to determine on a case by case basis if the policy wording remained. However, for clarity I recommend that 'diminish' is replaced by language which seeks to address the acceptability or otherwise of the impact of development and/or a reduction in the scale of the Gap.

**Replace ‘diminish’ with ‘unacceptably detract from the character and/or the scale of’.**

**Policy VC1b – Western Village Fields Local Green Gap**

- 7.36 This proposed Local Green Gap is located to the south and west of the village. The dismantled railway line forms its north-western boundary. It is a relatively flat landscape formed of small fields and multi-use areas including the school playing fields and the cemeteries.
- 7.37 The proposed Green Gap is both small in scale and discrete in terms of its location. In contrast to the other three proposed Local Green Gaps it does not have a direct relationship with the built form of Didcot. Whilst presented on a map format it might at first glance appear to form part of the more extensive Coscote Fields Local Green Gap to its west, its form and character is very different. In particular it is located to the south and east of the former railway line which, at this point, is on a pronounced embankment. In this regard it plays no clear and obvious role in preventing potential coalescence between East Hagbourne and Didcot.
- 7.38 The focus of the policy is on the other aspect of the proposed Local Green Gap concept as set out earlier in the Plan – that is its intention to prevent the distinctive individual character and setting of the neighbourhood area. In doing so it makes reference to its proximity to the conservation area, its function as a parcel of farmland on the edge of the village and as a rural context to the Manor House and the Church. As such the Plan contends that the parcel of land plays a vital role in maintaining the historic rural character of both the village and its connection to the wider landscape. It has generated a detailed representation from the owners of part of the proposed Local Green Gap.
- 7.39 I have considered all the evidence and the relevant representation on the proposed Local Green Gap very carefully. In doing so I have taken account of the Parish Council’s response to the specific representation. On balance I am not satisfied that its designation as a Local Green Gap would meet the basic conditions. In particular I am not satisfied that a sufficiently-strong case has been made for the application of a specific policy beyond the range of other national and local policies that are available to safeguard the matters identified within the proposed local green gap (and summarised in the paragraph above). Whilst I agree with the Parish Council that the proposed Local Green Gap is vulnerable to new development, I am not convinced that this directly generates the need for a specific policy designation beyond existing national and local policies. On this basis I recommend that the proposed Local Green Gap and its supporting text are deleted. In coming to this judgement, I do so purely on the basis of the examination of the submitted Plan against the basic conditions in general, and the local criteria that the Plan itself has established for the designation of Local Green Gaps. No broader conclusions should be drawn from this recommended modification about the potential or otherwise for development in this part of the neighbourhood area.

**Delete the policy**

*Delete the supporting text*

## Policy VC1c – Coscote Fields Local Green Gap

- 7.40 This proposed Local Green Gap is the largest of the four proposed in the Plan. It sits to the west of the dismantled railway line and to the south of Loyd Road in Didcot. At its eastern end it is located both to the north and to the south of Main Road as it runs westwards to Coscote. To the west of Coscote it is located to the north of the continuation of Main Road. Its proposed designation has generated representations from Catesby Estates Limited and Mr and Mrs Drewe.
- 7.41 The area consists of a large area of mixed arable and pastoral landscape. There are many open and distant views of Didcot from both Main Road and the dismantled railway.
- 7.42 Having considered all the available information I am satisfied that the proposed Local Green Gap has the characteristics to justify such a designation. In particular its northern boundary directly abuts Didcot and maintains a clear and distinctive separation between Didcot and Coscote/East Hagbourne. Plainly it is an extensive parcel of land. However, as the Parish Council contends in its response to the representation received there is no reasonable or practical way in which the proposed local green gap could be subdivided to generate a smaller area. This reflects the expansive and open nature of the landscape concerned and the lack of any substantive internal boundaries within the proposed local green gap
- 7.43 The policy wording is different to that included in the Plan for the Lower End Field Local Gap Area. It reflects the specific landscape and visual characteristics. It generally meets the basic conditions. However, for clarity I recommend modifications so that its application is clear. In particular I recommend modifications both to the policy and the text so that the reference to the 'identified long distance views' is clear.

### **Replace 'protect' with 'retain and respect'**

**At the end of the policy add 'as shown in Figure 6'.**

*At the end of the supporting text on the policy add:*

*'Policy VC1c sets out to conserve the open landscape character of the area. It also requires that any new development should retain and respect the view identified within the local gap in Figure 6'.*

## Policy VC1d – The Green Corridor Local Green Gap

- 7.44 The Green Corridor Local Green Gap has a distinctive character. It is comprised of a series of paddocks, wooded areas and allotments within the core of the village. It is bounded by the built-up area of East Hagbourne to the south, north and east and by the line of the disused railway to the west.
- 7.45 I am satisfied that the proposed Local Green Gap has the characteristics to justify such a designation. In particular its western boundary directly abuts Didcot and the Gap has a significant and attractive local character.
- 7.46 The Policies Map (Figure 3) properly shows the overlap between the Green Corridor Local Green Gap and the three proposed Local Green Spaces (Policy E1) within its boundary. In this context I sought clarification from the Parish Council on any

potential conflict that would exist between the overlapping policy approaches that would apply within the three proposed LGSs concerned. I was advised that it was envisaged that each policy would be applied as appropriate on a site by site basis recognising that the policies had effects that were not identical.

- 7.47 I address this matter in a recommended modification to this policy. In particular I am satisfied that SODC will adequately be able to apply the overlapping policies in a clear and consistent fashion in the event that the Plan is made.

**At the beginning of the policy add:**

**‘Outside the local green space designations within this Local Gap (as shown on the Policies Map)’.**

**As a new part of the policy add:**

**‘Development proposals on land designated as local green spaces within the Green Wedge will be determined in accordance with the provisions of Policy E1 of this Plan.’**

*At the end of the supporting text add:*

*‘The Local Gap includes three local green spaces. These separate designations are covered in detail in Policy E1 of this policy. The two policy approaches are designed to be complementary. Within the parts of the Local Gap covered by local green space policy E1 will apply.’*

#### Policy VC2 – Conserving and Enhancing Important Views

- 7.48 This policy seeks to conserve and enhance views to and from the village including views towards the Chilterns and the North Wessex AONBs. The views have been identified through the work on the Character Assessment. The supporting text identifies that the policy expects planning applications to address the interaction between the built environment and the surrounding countryside and the key views and vistas. The policy comments that new development ‘should avoid significant harm’ to the identified views. The effect of the policy has attracted representations from several developers.
- 7.49 Having considered all the information before me I consider that the views concerned have been sensitively chosen. They reflect the landscape character of the neighbourhood area. They also reflect the information in the evidence base of the Plan itself. However, the policy itself takes an approach which would effectively restrict development in significant parts of the neighbourhood area. This is compounded by the detailed language used in the policy. In particular it fails to define the protection of views ‘wherever possible’ and ‘significant harm to the views’ concerned. As such the policy will not provide the clarity required by the NPPF.
- 7.50 I recommend modifications to the policy and to the supporting text to remedy the matters raised above. They reflect the positive comments that have been made on this policy by the development industry.

**Replace the policy with:**

**‘Development proposals should retain and respect where practicable the views within the village, to and from the village and of the wider landscape, including views towards the North Wessex Downs AONB (as shown in Figure 6).’**

*At the end of the supporting text add:*

*‘Proposals that have the potential to affect detrimentally a view from an identified viewpoint should be accompanied by a Landscape and Visual Impact Assessment to assess the proposal from the affected viewpoints. Where appropriate mitigation measures should also be included’.*

#### Policy VC3 – Retaining smaller village character and promoting good design

- 7.51 This policy is general in nature. Its approach is based around retaining a small village character within the built part of the neighbourhood area and promoting good design. In particular it addresses the identified local character areas, seeks to relate new development to their local design context, and provides guidance on design and materials and the density of infill development. It is criteria-based. The policy is underpinned by the wider work carried out as part of the Village Character Assessment and Landscape Study.
- 7.52 The generality of the approach taken meets the basic conditions. In the second criterion I recommend a modification to the wording used. The policy does not otherwise define what is meant by ‘paying high regard’ to the local design context. Given the quality of parts of the neighbourhood area I nevertheless reflect this issue in an associated modification to the supporting text. It seeks to safeguard the intention that the Parish Council has in mind in formulating the policy.

**In b) replace ‘pay high regard’ with ‘have regard’**

*In the final paragraph of text on page 33 add the following as a new sentence between the two existing sentences:*

*‘Criterion b of the policy addresses this important matter for the neighbourhood area.’*

#### Policy VC4 – Assets of local distinctiveness

- 7.53 This policy continues the package of policies that arise from the work on the Village and Landscape Character Assessment. It indicates that development proposals must demonstrate how they would contribute towards conserving or enhancing the special quality and distinctiveness of the neighbourhood area.
- 7.54 The generality of the approach taken meets the basic conditions. However, I recommend that ‘must’ is replaced with ‘should’. As submitted the policy is potentially inflexible.

**Replace ‘must’ with ‘should’.**

#### Policy VC5 – Conserving and Enhancing Heritage Assets

- 7.55 This policy seeks to conserve and enhance heritage assets in the neighbourhood area. It is comprehensive in its extent and the associated supporting text. In doing so it addresses both designated and non-designated heritage assets. Historic England

has raised some specific points on the language used. Mr and Mrs Drewe draw my attention to the relationship between the policy and national advice contained in the NPPF. The latter is more a representation about the detail of the policy rather than the principle of the approach. In this regard the NPPF attaches significant importance to the conservation and enhancement of the historic environment (paragraphs 126-141).

- 7.56 I recommend modifications to the policy. They address the representations received. They set out to ensure that the policy has regard to national policy. In doing so I have incorporated the word changes proposed by Historic England and the separation of the policy into designated and non-designated assets as suggested by Mr and Mrs Drewe.

**Insert two sub headings into the policy (Designated Heritage Assets and Non-Designated Heritage Assets)**

**Under the heading ‘Designated Heritage Assets’ include the following paragraphs from the submitted policy (with modifications where specified below):**

**Paragraph 1**

**Replace ‘preserve’ with ‘conserve’.**

**After ‘integrity,’ add ‘significance,’.**

**Delete ‘and the wider historic landscape’.**

**Paragraph 4**

**Replace ‘and its historic...local note’ with ‘listed buildings’.**

**Under the heading ‘Non-designated Heritage Assets include the following paragraphs from the submitted policy (with the modifications to those policies as specified below):**

**Paragraph 2**

**Insert new paragraph to read:**

**‘The identity and character of buildings of local note should be conserved or enhanced by reusing original, natural materials or employing the best available new materials that are appropriate to the significance of the non-designated asset concerned’.**

**Paragraph 3**

**Replace ‘will be expected to’ with ‘should’**

**Paragraphs 5/6/7**

*At the beginning of the main paragraph on page 39 add:*

*‘Policy VC5 provides a distinction between designated and non-designated assets. It properly recognises the statutory significance of the Conservation Area and the various listed buildings in the neighbourhood area.’*

Policy VC6 - Lighting

- 7.57 This policy addresses street lighting associated with new residential developments in the neighbourhood area. Its ambition is to safeguard the dark night sky whilst ensuring public safety. In general terms I am satisfied that the policy is land use based. The matter will be considered as part of the determination of associated planning applications. Plainly once any development concerned is complete the operation of the lighting system (including its timing/operating regime) will typically become a matter for the County Council in its capacity as the highways authority.
- 7.58 The policy has two separate parts. I sought clarity from the Parish Council on the extent and purpose of their overlapping nature. I recommend a modification that would simplify the policy and bring the two components together.

**Delete the first component.**

**In the second component:**

- **insert ‘for new housing developments’ between ‘schemes’ and ‘should’.**
- **replace ‘being’ with ‘be’**
- **replace ‘but respecting’ with ‘and respect’**

**Policy H1 – Housing Provision**

- 7.59 This policy sensitively sets the scene for the delivery of new housing in the neighbourhood area. It adopts a three-pronged approach. The focus of delivery is the housing allocation off Main Road (Policy H3 – 74 dwellings). In addition, the Plan supports infill development within the built-up area of the village. Thereafter it takes a restrictive approach elsewhere other than where such development would be appropriate to a countryside location and otherwise consistent with the development plan.
- 7.60 The approach has generated representations from Catesby Estates, Persimmon Homes and Gladman Developments. They contend that the policy is unduly restrictive and has the ability to frustrate the delivery of the Didcot Garden Town initiative. I have considered this matter carefully. However, there is no requirement in existing local planning policy for smaller villages to allocate new residential development. In any event I have recommended a modification elsewhere that any made neighbourhood plan is reviewed once the emerging Local Plan has been adopted.
- 7.61 The approach has regard to national policy and is in general conformity with the strategic policies of the development plan. The spatial approach will contribute towards the achievement of sustainable development in the neighbourhood area. It meets the basic conditions.

**Policy H2 – Meeting Housing Needs**

- 7.62 This policy seeks to ensure that proposals for residential development have regard to local housing need. Three particular factors are identified as follows:
- a need for affordable housing;
  - the particular needs of first-time buyers and those looking to downsize; and
  - the needs of older persons.

The various issues are underpinned by comprehensive supporting text and associated evidence.

- 7.63 Through the clarification note process the Parish Council confirmed its intention that where appropriate new residential proposals should cater for all three categories of housing need. SODC has commented that there would be merit in including the affordable housing element in the initial part of the policy and then identifying the two other specific types of houses as areas of particular need. I recommend a modification to the policy to take account of the SODC representation. It would retain the integrity of the approach included in the submitted plan on the one hand and provide clarity on the other hand.
- 7.64 I also recommend an addition to the supporting text so that it addresses the type and size of residential proposals. Plainly larger proposals will offer the greatest opportunities for meeting bespoke housing needs. Within the context of Policy H1 it is likely that the majority of proposals for housing development will be single dwellings or small groups of dwellings on infill sites within the built-up part of the village. Such proposals will not necessarily provide the opportunity to meet any or all of the identified housing needs. In some cases, however they will be specifically designed to meet some aspect of identified housing need that relates to the future occupiers concerned.

**At the end of the opening part of the policy add:**

**‘and make appropriate provision to meet the need for affordable housing, both for rental and home ownership in line with the affordable housing policies in the development plan’**

**In the second part of the policy delete the first of the three sections.**

*At the end of the associated supporting text (on pages 43/44) add:*

*‘Policy H2 addresses these various issues. It has been designed to ensure that housing proposals should have regard both to local housing need and to meet development plan requirements for affordable housing. The specific needs for smaller houses and/or those for older people are also included in the policy. It will need to be applied on a flexible basis. Plainly larger proposals will offer the greatest opportunities for meeting bespoke housing needs. Within the context of Policy H1 it is likely that the majority of individual proposals for housing development will be single dwellings on infill sites within the built-up part of the village. Such proposals will not necessarily provide the opportunity to meet any or all of the identified housing needs. In some cases, however they will be specifically designed to meet some aspect of identified housing need that relates to the future occupiers concerned.’*

### Policy H3 – Housing Allocation

- 7.65 This policy allocates land off Main Road for residential development. The policy is very well-constructed. It identifies a series of criteria that a developer would need to incorporate within the layout of any proposal. They include respecting the character of the adjacent conservation area, providing sufficient on-site car parking, making provision to enable the extension to the village hall car park and safeguarding access to the school playing field and the cemetery to the west.

- 7.66 Several representations have commented that the site concerned already has planning permission. Outline planning permission was granted in January 2018 (P17/2469/O). On this basis the representations suggest that the policy is deleted from the Plan.
- 7.67 I have considered this matter carefully. In particular I have looked in detail at how the matter was addressed in the submitted Strategic Environmental Assessment and the associated site assessments. Both the Plan and the SEA acknowledge that planning permission was already in place at the time of submission. In the SEA, paragraphs 6.2.2/6.2.3/6.2.4 and 6.3.1 consider the implications and significance of the granting of the outline planning permission. In particular paragraph 6.2.3 grapples with the implication of the outline planning permission on the strategic need for new housing in the plan period for the emerging Local Plan.
- 7.68 Having considered all the information available to me I am satisfied that in general terms the site has been properly selected from the various options considered by the Parish Council. It is well-related to the existing built form of development in East Hagbourne. All reasonable alternatives have been properly and fully considered. The SEA has addressed the issue of future housing growth in a detailed and well-considered fashion.
- 7.69 On the specific issue of the extant planning permission I am satisfied on balance that the Parish Council has taken an appropriate approach to the matter. In the first instance outline planning permission was granted whilst the neighbourhood plan was being prepared. In the second instance approval of reserved matter remains outstanding and as such there is a degree of uncertainty within the wider development process. In the third instance the policy provides a robust basis against which any future applications on the site can be assessed and determined. In any event I have already recommended in this report that any made neighbourhood plan should be reviewed once the emerging Local Plan is adopted. This would provide the opportunity for any possible additional need for new housing to be assessed and accommodated where appropriate.
- 7.70 I recommend that the policy is modified so that its wider relationship to development plan policies is clear and to ensure that developers need to comply with all the criteria identified.

**In the opening part of the policy replace ‘that in addition.... criteria’ with ‘that is consistent with the policies in the development plan and addresses the following criteria’**

**Insert semi-colons at the end of criteria 1-6.  
Insert ‘; and’ at the end of the sixth criteria.**

Policy CF1 – Infrastructure (Utilities)

- 7.71 This policy addresses the relationship between new development and utility infrastructure. The supporting text identifies a degree of sensitivity on mains sewerage and flooding associated with Hakka’s Brook.
- 7.72 The policy is generally well-constructed. It sets out an appropriate set of requirements for developers. I recommend a series of technical modifications so that

the policy will have the clarity to be applied consistently through the development management process. In particular I recommend that the second sentence of the first paragraph is deleted and repositioned into the supporting text. It sets out process requirements which would be demonstrated in the extent to which any developer would comply with the policy requirement of the first sentence of the paragraph. On a specific matter the use of 'encourage' and 'consider' have limited applicability within a policy context.

**In the first paragraph/first sentence:**

- **replace the first 'development' with 'proposals'**
- **replace 'proposed' with 'concerned'**

**Delete the first paragraph/second sentence.**

**In the third paragraph replace 'Planning applications.... upon:' with 'Development proposals should address their impact and where appropriate provide mitigation on:'**

Policy CF2 – Infrastructure (community facilities)

- 7.73 This is a particularly important policy within the Plan. It has two related parts. The first seeks to safeguard key community facilities unless one of two criteria are met. The second offers support for proposals to extend or partially redevelop the key facilities.
- 7.74 In both cases the generality of the approach taken meets the basic conditions. Within this context I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF. In the first part of the policy I recommend that the policy directly identifies the key facilities. Whilst they are included in the supporting text the connection between the two is not explicit. This matter was raised with the Parish Council through the Clarification Note process. It suggested that the policy should retain a degree of flexibility so that it would not preclude the consideration of other (non-key) facilities. On the one hand the modification below would bring clarity on key facilities. On the other hand, a parallel modification to include other non-specified community facilities would detract from its clarity. I have however incorporated appropriate additional wording within the supporting text.
- 7.75 I also recommend that the word 'permitted' is replaced by 'supported'. This would acknowledge that SODC would remain as the local planning authority in the event that the Plan is 'made'.

**At the start of the policy insert:**

**The Plan identifies the following facilities as key East Hagbourne community facilities':**

- **The Fleur-de-Lys Public House**
- **The Village Hall**
- **The Pavilion at the Recreation Ground**
- **The Community Shop/Post Office**
- **The allotments at Butts Piece**

- Hagbourne Church of England Primary School
- St Andrew's Church

**Replace 'permitted' with 'supported'.**

*As a separate paragraph at the end of the supporting text on page 49 add:*

*Policy CF2 identifies the key physical community facilities to which the policy will apply. There may be circumstances where additional community facilities are developed within the neighbourhood area and to which this policy would apply. In a similar fashion certain planning application may have an impact on other community facilities which are not identified as 'key' facilities in the policy.'*

#### Policy TA1 – Road Safety

- 7.76 The policy addresses the relationship between new development and traffic movements and safety. It has a general application.
- 7.77 Its approach meets the basic conditions in general terms. I recommend two modifications to the detailed wording so that it has the clarity required by the NPPF.

**In the opening part of the policy replace 'must' with 'should' and 'severe' with 'unacceptable'.**

#### Policy TA2 – Footpaths and Pavements

- 7.78 The policy has a focus on ensuring that new development should respect and safeguard existing rights of way.
- 7.79 I am satisfied that the policy meets the basic conditions. It has attracted helpful representations from both Natural England and Oxfordshire County Council. However, modifications are not required to address the matters raised in these representations to ensure that the policy meets the basic conditions.

#### Policy TA3 – Parking

- 7.80 This policy applies development plan car parking standards to new development in the neighbourhood area.
- 7.81 It might otherwise be unnecessary to be include within the neighbourhood plan. However, the second part of the policy identifies distinctive requirements for how the mathematical requirements are applied within the neighbourhood area. In particular one of the three specific requirements relate to the Character Assessment and Landscape Study.
- 7.82 The policy meets the basic conditions in general terms. I recommend the colour of the third bullet point is changed so that it matches that of the remainder of the policy.

*Change the colour of the third bullet point itself to black.*

#### Policy E1 – Local Green Spaces

- 7.83 This policy sets out the Plan's approach to the designation of local green spaces (LGS). Appendix 3 provides a significant degree of detail to address the key elements of national planning policy (NPPF 76-78) on this important matter.
- 7.84 The process has resulted in five parcels of land being proposed as local green spaces. I looked at them in turn when I visited the neighbourhood area. They vary from the Millennium Wood to the immediate north of the village to smaller parcels of land within the main body of the village. A wider range of potential LGSs had earlier been identified as candidates for such designation. I am satisfied that all five of the proposed LGSs meet the three criteria set out in paragraph 77 of the NPPF. I comment in greater detail on the proposed designation of Lawsons Orchard below.
- 7.85 The details for the LGSs in both the Plan itself and the associated Appendix 3 are generally well-detailed. They are clearly sufficient to identify the location of the five sites within the neighbourhood area. However, I recommend that two of the proposed LGSs (Lawsons Orchard and Tudor House allotments) are shown on maps which would better identify the areas concerned. As submitted the Plan does not provide the clarity required by the NPPF on these two sites.
- 7.86 The proposed designation of Lawson's Orchard off Main Road has resulted in a detailed representation from the current owners of the site. In summary it contends that the site's location within the designated conservation area provides sufficient protection of the site, its designation does not meet policy requirements, the reasons for designation will not last throughout the Plan period and that the consultation exercise has been misapplied to overstate the local significance of the proposed LGS.
- 7.87 I have considered these matters carefully. In doing so I am satisfied that the proposed LGS meet the criteria in the NPPF for LGSs. Plainly there will always be scope for different parties to make different interpretations of the information for this and any of the other proposed LGSs. However, I am satisfied that the Parish Council has undertaken a proportionate and well-constructed assessment of the Lawson's Orchard site against the NPPF criteria. They are set out in Appendix 3 in a consistent fashion to the assessment for the other proposed LGSs. The format of Appendix 3 has allowed the Parish Council to insert the level of detail that it considers necessary for each site. In this regard it has commented in a comprehensive fashion on the Lawson's Orchard Site. The representation also comments that there is no agreed management plan in place for the site. I accept that this is the case. Nevertheless, Planning Practice Guidance (37-021-20140306) indicates that the management of land designated as LGS remains the responsibility of the owner.
- 7.88 The assessments in Appendix 3 provide the Parish Council with an opportunity to provide a summary for each of the proposed parcels of land to be designated LGS. In the case of Lawson's Orchard, the summary comments about its central location, its importance as the remaining unbuilt plot on Main Street and its associated iconic status. This conclusion derives from the details in the assessment for the site. They include its role as a setting for historic buildings, its visual impact in the street scene, and its wildlife and fruit trees.
- 7.89 The representation also correctly draws my attention to paragraph 77 of the NPPF that 'LGS designation will not be appropriate for most green areas or open spaces'. Within this context I am satisfied that the Parish Council has correctly applied the

principles in this part of national policy. In doing so it has not pursued the other potential sites as LGS and has only applied this designation to the five parcels of land included in the policy. Indeed, in their different ways Lawson's Orchard, the Tudor House Allotments and Millennium Wood are precisely the type of spaces to which the important national designation was designed to apply.

- 7.90 The representation also suggests that in the event that I am minded to support the inclusion of the site as LGS in the Plan that I should consider reducing its size. I sought the Parish Council's views on this matter both in general terms and within the context of the precise identification of the boundaries of the proposed LGS addressed in paragraph 7.85 of this report.
- 7.91 As an outcome of this exercise the Parish Council has provided a more detailed plan of the area proposed to be designated as LGS. It is concentrated on the Main Road frontage. The specified area largely runs in parallel with that suggested as a potential refined area in the representation. In doing so however it retains the integrity of the approach set out in the submitted Plan. On this basis I recommend that the proposed boundaries of the Lawson's Orchard LGS are defined as shown on Map 1.
- 7.92 The Policies Map (Figure 3) properly shows the overlap between the Green Corridor and the three proposed LGSs within its boundary. In this context I sought clarification from the Parish Council on any potential conflict that would exist between the different policy approaches (VC1d and E1) that would apply within the three proposed LGSs concerned. I was advised that it was envisaged that each policy would be applied as appropriate on a site-by-site basis recognising that the policies had effects that were not identical. This matter is addressed in a recommended modification to Policy VC1d. Given that approach a modification is not required in the context of this policy.

*Identify Lawsons Orchard and Tudor House allotments on maps which would better identify the areas concerned.*

*In the case of Lawsons Orchard do so on the basis of the boundaries shown on Map 1.*

Policy E2 – Protect and enhance biodiversity and the natural environment

- 7.93 The policy comments on how the Plan intends to protect and enhance biodiversity in the neighbourhood area. It does so in a comprehensive and positive way.
- 7.94 In the final paragraph of the policy I recommend that 'development decisions' is replaced with 'development proposals.' Otherwise the policy meets the basic conditions.

**In the final paragraph of the policy replace 'development decisions' with 'development proposals.'**

Policy E3 – Flooding

- 7.95 The policy comments on the relationship between potential flooding issues within the catchment area of Hakka's Brook and new development proposals. It meets the basic conditions.
- Community Needs

- 7.96 The Plan includes a series of community needs (CN). They are set out in a separate section of the Plan as recommended by Planning Practice Guidance. In the event that the Plan is 'made' the various community priorities will not become part of the development plan.
- 7.97 CN1 looks to explore the feasibility of improving local access to medical services for local residents. It is appropriate and distinctive to the neighbourhood area.
- 7.98 CN2 sets out the Parish Council's intentions to investigate the feasibility of growing the village shop whilst maintaining the Post office. It is appropriate and distinctive to the neighbourhood area.
- 7.99 CN3 seeks to review how community activities are supported by the existing facilities and how they might be improved. It is appropriate and distinctive to the neighbourhood area.
- 7.100 CN4 sets out the Parish Council's intention to investigate how the existing volunteer force can be preserved and enlarged. It is appropriate and distinctive to the neighbourhood area.
- 7.101 CN5 looks at ways to increase bus services and their patronage. It is appropriate and distinctive to the neighbourhood area.
- 7.102 CN6 proposes a series of six traffic and parking related matters. They are appropriate and distinctive to the neighbourhood area.
- 7.103 CN7 aims to increase the number of parking spaces around the village hall and the school. Such proposals are appropriate and distinctive to the neighbourhood area.
- 7.104 CN8 seeks to ensure that high speed broadband is available throughout the village. It is appropriate and distinctive to the neighbourhood area

#### Other Matters

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

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

- 7.106 SODC have suggested a series of contextual changes to the supporting text in the Plan. Many of these comments relate to the general text in the introductory sections of the Plan. I have found the various suggestions to be very helpful both in my understanding of the Plan and in testing it against the basic conditions. As I have highlighted in paragraph 1.4 of this report my remit is limited to examining the Plan against the basic conditions. I cannot recommend modifications which would simply improve the Plan or which would result in it being presented in a different fashion. As

such my recommended modifications below are related purely to the areas where modifications are necessary to ensure that the Plan meets the basic conditions.

Page 4

*Third paragraph – replace the second sentence with: ‘The Plan period extends for 16 years’*

*Fifth paragraph – replace ‘Local Plan’ with ‘Development Plan’*

*Sixth paragraph – as fifth paragraph and replace ‘material’ with ‘full’*

*Seventh paragraph – replace ‘This new draft’ with ‘This submission version of the Plan’. Delete the final two sentences*

*Page 7 Figure 4 – Replace ‘at’ with ‘in’.*

*Page 9 Fourth paragraph and penultimate sentence - Replace ‘Local’ with ‘Development’.*

*Page 11 Final Paragraph - Replace ‘The SODC Character Assessment of 200’ with ‘The SODC East Hagbourne Conservation Area – a character study 2000’*

*Page 31 First paragraph – Replace (2017) with (2018). This is a general matter that will apply throughout the Plan as appropriate.*

*Page 65 Third paragraph – Replace ‘NFFP’ with ‘NPPF’.*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2033. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the village and its community facilities.
- 8.2 Following my independent examination of the Plan I have concluded that the East Hagbourne Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications. Nevertheless, the basis and policy structure of the submitted Plan remains fundamentally unchanged in its role and purpose.

### *Recommended Modifications and the Plan’s relationship with the emerging Local Plan*

- 8.3 This report has recommended a variety of modifications to the policies in the Plan. In particular I have recommended that in the event that the Plan is eventually made that it is reviewed once the emerging South Oxfordshire Local Plan is adopted. In the

case where a neighbourhood plan has proceeded ahead of a local plan this approach is not uncommon. It reflects advice in Planning Practice Guidance about the relationship between an adopted development plan, an emerging neighbourhood plan and an emerging local plan.

- 8.4 Recommended modifications of this type are particularly important in the case of East Hagbourne. They take account of the decisions that remain outstanding on the growth of Didcot, and the way in which that growth relates to its surrounding villages and their hinterlands. They may also assist in securing the long-term effectiveness and applicability of any made neighbourhood plan in the event of conflict between the two documents after the emerging Local Plan is adopted.

### *Conclusion*

- 8.5 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 East Hagbourne Neighbourhood Development Plan should proceed to referendum.
- 8.6 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 31 March 2016.
- 8.7 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner.
- 8.8 In their respective capacities as the local planning authority and as the qualifying body South Oxfordshire District Council and East Hagbourne Parish Council have approached a complex and detailed examination in a very efficient and courteous way. The Parish Council's responses to the two clarification notes have been comprehensive and very timely. The District Council has provided information throughout the process and has maintained an exemplary website on the Plan. This has enabled all parties to be kept abreast of progress on the examination

**Andrew Ashcroft**  
**Independent Examiner**  
**11 January 2019**

