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Report on Chinnor Neighbourhood Plan Review (Modifications Proposal) 2011 - 2034

**An Examination undertaken for South Oxfordshire District Council with
the support of the Chinnor Parish Council on the August 2019
Submission version of the Plan.**

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Main Findings - Executive Summary

From my examination of the Chinnor Neighbourhood Plan Review (Modifications Proposal) ('the Review Plan') and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Review Plan meets the Basic Conditions.

I have also concluded that:

- the Review Plan has been prepared and submitted for examination by a qualifying body – Chinnor Parish Council (the Parish Council);
- the Review Plan has been prepared for an area properly designated – the Neighbourhood Plan Area, the boundary of which is coterminous with the Parish Council boundary, as identified on the Map at Page 6 of the Review Plan;
- the Review Plan specifies the period to which it is to take effect – from 2011 to 2034; and,
- the policies relate to the development and use of land for a designated Neighbourhood Plan Area.

I recommend that the Review Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Review Plan relates and have concluded that it should not.

1. Introduction and Background

Chinnor Neighbourhood Plan Review (Modifications Proposal) 2011-2034

- 1.1 Chinnor Parish is within the district of South Oxfordshire, some 20 miles south-east of Oxford, 5 miles south of Thame and 13 miles north-west of High Wycombe. The Parish contains the settlements of Emmington, Henton, Wainhill, Chinnor Hill and the larger village of Chinnor. The Parish is the largest parish in South Oxfordshire in terms of population size, with a population of 5,924 (2011 Census).
- 1.2 The Parish has two Conservation Areas, one around the High Street in Chinnor and the other at the south-west of Chinnor village at the original hamlet of Oakley. Each Conservation Area contains a number of Listed Buildings, and there are other Listed Buildings located elsewhere across the Parish. St Andrew's Church at Chinnor is a Grade I Listed Building dating from the 13th century.

- 1.3 Local employment opportunities within the Parish have declined in recent years following the closure of a number of businesses. This has led to increasing levels of commuting to work outside the Parish, predominantly by car. Chinnor has a thriving village centre with a good range of shopping, business and community facilities to serve the Parish. There are two primary schools in the village, each with a pre-school, whilst the nearest secondary school is at Thame.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by South Oxfordshire District Council (the District Council), with the agreement of the Parish Council.
- 1.5 I am a chartered town planner, with over 40 years of experience in planning. I have worked in both the public and private sectors and have experience of examining both local plans and neighbourhood plans. I have also served on a Government working group considering measures to improve the local plan system and undertaken peer reviews on behalf of the Planning Advisory Service. I therefore have the appropriate qualifications and experience to carry out this independent examination.
- 1.6 I am independent of the qualifying body and the local authority and do not have an interest in any of the land that may be affected by the Review Plan.

Procedural Considerations

- 1.7 The Review Plan was submitted for examination to the District Council on 1 August 2019 on the basis that the Parish Council throughout the Review Plan preparation process has considered that, as the proposed modifications include site allocations and make changes to the development boundary, they are a substantial and significant modification to the 2017 Plan.¹ Similarly, the District Council in its Modification Statement of 17 December 2019² echoes this position.
- 1.8 Nonetheless, on my appointment as the examiner of the Plan, the District Council requested that I consider whether the modifications contained in the draft Review Plan “are so significant or substantial as to change the nature of the neighbourhood development plan which the draft plan would replace”, in accordance with paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) (‘the 2004 Act’). The main implication at that time being, should I have taken a view that the modifications were not significant or substantial, then the Plan examination would have proceeded under Schedule A2 to the 2004 Act,

¹ See Appendix 1 of the Consultation Statement. View at: http://www.southoxon.gov.uk/sites/default/files/Chinnor%20Review%20Consultation%20Statement_0.pdf

² View at: <http://www.southoxon.gov.uk/sites/default/files/2019-12-17%20SODC%20Statement%20of%20Significance.pdf>

rather than Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). As a practical and key consequence, the Review Plan would not have required a referendum prior to being made.

- 1.9 Following my initial consideration of the Review Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to the District Council and the Parish Council on 8 January 2020³ with my determination, made under Paragraph 10(1) of Schedule A2, to advise that in my assessment the proposed modifications contained in the Review Plan were so significant or substantial as to change the nature of the made Plan which the Review Plan would replace.
- 1.10 Accordingly, I therefore invited the Parish Council as the qualifying body (in accordance with paragraph 10 (5) of Schedule A2) to decide whether to proceed with the examination of the Review Plan under the provisions of Schedule 4B to the 1990 Act 1990, which in turn would require a referendum prior to the Review Plan being made.
- 1.11 The Parish Council confirmed on 16 January 2020 that it had determined to proceed with the examination of the Review Plan under Schedule 4B.⁴ Therefore, it is on that basis that I have undertaken my examination of the Review Plan. For clarification, my examination has also considered the entirety of the Review Plan and has not been confined to those parts of the Review Plan which contain modifications to the made Chinnor Neighbourhood Plan (2017).

The Scope of the Examination

- 1.12 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.13 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the 1990 Act. The examiner must consider:
- Whether the plan meets the Basic Conditions;

³ View at:

<http://www.southoxon.gov.uk/sites/default/files/Examiner%20Procedural%20Matters%20Chinnor%20NP%20080120.pdf>

⁴ View at:

<http://www.southoxon.gov.uk/sites/default/files/Qualifying%20Body's%20consent%20letter.pdf>

- Whether the plan complies with provisions under s.38A and s.38B of the 2004 Act. These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.14 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood 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 and not breach European Union (EU) obligations; and,
- meet prescribed conditions and comply with prescribed matters.

1.15 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the

Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.⁵

2. Approach to the Examination

Planning Policy Context

- 2.1 The Chinnor Neighbourhood Plan was made by South Oxfordshire District Council on 12 October 2017 following an independent examination and local referendum. The Review Plan has been prepared by the Parish Council to take account of recent planning decisions that allow a number of new housing developments to be built in the Neighbourhood Plan area. The Review Plan has been prepared primarily to identify site allocations for an additional 507 dwellings within the Neighbourhood Plan area and to propose a development boundary around Chinnor village.
- 2.2 The Basic Conditions Statement (at pages 8-11) provides a full assessment of how each of the policies proposed in the Review Plan are in general conformity with the relevant strategic policies in the adopted South Oxfordshire Core Strategy (2012) and the saved policies from the adopted South Oxfordshire Local Plan (2006). Table 1 in the Basic Conditions Statement provides a summary of how each of the policies in the Review Plan has regard to national policies.
- 2.3 The emerging South Oxfordshire Local Plan 2011-2034 (to be known as Local Plan 2034) was submitted to the Secretary of State on 29 March 2019. However, during the course of the Local Plan examination, the Secretary of State had issued (on 9 October 2019) a temporary direction to the District Council preventing any further progress with the emerging Local Plan. On 3 March 2020, the Secretary of State again wrote to the District Council, using his powers under sections 27(2)(b) of the 2004 Act, to direct the District Council to progress the emerging Local Plan through examination and to adoption by December 2020. At the same time, he withdrew the Holding Direction made on 9 October 2019.
- 2.4 Therefore, for the purposes of this examination, although I do not test the Review Plan against the policies in the emerging Local Plan, nonetheless the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the Basic Conditions against which a neighbourhood plan is tested.⁶ It is on that basis that I consider the emerging Local Plan.

⁵ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

⁶ PPG Reference ID: 41-009-20190509.

2.5 The planning policy for England is set out principally in the NPPF, first published in 2012. The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019 (and updated on 19 June 2019).⁷ All references in this report are to the 2019 NPPF and its accompanying PPG.

Submitted Documents

2.6 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:

- the draft Chinnor Neighbourhood Plan Review (Modifications Proposal) 2011-2034 (dated August 2019);
- the Chinnor Neighbourhood Plan (made October 2017)
- the Neighbourhood Designation Map (dated 17 June 2015), which identifies the area to which the proposed Neighbourhood Development Plan relates;
- the Consultation Statement (undated);
- the Basic Conditions Statement (undated);
- the Strategic Environmental Assessment Screening Statement (dated 6 September 2019), incorporating the Habitats Regulations Screening Assessment at Appendix 2;
- the letter from South Oxfordshire District Council (dated 17 December 2019), titled 'Chinnor Neighbourhood Plan Review – Modification Statement'; and
- the response to my letter of 8 January 2020 requesting the formal consent of the qualifying body (in accordance with paragraph 10(5) of Schedule A2) for the examination to proceed under the provisions of Schedule 4B.⁸

Site Visit

2.7 I made an unaccompanied site visit to the Neighbourhood Plan Area on 17 February 2020 to familiarise myself with it and visit relevant sites and areas referenced in the Review Plan, evidential documents and representations.

Written Representations with or without Public Hearing

2.8 Following my assessment of the Review Plan and its accompanying documents, my site visit and consideration of the representations made during the Regulation 16 consultation period, I considered that a Public Hearing would not be necessary to consider any of the matters raised in greater detail, or to receive oral submissions on any of those matters. I

⁷ See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

⁸ View these documents at: <http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/neighbourhood-plans/chinnor-neighbourhood->

have therefore undertaken the examination on the basis of the written representations submitted at the Regulation 16 consultation stage without a Public Hearing. In all cases this has provided me with sufficient information to enable me to reach a conclusion on the matters concerned.

Modifications

- 2.9 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications in full in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Review Plan has been prepared and submitted for examination by Chinnor Parish Council, which is the qualifying body. South Oxfordshire District Council designated the Neighbourhood Planning Area on 17 June 2015.
- 3.2 The current made Plan is the only Neighbourhood Plan for Chinnor and does not relate to land outside the designated Neighbourhood Plan Area. The Review Plan will replace the made Plan as the only Neighbourhood Plan for the designated area.

Plan Period

- 3.3 The Review Plan specifies (on the front cover, and within Section 1) the period to which it is to take effect, which is between 2011 and 2034. This aligns with the plan period of the emerging South Oxfordshire Local Plan, albeit it is conceivable that the proposed plan period for the Local Plan could change prior to its adoption.
- 3.4 For the avoidance of doubt, I have assessed the general conformity of the policies and proposals contained in the Review Plan against the saved strategic policies from the adopted South Oxfordshire Local Plan (adopted 2006) and the adopted South Oxfordshire Core Strategy (adopted 2012), together with national policy and guidance.

Neighbourhood Plan Preparation and Consultation

- 3.5 Work first commenced on the preparation of the Review Plan in early 2018 in order to give consideration to including housing allocation sites in the Plan so that the policies in the Plan would reflect the existing development context in the Plan area. The work was co-ordinated by the Neighbourhood Planning Steering Group.

- 3.6 The Steering Group and the Parish Council's retained planning consultant worked with the District Council to identify potential housing allocation sites, taking account of all existing planning permissions and appeal decisions, the District Council's Strategic Housing and Economic Land Availability Assessment and the Brownfield Land Register. A specific 'call for sites' was not undertaken. A Site Allocation Assessment was prepared, and this document is now included as Appendix 6 to the Draft Review Plan. Additionally, a draft development boundary was proposed around Chinnor village, a number of policies in the made Plan were slightly reworded in order to improve their clarity and there was a general factual update to the Plan to cover the period since October 2017.
- 3.7 The Regulation 14 consultation on the Review Plan was held between 24 May and 5 July 2019 accompanied by local publicity throughout the Neighbourhood Plan Area by a variety of media and news outlets. Individual notifications were sent to statutory consultees, adjoining Parish Councils and many local groups, organisations and businesses in the Plan area.
- 3.8 The Consultation Statement and its Appendices contain a comprehensive record of the various consultation activities that took place and a summary of the responses received during the Regulation 14 consultation.
- 3.9 The comments and responses received from residents and stakeholders during the Regulation 14 consultation were analysed and any necessary amendments were made to the Review Plan.
- 3.10 Further supporting documents were then prepared following the Regulation 14 consultation including the Basic Conditions Statement (undated) and the Consultation Statement (undated). A Screening Statement on the determination of the need for a Strategic Environmental Assessment (SEA) was prepared by South Oxfordshire District Council in September 2019. A Habitat Regulations Assessment (HRA) Screening Opinion was prepared as part of the SEA Screening assessment and is included as Appendix 2 to the Screening Statement.
- 3.11 The Regulation 15 submission Review Plan was submitted to South Oxfordshire District Council on 1 August 2019.
- 3.12 The Review Plan was subject to further consultation from 16 October to 4 December 2019 under Regulation 16 and I take account of the 29 responses then received in writing this report, as well as the Consultation Statement.
- 3.13 The qualifying body made clear during the course of the consultation and engagement on the Review Plan that the proposed modifications were considered to be a significant and substantial modification to the made Plan, and that if the examiner were to determine that the modifications are significant, then the Review Plan would be subject to a Referendum should it proceed beyond examination. In summary, I conclude that there

appears to have been a transparent, fair and inclusive consultation process, having regard to the advice in the PPG on plan preparation and the legal requirements.

Development and Use of Land

3.14 The Review Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

3.15 From my review of all the documents before me, the Review Plan does not include policies or proposals that relate to any of the categories of excluded development.⁹

Human Rights

3.16 The Basic Conditions Statement states (at page 13) that the Review Plan is considered to be compatible with EU obligations.¹⁰ Neither the District Council nor any other party has raised any issues concerning a breach of, or incompatibility with Convention rights (within the meaning of the Human Rights Act 1998). From my assessment of the Review Plan, its accompanying supporting documents and the consultation responses made to the Review Plan at the Regulations 14 and 16 stages, I am satisfied that the Review Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I consider that none of the objectives and policies in the Review Plan will have a negative impact on groups with protected characteristics. Many will have a positive impact.

4. Compliance with the Basic Conditions

EU Obligations

4.1 The Review Plan was screened for SEA by South Oxfordshire District Council in September 2019 and confirmed that a SEA was not required to be undertaken for the Plan.

4.2 I have assessed the Screening Statement and the consultation responses from Historic England and Natural England at the Screening Opinion stage. The Environment Agency did not provide a response at that stage. I accept the conclusions set out in the Screening Statement, and in particular that the implementation of the Review Plan would not result in

⁹ The meaning of 'excluded development' is set out in s.61K of the 1990 Act.

¹⁰ Note: EU Obligations are entirely separate to the European Convention on Human Rights, which is derived from the Council of Europe.

likely significant effects on the environment, and therefore that a SEA is not required.

- 4.3 A Habitat Regulations Assessment (HRA) Screening Assessment for the Review Plan was also undertaken by the District Council and was the subject of consultation with the necessary statutory bodies, including Natural England, as required by legislation. There are two Natura 2000 sites, otherwise known as European sites (Special Areas of Conservation (SACs)), the Chiltern Beechwoods SAC and the Aston Rowant SAC, within 17 kilometres of the Plan area. The Screening Assessment concludes that the Review Plan is unlikely to have significant effects on Natura 2000 sites, either alone or in combination with other plans and projects, and that therefore an Appropriate Assessment for the Review Plan is not required. I note that Natural England concur with this conclusion and from my own independent consideration, I see no reason to disagree. The HRA Screening Opinion and consultation responses are also set out in the Screening Statement dated 6 September 2019. Again, from my own independent consideration, I am in agreement with the conclusion of the Screening Assessment.
- 4.4 I am therefore satisfied that the Plan is compatible with EU obligations in respect of the SEA Regulations and the Habitats Directive.

Main Assessment

- 4.5 The NPPF states (at paragraph 29) that *"Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan"*. It also states that *"Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies"*.
- 4.6 The NPPF (at paragraph 11) sets out the presumption in favour of sustainable development. It goes on to state (at paragraph 13) that neighbourhood plans should support the delivery of strategic policies contained in local plans; and should shape and direct development that is outside of these strategic policies.
- 4.7 Having considered whether the Review Plan complies with various legal and procedural requirements, it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.14 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.
- 4.8 I test the Review Plan against the Basic Conditions by considering specific issues of compliance of the Plan's policies, which deal with Housing, Conservation, Heritage and Design, Environment, Open Space and

Recreation, Community Facilities, Employment Promotion and Development, and Education and Young People. As part of that assessment, I consider whether the policies in the Review Plan are sufficiently clear and unambiguous, having regard to advice in the PPG. A policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.¹¹ I recommend some modifications as a result.

4.9 The Review Plan is addressing a Plan period from 2011 to 2034. Its vision is for “A Plan that promotes co-ordinated and sustainable growth in the period to 2034 whilst maintaining, enhancing and improving the existing vibrant community and positively addressing its economic, social and environmental issues”. It aims to achieve this vision by the following objectives:

- to ensure that new residential developments will directly address the future needs of all residents in the Plan area in general, and to provide for the needs of young and elderly people in particular;
- to promote sustainable residential developments which are integrated into the village format, character and appearance;
- to safeguard the intrinsic character of Chinnor, its surrounding countryside and its setting adjacent to the Chiltern Hills Area of Outstanding Natural Beauty;
- to maintain, and where possible improve, the character and vitality of the village;
- to promote creative solutions that address the physical and environment issues arising from through and local traffic on the local highway network;
- to provide a context in which existing and new businesses can flourish and add vitality, employment and resilience to the village; and,
- to promote the development of necessary and appropriate community facilities and infrastructure to sustain the longer-term viability and vitality of the Plan area.

The objectives are then translated into specific policies within Sections 4-8 in the Review Plan.

4.10 The strategy for the review of the made Plan is set out at paragraphs 1.2-1.5 of the Review Plan. I am satisfied that the key issues arising from the NPPF, the Ministerial Statements of 12 December 2016¹² and 12 September 2018¹³ and the emerging strategic planning framework affecting South Oxfordshire, including the commitments contained in the Oxfordshire Housing and Growth Deal and the ongoing preparation of the South Oxfordshire Local Plan 2011-2034, as they affect neighbourhood

¹¹ PPG Reference ID: 41-041-20140306.

¹² View at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-12-12/HCWS346/>

¹³ View at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-09-12/HCWS955/>

planning in the district and Chinnor in particular, are appropriately identified within the Plan. I also note that the Basic Conditions Statement (at paragraph 19 and Table 2) describes how the Review Plan has regard to the aim that its policies contribute to the achievement of sustainable development.

- 4.11 I consider that overall, subject to the modifications I recommend to specific policies below, that individually and collectively the Review Plan's policies will contribute to the achievement of sustainable patterns of development. However, there are a number of detailed matters which require amendment to ensure that the policies have the necessary regard to national policy and are in general conformity with the strategic policies of South Oxfordshire District Council. I consider these matters in paragraphs 4.12-4.24 below in relation to each of the policy sections in the Review Plan.

Housing Policies (Policies CH H1-CH H7)

- 4.12 The principal modifications to this section of the made Plan concern the proposed inclusion of new Policies CH H6 (Site Allocations) and CH H7 (Development Boundary), and I give detailed consideration to each of these proposed new policies at paragraphs 4.15-4.20 below.
- 4.13 Policies CH H1-CH H5 are carried forward from the made Plan, and I have also assessed each of these policies, in light of representations received at the Regulation 16 consultation stage and their compliance with the Basic Conditions, in particular whether they are in general conformity with the strategic policies of the existing adopted South Oxfordshire Local Plan.
- 4.14 I am satisfied that Policies CH H1-CH H5 do, on the whole, continue to remain in general conformity with both national policy guidance and with the strategic planning policies in the adopted Local Plan. The District Council has made comments regarding the drafting of Policies CH H1, CH H4 and CH H5 and supporting text in the Review Plan. I have carefully considered these comments, and where justified and appropriate, I recommend modifications accordingly to provide clarity in these policies. I therefore recommend modifications **PM1-PM4** as revisions to the text of Policy CH H1, paragraph 4.14 (of the Review Plan), Policy CH H4 and Policy CH H5 respectively.
- 4.15 Policy CH H6 (Site Allocations) is the first of two new policies proposed for inclusion in the Plan. It identifies and allocates land at five sites for residential development - Land west of Mill Lane Community School (78 dwellings); Land at two sites south of Greenwood Avenue (140 dwellings and 80 dwellings); Land east of Crowell Road (120 dwellings); and, Land north of Lower Icknield Way (89 dwellings). The sites are defined on Figure 1 in the Review Plan. Development at each of these sites has already been granted planning permission, and I therefore consider that their proposed designation as housing site allocations is justified. The proposed housing developments granted planning permission totals 507

new dwellings. As an aside, I note that this level of new development exceeds the 15% growth expectation for villages such as Chinnor that is contained in the emerging South Oxfordshire Local Plan. However, it may well be that this threshold will change during the course of the examination and, in any event, the sites already have planning permission.

- 4.16 However, I do consider that Policy CH H6, as presently drafted, does not provide sufficient flexibility for revised development proposals that may come forward at any of the five sites. I therefore recommend as modification **PM5** a revision to the text of the policy to address this point and thus ensure that the Basic Conditions are met.
- 4.17 Policy CH H7 (Development Boundary) is the second new policy proposed for inclusion in the Plan. It defines a development boundary around the village of Chinnor, which is defined on Figure 2 in the Review Plan. The purpose of the policy is to support appropriate development that is proposed within the boundary, whilst land outside the boundary will be considered to be countryside where planning policies for the countryside, contained in both national policy guidance and the adopted Local Plan, will apply. The proposed development boundary takes account of the five housing allocation sites identified in Policy CH H6.
- 4.18 I have given careful consideration to the purpose of this policy, its precise definition and to the various representations that have been made concerning either the principle of the policy or its definition, including those made by the District Council. In my assessment, the purpose of the policy is justified and that it is appropriate to define a development boundary for the village of Chinnor, which is categorised as a 'larger village' in the adopted South Oxfordshire Local Plan. Such a development boundary for settlements of this size is commonplace in many other local plans and neighbourhood plans across the country and provides an effective planning policy for development management decisions.
- 4.19 I conclude on this matter that Policy CH H7 meets the Basic Conditions and therefore the text of the policy and accompanying definition of the policy (on Figure 2) do not require modification.
- 4.20 However, there are two factual errors in the supporting justification for this policy, relating to the references made to the settlements in the Neighbourhood Plan Area at paragraphs 4.25 and 4.27 in the Review Plan. I recommend modification **PM6** to correct the text of these paragraphs.

Conservation, Heritage and Design Policies (Policies CH C1-CH C3)

- 4.21 Policies CH C1-CH C3 are carried forward from the made Plan. I have considered each of these policies and am satisfied that they continue to meet the Basic Conditions, subject to the modification I recommend as **PM7** to address a revision to the text of Policy CH C1 in order to ensure clarity.

Environment, Open Space and Recreation Policies (Policies CH GP1-CH GP4)

4.22 Policies CH GP1-CH GP4 are also carried forward from the made Plan. I have reviewed each of these policies, which include Policy CH GP1 (Local Green Spaces) and which designates 15 Local Green Spaces in the Plan area. I am satisfied that the policies continue to meet the Basic Conditions if the modifications recommended below are made. I do consider that Policy CH GP4 (Sustainable Homes), together with its supporting justification at paragraphs 6.17-6.18, should more appropriately be placed within Section 4 of the Review Plan, which contains the Housing policies. This reflects national policy which is seeking to achieve increased energy and water efficiency in new homes, and it is more appropriate to place the sub-section on Sustainable Homes alongside the other Housing policies. I therefore recommend as **PM8** a modification to place the policy and supporting text within Section 4, to follow Policy CH H7 with the necessary re-numbering. I also recommend as **PM9** and **PM10** modifications to the text of paragraph 6.2 and Policy CH GP2 respectively to secure accuracy and clarity.

Community Facilities Policies (Policies CH CF1-CH CF2)

4.23 Policies CH CF1 (The Protection of Community Facilities) and CH CF2 (Healthcare Facilities) are carried forward from the made Plan. I have reviewed both of these policies and am satisfied that, on the whole, they continue to meet the Basic Conditions. However, Policy CH CF2 requires a modification to reflect the fact that Oxfordshire County Council parking standards should be used as the basis for car parking provision in any development proposals. I therefore recommend **PM11** accordingly.

Employment Promotion and Development Policies (Policies CH R1, CH B1-CH B2 and CH T1)

4.24 This suite of policies is carried forward from the made Plan. Again, I have reviewed each policy, in terms of its consistency with national policy and guidance and general conformity with the strategic policies in the existing adopted South Oxfordshire Local Plan (2011). I do not consider that the second part of Policy CH B1 (Protection of Existing Employment Premises) has regard to national policy or generally conforms with existing strategic local plan policies, and in my assessment that part of the Policy should be deleted. I therefore recommend **PM12** accordingly. There is a minor typographical error¹⁴ in the text of Policy CH B2 and recommended modification **PM13** addresses that matter.

Overall Assessment

4.25 In my assessment, beyond the specific matters and issues that I have addressed in paragraphs 4.5-4.24 above, I do not identify any further

¹⁴ Paragraph 10(3)(e) of Schedule 4B to the 1990 Act provides for the making of modifications to correct errors.

issues arising from the other policies in the Review Plan that lead me to the conclusion that the Review Plan requires any additional modifications in order to meet the Basic Conditions. I have taken account of all matters raised in the representations submitted at the Regulation 16 consultation stage. In particular, I have given careful consideration to those representations which have sought to add further housing allocation sites, including a site for specialist residential accommodation, in the Review Plan. I have considered the evidence supporting the Review Plan and notably the methodology for the allocation of housing sites, and I find that this aspect of the Review Plan has been undertaken comprehensively. I further note that the District Council has raised no concerns regarding the quantum of new residential development to be provided in the Plan area up to 2034. I therefore do not identify any compelling circumstances at this time which necessitate the addition of any further housing allocation sites in the Review Plan.

Concluding Remarks

- 4.26 I conclude that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Chinnor Neighbourhood Plan Review (Modifications Proposal) meets the Basic Conditions for neighbourhood plans. As an advisory comment, when the Review Plan is being redrafted to take account of the recommended modifications, it should be re-checked for any typographical errors and any other consequential changes, etc.

5. Conclusions

Summary

- 5.1 The Chinnor Neighbourhood Plan Review (Modifications Proposal) has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Review Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Review Plan, and to the supporting documents submitted with it.
- 5.2 I have made recommendations to modify certain policies and other matters to ensure that the Review Plan meets the Basic Conditions and other legal requirements. I recommend that the Review Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Review Plan relates. The Chinnor Neighbourhood Plan Review (Modifications Proposal), as modified, has no policies or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring

the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Review Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 It is clear that the Chinnor Neighbourhood Review Plan is the product of much hard work undertaken since 2018 by the Parish Council, the Neighbourhood Planning Steering Group and by the many individuals and stakeholders who have contributed to the preparation and development of the Review Plan. In my assessment, the Review Plan reflects the aspirations and objectives of the Chinnor community for the future development of their community up to 2034. The output is a Review Plan which should help guide the area's development over that period, making a positive contribution to informing decision-making on planning applications by South Oxfordshire District Council.

Derek Stebbing

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 32	<p><u>Policy CH H1 – Infill Residential Development</u></p> <p>Replace “on-plot parking” in the second bullet point with “appropriate car parking provision”.</p>
PM2	Page 32	<p><u>Paragraph 4.14</u></p> <p>Delete first sentence and replace with: “Affordable housing comprises housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers).”</p>
PM3	Page 33	<p><u>Policy CH H4 – Allocation of Affordable Housing for Local People</u></p> <p>Delete existing text, and replace with: “20% of all new Affordable Housing provided in the Plan area will, on first letting, be subject to a local connection to the Parish of Chinnor.”</p>
PM4	Page 35	<p><u>Policy CH H5 – Retirement Housing</u></p> <p>Delete the word “to” in the second line of text and replace with “so”.</p>
PM5	Page 38	<p><u>Policy CH H6 – Site Allocations</u></p> <p>2nd paragraph</p> <p>Delete existing text, and replace with: “Any new or revised development proposals at these sites will be considered in the context of how such proposals meet the requirements of all relevant development plan</p>

		policies, including the policies in this Plan.”
PM6	Pages 38 and 39	<p><u>Paragraph 4.25</u></p> <p>Delete existing text, and replace with:</p> <p>“Chinnor Parish has provided excess housing against the expectations of the Core Strategy and the emerging Local Plan. Outside the built-up area of Chinnor, Henton and Emmington, the remainder of the parish is open countryside including the small rural settlements of Hempton, Wainhill and Chinnor Hill, which are not considered part of the settlement hierarchy. Henton and Emmington are identified in Core Strategy Policy CSR1 as “other villages” where a limited amount of development will be supported. Where development is proposed in the other villages, principles for infill development should be the same as within the development boundary.”</p> <p><u>Paragraph 4.27</u></p> <p>Delete existing text, and replace with:</p> <p>“To clarify the approach to countryside, Policy CH H7 establishes a development boundary around Chinnor village. Within the development boundary, infill development will be appropriate where this is proven to be sustainable development according to Policy CH H1. Outside the boundary, and outside the built-up areas of Henton and Emmington, development proposals will only be supported if they are appropriate for a countryside location.”</p>
PM7	Page 43	<u>Policy CH C1 - Design</u>

		Delete the words "should make reference" in the second line of text, and replace with: "should have regard" .
PM8	Pages 65-66	<u>Sustainable Homes</u> Place paragraphs 6.17/6.18 and Policy CH GP4 (Sustainable Homes) within Section 4 of the Review Plan, and re-number as paragraphs 4.30/4.31 and Policy CH H8 respectively.
PM9	Page 44	<u>Paragraph 6.2</u> 3 rd line of text Amend "paragraph 100 of the NPPF" to read "paragraphs 99-101 of the NPPF" .
PM10	Page 63	<u>Policy CH GP2 – Protection of Habitats of Significance</u> 3 rd bullet point – 4 th line of text Amend "will to achieve" to read "will be required to achieve" .
PM11	Page 71	<u>Policy CH CF2 – Healthcare Facilities</u> 2 nd bullet point of policy criteria Delete existing text, and replace with: "The proposed development includes adequate car parking provision, servicing and access arrangements in accordance with the most recent published standards of Oxfordshire County Council" .
PM12	Page 76	<u>Policy CH B1 – Protection of Existing Employment Premises</u> Delete 2nd paragraph of policy text in its entirety.
PM13	Page 76	<u>Policy CH B2 – Enhancement of Employment Facilities</u> 2 nd paragraph of policy text Amend the word "locatoin" to read

		"location".
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