

JOINT HENLEY AND HARPSDEN NEIGHBOURHOOD PLAN

Joint Henley and Harpsden Neighbourhood Plan Examination,
A Report to South Oxfordshire District Council

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1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Joint Henley and Harpsden Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”
(Paragraph 183, National Planning Policy Framework)

Henley Town council is the *qualifying body* responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014). However, the Neighbourhood Area includes land within the adjoining Parish of Harpsden and I note, to produce the Neighbourhood Plan, resident-based working groups reported to a Neighbourhood Plan Governance Committee, which comprised Henley and Harpsden town and parish councillors.

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by South Oxfordshire District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Joint Henley and Harpsden Neighbourhood Area.

Role of the Independent Examiner

I was appointed by South Oxfordshire District Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Joint Henley and Harpsden Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (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);
- the Neighbourhood 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.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The Neighbourhood Plan is unclear in this regard. The title page of the Neighbourhood Plan simply refers to the date of its publication (June 2015) and there is no reference to the plan period.

Rather than set out the full plan period with clarity, Paragraph 2.1 on page 6 refers to the Neighbourhood Plan providing a vision for the area “...up to 2027.” There is no reference to a start date.

Unfortunately, the confusion is compounded later in the Neighbourhood Plan. Paragraph 7.4 on page 33 states that the South Oxfordshire Core Strategy 2012 (Core Strategy) identifies a housing land requirement for the period “...between 2011 and 2026.” However, the Core Strategy covers the period 2006 to 2027 and takes into account housing completions between 2006-2012.

Taking the above into account and to provide clarity/avoid confusion, I recommend:

- **Title page, replace “June 2015” with “2012-2027”**
- **Page 6 Paragraph 2.1 line 7, change to “*The JHHNP sets out the community vision for the future of the area during the plan period 2012-2027.*”**
- **Page 33 Paragraph 7.4 line 3, change to “*...new homes during the period up to 2027 at Henley, being...*”**
- **Page 33 Paragraph 7.5 line 7, change to “*...within the period up to 2027.*”**

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to South Oxfordshire District Council that I was satisfied that the Joint Henley and Harpsden Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

On Page 6, the Neighbourhood Plan states that there is a “*need for Neighbourhood Plans to be consistent with both the National Planning Policy Framework and any relevant Development Plan policies.*” This is not the case. The basic conditions are referred to above.

Also on Page 6, the Neighbourhood Plan states that it is a requirement of the Localism Act for neighbourhood planning policies to “*accord with higher level planning policy.*” Again, this is not the case.

Whilst it is not uncommon for neighbourhood plans to seek to paraphrase the basic conditions, the wording of these basic conditions is the result of careful consideration. Paraphrasing them almost inevitably, as in this case, results in their misapplication. I recommend:

- **Page 6 Paragraph 2.1, delete last sentence**
- **Page 6 Paragraph 2.5, replace the second sentence with “*As well as have regard to national policies and advice, there is a need for the Neighbourhood Plan to be in general conformity with the strategic policies of the development plan for the area. For this reason...*”**

The relevant development plan for the area is the South Oxfordshire Core Strategy, which was adopted in 2012.

European Convention on Human Rights (ECHR) Obligations

¹ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

An objection to the Neighbourhood Plan states that “*under European legislation we in Henley have the Human Right to breathe clean air.*” However, there is no substantive evidence to lead me to the conclusion that the Neighbourhood Plan is in conflict with the ECHR in this regard.

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal². However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.

The Basic Conditions Statement confirms that South Oxfordshire District Council determined that a Strategic Environmental Assessment was required due to the Neighbourhood Plan including housing allocations within the Chilterns Area of Outstanding Natural Beauty (AONB).

Subsequently, a Sustainability Appraisal was produced. The Sustainability Appraisal fully incorporated the requirements of the European Strategic Environmental Assessment Directive. Furthermore, it is clear from consideration of the evidence submitted that Sustainability Appraisal was integral to the plan-making process and was consulted upon in an appropriate manner.

The Environment Agency, English Heritage (now, with regards to planning matters, Historic England) and Natural England were consulted and their comments taken into account. None of the statutory consultees have raised any concerns with the Sustainability Appraisal or its conclusions.

A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites. The Basic Conditions Statement confirms that, as there are no European sites that would be affected, a HRA was not required.

With regards European obligations, I am mindful that national guidance establishes that the ultimate responsibility of determining whether or not a draft neighbourhood plan meets EU obligations lies with the local authority,

“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance 11-031)

² Paragraph 026, Planning Practice Guidance 2014.

South Oxfordshire District Council has confirmed that it has “*worked closely*” with the Neighbourhood Plan group and that most issues have been resolved “*in an appropriate and satisfactory way.*” South Oxfordshire District Council has not raised any concerns regarding the Neighbourhood Plan’s compatibility with EU obligations.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

I note that an objector to the Neighbourhood Plan considers that “*the SEA/SA is fundamentally flawed.*” It is the objector’s contention that the Sustainability Appraisal “*overlooks any benefits in relation to meeting housing needs as identified by the Oxfordshire SHMA.*” However, there is no specific legislative requirement for this. Notwithstanding this, I note that it is neither possible, nor relevant, for a Sustainability Appraisal to consider every possible future scenario.

In the above regard, I am also mindful that the Sustainability Appraisal considers scenarios that relate directly to the housing requirement for Henley, as set out in the Core Strategy. I also note that, whilst comments have been received which suggest that “*Henley is in breach of*” EU Air Quality Directives, no substantive evidence has been provided to demonstrate that the Neighbourhood Plan is not compatible with EU obligations.

3. Background Documents and Joint Henley and Harpsden Neighbourhood Area

Background Documents

In undertaking this examination, I have considered various information in addition to the Joint Henley and Harpsden Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- South Oxfordshire Core Strategy (2012) (Core Strategy)
- Basic Conditions Statement
- Consultation Statement
- Sustainability Appraisal
- Henley Transport Study
- Viewing Corridors

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Joint Henley and Harpsden Neighbourhood Area.

Joint Henley and Harpsden Neighbourhood Area

A plan showing the boundary of the Joint Henley and Harpsden Neighbourhood Area is provided on page 7 of the Neighbourhood Plan.

I note that one of the reasons for the inclusion of both Henley and Harpsden Parishes in a single Neighbourhood Area was the location of potential housing sites, identified by South Oxfordshire District Council, on the edge of Henley, but within Harpsden Parish. This appears to me to be a logical and appropriate reason for the establishment of an extended Neighbourhood Area, encompassing both Parishes.

Further to an application made by Henley Town Council, South Oxfordshire District Council approved the designation of Henley and Harpsden as a Neighbourhood Area on 10 June 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

Joint Henley and Harpsden Neighbourhood Plan Consultation

In line with legislative requirements, a Consultation Statement was submitted to South Oxfordshire District Council. Further to consideration, I can confirm that this sets out who was consulted and how, together with the outcome of the consultation. In this regard, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*³.

There is evidence to demonstrate that the views of the wider community were actively sought and taken into account. It is also clear that the plan-makers undertook significant and comprehensive public consultation, beyond that required by legislation.

At the start of the process, a Baseline Report was produced, to establish the social, environmental and economic characteristics of the area. Initial public consultation followed the delivery of a leaflet to every household in September 2013 and at the same time, residents were asked to volunteer to join working groups. Further consultation on initial options was carried out over the Christmas period in 2013 and further to a series of working group sessions during the first part of 2014, a draft plan was consulted on between May and July that year.

Once comments on the first draft had been taken into account, further working group sessions, along with a public focus group, modified the initial document and produced a second draft plan, which was consulted upon during February and March 2015.

The whole of the above was supported by a significant series of well-advertised events. For example, the initial public consultation was supported by five days of exhibitions and open days in three separate venues; and around 450 people

³Neighbourhood Planning (General) Regulations 2012.

attended events during the Christmas 2013 consultation, with nearly 500 completed questionnaires received.

Separate events were held with pupils at Gillots School and Henley College. Over 500 Henley College students completed a questionnaire. A business breakfast workshop was held and reported, with assistance from South Oxfordshire's economic development team. Also, site promoters and landowners were invited to present to working groups and participate in Q and A sessions, with nine promoters taking part over two days in November 2013.

Notably, more than 60 local residents volunteered to join the working groups, which considered and reported the full range of issues covered by the Neighbourhood Plan; and which ultimately determined the Neighbourhood Plan's content. Whilst an objection has criticised the working groups as holding meetings in "*closed session*" and keeping the identity of individuals "*secret*," there is no substantive evidence before me to demonstrate that the working groups carried out their roles inappropriately. On the contrary, I consider it a tribute to the local community that as many as 60 local residents were prepared to dedicate their time and effort to the purpose of producing the Neighbourhood Plan.

The two draft plan consultations were supported by significant activities, including exhibitions, events, drop-in sessions and the distribution of leaflets and questionnaires.

It is clear, from consideration of the Consultation Statement, that plan-makers went well beyond legislative requirements, to actively seek comments on, and involvement in, the neighbourhood planning process.

Consultation was widely communicated and well-publicised in a variety of ways, including via a comprehensive Neighbourhood Plan website, from which relevant documents and information could be accessed; through the extensive use of questionnaires, including Survey Monkey; via email and social media; through the publication of minutes; via the delivery of leaflets; through notices and posters; and through coverage in the Henley Herald and Henley Standard.

Taking all of the above into account, the Consultation Statement presents an audit trail to demonstrate that consultation was wide-ranging, comprehensive and transparent. Comments were pro-actively sought and comments received were duly considered. There is plentiful evidence to demonstrate that the Neighbourhood Plan reflects the views of local people.

Consultation was carried out in an open manner, and people and organisations were not just provided with a fair chance to have their say, but were actively encouraged to engage in shaping the Neighbourhood Plan.

I am satisfied that the consultation process was comprehensive and robust.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below which are aimed at making it a clear and user-friendly document.

The Neighbourhood Plan is well presented. The use of plans and diagrams is supplemented with many interesting and informative photographs throughout the document. Text is clearly set out and Policies are distinctive from supporting information. All of this combines to result in an attractive and easy-to-read Neighbourhood Plan.

The Glossary and Contents are concise. However, the summary on Pages 4 and 5 is unusual, in that it appears to attempt to “squeeze” the whole of the Neighbourhood Plan into a couple of pages. This is unnecessary – all of the information summarised on Pages 4 and 5 is repeated, with more clarity, elsewhere in the document. By leaping straight into the content of the Policies, I find that Pages 4 and 5 present an unnecessarily confusing introduction to the Neighbourhood Plan.

I recommend:

- **Delete Pages 4 and 5**

Pages 6 and 7 can then more appropriately introduce the Neighbourhood Plan, its background and its intentions. I have recommended changes to Page 6 earlier in this Report.

Section 3 of the Neighbourhood Plan takes four pages to explain the consultation process. This is excessive, not least as a separate Consultation Statement, setting out the process in detail, was submitted alongside the Neighbourhood Plan, in line with legislative requirements. Essentially, the information provided on Pages 8 and 9 provides a comprehensive enough summary of the process. The further detail provided on Pages 10 and 11 is unnecessary and takes emphasis away from the most important part of the Neighbourhood Plan - its Policies. I recommend:

- **Delete Pages 10 and 11**

Section 4 provides interesting and helpful background information. The Vision and Objectives Section, together with the Strategy Section, provides an excellent introduction to the Policies that follow. It draws a firm link between the aims of the community and the Neighbourhood Plan’s Policies.

I note that Paragraph 4.4 includes an unusual reference suggesting that the County Council predicts that the population of the area will increase by just 1% by 2026. This appears as a somewhat awkward and given the content of the Neighbourhood Plan, including its housing allocations, irrelevant comment. I recommend:

- **Delete the second half of Paragraph 4.4 from “The County Council...” to the end of the Paragraph.**

6. The Neighbourhood Plan – Neighbourhood Plan Policies

The introduction to the Policy Section is a little confusing. For example, the National Planning Policy Framework will not deliver the Neighbourhood Plan’s vision. I recommend:

- **Delete Paragraph 7.1**

The Table on Page 32 sets out a link between the Policies of the Neighbourhood Plan and the Objectives set out earlier. Whilst the Table adds little to the content of the Neighbourhood Plan, there is no harm in it being retained, subject to ensuring that it does not lead readers to think that the Neighbourhood Plan’s Objectives carry similar weight to its Policies. I recommend:

- **Add new sentence at the end of Paragraph 7.2, “*For clarity, the Neighbourhood Plan Objectives should not be confused with the Neighbourhood Plan Policies. This Table is simply provided for information purposes - to demonstrate how the Policies of the Neighbourhood will meet the Objectives set out in the preceding pages.*”**

Paragraph 7.3 introduces confusion rather than clarity. It is not a requirement for Neighbourhood Plan Policies to “conform” to Objectives. I recommend:

- **Delete Paragraph 7.3**

Housing

Policy H1: Allocate land for 450 new homes

I have made recommendations above with regards Paragraphs 7.4 and 7.5 of the Neighbourhood Plan.

Paragraph 7.7 provides a helpful summary of how the Neighbourhood Plan is in general conformity with the Core Strategy and how plan-makers have taken into account other relevant information, particularly that arising through the plan-making and consultation processes, to inform the Neighbourhood Plan's approach to housing allocation.

Policy H1 allocates land for 450 homes. Whilst this quantum of housing is in general conformity with Core Strategy Policies CSH1 and CSHEN1 (and reflects para 10.9 of that document, where the Inspector recommends the delivery of 450 homes in Henley, if possible), the wording of the Policy is inappropriate as it relies upon the content of other documents. I comment below with regards the deliverability of the housing allocations.

I also note that the Policy refers to the "Key Diagram." There is no Key Diagram in the Neighbourhood Plan, just an untitled plan on Pages 30 and 31. This plan is extremely "busy" and its key does not fully correspond to the content of the plan itself (for example, the AONB is not shown on the plan). In addition, whilst it is a useful reference document, it is of such a scale that it cannot appropriately define land allocations.

Taking the above into account, and subject to my further comments below, I recommend:

- **Change wording of Policy H1 to: "*Land for new housing is allocated at the sites listed below. Development within each of the sites is subject to the Site Allocation Policies set out in this Plan.*" (and retain the Table showing the sites, allocation and gross site areas)**

In the above way, Policy H1 is in general conformity with the Core Strategy. It supports sustainable growth and in this way, has regard to national policy; and contributes to the achievement of sustainable development. In addition to this, it does not set out a maximum housing number, or cap, and so does not necessarily prevent or preclude sustainable development from coming forward.

Further to the above, whilst the individual Site Allocation Policies are provided later in the Neighbourhood Plan, I find it appropriate to consider them within the Housing section of this Report as any significant changes to these Policies may impact on my recommendations in relation to Policy H1.

Policy SP1 relates to Site M, Highlands Farm, which is allocated for up to 140 new homes amongst other uses. In addition, **Policy SP12** is concerned with Site M1, a site adjacent to Site M and one that the Neighbourhood Plan seeks to reserve for development, to be released if Site C, the subject of **Policy SP11**, does not come forward by 2020.

I consider it helpful to consider **Policy SP11** first. Policy H1 allocates land at Site C (Gillotts School) for *“up to 50 dwellings.”*

The supporting text to Policy H1 refers to the delivery issues associated with Site C, largely relating to the replacement of playing fields. Whilst this is not a factor that will necessarily prevent development from coming forward – and I am mindful in this regard that the Headteacher and Chair of Governors of Gillotts School have provided evidence of how it is proposed to enhance the School’s playing facilities – it presents a risk to delivery.

From consideration of all of the evidence, I am aware that the allocation of land at Gillotts School is a matter of local contention and that ultimately, the plan-makers determined that the potential benefits of development – including enhanced alternative sports provision – would outweigh the possible harm arising.

In the above regard, I note that plan-making is rarely a straightforward process and that there are times when difficult and even contentious decisions need to be made. In this case, there is evidence to demonstrate that the decision to allocate land at Gillotts School has emerged through a process that included a balanced assessment and robust consultation. The allocation of Site C has regard to Paragraphs 72 and 73 of the Framework, which afford *“great weight to the need to...alter schools”* and recognise the *“important contribution to the health and well-being of communities”* that opportunities for sport and recreation present.

In seeking to take account of the delivery risks associated with Gillotts School, the Neighbourhood Plan seeks to allocate two reserve sites, Site M1 and Site A1 (the subject of Policy SP13), which together provide for a total of 50 dwellings.

However, whilst Policies SP12 and SP13 state that Policy H1 reserves Sites M1 and A1, this simply isn’t the case. Policy H1 does not mention Sites M1 and A1. It is the supporting text to Policy H1 that establishes that if Site C *“has not been brought forward by 1st January 2020”* then the two reserve sites will be released.

Notwithstanding the absence of any reference in Policy H1, this seems to me to be a very odd approach.

Essentially, in seeking to allocate Sites M1 and A1 as reserve sites, the Neighbourhood Plan recognises that they provide the potential for sustainable development. Having considered the information before me, it is apparent that both

reserve sites have merits whereby their residential allocation meets the basic conditions.

For example, part of Site M1 comprises previously developed land, the re-use of which is supported by national policy. The allocation of Site A1 would provide for a wide choice of high quality homes, in line with Paragraph 50 of the Neighbourhood Plan, in a location within reasonable proximity of services and facilities, and with the potential for the delivery of new and improved cycling and walking links, having regard to Chapter 4 of the Framework, which promotes sustainable transport.

The intention of the Neighbourhood Plan appears to be to prevent these sites from being released if Site C comes forward before 2020. However, what makes the approach particularly strange, is that, if Site C were to come forward for development on January 2nd 2020, then the two reserve sites would be released for development. Consequently, all three sites would be developed anyway and the Neighbourhood Plan would provide for the delivery of 500 homes during the plan period. Whilst I acknowledge that there is some evidence around which site is “better from a traffic and air quality management perspective” this becomes somewhat irrelevant, as, subject to the above, all three sites can come forward anyway.

The Ministerial Foreword to the Framework is entirely clear in stating that *“Development that is sustainable should go ahead, without delay.”* No substantive reason is provided to justify holding back the release of Sites A1 and M1, then releasing them for development if Site C has not come forward by January 1st 2020.

Further to the above, I am also mindful that both sites are adjacent to other allocations in the Neighbourhood Plan. It is a core planning principle to *“always seek to secure high quality design and a good standard of amenity”* (Para 17, Framework). Good design is indivisible from good planning and national policy requires development proposals to *“optimise the potential”* of sites (Para 58, Framework).

As set out, Policy H1 would prevent two of the most significant allocations in the Neighbourhood Plan (Sites M and A) from being planned and delivered alongside Sites M1 and A1, as it introduces uncertainty over the release of the latter two sites. This has major implications for the effective masterplanning of sustainable development.

In the case of Site A (the subject of **Policy SP8**), as noted later in this Report, the ability to plan it together with Site A1 would provide a greater opportunity to optimise its potential whilst meeting the requirement to preserve the Conservation Area and its setting. Unfortunately, the requirements of Policy H1 effectively require Site A to be planned as an entirely separate entity from Site A1. As a consequence of this, the Neighbourhood Plan fails to have regard to Paragraph 58 of the Framework.

To a large degree, Sites M and M1 form part of the same wider site. They are immediately adjacent to one another and both contain large areas of previously

developed land. Importantly, Site M1 is entirely reliant upon Site M for access. Both sites need to deal with similar archaeological and heritage constraints. The Neighbourhood Plan even states that *“The same issues relevant to Site M are applicable to Site M1.”* Planning the two sites together would clearly optimise their potential and thus have regard to national policy.

By way of contrast, as set out, the Neighbourhood Plan would actively prevent a developer’s ability to optimise the potential of both sites. It would potentially prevent the effective and sustainable re-use of previously developed land, contrary to national policy.

With regards to Site M, the Chilterns Conservation Board has expressed concern regarding potential impact on the AONB. The Framework affords great weight to conserving landscape and scenic beauty in AONBs. In this respect, I agree that it would be clearer for Policy SP1 to separate out matters relating to impact on the AONB to those relating to green infrastructure and biodiversity. However, having regard to Paragraph 59 of the Framework, which states that *“design policies should avoid unnecessary prescription or detail,”* I consider that the Policy would not meet the basic conditions if it was overly prescriptive. I take these factors into account in making the recommendations below.

I note that indicative land use plans are provided in Appendices. The Appendices do not form part of the Neighbourhood Plan. Consequently, these plans have little status. Furthermore, as indicative plans, they are subject to significant changes. Consequently, I find that the plans do not provide any degree of certainty for decision makers or prospective applicants and as such, add nothing to the content of the Neighbourhood Plan.

Taking all of the above into account, I recommend:

- **Delete Paragraph 7.8**
- **Delete Policy SP12 and associated text/plan**
- **Delete the land use plans in the Appendices (pages 80-82 inclusive) and Paragraphs 8.6, 8.17 and 8.22**
- **Policy SP1, extend Site M to include M1. Increase approximate size to 8.2ha; change a) to “around 170 homes”; and delete bullet point m) (which is incomplete anyway)**
- **Policy SP1, add bullet point b) from the deleted Policy SP12**
- **Policy SP1, delete reference to Core Strategy Policy CSQ4, it is unnecessary and confusing to reference this in a Neighbourhood Plan Policy**

- Policy SP1, end f) at “...boundary edges.” Introduce a new bullet point, below, stating “Ensures that the development has no greater impact on the AONB than the existing development on the site; and that development conserves and where possible, enhances the landscape and scenic beauty of the AONB.” Remove apostrophe in 8.2 (and 7.54) and refer to “AONB” in 8.23 (and 4.31).
- Delete Policy SP13 and associated text/plan
- Policy SP8, extend Site A to include Site A1. Change third line to “...for around 60 dwellings.”
- Policy SP8, delete bullet point e)
- Policy SP8, change 8.14, line 5, to “...of 60 dwellings across around 3.8ha, the density is around 16 dwellings per ha.”
- Policy SP8, change 8.15, line 1 to “The total of 60 dwellings is identified...”
- Policy SP8, change 8.16, line 2, to “...(around 60)...”
- Policy SP11, remove the reference to, and extract from, the Framework from the Policy, as well as the unnecessary reference to another Policy in the Neighbourhood Plan, from “The present...community as a whole.” It is not the role of Neighbourhood Plan Policies to repeat the content of other Policies from other documents and the Neighbourhood Plan should be read as a whole.
- Policy H1, Table, change Site A to “Around 60 dwellings...3.8ha”
- Policy H1, change Site M to “Around 170 dwellings as part...site...8.2ha”
- Policy H1, change Table Total to “Around 500 dwellings”

An objection to the Neighbourhood Plan contends that it does not provide for any contingency or flexibility. This is not the case. The Neighbourhood Plan does not promote less development than set out in the Core Strategy and consequently, it has regard to Paragraph 184 of the Framework. Furthermore, the Neighbourhood Plan provides for development over and above the requirements of Core Strategy Policy CSHEN1, which requires the allocation of land for 400 dwellings in Henley⁴.

⁴ I note that Policy CSHEN1’s supporting text also refers to the provision of land for an additional 50 dwellings. This takes into account the Core Strategy Inspector’s comment that a future plan should look to provide 450 dwellings if possible. The supporting text conditions this with “if it proves to be possible to identify suitable land free of constraints in the circumstances then pertaining.” Whilst I note that, in general, most development sites tend to be constrained to some degree or other, the reference provides some degree of balance to the suggestion that development in Henley is subject to a “cap.” Notwithstanding this, the neighbourhood planning

Consequently, it provides for sustainable growth, helps to boost the supply of housing and provides for the delivery of a wide choice of high quality homes. In this regard, the Neighbourhood Plan contributes to the achievement of sustainable development, has regard to the Framework and meets the basic conditions. I also note that there is no substantive evidence to demonstrate that the allocated sites are not capable of being delivered during the plan period.

A number of objections to the Neighbourhood Plan refer to alternative sites for residential allocations. However, the Neighbourhood Plan provides for sustainable development on sites that meet the basic conditions and which, together, provide for development over and above that set out in the Core Strategy. It provides for sustainable growth and there is no need for it to allocate further sites.

In acknowledging that the Neighbourhood Plan provides for development in excess of that set out in the Core Strategy, I note that Paragraph 183 of the Framework is explicit in recognising the “*direct power*” afforded to communities to “*develop a shared vision for their neighbourhood and to deliver the sustainable development they need.*” I also note that there is no substantive evidence before me to demonstrate that, either individually or together, the housing allocations would undermine the strategic policies of the Core Strategy.

In addition to the above, I am mindful that South Oxfordshire District Council has expressed some concerns “*about the capacity of the allocated sites to deliver the expected number of new homes proposed*” and that, to some degree, the recommendation above helps to address this. I also note that South Oxfordshire District Council suggests including a reference in Policy H1 to the Henley Transport Study. However, whilst informative, I note that this Study simply provides guidance.

The Table in Policy H1 uses the term “*up to*” ahead of each number of dwellings. I note above that South Oxfordshire District Council have some concerns about the number of dwellings assigned to each site. In addition, I find that the phrase “*up to*” limits the ability of each site to provide for flexibility, for example, to take account of changing market conditions over time, having regard to national policy.

Furthermore, evidence has been submitted to demonstrate that the limits imposed by the use of the phrase “*up to*” may prevent sustainable development from coming forward. For example, it is suggested that Site Z, considered later in this Report, could be capable of providing more than 13 dwellings within a sustainable development and there is no substantive evidence before me to the contrary.

Taking the above into account, I recommend:

- **Policy H1, Table, change “up to” to “around”**
- **Site allocation Policies, change all references to “up to” to “around”**

process in Henley has clearly identified sites in Henley with residential potential and has undergone robust consultation.

Subject to the above, Policy H1 and the subsequent site Policies contribute to the achievement of sustainable development.

The Foreword of the Framework recognises that sustainable development is about positive growth. Taking the above into account, Policy H1 has regard to national policy and contributes to the achievement of sustainable development. It meets the basic conditions.

I recommend changes to **Policy SP8** above. As a result of the recommendation, Site A will comprise around 3.8 ha and provide for around 60 dwellings.

Part of Site A lies within Henley Conservation Area. Part of the rest of the site is located within the setting of Henley Conservation Area.

National policy recognises that England's heritage assets as irreplaceable. Consequently, they are to be conserved in a manner appropriate to their significance. Chapter 12 of the Framework establishes the basis for the conservation of heritage assets and Core Strategy Policy CSEN3 states that heritage assets will be conserved and enhanced for their historic significance and important contribution to local character.

Nowhere does national or local strategic policy state that development cannot take place within, or within the setting of, Conservation Areas. However, as heritage assets are irreplaceable, any harm or loss resulting from development requires clear and convincing justification. Where there is substantial harm to the significance of a designated heritage asset, consent for development will be refused, unless it can be demonstrated that substantial public benefits outweigh that harm or loss. Even where less than substantial harm would arise, there is a need to weigh the public benefits of a proposal against the harm.

Thus, any application on land impacting on the Henley Conservation Area would need to overcome significant hurdles - national and local planning policy afford a high degree of protection to heritage assets.

There is no substantive evidence before me to demonstrate that Site A could not possibly be developed without any such development being in direct conflict with the Framework and Policy CSEN3.

I recommend above that there should be an opportunity for Site A1 to be planned alongside Site A. Whilst adjacent to Site A, Site A1 does not relate to the Henley Conservation Area in the same way. Consequently, planning the two sites as one provides the opportunity to optimise potential, having regard to the Framework.

It has been suggested that Sites A and A1 are not needed. However, I am mindful of South Oxfordshire District Council's comments with regards site capacities and find

that, if both sites were removed from the Neighbourhood Plan, there is a risk that it would not meet the requirements of the Core Strategy and provide for flexibility and sustainable growth, having regard to the Framework.

In support of the allocations, a legal opinion was submitted on whether or not there is a need for the requirements of various parts of the Planning (Listed Buildings and Conservation Areas) Act 1990 to be applied. Whilst I have considered this opinion, it has little if any bearing on my findings above.

Generally, neighbourhood planning legislation is refreshingly simple. It tends not to be unnecessarily complicated, convoluted or unduly legalistic and so enables neighbourhood planners - who more often than not, volunteer their time and resources - to have as good an understanding of the necessary processes as anyone else. Whilst law and land use planning are necessarily intertwined, detailed legal opinions are not always necessary or helpful.

Further to all of the above, in considering Policy SP8, I am particularly mindful of Historic England's role and responsibility for looking after England's historic environment. With specific regard to Policy SP8, Historic England has no objection, but rather, it states "*We can confirm that the submission version of the plan has addressed our concern with regard the potential impact on the Henley Conservation Area.*"

The Government body responsible for the historic environment has raised no concerns that the allocation of Site A fails to meet the basic conditions.

Taking all of the above into account, no changes to Policy SP8 are recommended, other than those set out earlier.

Together, **Policies SP2, SP3, SP4, SP5, SP6, SP7, SP9 and SP10** relate to the rest of the Neighbourhood Area's allocated residential sites.

All of the sites subject to the Policies listed at the top of this page are brownfield. Consequently, their redevelopment can comprise the effective use of previously developed land, having regard to national policy.

Policy SP2 provides no definition of what "*an exceptional gateway development*" comprises and so there is a lack of clarity within the Policy for both decision makers and prospective applicants.

Furthermore, there is no need to explicitly reference other Policies, as the Neighbourhood Plan should be considered as a whole. This is a factor that applies to all of the Site Allocation Policies. Also, as worded, the Site Allocation Policies are grammatically incorrect, in that they mix up tenses.

Policy SP5 requires the Design Brief to demonstrate how Site J integrates with Site H. There is no requirement for Site H to integrate with Site J. Whilst, as worded, the delivery of Site J is subject to the opening of replacement community sports facilities, there is no substantive evidence to demonstrate that it could not possibly come forward in advance of Site H. In such a case, a requirement to integrate with something that has not yet occurred would prevent sustainable development. In addition to this, a requirement to integrate with Site H, where development is effectively free to “turn its back” on Site J, is unduly onerous.

Further to the above, it is a concern that, as worded, Policy SP5 prevents “permission” for development until replacement community sports facilities have opened. This is an inflexible approach, that may serve to prevent sustainable development from coming forward. I make a recommendation below that, ultimately achieves the purpose of securing sports facilities, but does so in a manner that takes development viability, amongst other important factors into account.

Sites U and X are located adjacent to one another, but comprise separate sites. No details are provided to demonstrate how Site U can be “integrated” with Site X, although I note that there is scope to ensure that the development of either site does not prejudice that of the other.

Taking all the above into account, I recommend:

- **For all of the Site Allocation Policies, remove the phrases “in addition to the principles set out within Policy H2” (or, where applicable, “in addition to the principles set out within Policy H2 and Core Strategy Policy CSQ4”) and “to conform with Policy T1”**
- **For all of the Site Allocation Policies, revise the grammar along the lines of “the *Design brief should demonstrate how the proposed development...Maximises...Delivers...Contributes to...Integrates with...Mitigates...etc.*” The developments have not yet occurred and a Design Brief is intended to provide guidance for the future.**
- **Policy SP2, delete “delivering an exceptional gateway development to the town”**
- **Policy SP5, f) replace “...site H (Mill Lane former Jet Garage) and..” with “the”**
- **Policy SP5, change d) to “*Development should not start prior to...*”**
- **Policy SP6, change a) to “*does not prejudice the delivery of Site X*”**
- **Policy SP9, change b) to “*does not prejudice the delivery of Site U*”**

Subject to the above, the Site Policies meet the basic conditions.

Policy H2: Design Brief

Good design is recognised by national policy as comprising

“a key aspect of sustainable development...indivisible from good planning”
(Para 56, The Framework)

and national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework).

By seeking the provision of Design Briefs for each allocated site, Policy H2 has regard to national policy. However, as worded, Policy H2 is reliant upon another Policy in another document, not within the control of the Neighbourhood Plan. Furthermore, there is no explanation or guide to how a Design Brief can be proportionate to the scale of a proposed development.

In addition to the above, Policy H2 requires potential applicants to seek to agree a Design Brief with both Henley Parish Council and South Oxfordshire District Council prior to being submitted as part of a planning application. Whilst pre-application discussion should be encouraged, I note that the approach set out in Policy H2 seeks to place a burden on another body, outside the control of the Neighbourhood Plan.

The Policy goes on to state that every allocated site *needs* to have a Design Brief that covers a wide range of factors, without providing any evidence to demonstrate that every one of these factors is relevant to the site the subject of the Design Brief. It is not clear, for example, why the development of ten dwellings at Site V needs to cover the location, type and management of open space and recreation facilities, and “connecting walking and cycling routes.” Without this clarity, Policy H2 may seek to impose requirements that are irrelevant to and/or place an undue burden on development proposals.

With regards the above, Paragraph 193 of the Framework is clear in its requirement for supporting information to be *“relevant, necessary and material to the application in question.”* In this respect, Policy H2 fails to have regard to national policy.

Furthermore, part vi) of Policy H2 effectively requires all development to enhance local character. Whilst a welcome aspiration, as set out, it amounts to an onerous requirement for all housing allocations to meet without any evidence to demonstrate that it has regard to any national policy, or is in general conformity with any local strategic policy.

I recommend:

- **Policy H2, delete second sentence**

- **Policy H2, change second paragraph to “Applicants should seek to discuss the content of the Design Brief with Henley Town Council and where appropriate, Harpsden Parish Council.”**
- **Change line 16 to “Where appropriate, the Design Brief should demonstrate consideration of:”**
- **Change vi) to “How the development responds to local character.”**

Subject to the above, Policy H2 meets the basic conditions. I note that the supporting text to Policy H2 simply sets out things that the Neighbourhood Plan would like to encourage and no changes are recommended.

Policy H3: Type and Size of New Housing

Generally, Policy H3 seeks to provide a wide choice of high quality homes, having regard to the Framework.

Bullet points b) and c) rely on other Policies and documents beyond the control of the Neighbourhood Plan, as do the first two paragraphs that follow the list of bullet points, as well as the final paragraph of the Policy.

I recommend:

- **Policy H3, delete b) and c)**
- **Policy H3, delete from “For sites less...Core Strategy” and delete final paragraph**

Policy H4: Provision of Facilities

Policy H4 relies upon two other Policies in the Neighbourhood Plan. I recommend deletion of Policy SCI1 below, as it does not meet the basic conditions. I recommend the deletion of the majority of Policy EN2 below, as much of the Policy fails to meet the basic conditions.

Further to the above, Policy H4 provides no detail about the level of contribution required; what the full range of facilities required are; why this full range of facilities is required; and why the full range of facilities are directly relevant to the development contributing towards them.

Policy H4 fails to provide a decision maker with a clear indication of how to react to a development proposal and thus fails to have regard to Paragraph 154 of the Framework.

Policy H4 does not meet the basic conditions. I recommend:

- **Delete Policy H4 and all related text**

Policy H5: Infill and self-build dwellings

It may be possible for a development to be sustainable, even where there is some degree of policy conflict. Development planning is often a balancing exercise and national policy is unambiguous in stating that sustainable development should go ahead without delay.

Taking the above into account, an approach that requires development to be sustainable and have no conflicts whatsoever with any planning policy fails to have regard to national policy and advice.

I recommend:

- **Policy H5, end Policy at “...sustainable development.” (and delete rest of Policy)**

National policy promotes the effective use of land and Paragraph 50 of the Framework sets out the need to plan for people wishing to build their own homes. Subject to the above, Policy H5 contributes to the achievement of sustainable development and meets the basic conditions.

Policy H6: Contingency

Policy H6 is not a land use planning policy. It is a statement setting out possible future actions by Henley Town Council and Harpsden Parish Council. I recommend:

- **Delete Policy H6 and create an “Action Point.” Move the text of the deleted Policy to the Action Point, but delete the last sentence of the first paragraph.**

Policy T1: Impact of development on the transport network

Parts 1 and 2 of Policy T1 are reliant upon other Policies or other bodies and are beyond the control of the Neighbourhood Plan. Parts 3 and 4 of Policy T1 state that something should happen, but provides no mechanism for it to do so. Part 6 of Policy T1 places an unduly onerous requirement upon all development, but is clearly not relevant to all development.

Notwithstanding the above, whilst confusingly worded, the remaining parts of Policy T1 seek to promote sustainable transport, having regard to Chapter 4 of the Framework.

As worded, Part 5 is somewhat vague, but can appropriately be linked to allocated development sites. It is inappropriate for the final part of the Policy to apply to all forms of development – for example, on what possible basis would a household extension be encouraged to improve public transport including rail ?

No indication is provided as to how the Neighbourhood Plan will “encourage” something to happen. Also, the Neighbourhood Plan provides no definition of what a “car club” comprises – for example, the Morris Minor Owners Club is a car club.

I recommend:

- **Policy T1, delete parts 1, 2, 3, 4 and 6**
- **Policy T1, change Part 5 to “*Allocated residential development sites will be required to provide a Travel Plan, setting out how opportunities...development.*”**
- **Policy T1, change the last part of the Policy to “*The provision of new or improved walking or cycling routes; improvements to public transport; and the incorporation of electric car charging points, will be supported.*” Add to the final sentence “*Until Community Infrastructure Levy (CIL) is in place, financial contributions from allocated residential sites will be sought for...Plan.*”**

Subject to the above, Policy T1 meets the basic conditions. The supporting text to Policy T1 provides interesting background information and no changes are recommended.

Policy T2: Cycling Routes

Chapter 4 of the Framework encourages sustainable modes of transport and Policy T2 has regard to this.

It is not clear how the Neighbourhood Plan will encourage something to take place, and no information is provided to set out how the Neighbourhood Plan will “*ensure that Henley is well connected, safe and accessible by bicycle.*” I recommend:

- **Policy T2, delete “and encourage...bicycle.”**

Subject to the above, Policy T2 meets the basic conditions.

Social and Community Infrastructure

Policy SCI1: Provision of social and community infrastructure

Policy SCI1 relies upon a document that doesn't exist and a Policy in another document, beyond the control of the Neighbourhood Plan. It requires all development to contribute to an undefined "full range of facilities required," regardless of whether such a contribution is necessary to make the development acceptable in planning terms, directly related to the development, or fairly and reasonably related in scale and kind to the development.

Consequently, Policy SCI1 is unduly onerous and fails to have regard to national policy. It does not meet the basic conditions. I recommend:

- **Delete Policy SCI1 and related text**

Policy SCI2: Comprehensive Renewal of Gillotts School

Policy SCI2 refers to an area defined on the Key Diagram. As noted above, there is no Key Diagram in the Neighbourhood Plan. Furthermore, the plan on pages 30 and 31 of the Neighbourhood Plan is at an inappropriate scale to be considered capable of "defining" a site with any relevant precision.

There is no indication in Policy SCI2 of how the Neighbourhood Plan will "*ensure*" the delivery of "*a first class facility...in cutting edge learning,*" whatever that might be.

Much of Policy SCI2 comprises a reference to another Policy in the Neighbourhood Plan and the repetition of part of the Framework.

However, the Framework affords great weight to the need to expand or alter schools (Paragraph 72) and supports the replacement of sports facilities with equivalent or better facilities (Paragraph 74), and part of the Policy has regard to this. I recommend:

- **Policy SCI2, change wording to "*The renewal of Gillotts School will be supported subject to it resulting in the provision of alternative enhanced sports facilities to those that currently exist.*"**

Subject to the above, Policy SCI2 meets the basic conditions.

Policy SCI3: Renewal and enhancement of community facilities

Policy SCI3 refers to community facilities identified on the Key Diagram. Notwithstanding the points above, the plan on pages 30 and 31 of the Neighbourhood Plan shows two yellow dots with orange circles around them in locations not too distant from the centre of Henley. These dots apparently correspond to “Community facilities with potential for renewal and enhancement” under the title “Keys.” No other detail is provided. This does not constitute the appropriate identification of community facilities.

The supporting text names community facilities. Rather than refer to something that is not properly identified, Policy SCI3 should more appropriately refer to specific facilities.

Chapter 8 of the Framework promotes healthy communities and Policy SCI3 generally has regard to this. I recommend:

- **Policy SCI3, change wording to “*The renewal and enhancement of the community facilities used by the following community groups, will be supported: Henley on Thames Social Club for the Over 60s; Henley on Thames Scouts; and Headway Thames Valley.*”**

Policy SCI4: Community Right to Build

Policy SCI4 supports proposals based on the Community Right to Build. The Policy has regard to national policy and advice and subject to the recommendations below, meets the basic conditions.

- **Policy SCI4, end Policy “...will be supported.” (and delete the Policy text that follows)**

Policy SCI5: Henley College

The Framework is positive with regards to development that will widen choice in education and Policy SCI5 has regard to this. The Policy seeks to support the redevelopment of Henley College’s sites in order to meet accommodation needs. However, as worded, it comprises a partial statement and not a land use planning policy.

Further to the above, the Policy does not define what “an educational facility of the highest standard” actually is. Consequently, it does not provide decision makers with a clear indication of how to react to a development proposal.

There is no detailed information setting out what form future redevelopment might take. Rather than include generalised comments, it is appropriate for the

Neighbourhood Plan to be specific. I note that Henley College has commented that the Neighbourhood Plan does not reflect the College's position.

I recommend:

- **Policy SCI5, re-word as “*The redevelopment of Henley College, to meet educational accommodation needs, will be supported.*”**
- **Replace Para 7.35 with “This Policy recognises Henley College as an important asset to the town.” Delete all other text.**

Retail and town centre

Policy TCE1: Henley Town Centre

Policy TCE1 refers to a Key Diagram inset. The reference should more appropriately be to the Town Centre Plan on page 47. I note that the Town Centre Plan's reference to another plan in another document is confusing and unnecessary.

Generally, Policy TCE1 supports the vitality of the town centre, having regard to Chapter 2 of the Framework. It emphasises the importance of focusing development within Henley Town Centre, but does not prevent sustainable development from coming forward outside it.

The Framework sets a threshold for retail impact assessments – for development outside of town centres – of 2,500 square metres. Policy TCE1 seeks to establish a locally set threshold of 500 square metres. Whilst national policy supports the setting of local thresholds, there is no substantive evidence to demonstrate why the threshold in the Neighbourhood Area should be as low as 500 square metres. This is so significantly different to the national policy threshold that, without substantive reasoning and detailed supporting evidence, it leads Policy TCE1 to fail to meet the basic conditions.

I recommend:

- **Policy TCE1, replace the first sentence with "*The Henley Town Centre boundary is shown on the Henley Town Centre Plan.*" Delete the reference to the Core Strategy under the Town Centre Plan.**
- **Policy TCE1, change "500sqm" to "2500sqm"**

Policy TCE2: Market Place Hub

The first sentence of this Policy is vague and may have unintended consequences. For example, as worded, Policy TCE2 supports any form of development, so long as it would support Market Square as a focal hub. Also, the bullet points would benefit from clearer wording. Notwithstanding these two comments, the general aim of Policy TCE2 contributes to the achievement of sustainable development. I recommend:

- **Policy TCE2, delete first sentence and change second sentence to: "*The following development will be supported within Market Square:*"**
- **Policy TCE2, change bullet points to "*a) Use Class A3 Food and Drink uses, particularly in the northern part of the square; b) market stalls; c) secure cycle storage, particularly a covered facility.*"**

Policy TCE3: Hotel and bed space

The Framework supports tourism in town centres (Paragraph 23). The Policy has regard to this, but it is not clear what “*reinforcing bed provision*” actually means. There is no need to reference another Policy in the Neighbourhood Plan and in any case, it is not clear why only one other Policy would be relevant to tourism related development.

I recommend:

- **Policy TCE3, re-word as “*Provision of tourist accommodation within the town centre will be supported.*”**

Policy TCE4: Employment and residential above shops

As above, the Framework supports the vitality of town centres. This Policy has regard to national policy and contributes to the achievement of sustainable development. It meets the basic conditions.

Policy TCE5: Town Centre Car Park Management

The Neighbourhood Plan would like to see the introduction of a town centre car park management system. Policy TCE5 is not a land use planning policy. It sets out a local aspiration and references matters that can be sought by the Town Council but not necessarily controlled by the Neighbourhood Plan. I recommend:

- **Delete Policy TCE5**
- **Retain wording (but remove from box, so it is clear that the wording does not comprise a policy) and entitle as “*Community Action: Town Centre Car Park Management*”**

Policy TCE6: 16-18 Hart Street (Former Latino’s Night Club) (Site AE)

This is a positive development Policy. It promotes brownfield development and with the exception of some unclear wording, it meets the basic conditions.

The second part of the Policy does not set out any meaningful or controllable requirements. It simply asks for a prospective developer to demonstrate how various things have been considered.

I recommend:

- **Policy TCE6, delete “as designated in the Key Diagram”**
- **Policy TCE6, delete from “Proposals for this site...” to the end of the Policy**

Policy TCE7: Town Centre Action Plan

It is not clear why every development within the town centre – or which may have some possible effect on the town centre (there is no definition of what such development might be) – needs to identify how it has considered every action of a Town Centre Action Plan, which itself, changes every year. There is no information to demonstrate that all of these actions within the Town Centre Action Plan are, or will be, relevant to every such development. Consequently, the requirements of the Policy are unduly onerous.

In addition to the above, there is no indication of what might happen if every action of the Town Centre Action Plan has not been considered – nor what benefits might arise from the consideration of every action.

To add to the confusion, the supporting text then goes on to provide a long list of fourteen actions that do not even form part of the Action Plan.

I recommend:

- **Delete Policy TCE7**
- **Create a new “Community Action: Town Centre Action Plan” with new text at the start of Paragraph 7.40 “The Town and Parish Councils will seek to encourage development that takes into account town centre actions listed in the Henley Town Centre Action Plan, as well as those listed below...” (retain all of the text in Paragraph 7.40)**

Employment

Policy E1: Supporting Henley's Economy

The first part of Policy E1 is reliant upon other Policies within another document beyond the control of the Neighbourhood Plan. The Policy then becomes confusing. It states that planning permission will be granted, but then goes on to state that certain uses will be prioritised. If something is granted, it is granted. The reference to prioritisation is therefore meaningless. This approach fails to provide decision makers with a clear indication of how to consider a development proposal.

The Policy states that the provision of office space within Henley will be granted planning permission. This is a wide and vague statement that is entirely reliant upon other Policies. It fails to provide prospective applicants with any clarity. For example, would a ten storey office block in a residential cul de sac be granted permission ?

The Policy then goes on to refer to specific sites that are considered in more appropriate detail in individual Policies elsewhere in the Neighbourhood Plan.

Taken as a whole, Policy E1 is poorly conceived, poorly worded and fails to meet the basic conditions. The Policy attempts to achieve too much and the result is confusing and inappropriate. I note that the Framework promotes the effective use of land and supports economic growth and my recommendation below takes this into account.

I recommend:

Policy E1, re-word as "Development at Reading Road Industrial Estate that supports its role as the Neighbourhood Area's main employment area will be supported."

Policy E2: Former Wyevale Garden Centre (Site P)

This Policy supports the re-use of a brownfield site for employment and for non-residential institutions. I note that Site P is a readily available brownfield development site and an objection considers that the site should be allocated for a C2 care home use. However, there is no substantive evidence before me to demonstrate that, in failing to allocate a site for a C2 care home, the Neighbourhood Plan necessarily fails to meet the basic conditions. As an aside, I note that there is no substantive evidence to demonstrate that a C2 care home would necessarily integrate well with employment uses and would not provide any constraint on employment uses coming forward.

The plan-makers consider that Site P is well-placed to contribute to the employment and culture of the local area and there is nothing to demonstrate that this is not the case. National policy supports the effective use of brownfield land and development that contributes to economic growth and healthy communities (with specific

reference to cultural buildings in Paragraph 70). There is nothing to clearly demonstrate that it would not be possible for Site P to viably deliver B1, B2 and potentially, D1 development. I am also mindful that the Neighbourhood Plan allocates a number of employment sites for residential use and that Site P provides alternative land for employment use in the Neighbourhood Area. In this regard, Policy E2 is in general conformity with Core Strategy policy CSSHEN1.

However, the Policy refers to another Policy in another Plan and in point e) sets out a viability requirement that goes beyond the control of land use planning policy. I recommend:

- **Policy E2, delete “in addition...CSQ4,”**
- **Policy E2, delete bullet point e)**

Subject to the above, Policy E2 contributes to the achievement of sustainable development and meets the basic conditions.

Policy E3: Henley Railway Station Car Park, South (Site W) and

The Framework is explicit in directing development away from areas at risk of flooding where development is not necessary. There is insufficient evidence to demonstrate that Site W can meet the sequential test set out in Chapter 10 of the Framework and as such, I find that Policy E3 fails to have regard to national policy. I recommend:

- **Delete Policy E3**

I note that the above recommendation does not prevent development from possibly coming forward at Site W, but that any development proposal would need to demonstrate that the relevant sequential test has been met.

Policy E4: Land at Newtown Road (Site AD)

This policy allocates brownfield land for development and as such, contributes to the achievement of sustainable development. No changes are recommended.

Environment

Policy EN1: Environmental Protection

Generally, Policy EN1 seeks to provide protection to environmental resources and in so doing, it contributes to the achievement of sustainable development

However, as worded, the Policy is unduly onerous and fails to justify why it goes well beyond any requirements set out in national policy or in the strategic policies of the Core Strategy. For example, it requires all development to enhance all watercourses, banks and associated river corridors; and requires all development, including for example, a household extension, to seek to improve public access to Harpsden Valley and enhance key viewing corridors.

The Policy attempts to achieve too much and ends up being unworkable, impossible to implement and largely irrelevant. This is a shame, as the aims of the Policy in respect of protecting key views have been the subject of much work.

In making my recommendations below, I note that the AONB is already afforded significant protection by national and local planning policy.

There is no evidence to demonstrate that all development impacting on viewing corridors (as opposed to all development) can enhance the viewing corridors. Consequently, it is inappropriate for this to be a requirement of the Neighbourhood Plan.

Some development in viewing corridors may comprise relatively minor development. It would be unduly onerous, for example, to require an application for a household extension to provide a Landscape Visual Impact Assessment as suggested in the supporting text. In this regard, I note that the supporting text is written as though it forms part of the Policy, which it does not.

The Plan on page 55 simply identifies viewing corridors. It does not set out Key Views, as suggested. The “Key Views” photographs show several nice views, but they do not provide precise information with respect to the viewing corridors. This is a problem. It is not clear how development can conserve something that is not, itself, clearly defined.

The supporting text states that *“the viewing corridors are fully described and set out in the supporting evidence base.”* I have considered the Viewing Corridors document that supported the Neighbourhood Plan. Whilst interesting, it is a brief, six page document that does not, in any way, comprise a detailed and precise definition of Viewing Corridors and nor can it be considered a clear and comprehensive guide for development.

Taking all of the above into account, I am not satisfied that there is sufficient detailed evidence to form the basis of a viewing corridor Policy, such that development within, or outside, the identified viewing corridors must preserve views within them, to them, or from them. Consequently, Policy EN1 does not meet the basic conditions as it fails to provide prospective applicants with sufficient detail, or decision makers with a clear indication of how they should react to a development proposal.

I acknowledge that the deletion of this Policy will disappoint plan-makers. However, I note that the work undertaken to date provides an excellent starting point for the creation of an evidence base upon which to found future planning policy.

I recommend:

- **Delete Policy EN1, replace with “Community Action: Viewing Corridors” and add text “The Town and Parish Councils will seek to progress the significant work already undertaken on Viewing Corridors within the Neighbourhood Area, with the aim of providing precise information that can help to provide the basis of future planning policy.”**
- **Delete Paragraphs 7.46, 7.48, 7.49, 7.50 and 7.51**
- **Introduce new sentence at start of Paragraph 7.45, “The viewing corridor areas are shown on the following plan and important views in the Neighbourhood Area shown on the following pages. The Town and Parish Council will seek to encourage development proposals within these areas to take full account of important views.”**

Policy EN2: New and Replacement Green Infrastructure and Public Open Spaces

It is not clear why Policy EN2 applies to residential developments of over 10 dwellings and it is not clear what contributions will be required from any such development. Green infrastructure, as defined, appears to relate to many, various things but nothing specific. The Policy is reliant upon another strategy controlled by another body.

Taking the above into account, Policy EN2 is unclear and fails to have regard to Paragraphs 203-206 of the Framework. It does not meet the basic conditions. I recommend:

- **Delete Policy EN2**

Policy EN3: Improve Existing Green Spaces

Policy EN3 is reliant upon a Policy recommended for deletion. Further to this, the Policy provides little clarity with regards what specific contributions will comprise and upon what basis they will be calculated. It fails to have regard to Paragraphs 203-206 of the Framework and does not meet the basic conditions.

- **Delete Policy EN3 and supporting text**

In recommending the deletion of Policies EN2 and EN3 I note that the more detailed site-specific policies in the Neighbourhood Plan refer explicitly to green infrastructure.

Policy EN4: Biodiversity

This is a sweeping Policy that places an onerous requirement on all development to enhance rural and urban biodiversity.

In reality, many development proposals will not be able to enhance rural and urban biodiversity, and nor will it be relevant for them to do so.

The general intention of the Policy – to protect and enhance biodiversity – has regard to the aims of national policy, as set out in Chapter 11 of the Framework (Conserving and enhancing the natural environment).

I recommend:

- **Policy EN4, change to *“The protection and enhancement of urban and rural biodiversity will be supported. Net gains in biodiversity, through the creation of new habitats; the enhancement of existing sites; and the development and implementation of ecological management plans, will be supported.”***

Subject to the above, Policy EN4 contributes to the achievement of sustainable development.

Policy EN5: Historic Environment

Policy EN5 partially repeats guidance set out in the Framework. However, in so doing, it provides an incomplete approach to the protection of heritage assets. It provides no indication as to how development proposals will be considered. Heritage assets are recognised by the Framework (Chapter 12) as irreplaceable. As worded, Policy EN5 fails to have regard to the Framework and does not contribute to the achievement of sustainable development.

I recommend:

- **Delete Policy EN5**

Policy EN6: Contamination

This Policy concerns matters that are the responsibility of others, and not under the control of the Neighbourhood Plan. I recommend:

- **Delete Policy EN6**

Policy EN7: Water Resources

This Policy concerns matters that are the responsibility of others and not under the control of the Neighbourhood Plan. I recommend:

- **Delete Policy EN7**

Policy DQS1: Local Character

As noted earlier in this Report, good design is recognised by national policy as comprising a key aspect of sustainable development. It is indivisible from good planning and national policy requires good design to contribute positively to making places better for people (Para 56, the Framework).

Policy DQS1 seeks to ensure that design considerations make a positive contribution to local character in the Neighbourhood Area. In this way, the Policy has regard to national policy and contributes towards the achievement of sustainable development. It is in general conformity with Core Strategy policy CSQ3, which protects local character.

The Policy unnecessarily refers to other Policies and the second part could be made clearer for decision makers and prospective applicants. I note that the Chilterns Building Design Guide is referenced in the supporting text. I recommend:

- **Policy DQS1, change second sentence to “*Where Design Briefs are required, they should demonstrate how the proposed development will respond to local character in terms of design and materials.*”**

Policy DQS2: Low Carbon Sustainable Development

National advice establishes that:

“...qualifying bodies preparing neighbourhood plans should not set in their emerging neighbourhood plans any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This includes any policy requiring any level of the Code for Sustainable Homes to be achieved by new development.” (Ministerial Statement, 25 March 2015)

The Policy does not meet the basic conditions. I recommend:

- **Delete Policy DQS2 (but retain Paragraph 7.55)**

Policy DSQ3 Local Sourcing of Construction Materials and Labour

The Neighbourhood Plan does not define what it means by “local construction materials” and “local labour” and provides no information to demonstrate the existence of relevant and appropriate local labour and local construction materials. Furthermore, there is no indication of what “will be maximised” means or how it will be measured.

Consequently, it is difficult to understand how Policy DSQ3 can be implemented. It does not provide clear guidance for prospective applicants and does not provide decision makers with a clear indication of how to react to a development proposal.

I recommend:

- **Delete Policy DQS3**

Policy DQS4: Community Energy Projects

As worded, Policy DQS4 could have unintended consequences. For example, it would support the development of 50,000 new homes, so long as a community energy projects were delivered.

However, the general aims of Policy DQS4 have regard to national policy, which supports the delivery of renewable and low carbon energy (Paragraph 93). I recommend:

- **Policy DQS4, re-word as “*Community energy projects will be supported.*”**

Subject to the above, Policy DQS4 contributes to the achievement of sustainable development and meets the basic conditions.

7. Neighbourhood Plan – Other Matters

The Delivery section of the Neighbourhood Plan is potentially confusing as the text appears to suggest that the Town and Parish Council will have a formal monitoring role, alongside South Oxfordshire District Council. This is not quite the case, although the Town and Parish Council will, of course, be free to monitor the impacts of the Neighbourhood Plan.

The text then refers to Policy SCI1, the deletion of which is recommended and goes on to state that key local items listed on page 79 “are established in various” Neighbourhood Plan policies. This is not the case. Paragraph 9.4 then refers to matters not under the control of the Neighbourhood Plan. The text also refers to the “adoption” of the Neighbourhood Plan, whereas, if successful at Referendum, the Neighbourhood Plan will be “made” rather than adopted.

I recommend the following:

- **Delete all text on page 79 with the exception of the list of bullet points and Paragraph 9.5. Above these, add “*The Neighbourhood Plan, once made, will provide policies that will form part of the development plan for the area and will thus help to determine planning applications. The Town and Parish Councils will monitor the impact of the policies of the Neighbourhood Plan.*”**
- ***The following items have been identified to help guide any spending by the Town and Parish Councils of funds resulting from Community Infrastructure Levy (CIL) and/or Section 106 Agreement payments: (retain list in 9.2)”***

8. Summary

I have recommended a number of modifications further to consideration of the Joint Henley and Harpsden Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Joint Henley and Harpsden Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Joint Henley and Harpsden Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to South Oxfordshire District Council that, subject to the modifications proposed, the **Henley and Harpsden Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Joint Henley and Harpsden Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Joint Henley and Harpsden Neighbourhood Area as approved by South Oxfordshire District Council on 10 June 2013.

Nigel McGurk, November 2015
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