

Kidmore End Neighbourhood Development Plan

Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt, matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a clear and concise vision for the neighbourhood area. The relationship between the objectives of the Plan and its policies (as shown in Figure 15) is very clear. This provides a robust structure for the Plan.

The Plan is underpinned by an excellent range of background documents. The Landscape Sensitivity and the Visual and Spatial Character reports are particularly helpful and directly inform some of the policies in the Plan

The presentation of the Plan is very good. The difference between the policies and the supporting text is very clear. The Plan makes good use of various maps which are produced to a high quality.

In overall terms, the Plan takes account of its landscape setting and its built heritage in a very thorough fashion.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise issues for clarification both with the Parish Council and with the District Council.

The comments made on the points in this Note will be used to assist in the preparation of the examination report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

Questions for the Parish Council

Policy LCSS (Separation of Settlements)

This is a very well-considered policy which reflects the distribution of development in the neighbourhood area.

Policy LCLG (Local Gap)

In general terms, this is a well-considered policy which reflects the distribution of development in the parish and to its immediate south.

However, what is the relative importance of the 'scale of the gap' and the 'openness' issues in the policy?

Is the relative importance of these two issues affected by the comments in paragraph 9.23 of the Plan that the purpose of this policy (and other related policies) is 'to ensure that the scale, massing and height of proposals do not result in the character of the physical and visual

separation of settlements being undermined or the rural quiet nature of the road links between settlements being diminished’?

Taking account of the scale of the proposed Gap, its topography and the status of Tokers Green in the settlement hierarchy, is the prospect and/or likelihood of development so significant as to justify the proposed designation of a Local Gap in the Plan?

How is the policy intended to relate to Policy LPLV (Local valued landscape policy)?

Policy LCDPG (General Design Principles)

This policy is a good response to the national design agenda. It includes carefully-identified and distinctive local criteria.

As submitted, the policy would have a universal effect. As such many proposals of a minor or domestic nature would not directly impact on many of the detailed design considerations in the second part of the policy. To remedy this matter, I am minded to recommend that it is applied in a proportionate way taking account of the scale, nature and location of the development concerned.

Does the Parish Council have any observations on this proposition?

Policy LCDPA Design Principles: General Amenity Policy

Does this policy add any distinctive parish value to local and national policies?

In the event that I am convinced that this is the case, I consider that the list of amenity matters in the second part of the policy is supporting text rather than policy. To remedy this matter, I am minded to recommend that this part of the policy is deleted and repositioned into the supporting text.

Does the Parish Council have any observations on this proposition?

Policy HAD (Housing Allocation)

The policy and the supporting text demonstrate the way in which the Parish Council has grappled with the matter of future housing growth in the parish. Appendix D7 is a helpful explanation of the Parish Council’s approach towards the development of the site. It acts as a mini-planning brief.

I can see from Section 7 of the Plan and Appendix B3 the way in which the Parish Council has sought to balance the statistical lack of a strategic need for new housing in the parish on the one hand with its expressed wish to deliver smaller houses to respond to local housing need on the other hand.

Does the Parish Council wish to comment further on how it has addressed this balancing act in general, and the weight which it has given to safeguarding the Chilterns AONB in particular?

Does the Parish Council have any reassurance from the site owner/potential developer that development proposals will respect criterion 4 of the policy (on the sizes of the properties)?

How does the Parish Council anticipate that the size of the four properties identified in the policy will be retained in perpetuity?

Policy LPCS (The Chilterns AONB and its Setting)

The policy highlights the nature of the landscape in the southern part of the neighbourhood area.

Nevertheless, is it reasonable a policy would apply both within and outside the designated Chilterns AONB? Would such an approach have regard to national policy?

Policy LPLV (Local valued landscape policy)

This is a carefully-considered policy which has been developed from a detailed evidence base.

However, its approach overlaps with that of Policy LPCS. Is it appropriate for a Plan to have two separate policies which affect largely similar areas? How would the Parish Council anticipate that South Oxfordshire District Council would determine the weight to be given to the two policies when determining development proposals in this part of the neighbourhood area?

Does Policy LCLG (Local Gap) identify a specific parcel of land which is more important for its role as a Local Gap rather than for its inherent landscape value?

Policy LTSRU (Safety for Road Users)

Does this policy add any distinctive parish value to local and national policies?

Policy LTSAP (Access and Parking)

Does this policy add any distinctive parish value to local and national policies?

Engagement of the community in the housing site selection process

The representation from Keep Kidmore End Green raises matters about the way in which local residents were engaged in the site selection process.

Does the Parish Council have any comments on this matter?

More generally, does the Parish Council wish to comment about the extent to which the Plan has secured 'a shared vision for their neighbourhood and shape(d) the development and growth of their local area' as set out in Planning Practice Guidance (ID: 41-001-20190509)?

Questions for the District Council

Whilst looking at the proposed housing site off Tokers Green Lane in Kidmore End, I saw the Natural England notice about the 'footpath' in the field. I also saw the well-defined pathway running to the south and west from that point.

What is the status (if any) of the pathway running through the field of which the proposed housing site is a part?

I saw the site notice in Coopers Pightle for the planning application on land between Coopers Pightle and Butlers Orchard (P21/S3391/O).

Is there a timetable for the determination of the planning application?

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

In particular, does it wish to comment on the representations made by:

- Keep Kidmore End Green (and specific local residents);
- South Oxfordshire District Council;
- L&Q Estates (Barton Willmore);
- Real Capital Investments (GL Hearn);
- Perfectfield Limited; and
- Oxfordshire County Council?

Protocol for responses

I would be grateful for responses and the information requested by 2 November 2021. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others, I would be happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled, please could it come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Kidmore End Neighbourhood Development Plan.

11 October 2021