

## **SOUTH OXFORDSHIRE DISTRICT COUNCIL**

### **BERRICK SALOME NEIGHBOURHOOD PLAN DECISION STATEMENT**

#### **Summary**

- 1 Following an independent Examination, South Oxfordshire District Council's Cabinet Member for Planning confirmed on 12 September 2019 that the Berrick Salome Neighbourhood Plan should proceed to referendum.
- 2 This Decision Statement and the Examiner's Report can be viewed on the Council's website. Copies of these documents can be inspected until 24 October 2019 at the following locations:

<b>South Oxfordshire District Council 135 Eastern Avenue, Milton Park, Abingdon, OX14 4SB</b>	Mon - Thurs, 8.30am - 5pm and Friday, 8.30am - 4.30pm
<b>St Helen's Church, Chapel Lane, Berrick Salome</b>	

#### **Background**

- 3 Berrick Salome Parish Council, as the qualifying body, successfully applied for Berrick Salome parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
- 4 Following the submission of the Berrick Salome 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 05 June 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 12 September 2019:

1. To accept all modifications recommended by the Examiner;
2. To determine that the Berrick Salome Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights<sup>1</sup>, 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 Berrick Salome Neighbourhood Development Plan to referendum.

## Reasons for decision

- 7 The Berrick Salome 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 (February 2019) (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 seek to bring forward positive and sustainable development in the neighbourhood area by guiding the design of future development. There is a clear focus on safeguarding the separation between settlements inside and outside the parish and safeguarding the attractive character of the area.
- 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 as required by the basic conditions. This basic condition does not require that each policy in it must contribute to sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies

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<sup>1</sup> *Convention rights* are defined in the Human Rights Act 1998 as (a) Articles 2 to 12 and 14 of the European Convention on Human Rights ("the Convention"), (b) Articles 1 to 3 of its First Protocol, and (c) Article 1 of its Thirteenth Protocol, as read with Articles 16 to 18 of the Convention. The Convention rights that are most likely to be relevant to town and country planning are those under the Convention's Article 6(1), 8 and 14 and under its First Protocol Article 1.

for infill residential development within defined settlement boundaries (BER1). In the social role, it includes a policy on entry-level housing (BER3) and to safeguard its community facilities (BER7). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on important views (BER4), green infrastructure (BER6) and on proposed Local Green Spaces (BER5).

- 10 As a whole, the council is satisfied that the policies in the Plan pursue net gains across each of the different dimensions of sustainability in a mutually supportive way.
- 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 or other villages to make housing allocations. In this context, proposals for development in the neighbourhood area 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 in the Plan area is directed to the most sustainable locations.
- 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 who wish to promote development in the smaller and other villages. The plan allows for infilling within the settlement boundaries, maintaining the separation between the various settlements in the Plan area. The plan identifies and protects locally important views and designates a number of local green spaces in the plan area. It guides the design of new development, supports the provision of entry level homes where there is a need, and seeks to support and retain community facilities. The plan also sets out a series of biodiversity principles for development, addresses water infrastructure, supports the maintenance of the rural character of the area, and supports proposals which have regard to a series of walking, cycling and riding principles.
- 13 The Plan, as modified by the Examiner's recommendation, would not breach, and be otherwise incompatible with EU obligations, including the following Directives: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). In addition, no issue arises in respect of equality under general principles of EU law or any EU equality directive. In order to comply with the basic condition on European Union legislation the Council has prepared a Screening Opinion on the determination of the need for a Strategic Environment Assessment (SEA). This process concluded that the Plan is unlikely to have significant environmental effects and therefore a SEA is not required. Consultation was carried out with the relevant statutory bodies (Natural England, Historic England, Environment Agency and Oxfordshire County Council). The responses received agreed with the

conclusion that a SEA was not required. Taking the consultation responses into account, the council issued a Screening Statement on 29<sup>th</sup> March 2019.

- 14 The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination on 26 March 2019, which confirmed to the qualifying body that an Appropriate Assessment would not be required. In response to the council's screening opinion, Natural England confirmed on 23 January 2019 that the proposals in the plan will not have significant effects on sensitive sites and that an Appropriate Assessment is therefore not required.
- 15 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.
- 16 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'.
- 17 The council cannot make a decision that differs from the Examiner's recommendations about the referendum area. Therefore, there is no reason to change the referendum area beyond the boundaries of the designated plan area as they are currently defined.
- 18 The individual modifications proposed by the Examiner are set out in Appendix 1 alongside the council's decision in response to each recommendation and the reasons for them. The Examiner's Report is available in Appendix 3.
- 19 The examiner noted in his report that nothing in his report should deter appropriate updating prior to the referendum in respect of incontrovertible issues of primary fact. To ensure that the plan reads as a coherent document the qualifying body and the council have agreed factual and consequential updates. These additional changes are noted in Appendix 2.
- 20 The Plan was submitted in March 2019, and as such it is assessed against the February 2019 National Planning Policy Framework.
- 21 The council has taken account of all the representations received.
- 22 This decision follows the recently made Cabinet Member decision on the Berrick Salome Neighbourhood Plan on the 29 August 2019. Since the publication of the examiner's report, the examiner clarified that he intended for the text to be inserted into the final sentence of paragraph 5.12 not the

second sentence. This decision corrects the error identified in the examiner's report and enables the council to deal with consequential changes effecting Appendix Evidence Based Report.

- 23 The Counting Officer is responsible for determining the date of the referendum. The Electoral Service team advise that the referendum is planned for Thursday 24<sup>th</sup> October 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.

Authorised by: Holly Jones  
On behalf of Head of Planning

Signed: 

Date: 12/09/2019

## Appendix 1 – Examiner’s modifications

Appendix 1: Examiner’s recommendations			
Policy/ Section	Examiner’s recommendations	Council’s Decision	Justification/Reason
Page 25 - BER1 Settlement Boundaries and Infill Development	In the first part of the policy remove Rokemarsh from the schedule of settlements.  As a free-standing fourth part of the policy insert: ‘Development proposals between Rokemarsh and Benson should conserve the open and tranquil character of the intervening landscape and its views. Proposals which would either individually or cumulatively, unacceptably detract from the separation between Rokemarsh and Benson will not be supported’.	Agree	The council consider the deletion of the Rokemarsh settlement boundary and the creation of a more general separation of settlement policy necessary to ensure general conformity with strategic policy CSS1 from the South Oxfordshire Core Strategy 2012.
Page 28 – Inset 2 Map	Remove Rokemarsh inset from the Inset 2 Maps.	Agree	The council consider the removal of Rokemarsh from the Inset 2 Maps to be consistent with the recommendation to BER1.
	At the end of paragraph 5.7 add: ‘ <i>Rokemarsh is of a scale which does not justify the definition of a settlement boundary, Nonetheless it plays an important role in the neighbourhood area. The fourth part of the policy seeks to ensure that the separation</i>	Agree	The council consider this additional supporting text will help to provide useful clarity required by national policy and guidance in relation to the modification made to BER1.

	<i>of Rokemarsh from Benson is assured within the Plan period. The gap between the two settlements will become all the more important in the event that the proposals for the Relief Road proceed to the north of Benson as incorporated within the made neighbourhood plan for Benson’.</i>		
Page 29 – BER2 Design	<p>Delete the first two paragraphs of the policy.</p> <p>Delete the final two paragraphs of the policy.</p> <p>Reposition the first two paragraphs of the policy into the supporting text (between the submitted paragraphs 5.12 and 5.13).</p> <p>Reposition the final two paragraphs of the policy into the supporting text (after the submitted paragraph 5.14).</p>	Agree	The council consider the modifications proposed by the examiner to be necessary to ensure that the policy is not repetitive and to ensure that the policy is concise and precise as required by national guidance.
Page 32 – BER3 Entry Level Homes	<p>In the opening part of the policy replace ‘District’ with ‘neighbourhood area’.</p> <p>Replace criterion iii with ‘The development of the site does not cause unacceptable harm to the identified Important Views or harm to any designated heritage assets’.</p> <p>Replace criterion iv with ‘The proposal would not result in the coalescence of any two settlements in</p>	Agree	<p>The council consider the modification to the opening part of the policy necessary to ensure that the policy is locally distinctive and in accordance with national and local policy.</p> <p>The council consider the modification to the third criteria necessary to make it more general and provides the clarity required by national and local policy.</p>

	<p>the neighbourhood area’.</p> <p>Delete the free-standing final paragraph of the policy.</p>		<p>The council consider the modification to the fourth criteria necessary to take into account the modification made to BER1 and to provide a more general approach.</p> <p>The council consider the deletion of the free standing final paragraph necessary so that in line with national and local policy the policy is demand-led rather than artificially constrained.</p>
	Delete the final sentence of paragraph 5.17.	Agree	The council consider the deletion of paragraph 5.17 necessary to ensure the supporting text is consistent with the policy.
Page 33 – BER4 Important Views	Replace the final part of the policy with: ‘Development proposals should preserve or enhance the local character of the landscape and through their design, height and massing should recognise and respond positively to the various Important Views. Development proposals which would have a significant adverse impact on an identified Important View will not be supported.’	Agree	The council consider the modification necessary to make the policy more general in its application and less restrictive, in accordance with national policy and guidance.
Page 36 – BER5 Local Green Spaces	In the final part of the policy replace ‘permitted’ with ‘supported’ and add ‘Green Space unless in very special circumstances’.	Agree	The council consider the modifications necessary to ensure that the policy provides the clarity required by national policy and guidance and so that the policy is complete.

Page 36 – Para 5.20	In paragraph 5.20 replace ‘paragraph 99 and 100’ with ‘paragraphs 99-101’.		The council consider the addition of the reference to paragraph 101 from the NPPF necessary for completeness.
Page 37 – BER6 Green Infrastructure	At the end of the opening part of the policy add ‘insofar as they apply to the proposed development and its location’.	Agree	The council consider the addition to the policy necessary for clarity and to address the tension between the policy and the supporting text. The Examiner sought clarification from the Parish Council on this matter, with them confirming the intention of the policy.
Page 38 – BER7 Community Facilities	In the third part of the policy replace ‘will be resisted’ with ‘will not be supported’.	Agree	The council consider the modification necessary to ensure that the policy provides the clarity required by national policy and guidance.
Page 38 – Para 5.23	In paragraph 5.23 replace ‘buildings’ with ‘facilities’.	Agree	The council consider the modification necessary for factual accuracy.
Page 39 – BER8 Managing Traffic	Replace the policy with: ‘New developments should ensure that any associated improvements to the highway network in the Parish are in keeping with the character of the area, and where practicable avoid urbanising highway infrastructure.’	Agree	The council consider the modifications necessary to ensure that the policy focuses on planning issues, as opposed to traffic volumes and speeds which are controlled by the Highways Act. The council consider the reconfiguration of the policy necessary to ensure that the policy is concise and precise

	Where appropriate and necessary development proposals will be supported where they make contributions to improvements to the wider highways network in order to mitigate their traffic impacts’.		as required by national guidance.
Page 39 – Para 5.27	Replace the final sentence of paragraph 5.27 with: ‘In the first instance Policy BER8 identifies that new development should be in keeping with the wider environment in the neighbourhood area, including that of its highways network. Within this wider context there may be opportunities for other developments to contribute towards traffic management measures where the contribution is necessary for the proposal to be supported’.	Agree	The council consider the modifications to the supporting text necessary to ensure the text is consistent with policy BER8.
Page 40 – BER9 Walking, Cycling and Riding	In the first principle replace ‘must’ with ‘should’.  Replace the third principle with: ‘it is located in an area which facilities and where possible encourages walking, cycling and riding to access the Parish.’	Agree	The council consider the modification to the first principle necessary to ensure the policy provides the clarity required by national policy and guidance. The second modification reconfigures the third principle so that it is capable of being applied through the development management process.
Page 41 – BER10 Supporting Water Infrastructure	Delete criteria ii and iii.	Agree	The council consider the modification necessary to ensure that the policy provides the clarity required by national policy and guidance and so that the policy avoids unnecessary repetition.

Other Matters	Modification of the general text (where necessary) to achieve consistency with modified policies.	Agree	The council agrees with the examiner that it may be necessary to amend the plan where consequential changes to the text are required directly as a result of the examiners recommended modifications.
Page 9 – para 2.3	Replace ‘45% of parishioners’ with ‘45% of respondents to the survey’.	Agree	The council consider the modification necessary to provide clarity.
Page 12 – para 2.28	Replace ‘57% of parishioners’ with ‘57% of respondents to the survey’.	Agree	The council consider the modification necessary to provide clarity.
Page 13 – para 2.32	Replace ‘90% of parishioners’ with ‘90% of respondents to the survey’.	Agree	The council consider the modification necessary to provide clarity.
Page 14 – para 2.41	Replace ‘rises. Foul sewage’ with ‘rises foul sewage’.	Agree	The council consider the modification necessary to provide clarity.
Page 21 – para 3.25	Replace ‘Grade 2/Grade 2*’ with ‘Grade II/Grade II*’.	Agree	The council consider the modification necessary to provide clarity.
Page 24 – para 5.5	Replace the final sentence with: ‘Planning applications that are within the neighbourhood area will be considered against the neighbourhood plan policies, as well as any relevant South Oxfordshire development plan policies and the NPPF.’	Agree	The council consider the modification necessary to provide clarity.
Page 31 – para 5.12	Page 31 paragraph 5.12 second sentence insert ‘as appropriate to their scale and location’ after	Agree	Since the publication of the examiner’s report, the examiner clarified that he

	'Statement'.		intended for the text to be inserted into the final sentence of paragraph 5.12 not the second sentence.  The council consider the modification necessary to provide clarity.
Appendices 1 and 2	Delete Appendices 1 and 2 (as they repeat information already contained in the Evidence base)	Agree	The council consider the modification necessary to provide clarity.
Evidence Base	Incorporate the Evidence Base as an appendix within the Plan	Agree	The council consider the modification necessary to provide clarity.
Plan Period	Modify the Plan period (throughout the document) to 2019-2034.	Agree	The council consider the that modification to the Plan period will ensure that the Plan has the clarity required by national policy and to take account of its current stage in the plan-making process.

## Appendix 2 - Consequential and/or Factual Changes

Section	Agreed change	Justification/Reason
All plan	Paragraph renumbering	To accommodate the Examiner's recommended changes.
Front Cover	Replace Plan period '2013-2034' with '2019-2034'.	To implement the Examiner's recommendation regarding the Plan period.

Page 26 – Insets Map	Remove Rokemarsh inset from Insets Map.	To ensure the map is consistent with the Examiner’s recommendations.
Page 41 – para 5.34	<p>Replace the sentence with: ‘The Parish is served by a network of watercourses and drainage ditches and the Parish Council periodically reminds all riparian owners/all those responsible/all Parishioners to ensure that the watercourse are kept free of obstruction.’</p> <p>Delete the second sentence: ‘They are unable to cope with very heavy rainfall as the capacity of the network has been compromised over the years, due to the loss of ponds and storage areas that attenuate the rate of water flow under adverse weather conditions.’</p>	To correct an error between two sentences which contradicted one another <sup>2</sup> .
Appendix	Update the Evidence Based Report in order to align it with the Examiner’s recommendation to delete the proposed settlement boundary for Rokemarsh.	To ensure the Appendix is consistent with modifications recommended by the examiner.

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<sup>2</sup> The original sentence which has since been replaced, set out the watercourses and land drainage ditches had sufficient capacity to deal with ‘normal’ weather conditions, however the following sentence said that they were unable to cope with very heavy rainfall as the capacity of the network has been compromised. The Qualifying Body did not think that these sentences accurately reflected the situation in the Parish relating to the network of watercourses and drainage ditches, therefore the change was made to the text to correct an error and more accurately reflect the existing situation.

**Appendix 3**

# **Berrick Salome Neighbourhood Development Plan 2013-2034**

**A report to South Oxfordshire District Council on  
the Berrick Salome 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 June 2019 to carry out the independent examination of the Berrick Salome Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 13 June 2019.
- 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 various settlements and safeguarding its attractive character. It is a very effective Plan which carefully addresses a series of important issues that face the local community.
- 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. It has been prepared in short order.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Berrick Salome 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**  
**23 July 2019**

## 1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Berrick Salome Neighbourhood Development Plan 2013-2034 (the Plan).
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Berrick Salome 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, 2018 and 2019. 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. It proposes settlement boundaries 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 neighbourhood 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.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan I am 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.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report I am satisfied that all of the points have been met.

### 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 Evidence Base.
- the SEA/HRA Screening report.
- the representations made to the Plan.
- the Parish Council's comments on the representations received.
- the Parish Council's responses to my Clarification Note.
- the South Oxfordshire Core Strategy 2012.
- the saved policies of the South Oxfordshire Local Plan 2011.
- the emerging South Oxfordshire Local Plan 2034.
- the National Planning Policy Framework (February 2019).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 13 June 2019. 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 The NPPF was originally published in 2012. It was updated both in 2018 and earlier this year. The 2018 version commented about transitional arrangements for neighbourhood plans being produced at that time. As the Plan was submitted in March 2019 it is assessed in this report against the 2019 version of the NPPF. Any references in this report to the NPPF are to that version of the NPPF.

## 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 the way in which it summarises the key stages of consultation and provides the details in a series of appendices. This contributes significantly to its legibility.
- 4.3 The Statement records 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 (November 2018 to January 2019).
- 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. It includes details about:
- the maintenance of an e-mail circulation list;
  - the circulation of a community questionnaire;
  - the feedback to the community at the Christmas Fair 2017; and
  - the slide presentation to parishioners on the emerging draft plan in 2018
- 4.5 Appendix A sets out the nature of the community questionnaire and the responses received. It demonstrates the professional way in which those responsible for the preparation of the Plan sought to address the expectations of the wider community. Appendix C 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 C1/C2/C3/C4. This wider analysis helps to describe how the Plan has progressed to its submission stage.
- 4.6 Consultation on the submitted plan was undertaken by the District Council that ended on 5 June 2019. This exercise generated representations from the following persons and organisations:
- Liam Tiller
  - Oxfordshire Clinical Commissioning Group
  - Highways England
  - Natural England
  - Oxfordshire County Council
  - South Oxfordshire District Council

- 4.7 I have taken account of all the representations in preparing this report. Where it is appropriate to do so I refer to specific representations on a policy-by-policy basis.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area is the parish of Berrick Salome. It is located to the north-east of Benson. It is irregularly- shaped and consists of the separate settlements of Rokemarsh, Roke, Berrick Salome and Berrick Prior. Outside the various settlements the neighbourhood area is mainly pleasant countryside. Its population in 2011 was 326. It was designated as a neighbourhood area on 1 June 2017.
- 5.2 The neighbourhood area is primarily in agricultural use. The principal settlements are arranged in a triangle with Rokemarsh at the southern corner, Roke at the south-east corner and Berrick Salome and Berrick Prior at the northern corner. The Plan helpfully describes its landscape setting. The open fields on the southern edge of the parish give an extensive view over the River Thames to the Berkshire Downs. The isolated chalk ridge of the Sinodun Hills, crowned by the Wittenham Clumps, sit as a focus in front of the Downs.
- 5.3 The neighbourhood area continues to display its agricultural heritage. The countryside is both attractive and well-maintained. The parish has a good selection of traditional vernacular buildings. Several of the settlements have a very sylvan character. Overall it is a peaceful and quiet place.

### *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 Berrick Salome 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 Berrick Salome is identified as a Smaller Village in the adopted Core Strategy (policy CSR1 and Appendix 4). Roke is identified as an 'other' village. Berrick Prior and Rokemarsh are not listed in their own right.
- 5.7 SODC is preparing a new local plan. It will incorporate a review of the adopted Core Strategy and the saved policies of the Local Plan. 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. The Plan was submitted for examination in March 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. The emerging Local Plan is consistent with the adopted Core Strategy both in terms of the position of the settlements 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 13 June 2019.
- 5.10 I drove into the Plan area from Benson to the south. This helped me to understand the neighbourhood area in its wider landscape context. It also highlighted the sensitivity of its proximity to Benson.
- 5.11 I looked initially at Rokemarsh. I saw its nucleated character and its relationship with the highway network. I then drove into Roke. I saw the very pleasant selection of individual houses on the southern side of the road connecting Rokemarsh to Roke. I saw the impressive Hicks Farmhouse and White Cottage. I walked down Chapel Lane. I saw the Old Stone Cottage and the very interesting Roke and Benson Brass Band hall.
- 5.12 I then looked at the area and the crossroads by the Home Sweet Home P.H. I looked at the various local green spaces in this part of the neighbourhood area. I walked to the east of the Roke and saw Well Cottage and Cherry Trees. At this point there was an overwhelming sense of quietness disturbed only by bird song.
- 5.13 I then continued to Berrick Salome. I saw the individual houses in their own grounds and with extensive tree cover. I looked at the impressive Village Hall, recreation ground and the children's' play area.
- 5.14 I continued into Berrick Prior. I saw The Chequers Inn and the vitality it gave to this part of the neighbourhood. I saw that it had a slightly different character to that of Berrick Salome to its south.

- 5.15 I drove to the east of Berrick Prior to see St Helen's Church. I saw that the building and its grounds were beautifully maintained. I also saw and appreciated the setting of the Church some distance from the village itself. This added to its stature and status. Various academic sources comment about the nature of the refurbishments that took place on the building in 1890. For my part I found its character and appearance to be very distinctive and charming.
- 5.16 I drove out of the Plan area to the north so that I could understand further its setting in its wider landscape. In particular I looked at its relationship with Chalgrove.

## 6 The Neighbourhood Plan and the Basic Conditions

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 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;
- contribute to the achievement of sustainable development;
- 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).

6.3 I assess the Plan against the basic conditions under the following headings.

### *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 earlier this year.

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 Berrick Salome 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 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 8 of the NPPF comments about the importance of all aspects of the planning system in promoting

sustainable development. The Plan positive seeks to achieve this important objective in general, and through its promotion of settlement boundaries in particular.

- 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 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 within defined settlement boundaries (BER1). In the social role, it includes a policy on entry-level housing (BER3) and to safeguard its community facilities (BER7). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on important views (BER4), green infrastructure (BER6) and on proposed Local Green Spaces (BER5). 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.

*European Legislation and Habitat Regulations*

- 6.13 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. In order to comply with this requirement, SODC undertook a screening exercise in March 2019 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process SODC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. The screening report includes the responses from the three consultation bodies. This is best practice.
- 6.14 SODC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. 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 Little Wittenham 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.
- 6.15 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.
- 6.16 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.

*Summary*

- 6.17 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report. Section 7 assesses each policy against the basic conditions. Where necessary it recommends modifications on a policy-by-policy basis.

## 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.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial sections of the Plan (Sections 1-5)*

- 7.8 The Plan as a whole is very 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 comments about the background to neighbourhood planning, how the process was pursued locally and the SEA/HRA work.
- 7.10 Section 2 describes the neighbourhood area. It does so in a very effective fashion. It is comprehensive in its coverage and includes information on:
- its history;
  - the changing nature of village life;
  - transport and infrastructure;
  - pedestrians, cyclists and road safety
  - the effects of other proposed development outside the neighbourhood area; and
  - water and drainage.
- 7.11 Section 3 helpfully sets out how the Plan fits into the wider planning system. It comprehensively describes the NPPF, the existing development plan and the

emerging Local Plan. It helpfully comments about neighbourhood plans in adjoining parishes.

- 7.12 Section 4 comments about the way in which the views of the community were secured during the plan-making process. It overlaps with the submitted Consultation Statement.
- 7.13 Section 5 sets out a comprehensive vision for the Plan. It is underpinned by a series of objectives. In all cases they are distinctive to the neighbourhood area.
- 7.14 A key strength of the Plan is the way in which has been prepared and organised. It is clear to understand and the policies flow from the Evidence base and the supporting text. In addition, it has a clear focus on a relatively small number of key development issues in the area. On this basis it deliberately avoids repeating national or local policies. The Plan's approach would be a useful template for others to follow.
- 7.15 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 BER1 Settlement Boundaries and Infill Development

- 7.16 This policy is at the heart of the Plan. It seeks to focus any new development within identified settlement boundaries. A settlement boundary is identified for each of the four settlements in the neighbourhood area.
- 7.17 The second and thirds parts of the policy capture the policy implications of this approach. The second offers support to development within the identified settlement boundaries subject to design considerations. The third seeks to apply development plan policies to proposed development elsewhere in the neighbourhood area.
- 7.18 In principle I am satisfied that the policy meets the basic conditions. Whilst the Core Strategy does not define settlement boundaries, the approach taken in the submitted Plan is in general conformity with the Core Strategy. In particular it seeks to concentrate new development in the main settlements and where it would have the clear ability to represent sustainable development. The approach to proposed development outside the settlement boundaries has been carefully designed to follow the approach in the Core Strategy and in national policy.
- 7.19 SODC comment about the appropriateness of Rokemarsh having a settlement boundary given its limited size. I raised this matter with the Parish Council through the clarification note. It agreed with SODC's assertion that the intended approach would not align with the settlement hierarchy in the Core Strategy by providing a settlement boundary for a settlement which does not directly feature in that hierarchy.
- 7.20 The Parish Council also reaffirmed its desire to distinguish the four settlements from the surrounding countryside and to maintain the separation of Rokemarsh from Benson. In this context the Parish Council also commented that it was content to accept a local gap-type policy as recommended by SODC to safeguard the separation between Rokemarsh and Benson.
- 7.21 I have considered these matters carefully and looked at the issues in detail when I visited the neighbourhood area. The suggested deletion of the Rokemarsh settlement boundary would be an appropriate way to address the tension between the submitted Plan and the adopted Core Strategy. In practical terms it would have limited effect on the way in which SODC would respond to proposals within and around the village.

- 7.22 I can also see merit in replacing the Rokemarsh settlement boundary with a local gap type policy. The continued separation of Rokemarsh and Benson will be highlighted in the event that the proposals for the Relief Road proceed to the north of Benson as incorporated within its made neighbourhood plan. Nevertheless, an area-based policy would be an addition to the Plan and its spatial extent would not have been the subject of any consultation process. On this basis I recommend the inclusion of a more general separation of settlements policy. Plainly this policy would only apply within the Berrick Salome neighbourhood area.
- 7.23 Liam Tiller made a representation about the detailed definition of the Rokemarsh settlement boundary. Whilst I have taken this representation into account, I have separately concluded that the Rokemarsh settlement boundary should be deleted.

**In the first part of the policy remove Rokemarsh from the schedule of settlements.**

**As a free-standing fourth part of the policy insert: ‘Development proposals between Rokemarsh and Benson should conserve the open and tranquil character of the intervening landscape and its views. Proposals which would either individually or cumulatively, unacceptably detract from the separation between Rokemarsh and Benson will not be supported’**

*Remove Rokemarsh inset from the Inset 2 Maps*

*At the end of paragraph 5.7 add ‘Rokemarsh is of a scale which does not justify the definition of a settlement boundary. Nonetheless it plays an important role in the neighbourhood area. The fourth part of the policy seeks to ensure that the separation of Rokemarsh from Benson is assured within the Plan period. The gap between the two settlements will become all the more important in the event that the proposals for the Relief Road proceed to the north of Benson as incorporated within the made neighbourhood plan for Benson’*

Policy BER2 Design

- 7.24 This is an important policy within the Plan. As paragraph 5.12 comments it seeks to maintain high standards of design in the neighbourhood area. It skilfully draws on a series of development principles from the Character Appraisal of the settlements in the neighbourhood area.
- 7.25 The policy is comprehensive in its coverage and detailed in its approach. It is commendably distinctiveness to the neighbourhood area. Its middle section sets out a series of development principles. They include the following matters:
- plot boundaries and enclosure walls;
  - pedestrian access;
  - parking arrangements;
  - layout, orientation and massing;
  - drainage; and
  - refuse storage and recycling.
- 7.26 The policy includes elements of supporting text. There are also other parts of the policy which are repetitive. I recommend that the first two paragraphs are repositioned into the supporting text as they largely act as a context for the policy. In addition, I recommend that the final two paragraphs (including the bullet

points/technical criteria) are relocated into the supporting text so that they help to describe the reasoning for earlier parts of the policy. Otherwise the policy meets the basic conditions. As modified, it will be an excellent local response to paragraphs 124 to 132 of the NPPF.

**Delete the first two paragraphs of the policy.**

**Delete the final two paragraphs of the policy.**

*Reposition the first two paragraphs of the policy into the supporting text (between the submitted paragraphs 5.12 and 5.13).*

*Reposition the final two paragraphs of the policy into the supporting text (after the submitted paragraph 5.14).*

Policy BER3 Entry Level Homes

- 7.27 This policy seeks to support entry-level homes suitable for first-time buyers or those looking to rent their first home. It is a well-considered policy that aims to address the wider issue of affordability.
- 7.28 It is a criteria-based policy. The criteria are wide-ranging and include the size and location of the proposed site, environmental matters and the need to avoid the coalescence of the various settlements in the neighbourhood area.
- 7.29 The final part of the policy indicates that only one entry-level homes scheme will be supported. The Parish Council acknowledged in the clarification note process that this policy should be demand-led rather than artificially constrained. I recommend that this part of the policy is deleted. I also recommend consequential modifications to the supporting text.
- 7.30 I recommend detailed modifications to the third and fourth criteria. The modification to the third criteria seeks to make its application more general that simply to the conservation or to designated important views. The modification to the fourth criteria takes account of my recommended modification to Policy BER1 and to provide a more general approach.
- 7.31 Finally I recommend that the opening part of the policy refers to needs for such housing in the neighbourhood area rather than in the wider District.

**In the opening part of the policy replace ‘District’ with ‘neighbourhood area’**  
**Replace criterion iii with ‘The development of the site does not cause unacceptable harm to the identified Important Views or harm to any designated heritage assets.’**

**Replace criterion iv with ‘The proposal would not result in the coalescence of any two settlements in the neighbourhood area’**

**Delete the free-standing final paragraph of the policy.**

*Delete the final sentence of paragraph 5.17*

Policy BER4 Important Views

- 7.32 This policy identifies a series of Important Views. As paragraph 5.18 comments the views are from public vantage points and as identified in the Character Appraisal. Paragraph 5.19 helpfully comments that the views are particularly distinctive of the rural landscape setting in the neighbourhood area and the wider context provided by the Chiltern and the North Wessex AONBs.
- 7.33 I am satisfied that the various important views are evidence-based and properly considered.
- 7.34 The policy has a positive rather than a negative approach. It requires that development proposals recognise the views and take account of them in their design.
- 7.35 The Parish Council has responded positively to the suggestion from SODC that the final part of the policy should become more general in its application. I recommend a modification accordingly based on the SODC suggestion.

**Replace the final part of the policy with: ‘Development proposals should preserve or enhance the local character of the landscape and through their design, height and massing should recognise and respond positively to the various Important Views. Development proposals which would have a significant adverse impact on an identified Important View will not be supported.’**

#### Policy BER5 Local Green Spaces

- 7.36 This policy proposes the designation of six local green spaces (LGSs). It makes appropriate reference to paragraphs 99 and 100 of the NPPF. I recommend that the supporting text also refers to paragraph 101 of the NPPF for completeness.
- 7.37 The Parish Council has included details about each of the proposed LGSs in the Evidence Base/Character Appraisal. On the basis of this information and my own observations of the sites when I visited the neighbourhood area, I am satisfied that they meet the three criteria for designation in the NPPF.
- 7.38 The final sentence of the policy is incomplete. It is clear that the policy was intended to follow the very matter-of-fact approach in the NPPF on this matter. However, for clarity I recommend a modification to the policy.

**In the final part of the policy replace ‘permitted’ with ‘supported’ and add ‘Green Space unless in very special circumstances’**

*In paragraph 5.20 replace ‘paragraph 99 and 100’ with ‘paragraphs 99-101’*

#### Policy BER6 Green Infrastructure

- 7.39 This policy sets out a series of biodiversity principles for development in the neighbourhood area. It is very well-developed. As with other policies it is distinctive to the neighbourhood area.
- 7.40 There is a degree of tension between the policy and the supporting text. The former requires that development proposals comply with all of the seven principles. The supporting text comments that not all of the principles will be relevant to every proposal. Through the clarification note the Parish Council advised that the supporting text correctly set out its intended approach. On this basis I recommend a modification to the policy. Otherwise it meets the basic conditions.

**At the end of the opening part of the policy add ‘insofar as they apply to the proposed development and its location’**

Policy BER7 Community Facilities

- 7.41 This is another well-constructed policy. In this case it sets out to safeguard identified community facilities in the neighbourhood area. I saw the importance of the facilities included in the policy in the neighbourhood area during my visit.
- 7.42 The policy has two related parts. The first offers support to proposals that would sustain the viability of a community facility. The second protects the identified facilities against proposals which would involve either their loss or significant harm to their community uses. It correctly identifies that the provision of suitable alternative facilities or viability issues may be exceptions to this approach.
- 7.43 I recommend a detailed word change to the part of the policy which refers to the potential loss of community facilities. Otherwise it meets the basic conditions. It will make a significant contribution to the delivery of the social element of sustainable development in the neighbourhood area.
- 7.44 I also recommend a modification to the wording used in paragraph 5.23 of the Plan. Some of the community facilities are facilities rather than buildings.

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

*In paragraph 5.23 replace ‘buildings’ with ‘facilities’*

Policy BER8 Managing Traffic

- 7.45 This policy has been designed to support the maintenance of the rural character of the neighbourhood area. It also has a related ambition to preserve the rural lanes in the neighbourhood area as safe havens for walkers, cyclists and horse riders.
- 7.46 I recommend that the policy is reconfigured. Its modified format incorporates two important matters. The first is a focus on land use matters. As submitted the policy comments about traffic volumes and speeds which are controlled by the Highways Acts rather than the Planning Acts. The second is to reverse the order of the policy so that its emphasis is on achieving a good relationship between development and highways capacity rather than one which seeks developer contributions to mitigate traffic issues. I recommend consequential modifications to the supporting text.

**Replace the policy with:**

**‘New developments should ensure that any associated improvements to the highway network in the Parish are in keeping with the character of the area, and where practicable avoid urbanising highways infrastructure.’**

**Where appropriate and necessary development proposals will be supported where they make contributions to improvements to the wider highways network in order to mitigate their traffic impacts.’**

*Replace the final sentence of paragraph 5.27 with: ‘In the first instance Policy BER8 identifies that new development should be in keeping with the wider environment in the neighbourhood area, including that of its highways network. Within this wider*

*context there may be opportunities for other developments to contribute towards traffic management measures where the contribution is necessary for the proposal to be supported'*

#### Policy BER9 Walking, Cycling and Riding

- 7.47 This policy offers support to development proposals where they have regard to a series of walking, cycling and riding principles. It is a bespoke policy that is very distinctive to the neighbourhood area.
- 7.48 I recommend two modifications to the policy. The first provides the clarity required by the NPPF to the first principle. The second reconfigures the third principle so that it is capable of being applied through the development management process. Otherwise the wider policy meets the basic conditions.

#### **In the first principle replace 'must' with 'should'**

**Replace the third principle with: 'it is located in an area which facilitates and where possible encourages walking, cycling and riding to access the Parish.'**

#### Policy BER10 Supporting Water Infrastructure

- 7.49 This policy serves two important purposes. Firstly, it requires that development proposals should demonstrate that there is sufficient capacity in the local sewage system to accommodate the waste from that development. Secondly it requires a site-specific assessment of the potential for flooding. In these two respects the policy is well-considered.
- 7.50 Other elements of the policy are repetitive either within the policy itself or with Policy BER2. On this basis I recommend their deletion.

#### **Delete criteria ii and iii**

#### Other Matters - General

- 7.51 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.*

#### Other Matters – Specific Wording

- 7.52 SODC have suggested a series of contextual changes to the supporting text in the Plan. Some 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.

- 7.53 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 9 paragraph 2.3 – replace ‘45% of parishioners’ with ‘45% of respondents to the survey’*

*Page 12 paragraph 2.28 – replace ‘57% of parishioners’ with ‘57% of respondents to the survey’*

*Page 13 paragraph 2.32 – replace ‘90% of parishioners’ with ‘90% of respondents to the survey’*

*Page 14 paragraph 2.41 – replace ‘rises. Foul sewage’ with ‘rises foul sewage’*

*Page 21 paragraph 3.25 – replace ‘Grade 2/Grade 2\*’ with ‘Grade II/Grade II\*’*

*Page 24 paragraph 5.6 replace the final sentence with ‘Planning applications that are within the neighbourhood area will be considered against the neighbourhood plan policies, as well as any relevant South Oxfordshire development plan policies and the NPPF.’*

*Page 31 paragraph 5.12 second sentence insert ‘as appropriate to their scale and location’ after ‘Statement’*

*Delete Appendices 1 and 2 (as they repeat information already contained in the Evidence base)*

*Incorporate the Evidence Base as an appendix within the Plan.*

#### Plan Period

- 7.54 The Plan variously refers to its Plan period as 2013-2034.
- 7.55 SODC has suggested that the Plan is brought up to date by the Plan period being changed to 2019-2034. The Parish Council agrees with this suggestion.
- 7.56 To ensure that the Plan has the clarity required by the NPPF and to take account of its current stage in the plan-making process I recommend accordingly. The proposed 2034 end date remains unaffected. This is an important consideration given its relationship to the emerging Local Plan.

*Modify the Plan period (throughout the document) to 2019-2034.*

## 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 2034. 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 neighbourhood area and its community facilities.
- 8.2 Following my independent examination of the Plan I have concluded that the Berrick Salome Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 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 Berrick Salome Neighbourhood Development Plan should proceed to referendum.

### *Other Matters*

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 1 June 2017.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner.

**Andrew Ashcroft**  
**Independent Examiner**  
**23 July 2019**