

SOUTH OXFORDSHIRE DISTRICT COUNCIL

EWELME NEIGHBOURHOOD PLAN DECISION STATEMENT

Summary

- 1 Following an independent Examination, South Oxfordshire District Council's Cabinet Member for Planning confirmed on 24 February 2021 that the Ewelme Neighbourhood Plan should proceed to referendum.
- 2 This Decision Statement and the Examiner's Report can be viewed on the Council's website.

Background

- 3 Ewelme Parish Council, as the qualifying body, successfully applied for Ewelme Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
- 4 Following the submission of the Ewelme 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 17 November 2020.
- 5 South Oxfordshire District Council appointed an independent examiner, Andrew Ashcroft, to review whether the plan meets the basic conditions required by legislation and should proceed to referendum.
- 6 The examiner concluded that the plan meets the basic conditions, and that, subject to the modifications proposed in his report, the plan should proceed to referendum.

Decision

Having considered the examiner's recommendations and reasons for them, South Oxfordshire District Council's Cabinet Member for Planning decided on 24 February 2021:

1. To accept all modifications recommended by the Examiner;
2. To determine that the Ewelme 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

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.

- that can be made by a NDP; and
3. To take all appropriate actions to progress the Ewelme Neighbourhood Development Plan to referendum.

Reasons for decision

- 7 The Ewelme 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 to a significant effect. A neighbourhood plan must not constrain the delivery of important national policy objectives. 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 Paragraph 13 of the National Planning Policy Framework is clear that neighbourhood plans should support the delivery of strategic policies contained in local plans and spatial development strategies. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside these strategic policies. More specifically paragraph 29 of the National Planning Policy Framework states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.
- 9 Beyond this, the content of a draft neighbourhood plan will determine which other aspects of national policy are or are not a relevant consideration to take into account. The basic condition allows qualifying bodies, the independent examiner and local planning authority to reach a view in those cases where different parts of national policy need to be balanced.
- 10 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. There is a clear focus on safeguarding its local character, its landscape and biodiversity and its heritage assets.
- 11 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 neighbourhood area. In the economic dimension the Plan includes policies for infill residential development (Policy EP3) and for employment uses (Policy EP11). In the social role, it includes policies on open spaces (Policy EP4), on housing mix (Policy

EP5) and on community facilities (Policy EP10). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on wildlife and biodiversity (Policy EP1) and on key views (Policy EP2). As a whole, the council is satisfied that the policies in the Plan pursue net gain across each of the different dimensions of sustainability in a mutually supportive way.

- 12 The Plan, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the current Development Plan for the area. Although the Plan was submitted within the context of the former South Oxfordshire Core Strategy 2012 and Saved policies from the Local Plan 2011, the South Oxfordshire Local Plan 2035 was adopted on 10 December 2020 and thus the Plan has been examined and tested against strategic policies in the newly adopted Local Plan.
- 13 Ewelme is identified as a Smaller Village in the adopted Local Plan (Appendix 7). Policies H8 (Housing in the Smaller Villages) and H16 (Infill development and redevelopment) of the Local Plan set the context for the scale and nature of new development which would be supported in smaller villages in the District. Policy H8 supports development within the smaller villages in accordance with Policy H16 and offers support to parish councils that wish to prepare a neighbourhood plan and make housing allocations within it to support further growth. The Ewelme Plan is not proposing to allocate any sites for housing.
- 14 Policy H16 specifies that new residential development should be limited to infill and the redevelopment of previously-developed land or buildings. It also provides specific criteria-based guidance for any new residential development which would be located behind existing frontages or which would involve additional dwellings within an existing site.
- 15 The Plan, as modified by the Examiner's recommendation, would not breach, and be otherwise incompatible with EU obligations, as incorporated into UK law, including the following Directives: the strategic Environmental Assessment (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.
- 16 In order to comply with the basic condition on the European Union legislation South Oxfordshire District Council undertook a screening exercise (dated September 2019) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. 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.
- 17 The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites. The Council screened the Plan potential impact on EU Special Areas of Conservation (SACs) and this was completed in September 2019. The HRA screening report concluded that the Plan would not have any likely significant effects on the integrity of

European sites in or around South Oxfordshire, either alone or in combination with other plans or programmes. Natural England confirmed on 26 June 2019 that the proposals in the plan will not have significant effects on sensitive sites and that an Appropriate Assessment is therefore not required.

- 18 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.
- 19 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.
- 20 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.
- 21 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 reason for them. The Examiner's Report is available in Appendix 2.
- 22 The Examiner noted in his report, paragraphs 7.41 to 7.44, that both generally and in relation to the adoption of the South Oxfordshire Local Plan 2035, that it will be appropriate for SODC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. To ensure that the plan reads as a coherent document the qualifying body and the council have agreed factual and consequential updates. These are set out in Appendix 3.
- 23 The council has taken account of all of the representations received.
- 24 The Counting Officer is responsible for determining the date of the referendum. The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 sets out that neighbourhood planning referendums cannot take place until 6 May 2021. The Government is committed to keep these regulations under review, they may be amended or revoked in response to changing circumstances. The Counting Officer will endeavour to arrange the referendum as soon as practically possible in consultation with the qualifying body.

SEA/ HRA SCREENING

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

Authorised by: Ricardo Rios
 Planning Policy Team Leader (Neighbourhood)

Signed: 

Date: 15/03/2021

Published on: 16/03/2021
Planning Services South Oxfordshire District Council
135 Eastern Avenue, Milton Park, Milton, OX14

Appendix 1: Examiner's recommendations

Policy/Section	Examiner's recommendations	Council's Decision	Justification/Reason
Policy EP1: Natural Environment, wildlife and biodiversity	<p>In the opening part of the policy replace 'Development.....adjacent' with 'Proposed development of land which include or which are adjacent'</p> <p>In the final bullet point of the second part of the policy replace 'those sites' with 'the Brook and the Nature Reserve'</p>	Agree	The council consider the proposed modifications to the policy to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.
EP2: Protection of Views	<p>In the first part of the policy replace 'significant adverse' with 'unacceptable'</p> <p>In the second part of the policy replace 'Proposals must..... which are' with 'Development proposals should be carefully designed and located to take account of the following key views:'</p> <p>Replace the two bullet points with the four bullet points as follows:</p> <ul style="list-style-type: none"> • IV1 – Ewelme Village from the roadside at the top of Rabbits Hill; • IV2 – Ewelme Church and Old Rectory glimpsed from Green Lane; • IV3 – View of Ewelme in the valley of Ewelme Brook from Footpath 22; • IV4 – Looking towards the Wessex Downs 	Agree	The council consider the proposed modifications to the policy text proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.

	with The Views, Winmill Farm and part of the airfield in the foreground.		
Policy EP3: A Spatial Plan for the Parish	<p>Replace the first part of the policy with:</p> <p>‘Proposals for limited infill development inside the Village’s built-up area (as described in section 6.5 para 4 of this Plan) will be supported where they comply with the design and development management policies of this plan, and other relevant policies in the development plan. In addition, proposals should have regard to the South Oxfordshire Design Guide (including accompanying technical documents), and should be in keeping with the character of the surrounding area as identified in the Village Character Assessment’</p> <p>In the final section of the policy replace ‘acceptable’ with supported’</p>	Agree	The council consider the proposed modifications to the policy text proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.
Policy EP4: Housing-Protecting Our Open Spaces	<p>Replace the first part of the policy with: ‘The following parcels of land as shown on Figure 8 are designated as open spaces</p> <p>[List the four open spaces identified in the policy (and include Kings Pool)]</p> <p>Development proposals should respect the openness and the integrity of the designated open spaces. Development proposals which would have an unacceptable impact on the nature, the use or access to the designated open spaces will not be supported’</p>	Agree	The council consider the proposed modifications to the policy text, including the inclusion of Kings Pool due to its identification in the Character Assessment, to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.

	Delete the second part of the policy.		
Figure 8	<i>On Figure 8 remove any of the parcels of land which do not appear in the modified policy.</i>	Agree	The council consider the proposed modifications to Figure 8 in the Plan necessary to ensure that there is the clarity that is required by national policy and guidance and so that the figure is consistent with EP4.
Policy EP5: Housing Mix	Replace ‘Will require to demonstrate’ with ‘should incorporate’	Agree	The council consider the proposed modifications to the policy text proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.
Policy EP7: Parking	In the first part of the policy replace ‘Will be permitted only’ with ‘will only be supported’ In the second part of the policy (second criterion) replace ‘adopted south design guide’ with ‘adopted South Oxfordshire Design Guide’	Agree	The council consider the proposed modifications to the policy text proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.
Policy EP8: Conserving and Enhancing Heritage Assets	Replace the policy with: ‘Development proposals should enhance and better reveal the special quality of Ewelme as identified in the Village Character Assessment. New development, including alterations to existing buildings and features, should conserve or enhance the character, appearance, integrity, significance, fabric and setting of Ewelme and its heritage assets, by reusing original, natural materials or employing the best available highest quality new materials in accordance with the Character	Agree	The council consider the proposed modifications to the policy text to be necessary to ensure that the policy has regard to the NPPF and provides the clarity required by national policy and guidance.

	<p>Assessment.</p> <p>Development proposals should address the interaction between the built environment and the surrounding countryside and any key views and vistas. New development should take account of known surface and sub-surface archaeology and ensure that other potentially significant deposits are identified and appropriately safeguarded during development. Where practicable, the legibility of archaeological features should be preserved. New development should promote high-quality design and take the opportunity to enhance or better reveal the significance of the Parish's historic built environment and its specific heritage assets.</p> <p>Development proposals will be assessed against the principles in the NPPF. Great weight will be accorded to the conservation of designated heritage assets. For proposals affecting non-designated heritage assets the conservation of the identity and character of buildings of local significance will be weighed against the benefits that would arise from the proposed development'</p>		
<p>Policy EP9: Sustainable and High-quality design</p>	<p>Replace 'Where appropriate proposals should' with 'As appropriate to their scale and nature, development proposals should'</p> <p>Insert a semi colon at the end of the second and third development principles.</p>	<p>Agree</p>	<p>The council consider the proposed modifications to the policy text proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.</p>

Policy EP11: Economy	Replace ‘ones’ with ‘businesses’ At the end of the first criterion replace the full stop with a semi-colon.	Agree	The council consider the proposed modifications to the policy text proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.
Other matters	<i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i>	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.
Other matters	<i>Update the Executive Summary, the Foreword, the Introduction, paragraphs 5.2/6.2/6.3 and Section 9 of the Plan to take account of the adoption of the South Oxfordshire Local Plan 2035</i> <i>Delete the final paragraph of Section 5.2.1 of the Plan.</i> <i>Throughout the Plan replace ‘2034’ with ‘2035’ in any references to the Plan period.</i>	Agree	The council agrees with the examiner that the Plan needs to be updated to take account of the adoption of the South Oxfordshire Local plan 2035 as this was the context within which the Plan was examined. The Plan was prepared to address the same Plan period as the Local Plan. As such, the council agrees that references to the Plan period throughout the Plan, need to be updated, replacing ‘2034’ with ‘2035’ in order to achieve consistency with the plan period of the Local Plan.

APPENDIX 2 – Examiner’s Report

The Examiner’s Report is available here: <https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2021/01/Ewelme-Neighbourhood-Development-Plan-Examiners-report.pdf>. A copy of the Examiner's Report is also available after Appendix 3.

Appendix 3 – Consequential and/or Factual Changes

Section	Agreed change	Justification/Reason
General – All policies	In the title of all the policies insert the word ‘ <i>Policy</i> ’ before ‘EP’	To provide clarity as required by national policy and guidance.
General – All maps	In the map titles delete ‘projection Figure’.	Typographical correction.
Front Cover	Replace ‘Submission Plan’ with ‘ <i>Referendum Plan</i> ’. Replace ‘September 2020’ with ‘ <i>February 2021</i> ’.	Factual correction.
Page 2 - Executive Summary	In the third paragraph replace ‘(core strategy 2012), saved... to 2034’ with ‘(<i>South Oxfordshire Local Plan 2035</i>)’. Paragraph 4 Delete ‘emerging’ and replace ‘2034’ with ‘2035’.	Factual correction to be consistent with Examiner’s recommendations.
Page 3 - Policies	In the first bullet point remove ‘s’ from ‘directs’.	Typographical correction.
Page 3 - Policies	Delete the final paragraph.	Factual correction.
Page 6 - Forward Section 1.2 Terminology	Within the definition for National Policy replace ‘July 2019’ with ‘ <i>February 2019</i> ’. Within the definition for development plan replace, ‘currently comprises the South Oxfordshire Core Strategy of	Factual corrections. To be consistent with Examiner’s recommendations.

	December 2012... replace the Core Strategy and saved policies' with 'comprising the South Oxfordshire <i>Local Plan 2011-2035</i> '.	
Page 7 - Section 2.1 What are Neighbourhood Plans?	In the first paragraph of section 2.1 replace '2034' with '2035'.	Factual correction to be consistent with Examiner's recommendations.
Page 7 - Section 2.2 What Will the Plan be Used For?	In the third paragraph replace 'saved and forthcoming local policies of the SODC emerging Local Plan 2034' with ' <i>policies of the South Oxfordshire Local Plan 2035</i> '. In the fourth paragraph replace '2034' with '2035'.	Factual correction to be consistent with Examiner's recommendations.
Page 7 - Section 2.3 Next Steps	Replace the first sentence with: <i>'This is the Referendum Version of the Ewelme Neighbourhood plan.</i> In the first sentence of the second paragraph replace 'will submit' with ' <i>submitted</i> '. In the second sentence replace 'will be' with ' <i>document is</i> '. Delete the second sentence of the third paragraph and replace it with: <i>'This includes the exposure of the Plan to a local referendum.'</i>	Factual corrections to update the text to reflect the next steps.
Page 9 – Section 3.1 The Neighbourhood Area	In the third paragraph replace 'red dotted line' to ' <i>black dotted line</i> '.	Factual correction.

Page 10 – Section 3.2 RAF Benson	In the fourth paragraph insert ' <i>that there are</i> ' between 'concludes' and 'some 225'.	Grammatical correction.
Page 10 - Section 3.3 Location	In the final sentence of the first paragraph replace 'emerging SODC Local Plan 2011-2034 Publication Version' with ' <i>South Oxfordshire Local Plan 2035</i> '.	Factual correction to be consistent with Examiner's recommendations.
Page 10 – Section 3.3 Location	In the first sentence of the second paragraph insert upper case 'B' in 'Biodiversity'. Following 'Conservation Target Area' insert '(CTA)'. In the second sentence of the second paragraph replace 'Ewelme Cress Beds Local Wildlife Site' with ' <i>Ewelme Watercress Beds and Local Nature Reserve</i> '.	Typographical, grammatical and factual corrections.
Page 11 – Section 3.4	In the fifth paragraph insert comma after 'possibly two'.	Grammatical correction.
Page 12 – Section 3.4	In the sixth paragraph, in first line insert upper case 'C' and 'S' for 'Church' and 'School'. In the final sentence of the sixth paragraph insert comma after 'Beauty'.	Grammatical corrections.
Page 14 – Section 3.6 The Ewelme Trust	In the sixth paragraph insert 'a' before 'separate'.	Grammatical correction.
Page 15 – Section 3.8	In the fourth paragraph insert a space between '%' and 'of'. In the seventh paragraph insert upper case 'C' for 'Church'.	Typographical and grammatical corrections.
Page 16 – Section 4.2 Sustainable	In the fourth bullet point insert a comma after 'flooding' and 'areas'.	Grammatical correction.

Development		
Page 16 – Section 4.3 Vision	In the vision insert a comma after ‘residents’.	Grammatical correction.
Page 18 – Section 5. The Natural Environment	In the first sentence replace ‘CAV2’ with ‘EV1’.	Factual correction.
Page 18 – Section 5.1 The Terrestrial Environment	In the second sentence of the first paragraph insert ‘has’ before ‘remained’. In the second sentence of the third paragraph delete the comma.	Grammatical corrections.
Page 18 - Section 5.2 Environmental Assets	Replace ‘emerging Local Plan 2034’ with ‘ <i>Local Plan 2035</i> ’.	Factual correction to be consistent with Examiner’s recommendations.
Page 19 – Section 5.2.1 Ewelme Brook, Watercress Beds and Local Nature Reserve	In the first sentence of the second paragraph insert ‘Aquatilis’ before ‘Ranunculus’. In the first sentence of the third paragraph insert a comma after ‘ceased’. In the first sentence of the fourth paragraph remove the comma after ‘kinds’. In the fifth paragraph replace ‘are registered’ with ‘has been registered’.	Factual and grammatical corrections.
Page 20 – EP1: Natural environment, wildlife and	Insert full stop at the end of the first paragraph. In the second paragraph insert a comma after ‘Plan.	Grammatical and factual corrections.

biodiversity	<p>Insert a space between '10' and 'm'.</p> <p>In the second bullet point remove 'd' from 'promoted'.</p> <p>In the supporting objectives add 'EV2'.</p>	
Page 20 - Evidence	In the second sentence of the first paragraph insert '((' before 'Question'	Grammatical correction.
Page 20 - Evidence	In the fourth paragraph delete '110 ('applications for... maintain a strong sense of place...);'	Factual correction.
Page 22 – Section 5.5 Flooding from Sewers	Reposition the second paragraph immediately before Policy EP1.	Factual correction.
Page 23 – Section 5.6.1 Key Views	Insert upper case 'C' and 'S' for 'Church and 'School'.	Grammatical correction.
Page 23 – EP2: Protection of Views	In the supporting objectives insert 'VC1' and 'VC2'	Factual correction.
Page 25 – Section 6. Housing	In the first sentence of the first paragraph replace the comma with a semi colon.	Grammatical correction.
Page 25 – Section 6.1	In the third paragraph delete 'and character'.	Grammatical correction.
Page 26 - Section 6.3 Number of New Homes	<p>In the first paragraph, replace 'emerging Local Plan 2034' with '<i>Local Plan 2035</i>'. Insert upper case 'A' in 'Appendix'.</p> <p>In the second paragraph replace 'anticipated' with '<i>expected</i>'.</p>	Factual and grammatical corrections to be consistent with Examiner's recommendations.

Page 26 – Section 6.4 What Type of Housing is Required	In the second bullet point remove ‘sites of more than one house’.	Factual correction.
Page 27 – Section 6.5 How We Defined the Built-up Area of the village	Replace ‘li’ with ‘ii’ in the fourth paragraph.	Grammatical correction.
Page 27 – Section 6.6	In the first sentence of the first paragraph replace ‘one dwelling’ with ‘10-20 dwellings’.	Factual correction.
Page 28 - Evidence	In the second paragraph insert a full stop between ‘houses’ and ‘Village..’.	Typographical correction.
Page 28 – Section 6.7 Protecting our Open Spaces	<p>In the second paragraph replace ‘Green space’ with ‘<i>green space</i>’.</p> <p>In the third paragraph insert upper case initials for ‘Scholl Lawn’, ‘School’, ‘Beds’ and ‘Reserve’, and insert ‘<i>Local</i>’ before ‘Reserve’.</p> <p>In the fourth paragraph replace ‘Open spaces’ with ‘<i>open spaces</i>’.</p> <p>In the fifth paragraph replace ‘Green space’ with ‘<i>green space</i>’.</p> <p>In the sixth paragraph replace ‘Green space’ with ‘<i>green space</i>’, replace ‘(l)’ with ‘(i)’ and insert upper case ‘A’ for ‘Area’.</p>	Typographical and grammatical corrections.
Page 29 – EP4	In the Watercress Bed Nature Reserve, insert ‘ <i>Local</i> ’ before	Factual correction to use the correct name for the

Housing – Protecting our Open Spaces	'Reserve'.	open space.
Page 30 - Evidence	In the fourth paragraph replace 'Open space' with ' <i>open space</i> '.	Typographical correction.
Page 31 – Section 6.9 Affordable Housing	In the second paragraph delete 'plan' form 'planaffordable'. In the first sentence of the fourth paragraph replace 'to' with ' <i>with</i> ' and after '10 or more' add ' <i>(5 in the AONB)</i> '.	Typographical, grammatical and factual corrections.
Page 31 – Section 6.10 Parking	In the second sentence of the first paragraph replace 'are' with ' <i>is</i> '.	Grammatical correction.
Page 32 – EP7: Parking	Replace 'give rises' with ' <i>gives rise</i> '. In point 2 insert upper case 'S' on 'Sections'.	Typographical correction.
Page 37 - Section 7.2 Protecting the Historic Environment	Replace, 'Saved policies CON1-7 provide considerable protection for Ewelme's heritage assets, and this will be continued in emerging policies ENV6-10 of emerging South Oxfordshire Local Plan 2011-2034', in the final sentence of the first paragraph with: <i>'Policies ENV6-10 of the South Oxfordshire Local Plan 2035 provide considerable protection for Ewelme's heritage assets.'</i> In the third paragraph replace 'emerging South Oxfordshire Local Plan 2011-2034' with ' <i>South Oxfordshire Local Plan 2035</i> '. In the fifth paragraph insert upper case 'P' on 'Parish'.	Factual and grammatical corrections to be consistent with Examiner's recommendations.

	<p>Insert semi-colons at the end of (a) to (c) and a full stop at the end of (d).</p> <p>In the sixth paragraph insert '<i>found by</i>' between 'remains' and 'by the'.</p>	
Page 38 – EP8: Conserving and Enhancing Heritage Assets	Inset ' <i>VC1</i> ' to the supporting objectives.	Factual correction.
Page 38/39 – Section 7.3 Design and Character	<p>In the first sentence of third paragraph replace the comma with a semi-colon.</p> <p>In the third sentence of the fifth paragraph insert '<i>is</i>' between 'It' and 'also'.</p> <p>In the first sentence of the sixth paragraph insert '<i>Oxfordshire</i>' between 'South' and 'Guide'.</p>	Grammatical and typographical corrections.
Page 39 - Section 7.3 Design and Character	In the final paragraph replace 'emerging Local Plan 2034' with ' <i>Local Plan 2035</i> '.	Factual correction to be consistent with Examiner's recommendations.
Page 39 – Section 7.4 Design Principles	Replace '160/262' with ' <i>160 out of 262</i> '.	Factual correction.
Page 40/41 – Section 7.4 Design Principles	<p>In iv. replace the reference to '173' of the NPPF to '112'.</p> <p>At the end of iv. a. add a semi-colon.</p> <p>At the end of iv. d. add a full stop.</p> <p>In ix. Replace '160/262' with '<i>160 out of 262</i>'.</p>	Factual and grammatical corrections.

Page 41 – EP9: Supporting and High-Quality design	In the supporting objectives replace 'E1' with 'EV1'.	Factual correction.
Page 41 – Section 8.1 Community Facilities	In the first paragraph replace the second 'g)' with 'h)' and remove the second full stop.	Grammatical corrections.
Page 41 – Section 8.1 Community Facilities	Delete the third paragraph.	Factual correction as assets have not been formally designated as Assets of Community Value.
Page 42 – Section 8.1 Community Facilities	In the fourth paragraph delete the comma between 'development' and 'b) any' and replace it with 'and'.	Grammatical correction.
Page 42 – Section 8.1.1 Pavilion/Recreational Ground	In the first paragraph insert ', <i>outdoor gym equipment</i> ' after 'cricket pitch'. In the second paragraph delete 'but is in a poor state of repair'.	Factual corrections.
Page 42 – EP10: Community facilities and leisure	Replace 'recreational ground' with ' <i>Recreational Ground</i> '. In the supporting objectives add 'CAV1' and 'EV2'.	Factual and grammatical corrections.
Page 43 – Section Ewelme C of E Primary School	In the third paragraph replace 'on roll' with ' <i>on-roll</i> '.	Grammatical correction.
Page 43 – Section 8.1.5 St Mary's Church: Churchyard	In the second paragraph replace 'present' with ' <i>former</i> '.	Factual correction.

and Graveyard		
Page 44 - Justification	Replace 'village located' with ' <i>village-located</i> '.	Grammatical correction.
Page 44 – Section 8.3.1 Highways and Traffic Flow	In the last sentence of the first paragraph insert upper case 'R' in 'Route.	Grammatical correction.
Page 46 - Section 9 Community Infrastructure	In the first paragraph replace 'Core Strategy' with ' <i>Local Plan 2035</i> '.	Factual correction to be consistent with Examiner's recommendations.
Page 47 – Section 9. Community Infrastructure Levy	In the second paragraph replace 'This money must be spent on infrastructure' with ' <i>This can be spent on things concerned with addressing the demands that development places on the parish area</i> '.	Factual correction.
Page 48 – Section 11. Footnote	In point iii. Insert ' <i>Opinions on</i> ', before 'life in the village...'	Factual correction.
Page 48 – Section 11.1 Abbreviations	Remove references to 'BREEAM, NERC, NPPG, SHMA, SHELA, SSSI'.	Factual correction as no reference are made to these in the Plan.

Ewelme Neighbourhood Development Plan 2019-2034

**A report to South Oxfordshire District Council
on the Ewelme 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 November 2020 to carry out the independent examination of the Ewelme Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 28 November 2020.
- 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 its local character, its landscape and biodiversity and its heritage assets.
- 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 Ewelme 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
19 January 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Ewelme Neighbourhood Development Plan 2019-2034 (the 'Plan').
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Ewelme 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 character and appearance of the neighbourhood area and safeguarding its natural and heritage assets.
- 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 Village Character Assessment;
- the Protection of Views Report;
- the SODC SEA/HRA screening report;
- the Parish Council's responses to my Clarification Note;
- the representations made to the Plan;
- the adopted South Oxfordshire Local Plan 2035;
- the National Planning Policy Framework (February 2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 28 November 2020. 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. 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.

3.4 The Plan has been examined within the context of the recently-adopted South Oxfordshire Local Plan 2035. However, it was submitted within the context of the former South Oxfordshire Core Strategy. Given the Inspector's report was received on the Local Plan during the examination of the neighbourhood plan it was agreed both by the Parish Council and the District Council that the examination of the neighbourhood plan should take account of the strategic context provided by the Local Plan. This decision has had two related consequences. The first is that the Plan has been examined against a very-recently adopted Local Plan. The second is that there is no need for the early review of any made neighbourhood plan that would otherwise have been the case if it had been examined earlier against the former Core Strategy.

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. The 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 (June to July 2019). It captures the key issues in a proportionate way and is then underpinned by more detailed appendices. It is a good example of a Consultation Statement.
- 4.3 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 scoping survey;
 - the launch of the website (March 2017);
 - the residents' questionnaire (August 2017);
 - the organisation of various open meetings (2016-2019);
 - the preparation of articles for the Ewelme News; and
 - the various displays in the Community Village Store.
- 4.4 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.
- 4.5 Appendix 5 of the Statement provides specific details on the comments received during the consultation process associated with the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.6 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.
- 4.7 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

4.8 Consultation on the submitted plan was undertaken by SODC and ended on 17 November 2020. This exercise generated comments from the following organisations:

- Environment Agency
- Defence Infrastructure Organisation
- Oxfordshire County Council
- National Grid
- Scottish and Southern Electricity Networks
- Thames Water
- Historic England
- South Oxfordshire District Council; and
- Natural England

4.9 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 Ewelme. Its population in 2011 was 1048 persons living in 421 houses. It was designated as a neighbourhood area on 18 May 2017. It is an irregular area located between Watlington to the north-east and Wallingford to the south-west. The neighbourhood area is predominantly rural in nature and much of its area is in agricultural use. The B4009 runs through its northern part in an east-west direction.
- 5.2 The principal settlement in the neighbourhood area is Ewelme. It is based in the centre of the neighbourhood area. It includes series of attractive historic buildings including what Pevsner describes as ‘a magnificent C15 group of church, almshouses and school, the charitable gift of Alice, grand-daughter of Geoffrey Chaucer, and her husband William de la Pole, Duke of Suffolk’. Much of the historic core of the village is a designated conservation area. An important and iconic topographical feature of the village is the Ewelme Brook. It rises from springs in the village and has a stable and reliable flow regime. Its former commercial watercress beds are now managed as a Local Nature Reserve. The beds are both a major feature and an attractive amenity within the village.
- 5.3 The remainder of the neighbourhood area consists of a very attractive agricultural hinterland. Its southern part lies within the Chilterns AONB and is on the scarp slope of the Chiltern Hills. The neighbourhood area lies predominantly on chalk, overlain in places with sand, gravel and clay. To the west, the land flattens out along terraces of river gravels towards Benson and the Thames and followed by the course of the Ewelme Brook. RAF Benson sits to the immediate south west of the neighbourhood area.

Development Plan Context

- 5.4 The South Oxfordshire Local Plan was adopted in December 2020. It sets out the basis for future development in the District up to 2035. The following policies are particularly relevant to the Ewelme Plan:

Policy STRAT 1	The Overall Strategy
Policy H8	Housing in the Smaller Villages
Policy H16	Infill Development
Policy EMP10	Development in Rural Areas
Policy ENV1	Landscape and Countryside
Policy ENV3	Biodiversity
Policy ENV4	Watercourses
Policy ENV6	Historic Environment
Policy ENV7	Listed Buildings
Policy ENV8	Conservation Areas
Policy DES1	Delivering High Quality Development

Policy CF4

Existing Open Space, Sport and Recreation Facilities

- 5.5 The Basic Conditions Statement was produced before the recent adoption of the Local Plan. Nevertheless, it usefully highlights the key policies in the former development plan and what was the emerging Local Plan (in the table in its paragraph 4.4) at that time 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 Ewelme is identified as a Smaller Village in the adopted Local Plan (Appendix 7).
- 5.7 Policies H8 (Housing in the Smaller Villages) and H16 (Infill development and redevelopment) of the Local Plan set the context for the scale and nature of new development which would be supported in smaller villages in the District. Policy H16 specifies that new residential development should be limited to infill and the redevelopment of previously-developed land or buildings. It also provides specific criteria-based guidance for any new residential development which would be located behind existing frontages or which would involve additional dwellings within an existing site. Policy H8 complements this approach. It offers support to parish councils which wish to prepare a neighbourhood plan for such villages. It comments that neighbourhood plans will need to demonstrate that the level of growth they are planning for is commensurate to the scale and character of their village. This is expected to be around a 5% to 10% increase in dwellings above the number of dwellings in the village in the 2011 census (minus any completions since 1 April 2011)
- 5.8 In process terms the timings involved have allowed the submitted neighbourhood plan directly to take account of this new local planning context. Indeed, 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 previous and existing 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 visited the neighbourhood area on 28 November 2020.
- 5.10 I drove into Ewelme from the M40/B4009 to the north. This gave me an initial impression of its setting and the character in general, and within the wider setting of the Chiltern Hills in particular.
- 5.11 I parked in the village centre. Given the compact nature of the village I was able to carry out the majority of the visit on foot. I looked initially at the iconic grouping of the church, the almshouses and the school. I saw their integrity, well-preserved nature and the way in which they sat on the slopes of the valley.
- 5.12 I then walked down Parsons Lane to the village shop. It was clear that it is at the heart of the community. I saw the village pound and the information board about Warhorse

Nancy. I saw the pond and the watercourses which feed into the Watercress beds and beyond.

- 5.13 I then walked to the top of Days Lane to the junction of several footpaths and the Chiltern Way. It highlighted the scale, the nature and the gradient of the Chiltern escarpment. I saw the iconic view of the village from the south as identified in the Plan as IV1.
- 5.14 I retraced my steps down the hill and then walked along High Street. I saw a variety of buildings including the ornate Watercress Cottages and The Terrace. I then looked at the Watercress Beds Local Nature Reserve (LNR) and was able to appreciate the significance and attractiveness of this remarkable natural feature in the village. The water was impressively clear.
- 5.15 I continued into Benson Lane. I saw the western part of the LNR and the Old Mill Pond. I then took the opportunity to walk along Clay Lane up to the RAF Benson base.
- 5.16 I finished my visit by driving to Benson. This highlighted the relationship between Ewelme and its wider landscape setting including the River Thames valley.

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 Ewelme Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted South Oxfordshire Local Plan;
- 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 subject to the recommended modifications included in this report. It sets out a positive vision for the future of the neighbourhood area within the context of its role in the settlement hierarchy. In particular it includes a policy on the scale and nature of new development in general, and other policies to safeguard its very special natural and built environment. 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 residential development (Policy EP3) and for employment uses (Policy EP11). In the social role, it includes policies on open spaces (Policy EP4), on housing mix (Policy EP5) and on community facilities (Policy EP10). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on wildlife and biodiversity (Policy EP1) and on key views (Policy EP2). The Parish Council has undertaken its own 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. Subject to the recommended modification in this report 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 (September 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 both thorough and comprehensive. It takes appropriate account of the significance of the Chilterns Beechwood SAC, the Aston Rowant SAC and the Long Wittenham 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 (Section 41-004-20190509) 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 1-4)

- 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 how it will be used within the Plan period. It defines the Plan period.
- 7.10 Section 3 describes keys elements of the neighbourhood area. It does so in a very effective fashion. It includes a map of the designated neighbourhood area (Figure 1) which helpfully shows the relationship both with the AONB and with the conservation area. It is comprehensive in its coverage and includes information on:
- the Chilterns AONB and the conservation area;
 - the RAF Benson base;
 - its location in the wider landscape;
 - its heritage assets; and

- current issues in the Parish.

In combination the Plan's presentation of these issues has been very helpful for examination purposes.

7.11 Section 4 sets out a comprehensive vision and related objectives for the Plan. The Plan includes six objectives as follows:

- Sustainable Development;
- Village Character;
- Housing;
- Historic Assets;
- Environment; and
- Economy and Infrastructure

A key strength of the Plan is the way in which the objectives provide the basis for the resultant policies. In all cases the objectives are distinctive to the neighbourhood area. It is clear that the policies flow from the evidence base and the supporting text.

7.12 The submitted Plan is accompanied by a Village Character Assessment. It is a well-researched document. The Assessment neatly identifies its purpose as follows:

'Understanding the local character is crucial to the conservation or enhancement of the specific attributes of the village and can ensure that any development proposals are appropriate and of a design which respects and compliments its nature'

7.13 The preparation of the Character Assessment is a significant achievement. In particular it includes evidence and information on the following character areas:

- Character Area 1 – The Historic Core of the village
- Character Area 2 – The Street below Kings Pool
- Character Area 3 – Late twentieth century developments
- Character Area 4 – Lower End/Cottesmore

7.14 The key success of the Plan is the way it has focused on three distinctive matters which complement the District-wide policies in the Local Plan. The first matter is the character and appearance of the neighbourhood area. The second matter focuses on the heritage assets in Ewelme. The third focus is on its natural environment and landscape.

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 EP1: Natural Environment, wildlife and biodiversity

7.16 This policy requires that any development proposals within the Brook Nature Reserve or land which is adjacent to the Reserve should protect and enhance the function and setting of the watercourse and its biodiversity. In doing so it appropriately seeks to protect this important and iconic element of the natural environment in the

neighbourhood area. The first part of the policy has general effect. The second part identifies specific criteria with which any development proposals should comply.

- 7.17 The policy is well-considered. I recommend two modifications to ensure that it has the clarity required by the NPPF. Otherwise, it meets the basic conditions.

In the opening part of the policy replace ‘Development.....adjacent’ with ‘Proposed development of land which include or which are adjacent’

In the final bullet point of the second part of the policy replace ‘those sites’ with ‘the Brook and the Nature Reserve’

Policy EP2: Protection of Views

- 7.18 This policy reflects the location of the bulk of the neighbourhood area within the Chilterns AONB. It requires development proposals to safeguard the landscape in general terms and identified views in particular. The views are shown on Figure 7.
- 7.19 I looked at the views as part of my visit. I saw that they had been carefully-selected. The view from the top of Rabbits Hill was particularly iconic and well-worth the physical effort involved.
- 7.20 The policy is both well-developed and evidence-based. I recommend two modifications to ensure that it has the clarity required by the NPPF. The first relates to the policy element for the identified key views. The second ensures that the policy fully identifies the key views and as set out on Figure 7.

In the first part of the policy replace ‘significant adverse’ with ‘unacceptable’

In the second part of the policy replace ‘Proposals must..... which are’ with ‘Development proposals should be carefully designed and located to take account of the following key views:’

Replace the two bullet points with the four bullet points as follows:

- **IV1 – Ewelme Village from the roadside at the top of Rabbits Hill;**
- **IV2 – Ewelme Church and Old Rectory glimpsed from Green Lane;**
- **IV3 – View of Ewelme in the valley of Ewelme Brook from Footpath 22;**
- **IV4 – Looking towards the Wessex Downs with The Views, Winmill Farm and part of the airfield in the foreground.**

Policy EP3: A Spatial Plan for the Parish

- 7.21 This policy provides a context for the location of new development. It concentrates any new development within the village itself. As the policy title suggests it sets a spatial plan for the parish.

- 7.22 I am satisfied that the approach taken is appropriate for the neighbourhood area. It acknowledges the status of Ewelme as a smaller settlement in the District settlement hierarchy. The concentration of new development with the built-up area will assist in the delivery of sustainable development. In particular it will ensure that any new development is accessible to the range of commercial and community facilities in the village.
- 7.23 The policy includes an element which seeks to safeguard the separation between Ewelme and Cottesmore. I looked at this area carefully during the visit. Based on the Parish Council's response to the clarification note I am satisfied that the policy is appropriate. I recommend two modification to ensure that the policy has the clarity required by the NPPF. Otherwise, it meets the basic conditions.

Replace the first part of the policy with:

'Proposals for limited infill development inside the Village's built-up area (as described in section 6.5 para 4 of this Plan) will be supported where they comply with the design and development management policies of this plan, and other relevant policies in the development plan. In addition, proposals should have regard to the South Oxfordshire Design Guide (including accompanying technical documents), and should be in keeping with the character of the surrounding area as identified in the Village Character Assessment'

In the final section of the policy replace 'acceptable' with supported'

Policy EP4: Housing- Protecting Our Open Spaces

- 7.24 This policy identifies open spaces which will be protected from built development. Four specific open spaces are identified in the policy. They are also identified as such in the Village Character Assessment.
- 7.25 I am satisfied that the identified open spaces are appropriate to be safeguarded by a policy in the Plan. In their different ways they are important components of the character, appearance and attractiveness of the village. The Plan has commendably concluded that with existing protections (including those provided by AONB designation) there would be no additional benefits of designating the open spaces as local green spaces. I recommend that Kings Pool is added to the list to reflect its identification in the Character Assessment and as suggested by the Parish Council in its response to the clarification note.
- 7.26 I recommend that the second part of the policy (on wider development matters) is deleted from the policy. Its inclusion confuses the focus of the policy which is to safeguard open spaces. In any event the potential for new development is already addressed in Policy EP3.

Replace the first part of the policy with:

'The following parcels of land as shown on Figure 8 are designated as open spaces

[List the four open spaces identified in the policy (and include Kings Pool)]

Development proposals should respect the openness and the integrity of the designated open spaces. Development proposals which would have an unacceptable impact on the nature, the use or access to the designated open spaces will not be supported'

Delete the second part of the policy.

On Figure 8 remove any of the parcels of land which do not appear in the modified policy.

Policy EP5: Housing Mix

- 7.27 The policy sets out the need for a mix of house types and sizes. It offers particular support for the development of smaller houses.
- 7.28 It is a very effective policy. With a detailed modification to bring the clarity required by the NPPF it meets the basic conditions.

Replace 'Will require to demonstrate' with 'should incorporate'

Policy EP6: Affordable Housing

- 7.29 The policy offers support for small-scale affordable housing developments and rural exception sites.
- 7.30 I have taken account of the Parish Council's response to the clarification note on the added value offered by this policy. Whilst the policy overlaps with the equivalent policy in the Local Plan it adds local value to the broader District-wide approach. In these circumstances it meets the basic conditions.

Policy EP7: Parking

- 7.31 The policy requires that parking spaces are provided to Oxfordshire County Council standards. It sets out specific guidance for particular types of parking arrangements.
- 7.32 It is a very effective policy. With two detailed modifications which bring the clarity required by the NPPF it meets the basic conditions.

In the first part of the policy replace 'Will be permitted only' with 'will only be supported'

In the second part of the policy (second criterion) replace 'adopted south design guide' with 'adopted South Oxfordshire Design Guide'

Policy EP8: Conserving and Enhancing Heritage Assets

- 7.33 The policy addresses heritage assets. It comments about both designated and non-designated assets.
- 7.34 The policy comprehensively tackles the many and varied aspects of the heritage assets in the parish. Historic England draws attention to the way in which the policy fails to have full regard to the NPPF. In its response to the clarification note the Parish Council has positively suggested a revision to the policy. I have recommended a slight variation of that suggestion as a replacement policy.

Replace the policy with:

‘Development proposals should enhance and better reveal the special quality of Ewelme as identified in the Village Character Assessment. New development, including alterations to existing buildings and features, should conserve or enhance the character, appearance, integrity, significance, fabric and setting of Ewelme and its heritage assets, by reusing original, natural materials or employing the best available highest quality new materials in accordance with the Character Assessment.

Development proposals should address the interaction between the built environment and the surrounding countryside and any key views and vistas. New development should take account of known surface and sub-surface archaeology and ensure that other potentially significant deposits are identified and appropriately safeguarded during development. Where practicable, the legibility of archaeological features should be preserved. New development should promote high-quality design and take the opportunity to enhance or better reveal the significance of the Parish's historic built environment and its specific heritage assets.

Development proposals will be assessed against the principles in the NPPF. Great weight will be accorded to the conservation of designated heritage assets. For proposals affecting non-designated heritage assets the conservation of the identity and character of buildings of local significance will be weighed against the benefits that would arise from the proposed development’

Policy EP9: Sustainable and High-quality design

- 7.35 This policy comments that proposals for new development should reflect the character of the village. It then identifies a series of design principles.
- 7.36 I am satisfied that the principles are appropriate and locally-distinctive. In the round it is a very effective policy. With two detailed modifications which bring the clarity required by the NPPF it meets the basic conditions.

Replace ‘Where appropriate proposals should’ with ‘As appropriate to their scale and nature, development proposals should’

Insert a semi colon at the end of the second and third development principles.

Policy EP10: Community facilities and leisure

- 7.37 This policy offers support for new facilities at the recreation ground which would broaden and extend the facilities available and their accessibility.
- 7.38 It is a well-developed policy which has the ability to enhance the sustainability of the parish. It meets the basic conditions.

Policy EP11: Economy

- 7.39 This policy offers support to employment opportunities within the built-up area in general, and for homeworking proposals in particular.
- 7.40 I am satisfied that the policy's approach is appropriate and locally-distinctive. It is a very effective policy. In particular it will assist in the promotion of new small-scale employment uses and the continued sustainability of existing businesses. With two detailed modifications which bring the clarity required by the NPPF it meets the basic conditions.

Replace 'ones' with 'businesses'

At the end of the first criterion replace the full stop with a semi-colon.

Other matters - General

- 7.41 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.

Other matters – the adoption of the South Oxfordshire Local Plan 2035

- 7.42 The submitted Plan has consistently been prepared to ensure that it addressed the same Plan period as that for the Local Plan. As part of the adoption process the Local Plan period was revised so that it ended in 2035. I recommend that the general references in the Plan to what was then the emerging Local Plan are modified in a factual way to reflect the adoption of the Local Plan. They appear principally in the following sections of the Plan:

- the Executive Summary;
- the Foreword (paragraph 1.2); and
- the Introduction (paragraphs 2.1 and 2.2)

7.43 The final paragraph of Section 5.2.1 of the Plan comments about the relationship of the approach in Policy EP1 to a range of policies in the former Core Strategy. Whilst it would be possible to update the list of policies to reflect those in the recently-adopted Local Plan this level of justification is not necessary and is already addressed in the Basic Conditions Statement.

7.44 I also recommend that the Plan period of the submitted Plan is modified accordingly.

Update the Executive Summary, the Foreword, the Introduction, paragraphs 5.2/6.2/6.3 and Section 9 of the Plan to take account of the adoption of the South Oxfordshire Local Plan 2035

Delete the final paragraph of Section 5.2.1 of the Plan.

Throughout the Plan replace '2034' with '2035' in any references to the Plan period.

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 Ewelme 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 Ewelme 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 18 May 2017.
- 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
19 January 2021