

Listening Learning Leading

# SOUTH OXFORDSHIRE DISTRICT COUNCIL

## **CROWMARSH NEIGHBOURHOOD PLAN DECISION STATEMENT**

#### Summary

- 1 Following an independent Examination, South Oxfordshire District Council confirmed on 20 July 2021 that the Crowmarsh 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 Crowmarsh Parish Council, as the qualifying body, successfully applied for Crowmarsh Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
- 4 Following the submission of the Crowmarsh Parish Neighbourhood Plan Submission Version ('the Plan') to the district council, the Plan was publicised and comments were invited from the public and stakeholders. The publicity period closed on 9 March 2021.
- 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 decided on 20 July 2021:

- 1. To accept all modifications recommended by the Examiner;
- 2. To determine that the Crowmarsh Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights<sup>1</sup>, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and

<sup>&</sup>lt;sup>1</sup> *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.

3. To take all appropriate actions to progress the Crowmarsh Neighbourhood Development Plan to referendum.

#### **Reasons for decision**

- 7. The Crowmarsh Parish 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 (NPPF) and this conclusion is reached bearing this in mind. It should be noted that the NPPF was revised on 20 July 2021. The revised NPPF replaces the previous NPPF published in March 2012, revised in July 2018 and updated in February 2019. The advice within National Planning Practice Guidance ("NPPG") has also been borne in mind in reaching this conclusion.
- 7 Paragraph 13 of the NPPF 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 polices. More specifically paragraph 29 of the NPPF states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.
- 8 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.
- 9 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 and green spaces whilst encouraging appropriate development to come forward.
- 10 The Plan, as modified by the Examiner's recommendations, contributes to the achievement of sustainable development. This condition relates to the making of the plan as a whole. It does not require that each policy in it must contribute to sustainable development. Sustainable development has three principal dimensions economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for infill residential development (Policy CRP1) and for new employment development at Howbery Park (Policy CRP3). In the social role, it includes policies on green spaces

(Policy CRP6) and on housing mix (Policy CRP2). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on the wider environment (Policy CRP4) and on wildlife and biodiversity (Policy CRP5). 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.

- 11 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. The Plan delivers a local dimension to the strategic context and supplements the detail already included in the adopted Local Plan.
- 12 Crowmarsh Gifford is identified as a Larger Village and North Stoke and Mongewell are identified as Other Villages in the adopted Local Plan (Appendix 7). Policy H4 (Housing in the Larger Villages) sets out how a housing requirement of 257 homes will be collectively delivered at the Larger Villages of Nettlebed, Sonning Common and Woodcote. The Local Plan proposes the provision of 15% growth in the Larger Villages, table 4f in the Local Plan sets out the provision of homes at Larger Villages, including Crowmarsh Gifford. Table 4f sets out a requirement figure of 312 for Crowmarsh Gifford, however it also sets out that there have been 571 completions and commitments as of 1 April 2020, resulting in an outstanding requirement of 0 for the Crowmarsh Gifford Neighbourhood Plan. The Crowmarsh Neighbourhood Plan is not proposing to allocate any additional sites for housing.
- 13 Policy EMP8 (New Employment Land at Crowmarsh Gifford) sets out how at least 0.28 hectares of employment land will be delivered at Crowmarsh Gifford, and that this will be delivered through the Neighbourhood Plan. Policy CRP3 in the Plan allocates 0.28 ha of land at Howbery Park for employment land, meeting the requirement set out in the Local Plan.
- 14 Relating to North Stoke and Mongewell, Policy H16 (Backland and Infill Development and Redevelopment) of the Local Plan sets the context for development within Smaller and Other Villages. It states that development should be limited to infill and the redevelopment of previously developed land or buildings. It also provides a definition for infill development, as well as providing specific criteria-based guidance for any new residential development which would be located behind an existing frontage or which would involve additional dwellings within an existing site. The Plan defines Village Boundaries at Crowmarsh Gifford, Mongewell and North Stoke and sets out in Policy CRP1 how infill development within the village boundaries will be supported and how proposals for development outside the boundaries will only be supported if they are appropriate to a countryside location and are consistent with development plan policies.
- 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 conditions on the European Union legislation, the Qualifying Body produced a Strategic Environmental Assessment. The Strategic Environmental Assessment sets out the introduction and background in sections 1 and 2. Section 3 set out the Neighbourhood Plan objectives and section 4 identifies the local environmental characteristics and issues. Section 5 sets out the assessment of the framework and section 6, 7 and 8 contain the assessment of the objectives, plan policies, and reasonable plan alternatives. Section 9 sets out the cumulative effects of policies. Sections 10 and 11 cover the summary and monitoring of the assessment. The Environmental Report is well-considered and detailed.
- 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 March 2018. 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.
- 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 7.43, 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 Electoral Service team advise that the referendum is planned for Thursday 2<sup>nd</sup> September.

#### 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:	R.	Rios

Date: 22/07/2021

#### Published on: 23/07/2021

Planning Services South Oxfordshire District Council 135 Eastern Avenue, Milton Park, Milton, OX14

Appendix '	I: Examiner's	recommendations
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Policy/	Examiner's recommendations	Council's	Justification/Reason
Section		Decision	
Policy CRP1:	In the second paragraph of the policy delete:	Agree	The council consider the proposed
Village	'and include enhancement of the significance		modification to the policy to be necessary to
boundaries and	of the setting of listed buildings in close		ensure that the policy is not unduly restrictive
infill development	proximity to the site'		and to avoid unnecessary duplication as
			required by national policy.
Page 31 – Para 5.10	At the end of paragraph 5.10 add: 'as reproduced in Appendix [insert number]' Relocate the Cheshire East Council Settlement	Agree	The council consider the proposed modifications to the supporting text to be necessary to ensure that there is the clarity that is required by national policy and
	Boundary Assessment Guidance from the Plan itself into a separate appendix.		guidance.
Policy CRP2: Housing Mix and Tenure	Delete the third part of the policy	Agree	The council consider the proposed modification to the policy to be necessary to ensure that the policy avoids unnecessary duplication as required by national policy.
Policy CRP3: Land at Howbery	After criterion B add:	Agree	The council consider the proposed modification to the policy to incorporate
Park, Benson	<b>'C.</b> Is arranged and designed so it follows the		additional criteria necessary to ensure the
Lane,	alignment of the existing Innovation Centre		policy takes account of the Heritage
Crowmarsh			Assessment Addendum which

Gifford	<ul> <li>D. Incorporates a belt of trees planted along the western boundary of the site'</li> <li>Make consequential amendments to the lettering used in the remainder of the criterion in the policy.</li> <li>In D (as submitted) replace 'The proposed uses' with 'Incorporates uses which'</li> <li>In E (as submitted) 'Any buildings' with 'Incorporates buildings which'</li> <li>In F (as submitted) 'A transport assessment is' with 'Is supported by a transport assessment'</li> </ul>		recommended additional elements to mitigate the effects of development on the Listed Building and its wider setting. This will ensure the policy meets the basic conditions, having regard to national policy. In addition the council consider the proposed modifications to criteria D, E and F necessary to ensure that the policy has the clarity that is required by national policy and guidance.
Page 38 – Para 5.25	At the end of paragraph 5.25 add: 'Criterion [insert on the basis of the revised sequence of lettering in the policy] of the policy addresses building heights. In this context development on the site should be one or two storeys in height, with the adjacent Innovation Centre providing a good guide for such heights. This approach will allow the listed Howbery Court to retain a dominant character on the site and in views from its surroundings' Replace the Policies Map with the version produced by the Parish Council in order to respond to the recommendations of the Heritage	Agree	The council consider the proposed modifications to the supporting text, including the replacement on the policies map, necessary to ensure that there is the clarity that is required by national policy and to ensure it is consistent with Policy CRP3.

	Assessment on the alignment of the employment allocation.		
Policy CRP4: Conservation of the environment	After 'should' add: 'as appropriate to their scale, nature and location' Replace A with: 'Protect and, where possible enhance, Important views and visually sensitive skylines from footpaths, bridleways in the Chilterns AONB and the Ridgeway National Trail' Replace D with: 'Conserve or enhance the local historic environment'	Agree	The council consider the proposed modification to the policy to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.
Policy CRP5: Protection and enhancement of ecology and biodiversity	Replace the policy with: 'As appropriate to their scale and nature new development proposals should provide a measurable net gain for biodiversity using the most up-to-date information available. Development proposals which result in a loss of mature trees, hedgerows or other forms of wildlife corridors will not be supported. Where the loss of a mature tree, hedgerow or other form of wildlife corridor is unavoidable, the proposals should make provision for suitable replacements where it is practicable to do so'	Agree	The council consider the proposed modification to the policy to be necessary to ensure that the policy is in general conformity with policies in the South Oxfordshire Local Plan 2035 and to ensure it has the clarity that is required by national policy and guidance.

Policy CRP6: Green spaces	Within the policy introduce two subheadings (in italic text) as follows: 'Local Green Space' and 'Public Open Spaces' Replace the second sentence of the first part of the policy with: 'Development proposals within Riverside Meadows will only be supported in very special circumstances'	Agree	The council consider the proposed modification to the presentation of the policy to be necessary to ensure that the policy has the clarity that is required by national policy and guidance. The council consider the proposed modification to the policy wording to be necessary to ensure it has regard to national policy and guidance.
Page 40 – Para 5.37	At the end of paragraph 5.37 add: The part of the policy which relates to the Riverside Meadows LGS takes the matter-of-fact approach set out in paragraph 101 of the NPPF. In the event that development proposals come forward within the Plan period the District Council will be able to assess development proposals within the designated local green space for any very special circumstances on a case-by-case basis'	Agree	The council consider the proposed modifications to the supporting text, including the replacement on the policies map, necessary to ensure that there is the clarity that is required by national policy and to ensure it is consistent with Policy CRP6.
Other matters - General	Modification of general text (where necessary) to achieve consistency with the modified policies.	Agree	The council agrees with the examiner that it may be necessary to amend the plan where consequential changes to the text are required directly as a result of the examiners recommended modifications.
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Other matters –	Update the relevant parts of the Plan to take	Agree	The council agrees with the examiner that

the adoption of the South Oxfordshire Local Plan 2035	account of the adoption of the South Oxfordshire Local Plan 2035 and as specifically identified in the following sections of the District Council's representation to the Plan (1/5/6/10-12/14/16/17- 23/29)	the Plan needs to be updated to take account of the adoption of the South Oxfordshire Local plan 2035 as this was the context within which the Plan was examined.

#### Appendix 2 – Examiner's Report

The Examiner's Report is available here: <u>https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2021/06/Crowmarsh-Parish-Neighbourhood-Development-Plan-Examiners-report.pdf</u>

### Appendix 3 – Consequential and/or Factual Changes

Section	Agreed change	Justification/Reason
Front Cover and content page	Replace 'Submission Version' with ' <i>Referendum Version'</i> .	Factual correction.
Page 2 – Image caption	Insert ', <i>part of this site is designed as a'</i> between 'Meadows' and 'Local'.	Factual correction.
Page 4 – List of Figures	Figure 9B and 9C replace 'Insert' with 'Inset'.	Spelling correction.
Page 5 – List of Appendices	Insert: '9. Cheshire East Council Settlement Boundary Assessment Guidance'.	Factual correction to be consistent with Examiner's recommendation.
	Replace 'Issued as a set of eight' with 'A set of nine'.	

Page 6 – Para 1.1	Replace the final three bullet points with: <i>'the Development Plan which comprises the South</i> <i>Oxfordshire Local Plan 2035'</i>	Factual correction to be consistent with Examiner's recommendation.
Page 7 – Para 1.5	Replace '2034' with '2035'.	Factual correction.
Page 7 – Parish Vision	In the final sentence insert 'and' between 'corridor' and 'should'.	Grammatical correction.
Page 8 – Para 1.7	Correct paragraph numbering.	Correction.
Page 9 – Para 1.9	Delete 'emerging' and replace 'new' with 'South Oxfordshire' in 4 <sup>th</sup> sentence. Replace the 5 <sup>th</sup> sentence with: 'The Neighbourhood Plan has been examined against	Factual correction to be consistent with Examiner's recommendation.
	the policies of the South Oxfordshire Local Plan 2035.'	
Page 10 – Para 2.4	Replace 'Emerging Local Plan 2034, para 5.32' with 'South Oxfordshire Local Plan, table 4f. Update '570' with '571'.	Factual correction.
Page 12 – Para 2.15	In the final sentence insert ' <i>,some</i> ' between 'discharges' and 'into'.	Factual correction.
Page 21 – Para 3.2	Replace the first sentence with:	Factual correction to be consistent with Examiner's recommendation.

	'The development plan for the Parish currently comprises the South Oxfordshire Local Plan 2035.'	
Page 21 – Para 3.3	Replace the first sentence with: 'The Crowmarsh Parish Neighbourhood Plan has been examined against the policies of the South Oxfordshire Local Plan 2035.' In the second sentence delete 'emerging'.	Factual correction to be consistent with Examiner's recommendation.
Page 21 – Para 3.4	Replace the first two sentences with: 'The current strategy for the District is set out in STRAT1: The Overall Strategy in the Local Plan 2035. Policy STRAT1 sets out the overall strategy including, supporting and enhancing the roles of Larger Villages, including Crowmarsh Gifford, as local service centres; supporting Smaller and Other Villages by allowing for limited amounts of housing and employment to help secure the provision and retention of services; and protecting and enhancing the countryside and particularly those areas within the two AONBs and Oxford Green Belt by ensuring that outside of the towns and villages any changes relate to very specific needs such as those of the agricultural industry or enhancement of the environment.'	Factual correction to be consistent with Examiner's recommendation.
	Replace the third sentence with:	

Page 22 – Para 3.6	In the first sentence replace 'plus any housing allocated to that village through the Core Strategy' with 'on top of Core Strategy allocations where these exist'. Replace the second sentence with: 'Thus, for Crowmarsh Gifford, which is classed as a larger village despite its modest population, the Local Plan 2035, as set out in table 4f states that 15% growth plus Core Strategy is 312 new dwellings, but as 571	Factual correction to be consistent with Examiner's recommendation.
	have been completed and committed as of 1 April 2020, the outstanding requirement is 0.	
Daga 22 Daga 2.7	Deplace (There is no encoific policy proposed in the	Factual correction
Page 22 – Para 3.7	Replace 'There is no specific policy proposal in the adopted Development Plan to this effect', with ' <i>Policy EMP10 within the Local Plan 2035, addresses some of these issues</i> '.	Factual correction.
Page 25 – Para 4.1	Replace 'lane' with <i>'Lane'</i> . Replace 'built up' to ' <i>built-up'</i> . Replace 'AONB' with ' <i>ANOB</i> s'.	Grammatical correction.
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Page 25 – Para 4.3	Correct paragraph numbering.	Correction.
Dage 27 Dage 5-2	Perlage indicing of the vericus South Oxfordabire	Eastual correction to be consistent with
Page 27 – Para 5.3	Replace 'policies of the various South Oxfordshire development plan documents, the Adopted Development Plan' with 'various policies of the South Oxfordshire Local Plan 2035'.	Factual correction to be consistent with Examiner's recommendation.
Page 31 – Para	Replace 'was' with 'were'.	Grammatical correction.

5.10		
0.10		
Page 34 – Para 5.12	Replace 'and include enhancement of the significance of the setting of listed buildings in close proximity to the site' with 'provided they accord with the design and development management policies of the development plan and other policies of the Neighbourhood Plan'.	Factual correction to be consistent with Examiner's recommendation.
Page 34 – Para 5.13	Replace 'Core Strategy' with 'Local Plan 2035'.	Factual correction to be consistent with Examiner's recommendation.
Page 35 – Para 5.14	Replace paragraph 5.14 with: 'Policy H16: Backland and Infill Development and Redevelopment in the South Oxfordshire Local Plan 2035 sets out that within Smaller and Other villages, development should be limited to infill and the redevelopment of previously developed land or buildings. It also defines infill development, it states: 'Infill development is defined as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. The scale of infill should be appropriate to its location.' Within larger villages the Local Plan 2035 sets out in Policy H1 the circumstances that residential development on sites not allocated in the development plan will be permitted, for example, where it is development within the existing built-up area of larger villages; provided an important open space of public,	Factual correction to be consistent with Examiner's recommendation.

	environmental, historical or ecological value is not lost, nor an important public view harmed. Policy STRAT5: Residential Density in the Local Plan 2035 sets out the approach to residential densities across the district.'	
Page 35 – Para 5.15	Replace 'Core Strategy' with ' <i>Local Plan 2035</i> '. Replace '(policies CSS1 and CSEN1)' with '( <i>policy</i> <i>ENV1: Landscape and Countryside</i> )'. Delete the final sentence 'Only agricultural and leisure uses are considered appropriate to a countryside location in the Parish.'	Factual correction to be consistent with Examiner's recommendation.
Page 35 – Para 5.17	Replace 'Core Strategy Policy CSH4 on housing mix' with 'Local Plan 2035 Policy H11: Housing Mix'.	Factual correction to be consistent with Examiner's recommendation.
Page 35 – Para 5.17	Correct paragraph numbering.	Correction.
Page 36 – Para 5.20	Insert ' <i>this</i> ' between 'plan' and 'may'.	Grammatical correction.
Page 37 – Policy CRP3	On criteria B add 's' on 'building'.	Factual correction to recognise that there are multiple listed buildings.
Page 37 – Para 5.24	Delete ' <i>is</i> ' between 'land' and 'could'.	Grammatical correction.

Page 39 – Para 5.32	In the second sentence replace 'such' with ' <i>include</i> ' and after 'Meadow' insert ' <i>which</i> '.	Grammatical correction.
Page 41 – Para 5.37	In criteria a, delete '. As per Policy C4 of the 2011 Local Plan and more generally Core Strategy Policy CSEN1 on landscape'.	Factual correction to be consistent with Examiner's recommendation.
Page 41 – Para 5.37	In criteria b, replace 'Nodule' with ' <i>Noctule'</i> .	Factual correction.

# **APPENDIX 4 – Modifications to supporting documents**

Document	Agreed change	Reason
Appendix 5 Site Assessment	On page 9, replace '2.28' with '0.28'.	The council agrees that the change to the Site Assessment Appendix to correct an error is necessary.