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SOUTH OXFORDSHIRE DISTRICT COUNCIL

TETSWORTH 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 Tetsworth 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 Tetsworth Parish Council, as the qualifying body, successfully applied for Tetsworth Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
- 4 Following the submission of the Tetsworth 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 Tetsworth Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights¹, complies

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.

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 Tetsworth Neighbourhood Development Plan to referendum.

Reasons for decision

- 7 The Tetsworth 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 development (Policies TET1 and TET2). In the social role, it includes a policy

on green spaces (Policy TET7). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on key views (Policy TET4), on the designation of a local green space (Policy TET7) and on biodiversity (Policy TET8).

- 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 Tetsworth 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 Tetsworth 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 October 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 October 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 16 September 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, paragraph 7.52, 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

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Appendix 1: Examiner's recommendations			
Policy/ Section	Examiner's recommendations	Council's Decision	Justification/Reason
Policy TET1 – Development within the village settlement and surrounding countryside	<p>Replace 'South Oxfordshire.... Neighbourhood Plan' with 'South Oxfordshire Local Plan 2035 and any other relevant policies of this neighbourhood plan'</p> <p>In paragraph 5.3 replace the third sentence with: '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. 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'</p> <p>Delete the fourth and fifth sentences of paragraph 5.3.</p> <p>In paragraph 5.4 replace 'SODC.... CSEN1)' with 'adopted Local Plan</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 and to take account of the recent adoption of the Local Plan.
Policy TET2 – Settlement	In the second paragraph of the policy delete 'only'	Agree	The council consider the proposed modifications to the policy to be necessary to

Character Areas and Design Criteria	<p>At the beginning of the third paragraph of the policy add 'As appropriate to their scale, nature and location'</p> <p>In the seventh bullet point replace 'significant' with 'unacceptable' and delete the first of the two 'residential'</p>		ensure that the policy has the clarity that is required by national policy and guidance
Policy TET4 – Key Views	<p>Replace 'significant' with 'an unacceptable'</p> <p>Delete 'assessed.....2019'</p> <p>In paragraph 5.10 after 'report' add '(March 2019)'</p> <p>At the end of paragraph 5.10 add 'The 15 Key Views Report is reproduced in Appendix [insert relevant number/letter] of the Plan</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
Policy TET5 – Local Heritage Assets	<p>Replace the final paragraph of the policy with:</p> <p>'Development proposals that contribute to the conservation of a local heritage asset in a manner appropriate to its significance will be supported.</p> <p>Proposals for development affecting any of these local heritage assets should be accompanied by an assessment of their significance and a description of the means employed to avoid or minimise harm to them to a level of detail justified by the nature of those effects and the significance of the asset. Any harm that cannot be avoided should be robustly justified by the delivery of public benefits that could not otherwise be delivered, taking into</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 and to take account of the recent adoption of the Local Plan.

	<p>account the scale of any harm or loss and the significance of the asset.'</p> <p>In paragraph 5.13 delete the first sentence. Thereafter replace the second sentence with:</p> <p>'Policy ENV6 of the South Oxfordshire Local Plan 2035 also addresses this matter. Both policies are complementary to the provisions of Para 197 of the NPPF in respect of non-designated heritage assets. At present, the District Council does not maintain a list of such assets'</p>		
Policy TET6 – Landmark Buildings	<p>In the opening part of the policy delete 'with significant....value'</p> <p>In paragraph 5.15 replace 'This policy will operate alongside Policy CSQ3 of the Core Strategy (and Policy DES1 of the emerging Local Plan)' with 'This policy will operate alongside Policy DES1 of the adopted Local Plan'</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 and to take account of the recent adoption of the Local Plan.
Policy TET7 – Green and Public Open Spaces	<p>Delete the first part of the policy.</p> <p>Delete the third part of the policy (on Judd's Lane).</p> <p>Replace the final part of the policy with:</p> <p>'Development proposals which would result in the loss of an identified public open space will only be supported where:</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.

	<ul style="list-style-type: none"> • alternative provision of the public open space in an accessible location is secured as part of the development proposal; or • it can be demonstrated that the open space concerned is surplus to requirements' <p>Replace paragraph 5.16 with: 'Policy TET7 sets out the Plan's approach to open spaces. It recognises their importance to the local community and to the fabric of the settlement'</p> <p>In paragraph 5.17 delete 'Secondly'</p> <p>At the end of paragraph 5.17 add: 'Judd's Lane has major historic significance for Tetsworth. As long ago as the 11th century, it formed part of a north-south roadway from Thame to Wallingford crossing the east-west London to Oxford highway at a location which defined the initial establishment of the Tetsworth village settlement. Its transport significance diminished over the centuries until it became designated as a public bridleway only suitable for horses, walkers and cyclists, and providing access for farmers and residents of the handful of dwellings on the route. It is not identified as a public open space as it is a highway and its use is controlled by separate legislation. Nevertheless, the Parish Council will work with others to ensure that its tranquillity is safeguarded throughout the Plan period'</p>		
Policy TET8 –	Replace the policy with:	Agree	The council consider the proposed

Biodiversity and the natural environment	<p>'Development proposals should ensure that existing wildlife habitats are not unacceptably affected, and that existing green and blue infrastructure are preserved and where practicable enhanced (including providing net gains in biodiversity).</p> <p>As appropriate to their scale, nature and location development proposals should take account of the relevant geographic area of the Tetsworth Parish Character Assessment.</p>		modifications to the policy to be necessary to ensure that the policy has the clarity that is required by national policy and guidance and
Policy TET9 – Residential Parking	<p>Replace the second part of the policy with</p> <p>'All new residential developments should be associated with the provision of appropriate dedicated on-site parking solutions for each dwelling. Where such parking solutions are not practicable or are otherwise inappropriate, planning proposals should set out reasonable alternative provision such as communal parking areas, garage blocks or parking bays'</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.
Other Matters – Specific Wording	<p>Replace paragraphs 1.7 and 1.8 as follows:</p> <p>'1.7 The Plan has been prepared within the transitional period between the operation of the South Oxfordshire Core Strategy and the South Oxfordshire Local Plan 2035</p> <p>1.8 The Local Plan was adopted in December 2020. The neighbourhood plan was examined against its policies'</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 and to take account of the recent adoption of the Local Plan.

	<p>In paragraph 3.1 replace ‘SODC’s existing policies.... Local Plan 2034’ with ‘and the policies in the South Oxfordshire Local Plan 2035’</p> <p>In paragraph 4.11 replace ‘current version...2034’ with ‘the adopted Local Plan 2035’</p> <p>In paragraph 4.12 delete the first sentence.</p> <p>In paragraph 4.13 replace the second sentence with: ‘The village’s status as a smaller village indicates that future housing growth should be limited to infill proposals’</p>		
Other matters - General	<p>Modification of general text (where necessary) to achieve consistency with the modified policies.</p> <p>Throughout the Plan replace ‘2034’ with ‘2035’ in any references to the Plan period.</p>	Agree	<p>The council agrees with the examiner that the Plan needs to be updated to ensure consistency across the modified policies and supporting text and to take account of the adoption of the South Oxfordshire Local plan 2035 as this was the context within which the Plan was examined.</p> <p>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.</p>

APPENDIX 2 – Examiner’s Report

The Examiner’s Report is available here: <https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2021/01/Tetsworth-Neighbourhood-Development-Plan-Examiners-final-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
All	Replace references to ‘Publication Version’ to ‘Referendum Version’ also update date to reflect publication date March 2021	To reflect progression of the plan to referendum and correct date of publication.
All	Correct grammatical errors resulting from deletion of text	Grammatical correction.
All	Update paragraph and page numbers resulting from additional or deleted text	To correct formatting resulting from changes to the plan.
All	Correct reference to SODC Local Plan by deleting word ‘emerging’ and where necessary replace with ‘adopted’.	To reflect the adoption of the Local Plan.
All	When referencing the ‘Local Plan’, where necessary add the words ‘South Oxfordshire’ in front	To provide clarity on which document is being referenced.
Contents Page	Add reference to new appendix A – 15 Key Views Report	To reflect the Examiner’s recommendation to include the report in the Plan.
1.3 and 1.6	Update length of plan period from ‘14’ to ‘15’ years	To be consistent with the adopted Local Plan.

1.4	Last sentence delete word 'being' from final sentence	Grammatical correction.
1.7	Replace the words 'the plan' with 'Tetsworth NDP'	To provide clarity that as to which plan it is referring to.
1.8	Replace the words 'The neighbourhood plan' with 'and the Tetsworth NDP' also delete full stop and merge with previous sentence	To provide clarity that as to which plan it is referring to.
2.9	Add additional text to final sentence, 'until recently, a' before the words 'weekend service'. Add additional sentence to end of paragraph 'A Saturday service was introduced in September 2020'.	To provide factual update.
3.2	Abbreviate 'Neighbourhood Plan' to 'NDP'	To be consistent throughout the plan.
4.1	Delete reference to 'development plans' and replace with 'Local Plan 2035' and make consequential grammatical changes to sentence so now reads 'the South Oxfordshire Local Plan 2035...'	To be consistent throughout the plan on terminology used and correct grammatical errors.
4.3	Update text description of The Grange Estate to read as follows; The Grange Estate (Now Blackthorn Rise) A development site at Mount Hill Farm has recently been transformed into a new 39 dwelling housing estate with a single access to the High Street. The development build-phase was completed in October 2020 and the estate is now named Blackthorn Rise. The development has delivered a	To provide factual update.

	modern mix of market and affordable homes.	
4.8	Replace the word 'level' with 'extent'	Grammatical correction.
4.10	In second sentence delete text 'now in the build phase' and replace with 'temporarily' and at end of sentence add text 'and now named Blackthorn Rise'.	To provide factual update.
4.10	In final sentence update reference to Local Plan 2035 and reference correct policy reference so now reads 'This is nearly double the upper growth expectation in Policy H8 for Smaller Villages in the South Oxfordshire Local Plan 2035, and is consistent with Policy H16 which limits housing growth in Smaller Villages to infill developments and the redevelopment of previously developed land or buildings..	To ensure plan references correct policies.
4.11	Update final part of paragraph, delete; 'build-phase of the 39 new dwellings at Mount Hill Farm is underway, but the dominant Harrington proposal does not appear in the current version SODC's emerging Local Plan 2034'. Replace with; '39 new dwellings at Mount Hill Farm is now complete. The dominant Harrington strategic site proposal shown in Figure 7 has not been included in the adopted South Oxfordshire Local Plan 2035'.	To provide factual update and add cross reference to figure 7.
4.12	In first sentence add the word 'future' before the	Grammatical correction.

	word 'status'	
5.3	Update reference to Local Plan Policy H16 to include modified policy name; 'Backland and Infill Development and Redevelopment'.	To be consistent with adopted Local Plan policy name.
5.15	Delete second sentence 'which requires proposals to create a distinct sense of place by way of understanding the role played by a landmark in the street-scene or countryside'.	Additional explanatory text not required.
Policy TET7	In second part of policy delete word 'also'	No longer grammatically correct as first part policy has been deleted.
5.17	In first sentence replace 'four' with 'five' in relation to the number of public open spaces.	Factual correction.
Policies Map Figurer 8 and 9	Update maps to reflect changes to Plan including removal of Local Green Space designation, correct dates and title of Maps.	To update maps to reflect changes to plan and to reflect progression of the plan to referendum and correct date of publication.

Tetsworth Neighbourhood Development Plan 2019-2034

**A report to South Oxfordshire District Council on
the Tetsworth 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 Tetsworth Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 13 July 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 local character and providing a context within which new dwellings can be accommodated within the village. It proposes a local green space.
- 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 Tetsworth 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 Tetsworth Neighbourhood Development Plan 2019-2034 (the 'Plan').
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Tetsworth Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a clear focus on maintaining the integrity of the neighbourhood area and ensuring good design standards.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by SODC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both SODC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan;
 - the Basic Conditions Statement;
 - the Consultation Statement;
 - the Character Assessment;
 - the Housing Analysis;
 - the Sustainability Overview;
 - the Key Views Report;
 - 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 13 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 the Parish Council and the District Council 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 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 (October to December 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 launch and the associated presentation;
 - the residents' questionnaire (May 2017);
 - presentation displays at village fêtes throughout the Plan preparation period;
 - presentation displays at Christmas fêtes throughout the Plan preparation period;
 - presentation and updates to the annual parish meetings throughout the Plan preparation period;
 - the preparation of articles for the Tetsworth newsletter; and
 - specific engagement events during the pre-submission plan consultation period.
- 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 The Statement provides specific details on the comments received during the consultation process associated with the pre-submission version of the Plan (Appendices 7/8/9). 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. This exercise generated comments from a range of organisations as follows:
- Environment Agency;
 - JC Gill Developments Limited;
 - National Grid;
 - Scottish and Southern Electricity Networks;
 - Highways England;
 - Terra Strategic;
 - Historic England;
 - South Oxfordshire District Council; and
 - Natural England
- 4.9 Representations were also received from two 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 Tetsworth. Its population in 2011 was 693 persons living in 294 houses. It was designated as a neighbourhood area on 1 June 2017. It is an irregular area located between Wheatley to the north-west and Lewknor to the south east. The neighbourhood area is predominantly a rural parish and much of its area is in agricultural use. The A40 runs through the neighbourhood area in a north west to south-east direction parallel to the M40.
- 5.2 The principal settlement in the neighbourhood area is Tetsworth. It is based around the A40 and presents a series of attractive historic buildings along this former main road between London and Oxford. It has an attractive village green and a range of important commercial and community facilities.
- 5.3 The remainder of the neighbourhood area consists of a very attractive agricultural hinterland. It includes the Oxfordshire Golf Hotel and Spa to the north of Tetsworth village. The Oxfordshire Way runs through the neighbourhood area in a north-south direction.

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 Tetsworth Plan:

Policy STRAT 1	The Overall Strategy
Policy H8	Housing in the Smaller Villages
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 Tetsworth 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 13 July 2020.
- 5.10 I drove into the neighbourhood area from the A329/M40 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. Throughout the visit I looked at the key views, the Green and Public Open Spaces, the proposed landmark buildings and the proposed Local Heritage Assets.
- 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 walked back to the north to look at Tetsworth Common (the proposed local green space in the Plan). In doing so I saw the site of the car boot sale to the south of the A40. I walked through the Common from the A40 along the footpath to the north. At the northern end of the Common I followed the footpath to the south and east into the village.
- 5.12 I then looked at the Village Green. I saw that it was physically and functionally at the heart of the community. I saw the pavilion, the children's play area and the Forest School. On the other side of the A40 I saw the Red Lion P.H. and the associated village store and the White Lion Estate Agency.
- 5.13 I then walked along the footpath to the north and west of Swan Gardens. I saw the way in which the village related to the countryside to the north. I also saw the attractive and sensitive way in which the gardens to the rear of the dwellings on its northern and western flank related to the footpath.
- 5.14 I walked along the A40 to the south and east of the village. I saw the attractive school building, and Emerton House on the opposite side of the road. From the top of the hill I saw the way in which the view to the north was framed by the impressive Swan at Tetsworth (now an antique centre).

- 5.15 I then walked around Back Street and Parkers Hill up to St Giles Church. In doing so I saw a variety of vernacular buildings (constructed of both brick and stone).
- 5.16 I finished my visit by driving towards Moreton and then to the Oxfordshire Golf Hotel and Spa. This highlighted the relationship between Tetsworth and its wider landscape setting.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).
- 6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019. This approach is reflected in the submitted Basic Conditions Statement.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Tetsworth 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 role in the settlement hierarchy. In particular it includes a series of policies on the scale and nature of new development. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for infill development (Policies TET1 and TET2). In the social role, it includes a policy on green spaces (Policy TET7). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on key views (Policy TET4), on the designation of a local green space (Policy TET7) and on biodiversity (Policy TET8). 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. 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 (October 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 also takes account of the Spartum Fen SSSI and the Knightsbridge Lane SSSI. 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 the need for it to comply with the basic conditions. It defines the Plan period and includes a map of the designated neighbourhood area. It provides a very succinct summary of the role of a neighbourhood plan and how the Plan itself has been prepared within its wider strategic context. It then sets out the broad structure of the Plan and lists the Evidence Base. It is a particularly effective introduction to a neighbourhood plan.
- 7.10 Section 2 describes keys elements of the neighbourhood area. It does so in a very effective fashion. It is comprehensive in its coverage and includes information on:

- its location;
- its rural setting;

- its history;
- its heritage;
- present day Tetsworth;
- transport infrastructure; and
- current issues associated with living in the Parish.

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

- 7.11 Section 3 sets out a comprehensive vision and related objectives for the Plan. In all cases they are distinctive to the neighbourhood area. It is clear that the policies flow from the evidence base and the supporting text. It is also clear that the Vision and the Objectives are both distinctive and appropriate to the neighbourhood area.
- 7.12 Section 3 comments about the way in which the Plan has sought to address key issues arising from the planning policy context within which it has been prepared. It makes detailed references both to the former Core Strategy and to the Local Plan (which was emerging at that time).
- 7.13 Section 4 comments in further detail about the key components of the Evidence Base. Each component is described in a proportionate fashion.
- 7.14 The submitted Plan is accompanied by a Character Assessment. It is a well-researched document which provides important evidence for Policy TET2. The Introduction to the Assessment neatly identifies its purpose as follows:

'This Assessment of the Character of Tetsworth Parish has been prepared to guide and support the policies included in the Tetsworth Neighbourhood Plan. In short, it provides the evidence of 'what makes Tetsworth special' and will be used to inform future land use and the nature, extent and location of developments in the Parish over the planning period from 2011 to 2035'

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

- Settlement Character Area 1 – Village Historic Core
- Settlement Character Area 2 – Marsh End/High Street West
- Settlement Character Area 3 – Village Green
- Settlement Character Area 4 – Swan Gardens Estate
- Settlement Character Area 5 – The Grange Estate
- Settlement Character Area 6 – High Street East
- Character Sector 1 – Land North of Tetsworth Countryside
- Character Sector 2 – Land East of Tetsworth Countryside
- Character Sector 3 – Land South-East of Tetsworth between M40 and A40 Countryside
- Character Sector 4 – Land to the South of the M40
- Countryside Character Sector 5 – Land North-West of Tetsworth between M40 and A40

- 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 TET1 – Development within the village settlement and surrounding countryside

- 7.17 This policy sets out a spatial strategy for the neighbourhood area. It supports infill development within the settlement of Tetsworth, and applies countryside policies elsewhere.
- 7.18 The policy is in general conformity with the strategic policies in the recently-adopted South Oxfordshire Local Plan and within the context of Tetsworth's identification as a Smaller Village in the settlement hierarchy. I recommend modifications both to the policy and to the supporting text to take account of the recent adoption of the Local Plan. Otherwise, the policy meets the basic conditions.

Replace ‘South Oxfordshire.... Neighbourhood Plan’ with ‘South Oxfordshire Local Plan 2035 and any other relevant policies of this neighbourhood plan’

In paragraph 5.3 replace the third sentence with:

‘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. 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’

Delete the fourth and fifth sentences of paragraph 5.3.

In paragraph 5.4 replace ‘SODC.... CSEN1)’ with ‘adopted Local Plan’

Policy TET2 – Settlement Character Areas and Design Criteria

- 7.19 This is an important policy within the Plan. It builds on the excellent work associated with the Character Assessment. The policy requires that development proposals demonstrate how the positive features of the Character Area concerned have been incorporated into the proposed development. The policy identifies nine specific design features with which new development should comply.
- 7.20 The design features are appropriate to the neighbourhood area. The application of the policy will help to ensure that high quality design comes forward and can be actively supported.
- 7.21 In its response to the clarification note the Parish Council agreed that it would be appropriate for the policy to be modified so that the design principles are applied as and when relevant to the development proposed. As submitted the policy would have a universal effect. I also recommend that the initial part of the policy is modified by the

removal of the word ‘only’ given that the policy has sufficient safeguards to make such an approach unnecessary. The effect of the modification would be to ensure that the policy has a positive approach as required by the NPPF.

- 7.22 Finally I recommend a specific modification to one of the design criteria that it can properly be applied through the development management process.

In the second paragraph of the policy delete ‘only’

At the beginning of the third paragraph of the policy add ‘As appropriate to their scale, nature and location’

In the seventh bullet point replace ‘significant’ with ‘unacceptable’ and delete the first of the two ‘residential’

Policy TET3 – Countryside Character Areas

- 7.23 This policy follows the approach of Policy TET2. In this case its focus is on the Countryside Character Areas. It makes use of the design criteria in Policy TET2.
- 7.24 As with the previous policy the approach is appropriate and distinctive to the neighbourhood area. Within the context of the modifications already recommended to Policy TET 2 it meets the basic conditions.

Policy TET4 – Key Views

- 7.25 This policy celebrates the key views as identified in the 15 Key Views Report. The Report is an excellent document that has been produced in a professional fashion. I looked at some of the identified views during my visit to the neighbourhood area.
- 7.26 As paragraph 5.11 of the Plan comments the views are particularly distinctive to the rural landscape setting of the neighbourhood area, with the village lying low within it but with long views into the countryside. Importantly the policy does not seek to prevent any development within any identified view but requires that proposals recognise and take account of the views and their significance in design terms. In each case, only the minimum area of land necessary to define the view has been identified.
- 7.27 I recommend that the policy is modified so that it can properly be applied through the development management process. I also recommend that the details of the Key Views Report feature in the supporting text given that informs the policy approach. Finally, I recommend that the Key Views Report should eventually be included as an appendix of the Plan. Plainly so far it has properly been considered as a background document. The presentation of the information in this fashion will however allow developers to have ready access to the necessary information to allow a sensitive approach to be taken to relevant proposals.
- 7.28 Otherwise the policy meets the basic conditions. Its implementation will complement the approach included in both Policies TET 2 and TET3.

Replace ‘significant’ with ‘an unacceptable’

Delete ‘assessed.....2019’

In paragraph 5.10 after ‘report’ add ‘(March 2019)’

At the end of paragraph 5.10 add ‘The 15 Key Views Report is reproduced in Appendix [insert relevant number/letter] of the Plan’

Policy TET5 – Local Heritage Assets

- 7.29 This policy proposes the identification of eight local heritage assets. In each case their significance has been identified as part of the Character Assessment process.
- 7.30 The policy approach is supported by Historic England. It comments that ‘the Character Assessment document provides a robust method of identifying and describing the significance of these heritage assets, whilst consultation on the plan provides an opportunity for owners and other interested parties to comment on their identification. The examination of the plan allows a review process and making of the plan represents a formal adoption procedure. As such this fulfils the robust process set out in our Historic England Advice Note 7: Local Heritage Listing (published May 2016)’
- 7.31 Historic England also comments that the final part of the policy fails to capture the approach towards the protection of non-designated heritage assets as set out in the NPPF. I agree with these comments and recommend modifications to remedy the matter. In doing so, I have used the helpful suggestion of Historic England as the basis for the replacement element of the policy.
- 7.32 I also recommend modifications to paragraph 5.13 to take account of the recent adoption of the Local Plan.

Replace the final paragraph of the policy with:

‘Development proposals that contribute to the conservation of a local heritage asset in a manner appropriate to its significance will be supported.

Proposals for development affecting any of these local heritage assets should be accompanied by an assessment of their significance and a description of the means employed to avoid or minimise harm to them to a level of detail justified by the nature of those effects and the significance of the asset. Any harm that cannot be avoided should be robustly justified by the delivery of public benefits that could not otherwise be delivered, taking into account the scale of any harm or loss and the significance of the asset.’

In paragraph 5.13 delete the first sentence. Thereafter replace the second sentence with:

‘Policy ENV6 of the South Oxfordshire Local Plan 2035 also addresses this matter. Both policies are complementary to the provisions of Para 197 of the NPPF in respect of non-designated heritage assets. At present, the District Council does not maintain a list of such assets’

Policy TET6 – Landmark Buildings

- 7.33 This policy identifies three landmark buildings which, as the supporting text comments, whilst not designated as listed buildings or local heritage assets, occupy a prominent location in the village or countryside and contribute to its character and the sense of place. The policy requires that any development proposals for their extension or redevelopment should safeguard the role of each building in establishing the character of its component part of the neighbourhood area.
- 7.34 The Parish Council clarified the role of the policy in its response to the clarification note. In particular it identified that the purpose of the policy is to safeguard their prominence in the local environment rather than to safeguard the facilities which they offer to the community. I recommend modification to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions.
- 7.35 I also recommend modifications to paragraph 5.15 to take account of the recent adoption of the Local Plan.

In the opening part of the policy delete ‘with significant....value’

In paragraph 5.15 replace ‘This policy will operate alongside Policy CSQ3 of the Core Strategy (and Policy DES1 of the emerging Local Plan)’ with ‘This policy will operate alongside Policy DES1 of the adopted Local Plan’

Policy TET7 – Green and Public Open Spaces

- 7.36 This policy sets out the Plan’s approach to green spaces. It has two principal parts. The first proposes the designation of Tetsworth Common as a local green space (LGS). The second identifies five public open spaces and applies a policy to ensure their future retention from built development,
- 7.37 I looked at the proposed open spaces when I visited the neighbourhood area. I am satisfied that their identification as open spaces in the Plan would serve a distinctive purpose. In their different ways they are attractive parts of the local environment. The policy identifies the limited circumstances where development would be supported on open spaces. They are appropriate to the circumstances of the policy. Nevertheless, I recommend that they are considered as two alternative approaches. I also recommend that any potential alternative provision of the public open space concerned is provided in an accessible location to the local community.
- 7.38 As submitted the Plan does not directly address the extent to which the proposed designation of Tetsworth Common as a LGS meets the criteria in paragraph 100 of the NPPF. I sought clarification from the Parish Council on the issue. It commented as follows on the extent to which it meets the criteria:

‘In reasonably close proximity to the community it serves - Tetsworth Common lies immediately adjacent to the north western edge of the village settlement and shares a border with some of the dwellings at the end of Marsh End.

Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife - Tetsworth Common has existed as such for many centuries. It is defined and named in Bryant's map of 1823 and is believed to feature in much earlier descriptions of the local area. It has maintained its agricultural nature through to today as an enclosed single field pasture with grazing rights currently let to a Tetsworth-based farmer. Public recreational access is well served by the abundant network of local public footpaths and the Common is crossed by a public bridleway from its southern boundary alongside the A40 to a junction with the Oxfordshire Way named footpath on its northern edge. Its naturally biodiverse character complements the role of Tetsworth Village Green which is actively managed for team sports usage and hosting a children's play area. As such Tetsworth Common is enjoyed as a quiet rural recreation amenity by both local residents and transiting visitors.

Local in character and is not an extensive tract of land - Tetsworth Common is a single field of approximately 17hectares defined by surrounding mature hedgerows and includes a small natural pond and adjacent stand of trees. Its agricultural use as a grazing pasture is typical of the rural landscape surrounding the village settlement. Its recreational amenity value derives from this undeveloped rural character'

- 7.39 I looked at the Common in detail as part of my visit. In particular I walked along the footpath which runs across it in a north-south direction and then along the path on its north-east boundary which leads back into the village. Based on all the available information I am satisfied that the proposed LGS is in close proximity to Tetsworth. On balance, I am satisfied that it is demonstrably special to the local community. Whilst it is agricultural use it is extensively used for informal walking and recreational use. It also has important historical significance.
- 7.40 However I am not satisfied that it is local in character. On the contrary at 17 hectares in size it is an extensive tract of land. In this context it is significantly larger than a traditional LGS (such as a village green or a children's play area) which are proposed in other similar plans.
- 7.41 Given that LGSs need to meet each of the three criteria I recommend that the proposed Tetsworth Common LGS is deleted from the Plan. I also recommend consequential modifications to the supporting text.
- 7.42 I recognise that this will be a disappointment to the Parish Council. Nevertheless, the role and status of the Common in the local area would be unaffected by this recommendation. In any event protection that would be provided by LGS designation is largely provided by strategic policies in the development plan with regard to proposed developments in and around smaller villages.
- 7.43 Finally the policy makes reference to Judd's Lane and the way in which it provides access to an undeveloped rural corridor on either side of the track. In its response to the clarification note the Parish Council acknowledged that this element of the policy does not sit comfortably within its wider structure and composition. In terms of details on Judd's Lane it commented that:

'Judd's Lane has major historic significance for Tetsworth. As long ago as the 11th century, it formed part of a north-south roadway from Thame to Wallingford crossing the east-west London to Oxford highway at a location which defined the initial establishment of the Tetsworth village settlement. Its transport significance diminished over the centuries until it became designated as a public bridleway only suitable for horses, walkers and cyclists, and providing access for farmers and residents of the handful of dwellings on the route'

- 7.44 The Parish Council also suggested that it would be content for Judd's Lane to be identified as an additional public open space if this was required to safeguard its role as a public bridleway. I have considered this suggestion carefully. Having done so I have not recommended such a modification for two related reasons. The first is that there has been no opportunity for the public or affected owners to comment on the matter. The second is that the use of Judd's Lane is a highways matter (and which is controlled by Oxfordshire County Council) rather than a land use matter for the planning system. However, given the importance of this matter to the local community I recommend that the matter is incorporated, with modifications, in the supporting text.

Delete the first part of the policy.

Delete the third part of the policy (on Judd's Lane).

Replace the final part of the policy with:

'Development proposals which would result in the loss of an identified public open space will only be supported where:

- **alternative provision of the public open space in an accessible location is secured as part of the development proposal; or**
- **it can be demonstrated that the open space concerned is surplus to requirements'**

Replace paragraph 5.16 with: 'Policy TET7 sets out the Plan's approach to open spaces. It recognises their importance to the local community and to the fabric of the settlement'

In paragraph 5.17 delete 'Secondly'

At the end of paragraph 5.17 add: 'Judd's Lane has major historic significance for Tetsworth. As long ago as the 11th century, it formed part of a north-south roadway from Thame to Wallingford crossing the east-west London to Oxford highway at a location which defined the initial establishment of the Tetsworth village settlement. Its transport significance diminished over the centuries until it became designated as a public bridleway only suitable for horses, walkers and cyclists, and providing access for farmers and residents of the handful of dwellings on the route. It is not identified as a public open space as it is a highway and its use is controlled by separate legislation. Nevertheless, the Parish Council will work with others to ensure that its tranquillity is safeguarded throughout the Plan period'

Policy TET8 – Biodiversity and the natural environment

- 7.45 This policy seeks to ensure that biodiversity and the natural environment of the neighbourhood area is safeguarded from development which would detract from its integrity. It has two parts. The first takes a general approach. The second establishes a link to the findings of the Character Assessment (and ultimately to Policies TET2 and TET 3 of the Plan).
- 7.46 The approach is appropriate in general terms. Nevertheless, I recommend modifications so that the policy will have the clarity required by the NPPF. In particular the second part of the policy will ensure that new development responds to the Character Assessment work in a proportionate way.

Replace the policy with:

'Development proposals should ensure that existing wildlife habitats are not unacceptably affected, and that existing green and blue infrastructure are preserved and where practicable enhanced (including providing net gains in biodiversity).

As appropriate to their scale, nature and location development proposals should take account of the relevant geographic area of the Tetsworth Parish Character Assessment.'

Policy TET9 – Residential Parking

- 7.47 This policy requires development proposals to incorporate dedicated parking arrangements for each dwelling to the County Council's standards in place at that time. The second part of the policy sets out that a 'priority' should be given to developments which achieve this outcome.
- 7.48 A policy with a priority for one type of development over another does not bring the clarity required by the NPPF. I recommend modifications to remedy this issue and which, indirectly, simplifies the policy. Otherwise, it meets the basic conditions.

Replace the second part of the policy with

'All new residential developments should be associated with the provision of appropriate dedicated on-site parking solutions for each dwelling. Where such parking solutions are not practicable or are otherwise inappropriate, planning proposals should set out reasonable alternative provision such as communal parking areas, garage blocks or parking bays'

Other Matters – Specific Wording

- 7.49 SODC have suggested a series of contextual changes to the supporting text in the Plan. Some of these comments relate to the general text in the introductory sections of the Plan. I have found the various suggestions to be very helpful both in my understanding of the Plan and in testing it against the basic conditions.

- 7.50 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.
- 7.51 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 paragraphs 1.7 and 1.8 as follows:

'1.7 The Plan has been prepared within the transitional period between the operation of the South Oxfordshire Core Strategy and the South Oxfordshire Local Plan 2035

1.8 The Local Plan was adopted in December 2020. The neighbourhood plan was examined against its policies'

In paragraph 3.1 replace 'SODC's existing policies.... Local Plan 2034' with 'and the policies in the South Oxfordshire Local Plan 2035'

In paragraph 4.11 replace 'current version...2034' with 'the adopted Local Plan 2035'

In paragraph 4.12 delete the first sentence.

In paragraph 4.13 replace the second sentence with: 'The village's status as a smaller village indicates that future housing growth should be limited to infill proposals'

Other matters - General

- 7.52 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 the Parish Council 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.

- 7.53 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 7.51 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 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 Tetsworth 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 Tetsworth 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 1 June 2017.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. This applies particularly to the agreement on the matter of the examination of the submitted Plan against the recently-adopted Local Plan.

**Andrew Ashcroft
Independent Examiner
19 January 2021**