

SOUTH OXFORDSHIRE DISTRICT COUNCIL

CUDDESDON AND DENTON 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 Cuddesdon and Denton 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 Cuddesdon and Denton Parish Council, as the qualifying body, successfully applied for Cuddesdon and Denton Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
- 4 Following the submission of the Cuddesdon and Denton 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 was undertaken for an extended period that ended on 28 July 2020. It took account of the circumstances surrounding COVID19.
- 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 Cuddesdon and Denton Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights¹,

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

- 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 Cuddesdon and Denton Neighbourhood Development Plan to referendum.

Reasons for decision

- 7 The Cuddesdon and Denton 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. It proposes a series of local green spaces and a Local Green Gap between Cuddesdon and Denton. In the round the Plan has successfully identified a range of issues where it can add value. It has a particular focus on maintaining the character and identity of the neighbourhood area. In this context it includes a detailed and locally-distinctive design policy.
- 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 a policy for infill development (Policy CD3). In the social role, it includes a policy on community facilities (Policy CD5) and on home working (Policy CD8). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy CD2), on the designation of a local green spaces (Policy CD7) and on a proposed local green gap (Policies CD6).

- 12 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.
- 13 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.
- 14 Cuddesdon 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 Cuddesdon and Denton Plan is not proposing to allocate any sites for housing. 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 28 February 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 CD1 – General Development Principles	<p>Replace the opening part of the policy with: 'Development proposals will be supported where they have regard to the following general principles insofar as they are relevant to their nature, scale and location'</p> <p>In principle a) replace 'and in the SODC...plan' with 'and in the South Oxfordshire Local Plan 2035'</p> <p>Replace principle d) with: 'Where it is practicable to do so, development proposals should result in a 10% net gain in biodiversity compared with the predevelopment baseline. The design of the development should enhance habitats for protected and notable species and where relevant should follow the recommendations set out in the Landscape Character Assessment (Annex B)'</p> <p>Delete principle f)</p>	Agree	<p>The council consider the proposed modifications to the first parts of the policy necessary to ensure that the policy has the clarity that is required by national policy and guidance and also to reflect the recent adoption of the South Oxfordshire Local Plan.</p> <p>The council agrees that the proposed modifications to the fourth principle is necessary to ensure it is positively prepared as required by national policy.</p> <p>The council agrees that the deletion of the final principle is necessary as it not policy wording and therefore does not provide the clarity required by national policy and guidance.</p>
Supporting text – Para 8.3 – 8.4	<p><i>In paragraph 8.3 (2) replace 'support the vision...2019' with 'support the Local Plan vision'</i></p> <p><i>In paragraph 8.3 (3) replace '2011-2034' with '2035'</i></p>	Agree	The council consider the proposed consequential modifications to the supporting text necessary to reflect the recent adoption of the Local Plan 2035 and

	<i>At the end of paragraph 8.4 add: 'Due to its sensitivity and rural character, any proposals for development in Denton in the unnamed lane past Denton House will be expected to make good any damage to the lane before the development is occupied'</i>		the proposed modification to Policy CD1.
Policy CD2 – Design Principles	<p>In the first part of the policy insert 'where practicable' between 'and' and 'enhance'</p> <p>In the first part of the policy replace 'the village's character' with 'the character of the settlement concerned'</p> <p>Replace the opening element of the second part of the policy with:</p> <p>'In particular development proposals should have regard to the following design principles as appropriate to their scale, nature and location:'</p> <p>In i replace 'Follows' with 'the relevant elements of' and delete '2016'</p> <p>In ii replace 'Fits in with' with 'relate to'</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.
Supporting text – Para 9.4	<i>In paragraph 9.4 replace 2011-2034' with '2035'</i>	Agree	The council consider the proposed consequential modifications to the supporting text necessary to reflect the recent adoption of the Local Plan 2035.
Policy CD3 –	Delete the first part of the policy.	Agree	The council consider the proposed deletion

Housing Infill Developments	Replace criterion iv) with ‘are consistent with Policies H8, H10 and H16 of the South Oxfordshire Local Plan’		<p>of the first part of the policy necessary to ensure that there is the clarity required by national policy and guidance and to ensure the policy is not duplicating national and local policy.</p> <p>The council consider the proposed modification to criterion iv necessary to ensure general conformity with the strategic policies of the development plan.</p>
Policy CD4 – Residential Parking	<p>In the first part of the policy replace ‘permitted only’ with ‘supported’</p> <p>Replace the second part of the policy with:</p> <p>‘Where practicable car parking requirements should be provided on site. Where on-site parking solutions are neither practicable nor appropriate, planning proposals should provide an effective and sensitive approach to mitigate the impact of additional on-street parking. Proposals should also address the need for parking solutions for visitors’</p>	Agree	<p>The council consider the proposed modifications to the policy text proposed by the examiner to be necessary to ensure that it is written in a policy format and to ensure that the policy has the clarity that is required by national policy and guidance.</p>
Policy CD5 – Community Facilities	<p>Replace the first part of the policy with:</p> <p>‘Proposals for the improvement, extension and refurbishment of existing community facilities will be supported where they meet all relevant requirements set out in other policies in this plan and in the Local Plan’</p> <p>In the second part of the policy replace ‘will be</p>	Agree	<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>

	resisted' with 'will not be supported'		
Policy CD6 – Local Green Gap	<p>In the first part of the policy replace '13' with '21'</p> <p>In the second part of the policy 'the identified long-distance views' with 'the long-distance views C and D as identified in Figure 11</p>	Agree	The council consider the proposed modifications to the policy text to be necessary to ensure that the policy has the clarity required by national policy and guidance.
Figure 21	<i>Delete the northern field from the proposed LGG on Figure 21</i>	Agree	The council consider the proposed modification to Figure 21 necessary to ensure that it is consistent with the proposed modifications to CD6.
Policy CD7 – Local Green Spaces	<p>Replace parts a) and b) of the policy with:</p> <p>'The following parcels of land (as shown on Figure 22) are designated as Local Green Spaces:</p> <ul style="list-style-type: none"> • Cuddesdon Green; • Cuddesdon Recreation Ground • Denton Green • Parkside Allotments • Denton Hill Allotments' <p>In part c) of the policy replace 'permitted' with 'supported'</p>	Agree	The council consider the proposed modifications to combine the first and second part of the policy so that they list the five Local Green Spaces and to modify the wording in the third part of the policy, proposed by the examiner to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.
Figure 22	<i>Show the two allotment areas on Figure 22</i>	Agree	The council consider the proposed modification to Figure 22 necessary to ensure that it is consistent with the proposed modifications to CD7.
Policy CD8 –	Replace the policy with:	Agree	The council consider the proposed

Home Working	<p>'Insofar as planning permission is required, proposals for home working will be supported where they do not have an unacceptable impact on the amenities of surrounding residential properties.</p> <p>Proposals to provide additional visitor car parking required for home working will be supported where they can be safely incorporated into the local highway network and where they do not have an unacceptable impact on the amenities of surrounding residential properties.</p> <p>Proposals to improve broadband speed and accessibility in the neighbourhood area will be supported where they take account of the landscape and heritage assets'</p>		<p>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>
Other Matters	<p><i>Replace the second, third and fourth sentences of paragraph 1.3 with: The South Oxfordshire Local Plan 2035 was adopted in December 2020. It addresses a series of matters including housing, employment and infrastructure'</i></p> <p><i>Replace paragraph 1.4 with: 'The newly adopted Local Plan continues to support and empower the production of neighbourhood plans'</i></p> <p><i>Replace paragraph 4.2 with: 'The newly-adopted Local Plan identifies Cuddesdon as one of a series of smaller villages. As smaller hamlets neither Denton nor Chippinghurst feature in the settlement hierarchy'</i></p>	Agree	<p>The council consider the proposed modifications to the supporting text in the Plan necessary to take account of the recent adoption of the South Oxfordshire Local Plan 2035 and to ensure that the Plan meets the basic conditions.</p>

	<p><i>In paragraph 4.3 delete the first sentence.</i></p> <p><i>Replace paragraph 4.4 with: ‘The adopted Local Plan does not expect that the smaller villages will provide a significant source of housing supply. However, it is possible that some development proposals may come forward over the Plan period in these villages such as single dwellings, infilling and conversions from other uses. Such proposals will be considered against the relevant policies in the Local Plan and in this Plan’</i></p> <p><i>In paragraph 4.5 replace ‘in unsustainable parishes’ with ‘in less sustainable locations’</i></p> <p><i>Replace paragraphs 4.91/4.92 with the same text as in paragraphs 4.2 and 4.4 (see above)</i></p>		
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>Throughout the Plan replace ‘2034’ with ‘2035’ in any references to the Plan period.</i>	Agree	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/Cuddesdon-and-Denton-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
Front Cover	Change ‘Submission’ to ‘Referendum’.	Factual correction.
Page 9 – Para 1.6	Replace the paragraph with the following: <i>‘This version of the Neighbourhood Development Plan is the result of much work by the Committee and three consultations. It also incorporates a first and second round of comments by SODC. Finally, it incorporates recommendations made by an independent examiner. The next step will be a parish referendum on the Plan. If approved by more than 50% of the community, it will become part of the SODC Local Plan, with the same legal status.’</i>	Factual correction.
Page 11 – para 1.12	Replace the paragraph with the following: <i>‘This document is the sixth draft of the Plan and now forms the referendum version for South Oxfordshire District Council including all the recommendations made by the independent examiner. When complete and following a successful referendum, the Plan will run for a 14 year period from 2021 to 2035.’</i>	Factual correction.

Page 15 – Para 4.3	In the second sentence replace ‘It’ with ‘ <i>Cuddesdon</i> ’.	Grammatical correction.
Page 45 – Para 8.5	Replace the paragraph with the following: <i>‘The requirement to deliver a 10% increase in habitat value for wildlife compared with the pre development baseline reflects emerging guidance from DEFRA included in the 2019-2021 Environment Bill.’</i>	Factual correction to be consistent with the Examiner’s proposed modifications.
Page 48 – Para 10.5	Replace 13.10 of its Core Strategy’ with ‘ <i>Policy H16 of the Local Plan</i> ’.	Factual correction to be consistent with the Examiner’s proposed modifications.
Page 53 – Para 14.3	Replace the paragraph with the following: <i>‘The five green spaces – Cuddesdon recreation ground, Cuddesdon and Denton Greens, and the two allotments – are all within the community they serve’.</i>	Factual correction.
Page 59 – Para 18.2	Replace ‘2033’ with ‘2035’.	Factual correction.
Page 60 – Para 19.2	Replace ‘2034’ with ‘2035’.	Factual correction to be consistent with Examiner’s proposed modifications.
Page 61 – Para 21.2	Delete ‘or an automated defibrillator’.	Factual correction as one has been installed.

Cuddesdon and Denton Neighbourhood Development Plan 2012-2035

**A report to South Oxfordshire District Council on
the Cuddesdon and Denton 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 June 2020 to carry out the independent examination of the Cuddesdon and Denton Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 30 July 2020.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It proposes a series of local green spaces and a Local Green Gap between Cuddesdon and Denton. 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. In this context it includes a detailed and locally-distinctive design policy.
- 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 Cuddesdon and Denton 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 Cuddesdon and Denton Neighbourhood Development Plan 2020-2035 (the 'Plan').
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Cuddesdon and Denton Parish Council (CDPC) 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 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 CDPC, to conduct the examination of the Plan and to prepare this report. I am independent of both SODC and CDPC. 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;
- Appendices A-E
- 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 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 carried out an unaccompanied visit to the neighbourhood area on 30 July 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 significant progress that was made on the examination of the Local Plan including the publication of main modifications, it was agreed both by CDPC and the SODC that the examination of the neighbourhood plan should be delayed to 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 CDPC 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 (September to October 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 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 consultation on the Character Assessment (February 2018);
 - the consultation on the Vision and Aims (July 2018);
 - the delivery of the parish newsletter to every household;
 - the use of public notices;
 - the use of roadside signs; and
 - the use of an on-line survey form.
- 4.4 The Statement also provides details of the way in which CDPC engaged with statutory bodies. It is clear that the process has been proportionate and robust.
- 4.5 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 D/E/F/G). 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 for an extended period that ended on 28 July 2020. It took account of the circumstances surrounding Covid:19. This exercise generated comments from a range of organisations as follows:

- SSE
- Environment Agency
- Historic England
- Oxfordshire County Council
- South Oxfordshire District Council
- Natural England

4.9 In addition two representation were received from local residents

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 Cuddesdon and Denton. Its population in 2011 was 511 persons living in 204 houses. It was designated as a neighbourhood area on 5 September 2017. It is an irregular area running in a north-west to south-east alignment. It is located between Wheatley to the east and Garsington to the west. The neighbourhood area is predominantly a rural parish and much of its area is in agricultural use. It is within the Oxford Green Belt.
- 5.2 The principal settlements in the neighbourhood area are Cuddesdon and Denton. They are located in the centre of the neighbourhood area. They are separate settlements connected by Denton Hill. Cuddesdon has an attractive and open setting based on High Street. It includes several attractive vernacular buildings. Ripon College is located on the northern edge of the village. Its French Gothic style and mass is both attractive on the one hand and very different from the domestic character of the village on the other hand. Denton is a smaller settlement. It has an attractive village green surrounded on the northern side by attractive vernacular buildings. Denton House sits to the immediate west of the village.
- 5.3 The remainder of the neighbourhood area consists of a very attractive agricultural hinterland. It includes a cluster of buildings at Chippinghurst.

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 Cuddesdon and Denton Plan:

Policy STRAT 1	The Overall Strategy
Policy H16	Infill Development
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 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 Cuddesdon is identified as an ‘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 30 July 2020. The weather was warm and sunny and showed off the neighbourhood area at its best.
- 5.10 I drove into the neighbourhood area from to the west. This gave me an initial impression of its setting and the character in general, and the wider setting of the Oxford Green Belt in particular. In doing so I saw several distant and open views across the wider countryside.
- 5.11 I parked in Cuddesdon village centre. Given the compact nature of the village and its proximity to Denton I was able to carry out the visit on foot. I walked back to the north to look at the Village Green incorporating the War Memorial. Thereafter I looked at All Saints Church. I saw its impressive late Norman doorway and its immaculately-maintained churchyard.
- 5.12 I then walked up Church Road to Ripon College. I saw that its French Gothic appearance. I continued up to the junction of Wheatley Road and Parkside. At this point I saw the allotments to the west. Thereafter I saw the footpath to Wheatley to the east and the extensive and attractive views across the wider landscape.
- 5.13 I walked back into the village. I looked at the Recreation Ground and the Village Hall. I then walked along the footpath to the west of the village to the north of Denton. This provided me with an excellent insight into the role and purpose of the proposed Green Gap between the two villages (as set out in Policy CD6). At the end of the path I walked into Denton, taking time to look at the significance of Denton House in the village.
- 5.14 I walked up Denton Hill towards Cuddesdon. In doing so I saw the proposed Green Gap from the south. I saw the way in which the land rose significantly to the north.

- 5.15 Thereafter I walked into Denton Green via the attractive footpath that runs parallel to the brook. I saw the way in which this fed sensitively into the more extensive Green to the east.
- 5.16 I finished my visit by driving to Wheatley. This highlighted the relationship between the settlements in the neighbourhood area and Wheatley. I also saw the range of retail and commercial services available in Wheatley.

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 Cuddesdon and Denton 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. It sets out a positive vision for the future of the neighbourhood area within the context of its location in the Green Belt and its position in the settlement hierarchy. In particular it includes a series of policies on the scale and nature of new development. It proposes a series of local green spaces and a Local Green Gap between Cuddesdon and Denton. 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 a policy for infill development (Policy CD3). In the social role, it includes a policy on community facilities (Policy CD5) and on home working (Policy CD8). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy CD2), on the designation of a local green spaces (Policy CD7) and on a proposed local green gap (Policies CD 6). The Parish Council has undertaken its own 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 modifications 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 very thorough and comprehensive. It takes appropriate account of the significance of the Chilterns Beechwood SAC, the Aston Rowant SAC, the Oxford Meadows SAC, the Little Wittenham SAC and the Cothill Fen 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 neighbourhood 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. In this context it includes a series of non-land use Neighbourhood Statements.
- 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. I address the Neighbourhood Statements after 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 1-6)

- 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 includes an effective map of the designated neighbourhood area. Paragraph 1.12 identifies the Plan period.
- 7.10 Section 2 describes the neighbourhood area in general terms. It does so in a very effective fashion.
- 7.11 Section 3 comments about the history of the parish. It is comprehensive in its coverage. It also includes important information about the way in which its history informs current circumstances

- 7.12 Section 4 provides a character assessment of the neighbourhood area. It is a very detailed and impressive element of the Plan. In particular it comments about:
- the character of the individual villages;
 - the character of the wider landscape;
 - the heritage assets; and
 - key views.
- 7.13 Section 5 comments about the way in which the Plan has sought to address key sustainability issues.
- 7.14 Section 6 sets out a comprehensive vision and related objectives for the Plan. It incorporates five overall aims underpinned by 20 objectives. In all cases they are distinctive to the neighbourhood area. It is clear that the policies flow from the vision and objectives.
- 7.15 The submitted Plan is accompanied by a Landscape Character Assessment. It is a well-researched document which provides important evidence for several policies in the Plan itself. It is a significant achievement for a neighbourhood plan.
- 7.16 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 CD1 – General Development Principles

- 7.17 This policy sets out a spatial strategy for the neighbourhood area. It overlaps with and complements the approach taken in the adopted Local Plan. The policy identifies a series of general principles with which new development should conform. They address a related series of matters as follows:
- the location of development;
 - safeguarding key views;
 - heritage assets; and
 - biodiversity.
- 7.18 In its response to the clarification note the Parish Council agreed that the policy should be modified that the principles apply to planning applications insofar as they are directly relevant to the development proposals concerned. I recommend accordingly. I also recommend that the approach in the initial part of the policy is modified so that it is less restrictive. The modification does not alter the overall direction and effectiveness of the policy.
- 7.19 I am satisfied that the principles included in the policy are both appropriate and distinctive to the neighbourhood area. I recommend modifications to the first principle to reflect the recent adoption of the South Oxfordshire Local Plan. I also recommend modifications to the fourth principle on biodiversity net gain. It takes account of the representation from SODC. It also acknowledges that many development proposals

will be minor and/or domestic in nature and where the approach in the principle would be impracticable or unreasonable to achieve.

- 7.20 I recommend the deletion of the final principle (on the unnamed lane in Denton). It is a detailed development management and highways matter rather than a policy. However, I recommend that the matter is captured in the supporting text.
- 7.21 Finally I recommend a series of consequential modifications to the supporting text to reflect the recent adoption of the Local Plan 2035.

Replace the opening part of the policy with: ‘Development proposals will be supported where they have regard to the following general principles insofar as they are relevant to their nature, scale and location’

In principle a) replace ‘and in the SODC...plan’ with ‘and in the South Oxfordshire Local Plan 2035’

Replace principle d) with: ‘Where it is practicable to do so, development proposals should result in a 10% net gain in biodiversity compared with the predevelopment baseline. The design of the development should enhance habitats for protected and notable species and where relevant should follow the recommendations set out in the Landscape Character Assessment (Annex B)’

Delete principle f)

In paragraph 8.3 (2) replace ‘support the vision...2019’ with ‘support the Local Plan vision’

In paragraph 8.3 (3) replace ‘2011-2034’ with ‘2035’

At the end of paragraph 8.4 add: ‘Due to its sensitivity and rural character, any proposals for development in Denton in the unnamed lane past Denton House will be expected to make good any damage to the lane before the development is occupied’

Policy CD2 – Design Principles

- 7.22 This policy sets out the Plan’s approach to design. It does so to good effect by making specific reference to the submitted Character Assessment. The policy has two related parts. The first sets out a requirement for high-quality development which accords with the principles of the Character Assessment. The second sets out the Plan’s definition of high-quality design.
- 7.23 The policy is a particularly effective response to the national agenda to secure high quality and locally-distinctive design.
- 7.24 To provide the clarity required by the NPPF I recommend that the first part of the policy acknowledges that not all development will be able to enhance the character of the neighbourhood area. I also recommend that the policy is more distinctive to the number of separate settlements in the neighbourhood area.

- 7.25 I recommend that the second part of the policy is reconfigured so that it provides specific commentary on the types of high-quality design which would be supported rather than to define the nature of good design. I also recommend consequential grammatical changes to some of the criteria in the policy. I also recommend that the reference to the South Oxfordshire Design Guide is generalised as it is currently being reviewed.
- 7.26 Finally I recommend consequential modification to the supporting text to reflect the recent adoption of the Local Plan 2035.

In the first part of the policy insert ‘where practicable’ between ‘and’ and ‘enhance’

In the first part of the policy replace ‘the village’s character’ with ‘the character of the settlement concerned’

**Replace the opening element of the second part of the policy with:
‘In particular development proposals should have regard to the following design principles as appropriate to their scale, nature and location:’**

In i replace ‘Follows’ with ‘the relevant elements of’ and delete ‘2016’

In ii replace ‘Fits in with’ with ‘relate to’

In paragraph 9.4 replace 2011-2034’ with ‘2035’

Policy CD3 – Housing Infill Developments

- 7.27 This policy supports limited infilling residential within Cuddesdon (including affordable housing). It does so within the wider context of the location of the neighbourhood area in the Green Belt. It is supported by five detailed criteria. The second criterion makes a connection with the Character Assessment work for both Cuddesdon and Denton.
- 7.28 The first part of the policy largely repeats national and local policy in relation to the Green Belt. CDPC agreed that this part of the policy could be deleted and I recommend accordingly. I note that the Green Belt issue provides a broader context for the policy and that that the issue is already incorporated in detail within the supporting text (paragraphs 10.2 to 10.4).
- 7.29 The policy provides a distinctive and positive approach to this important matter. SODC raise an issue about the relationship between the fourth criterion and relevant emerging Local Plan policies. This matter has now been overtaken by the adoption of the Local Plan. As such I recommend that the criterion is modified so that it is consistent with the relevant policies in that Plan. Otherwise, the policy meets the basic conditions.

Delete the first part of the policy.

Replace criterion iv) with ‘are consistent with Policies H8, H10 and H16 of the South Oxfordshire Local Plan’

Policy CD4 – Residential Parking

- 7.30 This policy comments about residential car parking. It takes account of the limited parking provision available for historic properties in Cuddesdon village centre.
- 7.31 The first part of the policy requires compliance with County Council parking standards. With a technical modification it meets the basic conditions.
- 7.32 The second part of the policy comments about detailed requirements for car parking. As submitted, it is not written in a policy format. In addition, it comments about ‘a priority should be given’ rather than identifying what will and will not be supported. I recommend a modification to remedy this issue.

In the first part of the policy replace ‘permitted only’ with ‘supported’

Replace the second part of the policy with:

‘Where practicable car parking requirements should be provided on site. Where on-site parking solutions are neither practicable nor appropriate, planning proposals should provide an effective and sensitive approach to mitigate the impact of additional on-street parking. Proposals should also address the need for parking solutions for visitors’

Policy CD5 – Community Facilities

- 7.33 This policy celebrates the various community facilities in the neighbourhood area. It recognises their importance to the social well-being of the various settlements.
- 7.34 It has three related parts. The first offers support to proposals that would improve or extend existing facilities. The key facilities are listed in paragraph 12.2. The second resists proposals which would result in the loss of existing community facilities or which would cause harm to their current uses. The third offers support to facilities suitable for young people.
- 7.35 The overall approach taken is appropriate and meets the basic conditions in general terms. In particular the second part of the policy takes account of commercial viability issues. I recommend detailed modifications to the first and second parts of the policy so that they have the clarity required by the NPPF. In particular in the first part of the policy the planning judgement is for the District Council through the development management process and not directly for the Parish Council.

Replace the first part of the policy with:

‘Proposals for the improvement, extension and refurbishment of existing community facilities will be supported where they meet all relevant requirements set out in other policies in this plan and in the Local Plan’

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

Policy CD6 – Local Green Gap

- 7.36 This policy is an important element of the Plan. It proposes a Local Green Gap (LGG) between Cuddesdon and Denton. It is shown on Figure 21.
- 7.37 As paragraph 13.2 of the Plan comments the policy seeks to protect the essential countryside character of the area between the individual settlements of Cuddesdon and Denton. The intention is to prevent the coalescence of the two settlements, to protect identified views and to safeguard their distinctive individual characters and setting.
- 7.38 I looked at the proposed LGG carefully during my visit. I saw that it consisted of two separate fields in grazing/pasture use. I also saw that the land fell both to the west and to the south. I looked at the LGG both from the footpath which runs along the hedge between the two fields and from Denton Hill.
- 7.39 I sought the CDPC’s comments on the extent to which the identification of the LGG was necessary beyond countryside and Green Belt policies. I also sought its comments on whether it was the smallest area that was required to meet the objectives of the policy approach proposed. It commented that the LGG could be effectively reduced in size so that it included only the southern of the two fields
- 7.40 Taking account of all the available information I am satisfied that the designation of a LGG will serve a distinctive purpose within the wider context of the development plan and would meet the basic conditions. The gap between the two settlements as seen from Denton Hill is approximately 100 metres in length. In addition, the landscape is such that both settlement edges are clearly seen one from the other, and along Denton Hill in particular.
- 7.41 However based on my observations during the visit I recommend that the northern of the two fields is removed from the LGG. Whilst I saw that the western part of Cuddesdon abuts onto this field its sensitivity with regards to potential coalescence is significantly less than that of the field to the south. In addition, the upper field is only partially visible from Denton Hill and is obscured from the footpath in the southern field by the intervening hedgerow and the gradient of the landscape.
- 7.42 The policy itself is appropriately non-prescriptive. Its approach is that any development should retain the open character of the identified LGG.
- 7.43 The policy requires that any development proposals should protect ‘identified long distance views’ However the policy does not directly identify any particular views.

CDPC helpfully commented that the policy related to views C and D (as highlighted in the earlier sections of the Plan). I recommend a modification to this effect to bring the clarity required by the NPPF.

- 7.44 I also recommend a modification to correct the numbering of figures.

In the first part of the policy replace ‘13’ with ‘21’

In the second part of the policy ‘the identified long-distance views’ with ‘the long-distance views C and D as identified in Figure 11

Delete the northern field from the proposed LGG on Figure 21

Policy CD7 – Local Green Spaces

- 7.45 This policy proposes the designation of a series of local green spaces (LGSs). It sets out the basis which the proposed LGSs meet the criteria for such designation in the NPPF.
- 7.46 The policy provides different degrees of information on the proposed LGSs. Part a of the policy identifies three specific LGSs (Cuddesdon Recreation Ground, Cuddesdon Green and Denton Green) in paragraphs 14.3 to 14.7. It then comments about two unspecified allotment areas. I looked at the proposed five LGSs as part of my visit. I saw that the allotment areas were on the north-west edge of the village (to the north of Ripon College) and off High Street. The Parish Council provided details about the names of the two allotment areas in its response to the clarification note.
- 7.47 Taking account of all the available information I am satisfied that the proposed LGSs meet the criteria in paragraph 100 of the NPPF. In particular they are in close proximity to the communities that they serve and are local in character. The two village greens are iconic elements of their respective communities.
- 7.48 In addition, I am satisfied that their proposed designation accords with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that they are consistent with the local planning of sustainable development. Their designation does not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are established elements of the local environment and has existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the LGSs would not endure beyond the end of the Plan period.
- 7.49 The third part of the policy takes the matter-of-fact approach as set out in paragraph 101 of the NPPF. However, I recommend a very specific modification to the wording used.

- 7.50 I recommend that the first and the second parts of the policy are combined so that they list the five LGSs in a simple and consistent fashion. I also recommend that the allotments are shown on Figure 22.

Replace parts a) and b) of the policy with:

‘The following parcels of land (as shown on Figure 22) are designated as Local Green Spaces:

- **Cuddesdon Green;**
- **Cuddesdon Recreation Ground**
- **Denton Green**
- **Parkside Allotments**
- **Denton Hill Allotments’**

In part c) of the policy replace ‘permitted’ with ‘supported’

Show the two allotment areas on Figure 22

Policy CD8 – Home Working

- 7.51 This policy offers support for home working. In the current Covid:19 circumstances it is a very timely policy.
- 7.51 The policy has two related parts. The first supports homeworking in general terms. The second supports proposals which would facilitate homeworking by providing infrastructure and additional visitor parking.
- 7.52 I sought advice from CDPC on the relationship between the different parts of the policy and the extent to which proposals for home working would be dependent on new infrastructure and/or additional parking.
- 7.53 I recommend two related modifications to the policy. They take account of the response from CDPC. The first acknowledges that several proposals for home working are likely to be permitted development as a material change of use will not take place. As such I recommend that the policy reflects this likelihood. I also recommend that it takes account of the need to safeguard the amenities of adjacent residential properties. The second breaks the policy into three separate parts to take account of CDPC’s support for both infrastructure improvements to provide better Broadband into the neighbourhood area and for any additional visitor parking which may arise directly from the use of a dwelling for home working.

Replace the policy with:

‘Insofar as planning permission is required, proposals for home working will be supported where they do not have an unacceptable impact on the amenities of surrounding residential properties.

Proposals to provide additional visitor car parking required for home working will be supported where they can be safely incorporated into the local highway network and where they do not have an unacceptable impact on the amenities of surrounding residential properties.

Proposals to improve broadband speed and accessibility in the neighbourhood area will be supported where they take account of the landscape and heritage assets'

Neighbourhood Statements

7.54 The Plan includes a series of neighbourhood statements. They have naturally arisen during the plan preparation process. They are set out in a separate part of the Plan as advised in national policy.

7.55 The Statements are as follows:

- Possible Expressway;
- Sustainable transport;
- Landscape character and biodiversity;
- Assets of community value; and
- Community Infrastructure Levy Priorities.

7.56 In their different ways I am satisfied that the Statements are appropriate to the neighbourhood area. They are also distinctive to local circumstances.

7.57 Statement 5 comments about the Parish Council's priorities for the use of the local element of community infrastructure levy income generated from any development in the neighbourhood area. The schedule in paragraph 21.2 is proportionate to the limited scale of new development that will arise in the Plan period. The approach also reflects best practice in the way in which the schedule will be reviewed on an annual basis.

Other Matters – Specific Wording

7.58 SODC has 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.

7.59 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.

7.60 I have also recommended modifications to the wording used in the earlier parts of the Plan to take account of the recent adoption of the South Oxfordshire Local Plan 2035.

Replace the second, third and fourth sentences of paragraph 1.3 with: 'The South Oxfordshire Local Plan 2035 was adopted in December 2020. It addresses a series of matters including housing, employment and infrastructure'

Replace paragraph 1.4 with: 'The newly adopted Local Plan continues to support and empower the production of neighbourhood plans'

Replace paragraph 4.2 with: 'The newly-adopted Local Plan identifies Cuddesdon as one of a series of smaller villages. As smaller hamlets neither Denton nor Chippinghurst feature in the settlement hierarchy'

In paragraph 4.3 delete the first sentence.

Replace paragraph 4.4 with: 'The adopted Local Plan does not expect that the smaller villages will provide a significant source of housing supply. However, it is possible that some development proposals may come forward over the Plan period in these villages such as single dwellings, infilling and conversions from other uses. Such proposals will be considered against the relevant policies in the Local Plan and in this Plan'

In paragraph 4.5 replace 'in unsustainable parishes' with 'in less sustainable locations'

Replace paragraphs 4.91/4.92 with the same text as in paragraphs 4.2 and 4.4 (see above)

Other matters - General

- 7.61 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 or to reflect the recent adoption of the South Oxfordshire Local Plan. It will be appropriate for SODC and CDPC to have the flexibility to make any necessary consequential changes and factual updates to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

- 7.62 The submitted Plan has consistently been prepared to ensure that 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 Plan period of the submitted Plan is modified accordingly. This general modification supplements the more specific comments in paragraph 7.60 of this report.

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 2035. 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 Cuddesdon and Denton 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 Cuddesdon and Denton 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 approved by South Oxfordshire District Council on 5 September 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