

SOUTH OXFORDSHIRE DISTRICT COUNCIL

SYDENHAM NEIGHBOURHOOD PLAN DECISION STATEMENT

Summary

- 1 Following an independent Examination, South Oxfordshire District Council's Cabinet Member for Planning confirmed on 06 February 2020 that the Sydenham 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 26 March 2020 at the following locations:

<p>South Oxfordshire District Council 135 Eastern Avenue, Milton Park, Abingdon, OX14 4SB</p>	<p>Mon - Thurs, 8.30am - 5pm and Friday, 8.30am - 4.30pm</p>
<p>St Mary's Church, Brookstones, Sydenham, Chinnor, OX39 4ND</p>	<p>Between the hours of 9am and 6pm, seven days a week.</p>

Background

- 3 Sydenham Parish Council, as the qualifying body, successfully applied for Sydenham parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
- 4 Following the submission of the Sydenham 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 September 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 06 February 2020:

1. To accept all modifications recommended by the Examiner;
2. To determine that the Sydenham Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights¹, 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 Sydenham Neighbourhood Development Plan to referendum.

Reasons for decision

- 7 The Sydenham 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. It 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

¹ *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.

neighbourhood area. In the economic dimension the Plan includes policies for infill development and housing mix (Policies SYD1 and 2 respectively). In the social role, it includes a policy on community facilities (Policy SYD8). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy SYD3), on the designation of a local green space (Policy SYD5) and on a proposed local gap and important views (Policies SYD 6/7).

- 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 Secretary of State wrote to South Oxfordshire District Council on 9th October 2019 and imposed a Temporary Holding Direction on the Council which means we are unable to take any steps in connection with the adoption of our emerging Local Plan 2034. The Temporary Holding Direction means the emerging Local Plan 2034 has no effect while the direction is in force (Housing and Planning Act 2016 (145) (5)(2)). Given the current position of the South Oxfordshire Emerging Local Plan it should therefore not be relied on. The Adopted Development Plan will be referred to instead (which comprises the Local Plan 2011, Core Strategy 2012 and any adopted NDPs). 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 and seeks to support and retain community facilities.
- 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 27th 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 27 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 is satisfied that it is not necessary to extend 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 2.
- 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.
- 20 The Plan was submitted in August 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 Sydenham Neighbourhood Plan on the 06 February 2020.

Appendix 1 – Examiner’s modifications

Appendix 1: Examiner’s recommendations			
Policy/ Section	Examiner’s recommendations	Council’s Decision	Justification/Reason
Page 28 Policy SYD1- Village Boundary and Infill Development	<p>In the opening part of the policy replace the text in brackets with:</p> <p>(Sydenham West and Sydenham East)</p> <p>In the second part of the policy replace ‘relative to....and requirements’ with ‘which is consistent with their status in the South Oxfordshire Core Strategy Settlement hierarchy*’</p> <p>At the end of the policy (and within the policy box) add: *Sydenham West is classified as a ‘Smaller Village’ and Sydenham East as an ‘Other Village’ in the South Oxfordshire Core Strategy 2012’</p>	Agree	The council consider the proposed modifications to the policy to be necessary to ensure there is clarity that is required by national policy and guidance.
Page 29	<p>At the end of paragraph 5.8 add:</p> <p>‘Within the context of this policy the following definitions apply:</p> <p>Sydenham West – the principal settlement in the neighbourhood area (based around St Mary’s Church and the Crown Inn). Sydenham West is the ‘Smaller Village’ of Sydenham in the South Oxfordshire settlement</p>	Agree	The council consider the proposed modifications to the supporting text to be necessary to ensure there is clarity that is required by national policy and guidance in relation to the modifications made to SYD1.

	<p>hierarchy.</p> <p>Sydenham East – the smaller settlement in the neighbourhood area (based around the Emmington Inn at the junction of Sydenham Road and the B4445 Chinnor to Thame Road). Sydenham East was assessed as part of Emmington and classified as the ‘Other Villages’ of Emmington in the South Oxfordshire settlement hierarchy.</p> <p>For clarity and completeness, the definition of Emmington as an ‘Other village’ in the settlement strategy refers also to Emmington itself which lies approximately 300 metres to the north east of the crossroads of the B4445/Sydenham Road. Emmington is outside the neighbourhood area and within Chinnor Parish’</p> <p>In paragraph 5.9 and the sentence beginning ‘For the purpose of this policy...’ replace for the boundary comprising.... plot sizes for infill development in the village’ with:</p> <p>‘as sites of up to 0.2 hectares in Sydenham West and as sites of up to 0.1 hectares in Sydenham East. This reflects the limited opportunities for such development and the restricted plot sizes in the two defined village boundaries’</p> <p>In paragraph 5.11 replace ‘small/other villages like Sydenham’ with ‘Smaller Village or of an ‘Other Village’ and delete ‘and by.... emerging Local Plan’</p>		
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Page 31 Policy SYD2 – Housing Mix	<p>Replace the policy with: ‘New infill residential developments should provide homes which meet local or District wide housing needs.</p> <p>The development of two- or three-bedroom homes will be particularly supported’</p>	Agree	The council considers the modifications to be necessary to ensure that the policy is supported by appropriate evidence and supports the development of new dwellings which meet local or District housing needs.
Page 31	<p>In paragraph 5.12 replace: ‘(and emerging.... local housing needs’ with ‘It requires new infill residential developments to provide homes which meet local or District wide housing needs. It offers particular support to the development of two- or three-bedroom homes’</p> <p>In paragraph 5.14 delete the two sentences beginning:</p> <ul style="list-style-type: none"> • ‘If all the new infill’ • ‘The smaller homes’ 	Agree	The council considers the modifications to the supporting text to be necessary to help provide the necessary clarity required by national policy and guidance in relation to the modifications made to SYD2, in particular to ensure clarity regarding the policy’s support for the development of new dwellings which meet local or District housing needs.
Page 33 Policy SYD3 - Design	In the first sentence replace ‘village’ with ‘neighbourhood area’	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

	<p>In the second sentence:</p> <ul style="list-style-type: none"> • replace 'The use of building forms' with 'Development proposals should use building forms' • Insert a full stop after 'Parish' • Replace the remainder of the sentence with 'Proposals that use sustainable methods of construction will be supported' <p>In the third sentence add at the beginning: 'As appropriate to their scale, nature and location' and thereafter delete 'where relevant.... the Parish' at the end of the sentence.</p> <p>Delete the bullet points preceding the following lines of the policy (and thereafter incorporate the relevant wording into the previous bullet point):</p> <ul style="list-style-type: none"> • detached dwellings • from within the village • through the village • buildings within their plot • requiring the landscaping • countryside beyond 		<p>policy is concise and precise as required by national guidance and to address a series of formatting issues in order to provide the clarity required by national policy and guidance.</p>
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	In the various bullet points (as reconfigured) replace the various references to 'the village' with 'the neighbourhood area'		
Character Appraisal	Correct the address details for 'The Green' in the Character Appraisal	Agree	The council consider the recommended modification necessary to provide factual accuracy and clarity as required by national policy and guidance.
Page 37 Policy SYD5 – Local Green Space	Replace the second part of the policy with: 'Proposals for development within designated Local Green Space will only be supported in very special circumstances'	Agree	The council considers the recommended modification necessary to ensure the policy uses appropriate policy language and directly relates to the designated LGS. The recommended changes will ensure the policy provides sufficient clarity as required by national policy and guidance.
Page 40 Policy SYD6- Local Gap	<p>Replace the policy with:</p> <p>Policy SYD6 Separation of Settlements</p> <p>'Development proposals between Sydenham West and Sydenham East should conserve the open and tranquil character of the intervening landscape and its views.</p> <p>Development proposals within the landscape between Sydenham West and Sydenham East for the re-use of rural buildings, for agricultural and forestry related development, for playing fields and other open land uses will be supported where they would preserve the separation between the two settlements. Proposals</p>	Agree	<p>The council considers the recommended modifications to be necessary. The proposed gap used artificial boundaries which would make it difficult to apply the policy in a clear and consistent fashion as required by national planning policy and guidance.</p> <p>The modifications to the policy result in a more general separation of settlements policy. This approach recognises and acknowledges the separate identity of the two settlements in the wider landscape and the relatively limited distance between them.</p>

	which would, either individually or cumulatively, unacceptably detract from the separation between the two settlements will not be supported'		
Page 41	<p>Delete the Local Gap hatching and the relevant key from Inset Maps A and B.</p> <p>Replace paragraph 5.21 with: 'Policy SYD6 provides a context that recognises the sensitivity of the existing gap between the two separate settlements in the neighbourhood area. It reflects the contribution that the separation between the two settlements makes to the visual and historic character and appearance of the wider neighbourhood area.'</p> <p>Replace paragraph 5.22 with: 'The importance of retaining separation between the two settlements in the neighbourhood area has been recognised in recent planning decision and related appeal decisions for parcels of land on either side of the Sydenham Road to the immediate west of the Emmington Inn (P/17/S3659/O and P/18/S0423/O). Policy SYD6 seeks to reinforce the approach taken in these decisions and to provide a context within which any future such applications would be considered and determined'</p>	Agree	The council consider the modifications necessary to provide factual accuracy and clarity as required by national policy and guidance, due to the consequential changes made to the wording of the associated policy.
Page 43 Policy	Replace the final sentence of the policy with:	Agree	

SYD7 – Important Views	‘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.’		The council considers the modification necessary to make the policy more general in its application and less restrictive, in accordance with national policy and guidance.
Page 45 Policy SYD8 – Community Facilities	<p>In the list of community facilities delete the numbering.</p> <p>At the end of the first sentence of the second paragraph of the policy add: ‘of the development plan’</p> <p>In the second sentence of the second paragraph of the policy replace ‘be resisted’ with ‘not be supported’</p> <p>In the second sentence of the second paragraph of the policy replace ‘the Village... SYD1’ with ‘the village boundaries of Sydenham or Emmington Inn’</p>	Agree	<p>The council considers the proposed modifications necessary to ensure the policy provides clarity required by the national policy and guidance.</p> <p>The examiner found that the numbering of the community facilities brings no value or significance to the integrity of the policy itself. The qualifying body has not raised any concerns in regards to this approach. The council agrees to accept the modification.</p>
Page 50-52	Modify Insert Maps A and B so that the Community Facilities colour is more distinctive.	Agree	The council considers the proposed modification necessary so that the community facilities colour is clearer and to provide clarity that is required by national policy and guidance.
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 6 para. 1.6	Replace the first sentence with 'In addition, the Parish Council will need to demonstrate to an independent examiner that it has successfully engaged with the local community in preparing the Plan. The examiner will then produce a report which recommends if the plan meets basic conditions (which may include a series of modifications). Following the recommendations made by the examiner, the District Council will then determine if the plan should proceed to referendum of the local electorate'	Agree	The council consider the modification necessary to provide clarity.
Page 12 para 2.7	Replace 'crutch' with 'cruck'	Agree	The council consider the modification necessary to provide clarity.
Page 17 para. 3.4	<p>Replace the submitted paragraph with:</p> <p>'The South Oxfordshire Core Strategy includes a settlement hierarchy. It has significant implications on future development in the neighbourhood area. In summary Sydenham West is the principal settlement in the neighbourhood area (based around St Mary's Church and the Crown Inn). It is a Smaller Village in the SODC settlement hierarchy</p> <p>Sydenham East is the smaller settlement in the neighbourhood area (based around Emmington Inn at the junction of Sydenham Road and the B4445 Chinnor to Thame Road). It is one of a series of 'Other Villages' in the SODC settlement hierarchy. The overall strategy aims to support rural communities. It allocates growth to</p>	Agree	The council consider the modification necessary to provide clarity.

	the larger villages and allows some limited development in other rural communities'		
Page 20 para. 3.9	Replace 'The Crown end and the Emmington Inn end' with 'Sydenham West and Sydenham East'	Agree	The council consider the modification necessary to provide clarity.
Para 5.28 Monitoring and Review	At the end of paragraph 5.28 add: 'The eventual adoption of a new Local Plan for the District would represent an initial opportunity to assess whether any elements of a made neighbourhood plan need to be reviewed at that time'.	Agree	The council consider the modification necessary to provide clarity.

Appendix 2

Sydenham Neighbourhood Development Plan 2019-2034

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

**Andrew Ashcroft
Independent Examiner
BA (Hons) M.A. DMS M.R.T.P.I.**

Director – Andrew Ashcroft Planning Limited

Executive Summary

1 I was appointed by South Oxfordshire District Council in September 2019 to carry out the independent examination of the Sydenham Neighbourhood Development Plan.

2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 10 October 2019.

3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and providing a context within which new dwellings can be accommodated within two proposed village boundaries. It proposes a local green space. In the round the Plan has successfully identified a range of issues where it can add value to the strategic context already provided by the adopted Core Strategy. It has a particular focus on maintaining the character and identity of the neighbourhood area. It includes a detailed and locally-distinctive design policy. It has been produced in relatively short order.

4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.

5 Subject to a series of recommended modifications set out in this report I have concluded that the Sydenham 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
24 January 2020**

1 Introduction

1.1 This report sets out the findings of the independent examination of the Sydenham Neighbourhood Development Plan 2019-2034 (the 'Plan').

1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Sydenham 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) 2012 and its updates in 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 has a clear focus on maintaining the integrity of the neighbourhood area and ensuring good design standards.

1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.

1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.

2.2 I was appointed by SODC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both 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 Service.

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 Sections 7 and 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 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan;

- the Basic Conditions Statement;
- the Consultation Statement;
- the Character Appraisal;
- the SODC SEA/HRA screening report;
- the Parish Council's responses to my Clarification Note;
- the District Council's response to my Clarification Note;
- the representations made to the Plan;
- the adopted South Oxfordshire Core Strategy 2011-2031;
- the National Planning Policy Framework (February 2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 10 October 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit 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. There were several requests that I should call a hearing as part of the examination. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised SODC of this decision once I had received the responses to the clarification note. In reaching this decision I was influenced by the detail contained in the representations which had requested that a hearing be called and the Parish Council's comments on those representations within its response to my clarification note.

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 sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (February to March 2019). It captures the key issues in a proportionate way and is then underpinned by more detailed appendices. It is a very good example of a Consultation Statement.

4.3 Appendices I-VI are particularly helpful in the way in which they reproduce elements of the consultation documents used throughout the plan-making process. They add life and depth to the Statement.

4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:

- the initial public meeting (February 2018);
- the second public meeting (September 2018);
- the use of the village newsletter to raise awareness;
- the use of Facebook; and
- the use of mail drops.

4.5 The Statement also provides details of the way in which the Parish Council engaged with statutory bodies. It is clear that the process has been proportionate and robust.

4.6 The Statement provides specific details on the comments received as part of the consultation process on the pre-submission version of the Plan (Section 3 and appendices V and VI). It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.

4.7 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. Some of the representations received to the Plan have raised allegations about the way in which the Parish Council prepared the Plan in general terms, and the way in which potential conflicts of interest were declared in particular. The Parish Council has responded to these allegations. It comments that when the matter was raised it was immediately investigated and the outcome was decided that there was no conflict of interest. This was communicated in writing to the complainants, along with a commitment that the member would not be involved in any future discussion of the areas raised by the allegations. Clearly these circumstances

are not ideal. Nevertheless, they highlight the inherent tensions involved in discussion potential options for the contents of a neighbourhood plan. However, in the round I am satisfied that the Parish Council has responded proportionately to this matter and has put measures in place to ensure that decisions have been properly made and recorded. In general terms I am satisfied that the Parish Council has fulfilled its obligations under the Neighbourhood Planning regulations.

4.8 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. SODC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.9 Consultation on the submitted plan was undertaken by SODC for a six-week period that ended on 5 September 2019. This exercise generated comments from a range of organisations as follows:

- Mrs Brooks
- Mr R Harrison
- Mrs S Sears
- National Grid
- Thames Water
- Mr A Tew
- Dr J Wild
- Historic England
- JCPC
- Oxfordshire County Council
- South Oxfordshire District Council
- Natural England

4.10 I have taken account of the various representations in examining the Plan. Where it is appropriate to do so I make specific reference to the individual representations in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

5.1 The neighbourhood area consists of the parish of Sydenham. Its population in 2011 was 451 persons living in 196 houses. It was designated as a neighbourhood area on 2 March 2018. It is an irregular area running in a north-west to south-east alignment. It is located between Chinnor to the south-east and Thame to the north-west. The neighbourhood area is predominantly a rural parish and much of its area is in agricultural use.

5.2 The principal settlement in the neighbourhood area is Sydenham. In 1974 Pevsner described it as ‘small and picturesque, with a flint and brick school of 1849 in the churchyard, and groups of brick and half-timbered thatched cottages and weatherboarded barns.’ Little has changed in 46 years. It is an attractive village based around the intersection of Sydenham and Brookstones, and is dominated by St Mary’s Church. The separate settlement of Emmington Inn lies approximately 250 metres to the north-east of Sydenham. It is a small collection of houses based around the junction of Sydenham and the Chinnor to Thame Road (B4445).

5.3 The remainder of the neighbourhood area consists of a very attractive agricultural hinterland. The southern part of Thame Park occupies the northern part of the neighbourhood area.

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 Sydenham 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 Sydenham is identified as a Smaller Village in the adopted Core Strategy (policy CSR1 and Appendix 4). Emmington Inn (together with Emmington itself to the east and outside the neighbourhood area) is identified as one of a series of Other Villages

5.7 SODC is preparing a new local plan for the period up to 2034. 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. Thereafter the political control of the Council changed in May 2019. On this basis the Council considered a series of options for the future of the submitted Plan. In October 2019 the Secretary of State for Housing Communities and Local Government issued a temporary Direction on the Council in relation to its intention to withdraw the emerging Local Plan from the examination process. The temporary Direction has been made under the provisions of Section 21A of the Planning and Compulsory Purchase Act 2004 (as amended). This means that the emerging plan has 'no effect whilst the direction is in force.

5.8 Plainly in process terms the timings involved have not permitted the submitted neighbourhood plan directly to take account of this emerging local planning context. Nevertheless, 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.

Unaccompanied Visit

5.9 I carried out an unaccompanied visit to the neighbourhood area on 10 October 2019.

5.10 I drove into the neighbourhood area from Kingston Blount to the south. This gave me an initial impression of its setting and the character.

5.11 I parked by St Mary's Church in Sydenham. Given the compact nature of the village I was able to carry out the majority of the visit on foot.

5.12 I looked initially at St Mary's Church. I saw its importance in the village and its impressive scale. I saw the attractive former School building. I saw the plaques commemorating both the Queen's Coronation and the subsequent Diamond Jubilee. Thereafter I walked along Brookstones. I saw several attractive buildings and a selection of beautifully-maintained green areas.

5.13 I then walked along the main road through the village to the east. I saw an attractive range of houses spanning several centuries. I saw the village information housed in the former phone box, and the other notices in the bus shelter. I saw the abandoned houses in Sydenham Grove, and the Old post Office. I also saw the very well-maintained Burrows Field

given to the village by the Burrows family in 1982. It was well-equipped for the recreational use of the younger residents of the parish.

5.14 I walked to Emmington Inn to the east of Sydenham. I saw the character and appearance of the landscape between the two settlements. I saw the various views both to the north and to the south of the main road. The views to the south of the road highlighted the wider setting of the neighbourhood area to the north of the Chiltern escarpment. This part of the visit helped significantly in my understanding of Policies SYD6 (Local Gap) and SYD7. I looked at the built format of Emmington Inn.

5.15 I retraced my steps back to Sydenham. I saw the attractive Crown Inn. I then looked at the proposed local green space. I saw it brought an attractive green gap right into the heart of the village and provided an attractive setting to the character buildings to its immediate north and south.

5.16 I finished my visit by driving to Chinnor to the south along the B4445. This highlighted the relationship between the two villages in their wider landscape setting.

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 and informative document. It is also proportionate to the Plan itself.

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

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Sydenham Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted South Oxfordshire Core Strategy;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance 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.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.

6.8 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 within the context of its size. In particular it includes a series of policies on the scale and nature of new development. It identifies two Village Boundary and proposes a local green space. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

6.9 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 (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID: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.

6.10 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

6.11 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 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 development and housing mix (Policies SYD1 and 2 respectively). In the social role, it includes a policy on community facilities (Policy SYD8). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy SYD3), on the designation of a local green space (Policy SYD5) and on a proposed local gap and important views (Policies SYD 6/7). The Parish Council has undertaken its own very impressive assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

6.12 I have already commented in detail on the development plan context in South Oxfordshire in paragraphs 5.4 to 5.8 of this report.

6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the

development 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

6.14 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.

6.15 In order to comply with this requirement SODC undertook a screening exercise (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 it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.

6.16 The screening report also included a separate Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.

6.17 The HRA report is very thorough and comprehensive. It took appropriate account of the significance of the Chilterns Beechwood SAC and of the Aston Rowant SAC. It provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.

6.18 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. 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.

6.19 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. In addition, 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 the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

6.20 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.

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 they 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. Where necessary I have identified the inter-relationships between the policies.

7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.

7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-5)

7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional way. It makes a very effective use of well-selected photographs and maps. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.

7.9 The Introduction addresses the background to neighbourhood planning. It comments about how the Plan has been prepared and the need for it to comply with the basic conditions. It defines the Plan period and includes a map of the designated neighbourhood area.

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;
- an overview of the modern village; and
- its location.

7.11 Section 3 comments about the way in which the Plan has sought to address key issues arising from the planning policy context within which it has been prepared. It makes detailed references both to the Core Strategy and to the emerging Local Plan.

7.12 Section 4 comments about the community's views on planning matters. They are listed in paragraph 4.5-4.7 and include matters such as local housing, design and infill development.

7.13 Section 5 sets out a comprehensive vision and related objectives for the Plan. In all cases they are distinctive to the neighbourhood area. It is clear that the policies flow from the evidence base and the supporting text.

7.14 The submitted Plan is accompanied by a Character Appraisal. It is a well-researched document which provides important evidence for several policies in the Plan itself. It is a significant achievement. In particular it includes evidence and information on the following matters:

- land use and morphology;
- topography;
- building styles;
- sight lines and views;
- community assets;
- open spaces;
- the conservation area and listed buildings; and
- proposed non-designated heritage assets (Appendix 3).

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 SYD1 Village Boundary and Infill Development

7.16 This policy is at the heart of the Plan. It seeks to focus new development within two identified village boundaries. Village boundaries are identified for both Sydenham and Emmington Inn in their capacity as the two settlements in the neighbourhood area. The second and third parts of the policy capture the policy implications of this approach. The second offers support to development within the identified village boundaries subject to design considerations. The third seeks to apply development plan policies to proposed development elsewhere in the neighbourhood area.

7.17 In principle I am satisfied that the policy meets the basic conditions. Whilst the Core Strategy does not define settlement/village 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 identified settlements and where it would have the clear ability to represent sustainable development. The approach to proposed development outside the proposed village boundaries has been carefully designed to follow the approach in the Core Strategy and in national policy.

7.18 The submitted Plan applies seeks to apply an approach towards new development proposals in the two proposed village boundaries 'relative to their specific settlement hierarchy classifications and requirements'. In the context of the policy this distinction is not readily apparent. However, the supporting text in paragraph 5.9 of the Plan explains the matter by reference to both Policy CSR1 of the adopted Core Strategy and to the corresponding policy in the emerging Plan. In summary the policy is intended to be applied

in a way which reflects the different status of the two settlements in the settlement strategy of the adopted Core Strategy.

7.19 The supporting text is both helpful and potentially confusing at the same time. On the one hand it provides a clear reference to the adopted development plan and the scale and nature of development that would be acceptable within the different settlements in the wider District. On the other hand, the wider Plan uses different descriptions for the smaller of the two proposed village boundaries. Both the policy itself and the supporting text at 5.9 refer to two village boundaries for Sydenham and identifies the smaller of the two as ‘the Emmington Inn end of the village’. Elsewhere the Plan refers either to two separate settlements (paragraphs 2.5) or to the newer part (Emmington Inn end), or to Emmington Inn in conjunction with Emmington itself (approx. 300 m to the east of the crossroads) being classified as an ‘other village’ in the wider settlement hierarchy. In addition, paragraph 3.4 of the submitted Character Appraisal notes that Emmington is a separate settlement to the east of the neighbourhood area.

7.20 The situation is clarified in the approach which SODC has set out in its Settlement Assessment Background Paper 2018. Whilst this document has been produced within the wider context of the preparation of the emerging Local Plan it makes explicit reference to providing clarity about the role and status of Emmington within the existing adopted Core Strategy. It comments that:

‘For the purpose of this assessment Emmington is considered to encompass the settlement around the Inn at Emmington and the housing on the other side of the B4445, this is consistent with the approach taken in the Core Strategy. Although they may have postal addresses as Sydenham, in terms of this assessment and recent planning decisions a clear separation has been made between Emmington and the main settlement of Sydenham located to the west separated by open fields.’

7.21 In order to bring the required clarity to the situation I recommend that the following terminologies are used both in this policy and in the wider Plan. In general terms they are consistent with the approach which SODC has set out in its Settlement Assessment Background Paper 2018. In addition, the names recommended reflect the way in which local residents regard the different elements of the wider village.

Sydenham West – the principal settlement in the neighbourhood area (based around St Mary’s Church and the Crown Inn). Sydenham West is the ‘Smaller Village’ of Sydenham in the SODC settlement hierarchy.

Sydenham East – the smaller settlement in the neighbourhood area (based around the Emmington Inn at the junction of Sydenham Road and the B4445 Chinnor to Thame Road). Sydenham East was assessed as part of Emmington and classified as the ‘Other Villages’ of Emmington in the SODC settlement hierarchy.

7.22 For clarity and completeness the definition of Emmington as an ‘Other village’ in the settlement strategy refers also to Emmington itself which lies approximately 300 metres to the north east of the crossroads of the B4445/Sydenham Road. Emmington itself is outside the neighbourhood area and within Chinnor Parish.

7.23 Within this context I recommend modifications both to the policy and to the supporting text and to reflect the modified descriptions of the two parts of the village. In particular I recommend that the policy incorporates a clearer reference to the type and scale of development that would be appropriate in each of the two separate village boundaries. I also recommend that the wording is clearer and takes account of the definitions in paragraph 7.21 of this report.

**In the opening part of the policy replace the text in brackets with:
(Sydenham West and Sydenham East)**

**In the second part of the policy replace ‘relative to....and requirements’ with
‘which is consistent with their status in the South Oxfordshire Core Strategy
Settlement hierarchy*’**

**At the end of the policy (and within the policy box) add:
‘*Sydenham West is classified as a ‘Smaller Village’ and Sydenham East as an
‘Other Village’ in the South Oxfordshire Core Strategy 2012’**

At the end of paragraph 5.8 add:

‘Within the context of this policy the following definitions apply:

Sydenham West – the principal settlement in the neighbourhood area (based around St Mary’s Church and the Crown Inn). Sydenham West is the ‘Smaller Village’ of Sydenham in the South Oxfordshire settlement hierarchy.

Sydenham East – the smaller settlement in the neighbourhood area (based around the Emmington Inn at the junction of Sydenham Road and the B4445 Chinnor to Thame Road). Sydenham East was assessed as part of Emmington and classified as the ‘Other Villages’ of Emmington in the South Oxfordshire settlement hierarchy.

For clarity and completeness, the definition of Emmington as an ‘Other village’ in the settlement strategy refers also to Emmington itself which lies approximately 300 metres to the north east of the crossroads of the B4445/Sydenham Road. Emmington is outside the neighbourhood area and within Chinnor Parish’

In paragraph 5.9 and the sentence beginning ‘For the purpose of this policy...’ replace for the boundary comprising.... plot sizes for infill development in the village’ with:

‘as sites of up to 0.2 hectares in Sydenham West and as sites of up to 0.1 hectares in Sydenham East. This reflects the limited opportunities for such development and the restricted plot sizes in the two defined village boundaries’

In paragraph 5.11 replace ‘small/other villages like Sydenham’ with ‘Smaller Village or of an ‘Other Village’ and delete ‘and by.... emerging Local Plan’
Policy SYD2 Housing Mix

7.24 This policy comments that all new residential developments will consist of dwellings with two or three bedrooms only. The Plan reaches this approach by comparing the size of the existing dwellings in the neighbourhood area with the anticipated housing mix for South

Oxfordshire in the period up to 2033. This analysis shows that the neighbourhood area has a higher concentration of larger houses (four or more bedrooms) and a lower concentration of two- and three-bedroom houses. Paragraph 5.12 comments that ‘it is necessary to start to rebalance the current mix of homes (in the neighbourhood area) so that it better reflects local housing needs.’

7.25 I can understand the approach that the Parish Council has taken on this matter. I can see in particular that paragraph 5.14 comments about the opportunity that the development of smaller houses will provide for younger persons to secure housing in the neighbourhood area or for older persons to downsize to smaller accommodation. Nevertheless, the submitted policy is very prescriptive. In addition, it fails to take any account of the scale and the nature of infill sites which may come forward in the Plan period. Furthermore, the comparison in Table A is between the housing stock in the neighbourhood area and the wider anticipated housing needs in the wider District rather than specifically within the neighbourhood area. In this regard I am not satisfied that the prescriptive nature of the policy is underpinned by specific and local evidence.

7.26 In this context I recommend that the policy is reconfigured so that it supports the development of new dwellings which meet local or District housing needs and provides particular support to the development of two- or three-bedroom houses. I also recommend consequential modifications to the supporting text.

Replace the policy with:

‘New infill residential developments should provide homes which meet local or District wide housing needs.

The development of two- or three-bedroom homes will be particularly supported’

In paragraph 5.12 replace ‘(and emerging.... local housing needs’ with ‘It requires new infill residential developments to provide homes which meet local or District wide housing needs. It offers particular support to the development of two- or three-bedroom homes’

In paragraph 5.14 delete the two sentences beginning:

- *‘If all the new infill’*
- *‘The smaller homes’*

Policy SYD3 Design

7.27 This policy sets out a comprehensive approach to design. It is distinctive to the character of the neighbourhood area. It makes a particular reference to the designated conservation area.

7.28 The policy has been carefully designed so that its various principles will only apply to development proposals as appropriate to their location. Nevertheless, I recommend that this caveat is broadened so that it also takes account of their scale and nature. Plainly many

development proposals will be of a modest nature and which may not affect any or all of the design principles. I also recommend that the general use of the word village is replaced by 'the neighbourhood area'. Whilst this may appear unnecessary within the context of this policy it will ensure consistency with the approach taken in Policy SYD1 to the identification of two separate village boundaries.

7.29 The policy has a series of formatting issues. I recommend modifications to remedy this issue. I am satisfied that no organisation or individual has been affected by this error. The issue has been separately identified by both SODC and by Historic England

In the first sentence replace 'village' with 'neighbourhood area'

In the second sentence:

- **replace 'The use of building forms' with 'Development proposals should use building forms'**
- **Insert a full stop after 'Parish'**
- **Replace the remainder of the sentence with 'Proposals that use sustainable methods of construction will be supported'**

In the third sentence add at the beginning: 'As appropriate to their scale, nature and location' and thereafter delete 'where relevant.... the Parish' at the end of the sentence.

Delete the bullet points preceding the following lines of the policy (and thereafter incorporate the relevant wording into the previous bullet point):

- **detached dwellings**
- **from within the village**
- **through the village**
- **buildings within their plot**
- **requiring the landscaping**
- **countryside beyond**

In the various bullet points (as reconfigured) replace the various references to 'the village' with 'the neighbourhood area'

Policy SYD4 Local Heritage Assets

7.30 This policy identifies a series of Local heritage assets in Appendix A. They are also shown on the Policies Map. The policy itself largely runs in parallel with the approach set out

in the NPPF where development proposals affecting heritage assets will be determined taking account of the balance between any harm or loss to the asset and its significance. The details of the proposed assets are included in the Character Appraisal.

7.31 The approach taken has generated representations from both SODC and from the County Council. The former comments about the evidence and the details of the policy. The latter comments about the absence of any archaeological details. In its general response to the representations received the Parish Council comments that ‘where, as here, there is no existing Conservation Area Appraisal prepared by the local planning authority, the evidence to support the identification of local heritage assets has to be proportionate and related to the resources available to the project. The former English Heritage guidance has been used and synthesised to set out a simple approach, namely to identify buildings that have local historic, archaeological or social value (sourced from the Oxfordshire HER) and those that have villagescape value, either on their own or as a group. It is not necessary for a building that contributes to the character of a group to have its own intrinsic heritage interest.’

7.32 The Parish Council has also commented about the County Council’s representation. It asserts that ‘there is no obligation to identify every potential heritage asset in Policy SYD4. The Character Appraisal sought to identify local heritage assets that contributed to the special character of the village, which will naturally be buildings (or exceptionally the visible earthworks of the shrunken village) that can be seen and enjoyed. The absence of below ground archaeology from the policy does not render it at greater risk from development proposals as other national and development plan policies ought to ensure such matters are properly addressed in planning applications.’

7.33 Having considered all the evidence available to me I am satisfied that the Plan has taken a well-researched and proportionate approach to this matter. In addition, the policy itself has been carefully considered.

7.34 The broader matter of local heritage assets has generated a detailed representation from a local resident with respect to properties at The Green. In its general comments on the representations received the Parish Council has addressed this matter as follows:

‘For clarity, the Character Appraisal intended to identify the buildings comprising 1-3 and 4-5 The Green (together with the listed Thatched Cottage (UID: 1059652)) as a group of local heritage interest and they are correctly shown on the Policies Map. Appendix 3 of the Appraisal correctly explains that this group value extends beyond any intrinsic historic value of the buildings themselves to include their definition of the green space, which is contained by them all in combination. Only the addresses used in the Appraisal are incorrect and they will be corrected.’

7.35 I recommend accordingly.

Correct the address details for ‘The Green’ in the Character Appraisal

Policy SYD5 Local Green Space

7.36 This policy proposes the designation of the field adjoining Musgrave Cottages and Chapel End as a local green space (LGS). Paragraph 5.20 provides a degree of commentary about the open space in general terms, and the way that the space relates to the requirements of the NPPF for such designations.

7.37 I looked at the proposed LGS when I visited the neighbourhood area. I saw its prominence and significance in the local environment.

7.38 Having considered all the evidence I am satisfied that the proposed LGS meets the basic conditions. It is within very close proximity to the community that it serves and is local in scale. I am also satisfied that it is demonstrably special to the local community and the Parish Council.

7.39 In addition, I am satisfied that its designation accords with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that its designation consistent with the local planning of sustainable development. It does not otherwise prevent development coming forward and no such development has been promoted in this part of the neighbourhood area. Secondly, I am satisfied that the LGS is capable of enduring beyond the end of the Plan period. Indeed, it is an established element of the local environment and has existed in its current format since the Enclosure Acts of the mid-1800s. In addition, no evidence was brought forward during the examination that would suggest that the local green space would not endure until 2034.

7.40 The policy itself identifies the proposed LGS and then sets out a policy approach which would resist development which would conflict with the purpose of the LGS designation. I recommend that the second sentence of the policy is modified so that it uses appropriate policy language and directly relates to the designated LGS.

Replace the second part of the policy with: ‘Proposals for development within designated Local Green Space will only be supported in very special circumstances’

Policy SYD6 Local Gap

7.41 This is another important policy in the context of the wider Plan. It proposes the definition of a Local Gap between the two separate settlements within the neighbourhood area (Sydenham West and Sydenham East). The policy comments that development proposals within the Local Gap should retain its open character. It then identifies a series of agricultural and open land uses which would be supported where they would preserve the separation between the two settlements.

7.42 The policy has attracted detailed objections from Mrs Sears and Mr Tew. These representations are consolidated by overlapping comments from a retained planning consultant. In summary these representations contend that:

- there is no basis in national or local planning policy to support such an approach;
- the proposed approach is unnecessarily restrictive;

- the proposed approach is unjustified;
- the affected area does not demonstrate any particular landscape characteristics;
- the boundaries of the proposed Local Gap have little regard to natural or built features in the landscape; and
- the Parish Council has relied too heavily on two recent SODC/appeal decisions and have applied the findings of those decisions across the whole extent of the proposed Local Gap.

7.43 I sought advice from the Parish Council on its approach to the development of this policy. It responded that ‘the definition of the Local Gap boundary has followed plan making convention and case law in including only the minimum area of land that is essential to preventing the visual coalescence of the two parts of the village. This approach reflects the fact that there are no significant physical features (e.g. tall hedgerows or trees or boundary walls) that contain the views from one part to the other. The northern and southern boundaries therefore follow the line of sight from the main developed corners of the edge of each part. With this clarity of area definition, and with the policy wording making clear what types and designs of development are and are not supported, there is no reason why this policy cannot be applied consistently to future proposals.’

7.44 I have considered this matter very carefully given both the significance of the policy itself in the wider Plan and the scale and nature of the proposed Local Gap itself. As part of this process I looked at the proposed Gap in detail when I visited the neighbourhood area.

7.45 Having considered all the available evidence, including that contained within the representations, I am not satisfied that the proposed Local Gap as defined on Inset Maps A and B meets the basic conditions. I have reached this conclusion for the following reasons:

- its proposed designation takes a strategic approach which is not directly referenced in either national or local planning policies;
- the scale and nature of development that would be supported for the neighbourhood area in the adopted Core Strategy and the submitted Plan itself is not of the scale which would naturally or otherwise put the existing separation between the two settlements at risk; and
- its proposed boundaries are artificial and will be difficult for SODC to apply the policy in a clear and consistent fashion throughout the Plan period.

7.46 On the third point above, I have taken into account the Parish Council’s responses to the clarification note. Whilst I can understand the technical and practical issues which the Parish Council has sought to address on the proposed boundaries, their very nature highlights the difficulties of attempting to identify a Local Gap within the landscape which exists between the two settlements. In addition, the proposed Local Gap excludes significant parcels of land to the south of the road connecting the two settlements and where built development would generate significant risk to their coalescence

7.47 I can however see merit in replacing the proposal for a defined Local Gap with a more general separation of settlements policy. This would recognise and acknowledge the

separation of the two settlements in the wider landscape and the relatively limited distance between them. It would also take account of the community's views about focusing new development within the existing concentrations of built development. I recommend accordingly.

7.48 The proposed modified policy would require SODC to reach separate judgements on the extent to which any development proposals would fall between Sydenham and Emmington Inn in the first instance and their acceptability or otherwise in the second instance. To assist with the second judgement the recommended replacement policy incorporates the types of development that would have otherwise been supported within the proposed Local Gap in the submitted policy. It also includes a new element about the types of development which would not be supported.

7.49 I also recommend consequential modifications to the supporting text. In particular I recommend that the detailed reproduction of elements of appeal decisions are deleted from paragraph 5.22.

Replace the policy with:

Policy SYD6 Separation of Settlements

‘Development proposals between Sydenham West and Sydenham East should conserve the open and tranquil character of the intervening landscape and its views.

Development proposals within the landscape between Sydenham West and Sydenham East for the re-use of rural buildings, for agricultural and forestry related development, for playing fields and other open land uses will be supported where they would preserve the separation between the two settlements. Proposals which would, either individually or cumulatively, unacceptably detract from the separation between the two settlements will not be supported’

Delete the Local Gap hatching and the relevant key from Inset Maps A and B.

Replace paragraph 5.21 with: ‘Policy SYD6 provides a context that recognises the sensitivity of the existing gap between the two separate settlements in the neighbourhood area. It reflects the contribution that the separation between the two settlements makes to the visual and historic character and appearance of the wider neighbourhood area.’

Replace paragraph 5.22 with: ‘The importance of retaining separation between the two settlements in the neighbourhood area has been recognised in recent planning decision and related appeal decisions for parcels of land on either side of the Sydenham Road to the immediate west of the Emmington Inn (P/17/S3659/O and P/18/S0423/O). Policy SYD6 seeks to reinforce the approach taken in these decisions and to provide a context within which any future such applications would be considered and determined’

Policy SYD7 Important Views

7.50 This policy identifies a series of important views. They have been considered in the context of the submitted Character Appraisal. They are shown on the Policies Map. The policy comments that development proposals located within or immediately adjoining any

important view will be supported where it can be demonstrated that they would not comprise of buildings or other structures which would undermine their open character.

7.51 The policy and the identified important views have generated a series of representations. Those from SODC and Historic England raise presentation and clarity issues. Those from JCPC comment that there is no clear evidence about the way in which the important views were judged and assessed. They assert that the identified views appear to be no more than a further mechanism to limit/control development, including in areas where development may recently have been proposed on the northern and southern side of the Sydenham Road. They also comment that a number of the views are not identifiable public vantage points nor do they provide views wholly of the surrounding landscape

7.52 Through the clarification note I sought advice from the Parish Council on how it had identified the various important views and the extent to which they were specific rather than general viewpoints. The Parish Council commented that:

‘The views are identified in the Character Appraisal in the evidence base, which was prepared following a walk around of the Village in June 2018 by the Planning Consultant and members of the neighbourhood planning group. The goal was to identify those views from public vantage points (e.g. roads, open spaces and public footpaths) that are ‘above the norm’ in playing a special role in defining the rural character of the village. They therefore comprise a mix of the few remaining glimpses between buildings through to the countryside beyond and of the wider, panoramic vistas, especially to the Chilterns to the south.....The specific views notated on the Policies Map show the points at which the special quality of each view is at its most dramatic, as the extensive vistas are quickly revealed on the exit of the two parts of the village and again once the line of tall trees (along the Slade Farm access on the southern side) is passed heading west. However, the enjoyment of the vistas continues along the length of the gap northwards and southwards.’

7.53 Having considered all the evidence available to me I am satisfied that the various important views are evidence-based and properly-considered. In addition, I looked at them when I visited the neighbourhood area and saw their importance within the overall landscape.

7.54 In general terms 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. However, it has a complicated structure which comments that support for development proposals that would affect the identified important views will only be supported if it can be demonstrated that they would not comprise of buildings or other structures the height and/or mass of which would undermine their open character. The policy offers no advice on how the policy should be delivered in general, and the extent to which any buildings could be accommodated within the direction of the important views as shown diagrammatically on Inset Maps A and B.

7.55 In its general responses to the clarification note 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 recent approach taken in the examination of the Berrick Salome neighbourhood plan. The recommended modification results in a policy which is less prescriptive than that in the

submitted plan general and which requires development proposals to respond positively to the identified important views on a case-by-case basis.

Replace the final sentence 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 SYD8 Community Facilities

7.56 This policy has two related parts. The first identifies six community facilities in the neighbourhood area and identifies a limited set of circumstances in which proposals that would result in either their loss or which would create significant harm to their functions would be supported. The second part of the policy offers support for proposals that would help to sustain the viability of a community facility.

7.57 I am satisfied that the policy is appropriate to the neighbourhood area. The six chosen facilities have a clear and obvious role and importance to local residents. In addition, the policy takes a balanced approach to the safeguarding of the facilities identified. In particular it acknowledges that some of the facilities are run on a commercial basis and that their continued viability is an important issue.

7.58 I recommend detailed modifications to the wording of the policy so that it has the clarity required by the NPPF. I also recommend that the numbering of the community facilities in the policy is deleted. It brings no value or significance to the integrity of the policy itself. I also recommend that Insert Maps A and B are modified so that the community facilities colour is clearer.

7.59 Finally I recommend modification to some aspects of the policy wording used in the policy and to how it relates to the village boundaries as identified in Policy SYD1. The second of these two issues will ensure that the two policies are consistent one with the other.

In the list of community facilities delete the numbering.

At the end of the first sentence of the second paragraph of the policy add: ‘of the development plan’

In the second sentence of the second paragraph of the policy replace ‘be resisted’ with ‘not be supported’

In the second sentence of the second paragraph of the policy replace ‘the Village.... SYD1’ with ‘the village boundaries of Sydenham West or Sydenham East’

Modify Insert Maps A and B so that the Community Facilities colour is more distinctive.

Other Matters – Specific Wording

7.60 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.

7.61 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. I have also recommended modifications to the wording used in the earlier parts of the Plan on the definitions of the two settlements so that they conform with other specific recommended modifications in this report which follow on from my conclusions in paragraph 7.21 of this report.

Page 6 paragraph 1.6 - replace the first sentence with 'In addition, the Parish Council will need to demonstrate to an independent examiner that it has successfully engaged with the local community in preparing the Plan. The examiner will then produce a report which recommends if the plan meets basic conditions (which may include a series of modifications). Following the recommendations made by the examiner, the District Council will then determine if the plan should proceed to referendum of the local electorate'

Page 12 paragraph 2.7 – replace 'crutch' with 'cruck'

Page 17 paragraph 3.4 – replace the submitted paragraph with:

'The South Oxfordshire Core Strategy includes a settlement hierarchy. It has significant implications on future development in the neighbourhood area. In summary Sydenham West is the principal settlement in the neighbourhood area (based around St Mary's Church and the Crown Inn). It is a Smaller Village in the SODC settlement hierarchy Sydenham East is the smaller settlement in the neighbourhood area (based around Emmington Inn at the junction of Sydenham Road and the B4445 Chinnor to Thame Road). It is one of a series of 'Other Villages' in the SODC settlement hierarchy. The overall strategy aims to support rural communities. It allocates growth to the larger villages and allows some limited development in other rural communities'

Page 20 paragraph 3.9 replace 'The Crown end and the Emmington Inn end' with 'Sydenham West and Sydenham East'

Other matters - General

7.62 This report has recommended a series of modifications both to the policies and to the 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.

Monitoring and Review

7.63 The Plan properly comments about how it will be monitored and reviewed. Its paragraph 5.28 takes account of the government's agenda that development plans are kept up-to-date.

7.64 The Plan anticipates that it will be reviewed on a five-yearly cycle or to coincide with the development and review of the Local Plan. In the circumstances currently being experienced with the emerging South Oxfordshire Local Plan 2034 and the dated nature of the existing Core Strategy I recommend that paragraph 5.28 recognises that the eventual adoption of a new Local Plan for the District would represent an initial opportunity to assess whether any elements of a made neighbourhood plan needed to be reviewed at that time.

At the end of paragraph 5.28 add: 'The eventual adoption of a new Local Plan for the District would represent an initial opportunity to assess whether any elements of a made neighbourhood plan need to be reviewed at that time'.

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.

8.2 Following my independent examination of the Plan I have concluded that the Sydenham 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 Sydenham Neighbourhood Development Plan should proceed to referendum.

Referendum Area

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 originally approved by South Oxfordshire District Council on 2 March 2018.

8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
24 January 2020