

# **Kidmore End Neighbourhood Development Plan 2011-2035**

**A report to South Oxfordshire District Council  
on the Kidmore End Neighbourhood  
Development Plan**

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## **Executive Summary**

- 1 I was appointed by South Oxfordshire District Council in September 2021 to carry out the independent examination of the Kidmore End Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 6 October 2021.
- 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 the character of the local landscape. It also proposes the allocation of a housing site in Kidmore End.
- 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 Kidmore End 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**  
**23 May 2022**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Kidmore End Neighbourhood Development Plan 2011-2035 (the 'Plan').
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Kidmore End Parish Council (KEPC) 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, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a clear focus on maintaining the character and appearance of the neighbourhood area and safeguarding its landscape setting. It proposes a housing allocation.
- 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 neighbourhood 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 KEPC, to conduct the examination of the Plan and to prepare this report. I am independent of both SODC and KEPC. 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 as submitted proceeds 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 I have considered the following documents during the examination:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement (and the various supporting appendices);
- the Screening Statement;
- the various supporting documents;
- the revisions made by the Parish Council to Appendix D7 during the examination;
- the Parish Council's responses to the two clarification notes;
- the representations made to the Plan;
- the specific representations made to the revisions to Appendix D7
- the specific comments from the Chilterns Conservation Board which I sought during the examination;
- the adopted South Oxfordshire Local Plan 2035;
- the National Planning Policy Framework (July 2021);
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 6 October 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report. Given the extended nature of the examination, I briefly visited the neighbourhood area again on 20 April 2022.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Several of the representations made to the Plan suggested that a hearing should be held. Having considered all the information before me, including the representations made to the submitted Plan and to the updates to Appendix D7, I was satisfied that the Plan could be examined without the need for a public hearing. In coming to this conclusion, I took account of the detailed nature of many of the comments made on the Plan. This level of detail gave me a useful and a comprehensive insight into the views which were being expressed.

3.4 The Basic Conditions Statement refers to the 2019 version of the NPPF. The NPPF was updated in July 2021. Where it is necessary to do so, I refer to the 2021 version of the NPPF in this report.

## 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 KEPC 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 (November 2020 to January 2021). 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. The full details are set out in Appendix E5. They included:
- the introductory community event (July 2017);
  - the community events (February 2018);
  - the Household Survey (May 2018);
  - the Call for Sites (June 2018);
  - the community events (September 2019);
  - the question and answers paper (January and July 2020);
  - the updated Topic Paper (February 2020); and
  - the Local Planning Matters Update (May 2020).
- 4.4 The Statement also provides details of the way in which KEPC engaged with statutory bodies. I am satisfied that the process has been proportionate and robust.
- 4.5 Appendix E5 of the Statement provides specific details on the comments received during the consultation process associated with the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.6 I am satisfied 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 am satisfied that KEPC sought to engage with local residents, statutory bodies and the development industry as the Plan has been prepared. The Keep Kidmore End Green group raises a series of issues about the site selection process. The views of the group are echoed by several local residents. I address these matters in Section 7 of this report together

with comments about the way in which an alternative housing site (CFS10) was considered and not pursued in the Plan.

### *Representations Received*

4.8 Consultation on the submitted plan was undertaken by SODC and ended on 15 September 2021. This exercise generated comments from the following organisations:

- Keep Kidmore End Green
- South Oxfordshire District Council
- Chilterns Conservation Board
- L&Q Estates
- Real Capital Investments
- Perfectfield Limited
- National Grid
- Scottish and Southern Electricity Networks
- Office for Nuclear Regulation
- The Coal Authority
- Environment Agency
- Historic England
- Natural England
- Oxfordshire County Council
- Thames Water

4.9 Comments were also received from 39 local residents. In some cases, the comments offered support for the policies in the Plan. In other cases, they followed the approach of the Keep Kidmore End Green group in objecting the housing site proposed in the Plan (in Housing Allocation Policy - HDA).

4.10 One representation commented in detail about one of the sites considered as a potential housing allocation (CFS10) but not pursued in the submitted Plan.

4.11 I sought specific comments from Chilterns Conservation Board on the proposed housing allocation. It responded on 3 February 2022.

4.12 SODC also undertook separate consultation on KEPC's proposed update to Appendix D7 (Design Code) of the Plan. This consultation process generated responses from the following organisations:

- South Oxfordshire District Council
- Scottish and Southern Electrical Networks
- Office for Nuclear Regulation
- Natural England
- Historic England
- Perfectfield Limited

- 4.13 Comments were also received from 14 local residents. In most cases, they reinforced the representations made in 2021 in objecting the housing site proposed in the Plan (in Housing Allocation Policy - HDA).
- 4.14 I have taken account of the various representations as part of the examination of 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 Kidmore End. Its population in 2011 was 1302 persons living in 516 houses. It was designated as a neighbourhood area on 20 December 2017. It is located in the southern part of South Oxfordshire and sites to the immediate north of Reading. The neighbourhood area is predominantly rural in nature and much of its area is in agricultural use. Most of the parish is within the Chiltern Hill Area of Outstanding Natural Beauty (AONB). It consists of five separate villages. The A4074 (Oxford to Reading) road is the principal highway in and around the neighbourhood area – it runs through the northern part of the parish and to the immediate west of its southern part.
- 5.2 The principal settlement in the neighbourhood area is Kidmore End. It is a nucleated settlement where four lanes converge at a central point between, St John the Baptist Church, Kidmore End Primary School and Kidmore End Pond. As the Plan describes the lanes are narrow and ribbon out towards Chalkhouse Green (Chalkhouse Green Road), Tokers Green (Tokers Green Lane), Gallowstree Common (Wood Lane) and Sonning Common (Kidmore Lane). It includes buildings with a rich heritage and other more recent buildings. It is also characterised by its various green spaces.
- 5.3 The other four villages in the parish are Gallowstree Common, Tokers Green, Chalkhouse Green and Cane End. They are separated by farmland and woodland and linked by narrow roads and lanes. The parish includes well-managed beech woodlands various green spaces, open views, rural lanes and footpaths.

### *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 Kidmore End Plan:

Policy STRAT 1	The Overall Strategy
Policy H8	Housing in the Smaller Villages
Policy H11	Housing Mix
Policy H16	Infill Development
Policy EMP10	Development in Rural Areas
Policy ENV1	Landscape and Countryside
Policy ENV3	Biodiversity
Policy ENV4	Watercourses
Policy ENV6	Historic Environment
Policy ENV7	Listed Buildings
Policy ENV8	Conservation Areas
Policy DES1	Delivering High Quality Development

- 5.5 The Basic Conditions Statement usefully assesses the key policies in the Plan against those in the Local Plan. This process provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.6 Kidmore End is identified as a Smaller Village and Gallowstree Common and Tokers Green are identified as Other Villages in the adopted Local Plan (Appendix 7). In this context, housing allocations are not required in the neighbourhood area. Any new development which does come forward is required to protect local character and distinctiveness.
- 5.7 Paragraph 4.37 of the Local Plan provides a context to Policy H8 (Smaller Villages). It comments as follows:
- ‘Smaller Villages, as defined in the settlement hierarchy (Appendix 7), have no defined requirement to contribute towards delivering additional housing (beyond windfall and infill development) to meet the overall housing requirement of South Oxfordshire. There is a sufficient supply of housing from strategic allocations and from existing planning permissions, which means that the less sustainable settlements will not be required to offset the housing requirement. However, some parishes may still wish to proceed with preparing a Neighbourhood Development Plan for example to achieve the protection afforded by allocating housing to fund projects they want to deliver or they would like to identify a specific type of housing bespoke to their village’s needs. The Council’s strategy therefore allows them to do so, provided that the levels of growth are commensurate to the size of the village.’*
- 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 South Oxfordshire. 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 6 October 2021. I was fortunate in choosing a dry and sunny day. It allowed me to understand its landscape in general, and to walk along footpaths and the local road network in particular.
- 5.10 I drove into the neighbourhood area from the A4074 to the north. This gave me an initial impression of its setting and character in general, and the context of its wider setting to the north of Reading.
- 5.11 I drove initially to the southern tip of the neighbourhood area. I walked along Gravel Hill from the junction of Shepherds Lane and Kidmore Road. I saw the way in which it was well used for recreational purposes. At the intersection of the footpaths, I walked to the north up to Middle Farm. I was rewarded by long-distance views to the south over Reading. This part of the visit gave me a good understanding of the relationship

of the parish with Reading to the south. It also highlighted the land use and topography within the proposed Local Gap.

- 5.12 I retraced my steps and then walked from the junction of Shepherds Lane and Kidmore Road to Tokers Green along Tokers Green Lane. I saw the site which was the subject of the representation from Perfectfield to the west, and the Local Gap to the east of Tokers Green Lane.
- 5.13 I then drove to Gallowstree Common. I saw the character of the village and its houses of various ages. I saw the vacant Reformation PH. I then drove to Kidmore End via Wood Lane.
- 5.14 I took the opportunity to look at the village centre of Kidmore End. I saw the attractive yew gateway to St John the Baptist church and its flint construction. I saw the attractive well, the pond, the School and the New Inn PH. I looked at the proposed housing allocation opposite the junction of Tokers Green Lane and Butlers Orchard. I saw its relationship with the wider field in which it is located and its boundary with the existing house to its immediate north. I then took the opportunity to walk down Tokers Green Lane to Tokers Green.
- 5.15 I then walked to Coopers Pightle. I saw the cemetery. I then walked along Chalkhouse Green Road to Chalkhouse Green. The various walks within the visit highlighted the relationship between the various villages, the nature of the surrounding countryside and the quietness of the various lanes. They helped me to understand better the relevant policies in the Plan.
- 5.16 Given the length of the examination, I briefly visited the neighbourhood area again on 20 April 2022. I looked at the site of the proposed housing in Kidmore End and the site proposed by one of the objectors off Coopers Pightle.

## 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) obligations and European Convention on Human Rights (ECHR); and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 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 July 2021. Paragraph 3.4 of this report comments about the way in which the Basic Conditions Statement addresses the NPPF.
- 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 Kidmore End Parish 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 of high-quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms subject to the recommended modifications included in this report. It sets out a positive vision for the future of the neighbourhood area within the context of its role in the settlement hierarchy. It proposes a series of environmental and landscape designations and allocates a site for housing purposes. 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 matter is reinforced in Planning Practice Guidance. 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 way in which the submitted Plan contributes towards 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 LCI) and proposes a housing allocation (Policy HDA). In the social dimension, it includes policies on road safety (Policy LTSRU) and on footpaths (Policy LTPFBT). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on a Local Gap (Policy LPLG) and on Local Valued Landscape (Policy LPLCV). KEPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.12 I have already commented in detail on the development plan context in South Oxfordshire in paragraphs 5.4 to 5.8 of this report.

- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modification in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

*European Legislation – Strategic Environmental Assessment*

- 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 (July 2020) 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 unlikely to have any significant effects on the environment and accordingly would not require a SEA.
- 6.16 In order to assist in the site selection process KEPC commissioned a Site Options and Assessment report. The purpose of the report is to produce a clear assessment of the identified sites to advise which might be appropriate for allocation in the Plan. In particular it sought to establish whether the sites comply with the National Planning Policy Framework (NPPF), national Planning Practice Guidance (PPG) and the strategic policies of South Oxfordshire District Council's adopted and emerging Local Plan (as was the case at that time).

*European Legislation - Habitat Regulations Assessment*

- 6.17 The July 2020 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.
- 6.18 The HRA report is both thorough and comprehensive. It takes appropriate account of the significance of the following protected sites:
- Chilterns Beechwoods SAC – approximately 12km from the neighbourhood plan boundary;
  - Aston Rowant SAC – approximately 15km from the neighbourhood plan boundary;
  - Little Wittenham SAC - approximately 15km from the neighbourhood plan boundary; and
  - Hartslock Wood SAC – approximately 5km from the neighbourhood plan boundary.

It provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters. It also includes the responses received from the consultation bodies.

- 6.19 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.

*European Legislation - Human Rights*

- 6.20 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*

- 6.21 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 The modifications 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 modifications to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and KEPC 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 1-8)*

- 7.8 The 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 very effective use of well-selected maps. A very clear distinction is made between the policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction (Section 1) addresses the background to neighbourhood planning. It comments about how the Plan has been prepared and how it will be used within the Plan period. Paragraph 1.2 defines the Plan period. This part of the Plan also includes a map of the neighbourhood area (Map 1). It is a very effective introduction to a neighbourhood plan.
- 7.10 Section 2 comments on the evidence base and the associated reports which have underpinned the Plan.
- 7.11 Section 3 describes key elements of the neighbourhood area. It does so in a very effective fashion. It includes a brief description of the key elements of built development and the relationship between the parish and the Chilterns AONB.

- 7.12 Section 4 comments about the Vision and the objectives of the Plan. The Vision is to '(p)reserve the rural character and retain the open spaces in and around the parish through appropriate housing development and by being geographically separate from nearby larger settlements, supporting and enhancing the Chilterns AONB, engaging with our parish communities, and prioritising road safety'. The Vision is underpinned by six objectives.
- 7.13 Section 5 sets out how KEPC sought to engage the community in the production of the Plan. It has a healthy overlap with the submitted Consultation Statement.
- 7.14 Section 6 comments about the Call for Sites process. It sets out how the sites were assessed and ranked. The table on page 27 of the Plan is very informative.
- 7.15 Section 7 comments about the process which underpinned the proposed housing allocation in the Plan (Policy HDA). It identifies six reasons which underpinned KEPC's approach to deciding to allocate a site. It also sets out detailed arrangements for the development of the site in Appendix D7.
- 7.16 Section 8 comments on the relationship between the objectives of the Plan and its policies. It is presented in a very effective way in Figure 15. The detailed elements of the Plan follow the format set by the objectives.
- 7.17 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.

#### Infill Policy (LCI)

- 7.18 This policy acknowledges the role that infill development has played and may continue to play in the sustainable development of the community. It seeks to moderate the size, scale, spacing and placing of any such development in a way that respects and supports the existing character of each settlement so that the historical context, visual and spatial character is preserved. In addition, the policy seeks to maintain the linear character of the various settlements, which includes the sense of village lanes or road facing dwellings with little or no backfill. The broader policy is very effectively supported by the Appendices D1-D5 which describe the various settlements in both a professional and helpful way.
- 7.19 The policy comments that within the villages of Kidmore End, Gallowstree Common and Tokers Green only infill development, redevelopment of previously developed land or buildings and backfill development will be supported where they accord with other design and development management policies. The policy also sets out an expectation that any infill development proposals will conserve the character of the relevant village and will be designed to reflect the positive features that make up the character of the relevant village.
- 7.20 I am satisfied that the policy takes an appropriate approach towards infill development. It is underpinned by the evidence in the various character assessments. I recommend a series of related modifications to ensure that the policy has the clarity required by the NPPF. They will also ensure that it will be more practical to implement as part of the development management process. They are as follows:

- the deletion of the unnecessary use of ‘only’ in the first part of the policy;
- the simplification of the second part of the policy; and
- other detailed modifications to the wording used in various parts of the policy.

**In the first part of the policy delete ‘only’**

**Replace the opening element of the second part of the policy with:**

**‘Proposals for infill development should conserve the character of the relevant village and be designed to reflect the positive features that make up the character of the relevant village. In addition, they should reflect the community preferences relating to size and composition of any development site as expressed in the Household Survey and the character assessments in Appendices D1 to D6. In particular development proposals should take account of the following matters:’**

**In criterion 1 replace ‘appropriate smallness of any gaps’ with ‘the size of any gaps’**

**In the third part of the policy replace ‘these criteria’ with ‘the four criteria above’ and delete ‘established’**

Separation of Settlements Policy (LCSS)

- 7.21 This policy reflects the distribution of settlements in the parish. It comments that development proposals should demonstrate that the character of any particular settlement is retained, and that a physical and visual separation is maintained between the different settlements. It lists the eight groups of settlements which should remain separated.
- 7.22 In general terms, I am satisfied that the policy is appropriate to the neighbourhood area. In particular, it reflects the distinctive character of the parish which relates to the range of separate settlements and the quiet lanes which link them together. The policy is both underpinned by evidence and would apply in a non-prescriptive way. It meets the basic conditions.
- 7.23 L&Q comments that it does not have any in principle objection to the inclusion of a policy which seeks to maintain the separate character and identity of existing settlements, which is an important part of local character. Nevertheless, it makes specific observations about the details included in the supporting text (paragraphs 9.14 to 9.23). I have considered these comments carefully. I am satisfied that paragraphs 9.15 and 9.16 are factual in their nature and describe the effect of the existing separation between the settlements. However, in contrast, paragraph 9.23 implies that a level of protection exists in a fashion similar to that which would exist in the Chilterns AONB. Whilst this paragraph refers to other policies in the Plan as well as to Policy LCSS, I recommend a general modification to its wording to remedy this matter.

*In paragraph 9.23 replace ‘be suited to.... or Local Gap’ with ‘be acceptable’*

### Quiet Lanes Policy (LCQL)

- 7.24 This policy celebrates the quiet lanes which are found in the parish. I walked along several of the lanes during my visit. The policy has two related parts. The first comments that development proposals should preserve and enhance the rural look and feel of the lanes and roads linking the various settlements. The second comments that development proposals (individually or cumulatively) should not result in an extended linear form of development along a road which would be out of keeping with the historic nucleated development form of the settlements.
- 7.25 The policy addresses an important element of the parish. I recommend the following related modifications to bring the clarity required by the NPPF:
- to clarify that the settlements concerned are those already addressed in the previous policy;
  - to break the policy into its component parts;
  - to replace 'look and feel' with 'character'; and
  - to acknowledge that not all development proposals will have the opportunity to 'enhance 'the rural character' of the lanes concerned.
- 7.26 Otherwise, the policy meets the basic conditions. It will do much to contribute to the delivery of the environmental dimension of sustainable development in the neighbourhood area.

### Replace the policy with:

**'Development proposals should preserve, and where practicable enhance, the rural character of the lanes and roads linking the settlements in the Separation of Settlements Policy (insofar as this affects the KENDP area).**

**Development proposals will be supported subject to other development plan policies provided that, individually or cumulatively, they would not result in an extended linear form of development along a road which would be out of keeping with the historic nucleated development form of the settlements.'**

### Local Gap Policy (LPLG)

- 7.27 For the purposes of this report, I will assess this policy with the two landscape policies (LPCS and LPLV). This reflects the overlap between the proposed Local Gap and the proposed Area of Locally Valued Landscape.

### General Design Principles Policy (LCDPG)

- 7.28 This policy provides a local expression to national and local policies on design. It is an excellent response to the contents of Section 12 of the NPPF 2021.
- 7.29 The Plan acknowledges the role infill development has played in shaping the various settlements and is likely to play in the future, the policy has been designed to mitigate and limit the potential for further insensitive dilutions of local character. The associated intention is that the Infill Policy (LCI) looks to enable only suitably sized, spaced and scaled infill development.

- 7.30 The general design policy comments that development will be supported, where it complements, enhances and reinforces the local distinctiveness of the relevant settlement and where appropriate is designed to enhance the landscape setting of these settlements by having regard to:
- Appendices D1 to D6 of the Plan;
  - the Chilterns Building Design Guide (as regards both the AONB and its setting);
  - the Chilterns Conservation Board Position Statement on Development Affecting the Setting of the Chilterns AONB;
  - the AONB Management Plan 2019–24; and
  - the National Design Guide 2019.
- 7.31 Thereafter it identifies thirteen design criteria with which development should comply.
- 7.32 The policy has been well-considered. In particular, the various criteria are locally distinctive to the parish. Nevertheless, its opening component (which lists other documents and policies) is effectively supporting text rather than policy. I recommend that it is deleted from the policy and repositioned into the supporting text. I also recommend that the general elements of the policy are consolidated so that the wider policy can be applied on a proportionate basis. Plainly proposals of a certain scale and nature will have the ability to be affected by more of the criteria than minor or domestic proposals.
- 7.33 In the second criterion, I recommend that reference is made to ‘vernacular building styles’ rather than ‘workmanship’. The former is a land use matter whereas the latter is not. I also recommend a detailed modification to the wording used in eighth criterion. Otherwise, the policy meets the basic conditions. It will do much to contribute to the delivery of the environmental dimension of sustainable development in the neighbourhood area.

**Replace the initial part of the policy and the opening component of the second part with:**

**‘Proposed development should complement, reinforce and where practicable enhance the local distinctiveness of the relevant settlement. Where appropriate, development proposals should be designed to enhance the landscape setting of these settlements. As appropriate to their scale, nature and location, development proposals should incorporate the following design considerations:’**

**In criterion 2 replace ‘and styles of workmanship’ with ‘and vernacular building styles’**

**In criterion 8 replace ‘must’ with ‘should’**

*Replace paragraph 9.35 with: ‘In preparing proposals developers should have regard to the Appendices D1 to D6: Visual and Spatial Character, Chilterns Building Design Guide; the Chilterns Conservation Board Position Statement on Development Affecting the Setting of the Chilterns AONB; the AONB Management Plan 2019–24; and the*

*National Design Guide 2019. These documents should be used to understand and interpret the key character and identify relevant design reference points.'*

#### Design Principles Extensions Policy (LCDPE)

- 7.34 This policy complements the approach of the previous policy. It sets out four design criteria with which new development should comply. The criteria are distinctive to the parish
- 7.35 To some extent, the ambitions of this policy are already addressed by Policy LCDPG. However, on the balance of the evidence I am satisfied that a separate policy is both appropriate to local circumstances and meets the basic conditions in general terms. The policy's approach acknowledges that the majority of planning applications in the Plan period will be for householder extensions.
- 7.36 I recommend that the opening element of the policy is recast. As submitted, it is over complicated and does not bring the clarity required by the NPPF.
- 7.37 I recommend the deletion of the unnecessary 'reasonable' in the second criterion. Other parts of the criteria comment about the acceptability or otherwise of the harm which could be caused by extensions. Finally, I correct a spelling error in the fourth criterion.

#### **Replace the opening part of the policy with:**

**'In addition to meeting the criteria of Policy LCDPG proposed extensions or alterations to existing dwellings should incorporate the following design principles:'**

**In criterion 2 delete 'reasonable'**

**In criterion 4 replace 'so' with 'do'**

#### Design Principles General Amenity Policy (LCDPGA)

- 7.38 This policy seeks to safeguard residential amenity in the parish. In its representations, SODC comment that relevant Local Plan policies are more comprehensive and detailed than this policy. It also advises that in the event that the Plan is 'made' the neighbourhood plan policy will take precedence over non-strategic policies in the adopted Local Plan such as DES6 and ENV12. In this context and to ensure that the parish is protected by the most comprehensive policy, SODC recommends that the policy is deleted.
- 7.39 I have considered this matter very carefully. On the one hand, KEPC has sought to add value to general policies in the Local Plan. On the other hand, its approach may generate unintended consequences. In all the circumstances I recommend the deletion of the policy. In the round, I am satisfied that the amenity objectives which KEPC has sought to achieve in the wider Plan are already adequately addressed by the two preceding policies in the Plan.
- 7.40 I also recommend consequential modifications to the supporting text.

## Delete the policy

*Change the coloured heading before 9.24*

*In paragraph 9.29 delete the reference to the policy.*

Housing Allocation Policy (HDA)

- 7.41 This policy is a key part of the Plan. It proposes the allocation of land for residential development off Tokers Green Lane, Kidmore End (known as site CFS8 in the Plan and the earlier studies). It is located to the south of the houses on the western side of Tokers Green Lane. The land concerned is 0.49 hectares in size. It occupies a corner on the eastern flank of a larger tract of agricultural land. The proposed site is within the Chilterns AONB.
- 7.42 The background to the site allocation is set out in Section 7 of the Plan. It sets out the rationale for a site allocation on the following principles:
- taking a positive proactive approach – as required by the NPPF;
  - housing targets – to acknowledge the Parish’s general role to support sustainable development notwithstanding the absence of any strategic need to contribute towards overall housing delivery in South Oxfordshire;
  - providing protection against speculative development – reflecting the approach in paragraph 14 of the NPPF;
  - the outcome of the Household Survey – indicating an appetite for a limited amount of small development;
  - making provision for smaller, more affordable housing – delivering smaller homes for families or those wishing to downsize; and
  - promoting sustainable growth – the development will have social benefits and will respect local infrastructure and the road network.
- 7.43 Paragraph 10.17 of the Plan summarises KEPC’s approach to this matter succinctly as follows:
- ‘It is believed that the allocation of a small site for three to four dwellings would help strengthen the KENDP and demonstrate a positive approach to sustainable development in the KENDP area as required by national and local policy. It would contribute to the continued sustainability the parish’s Neighbourhood Plan Area and overall local housing needs. In doing so it would help towards achieving a plan led approach to development as required by national policy and provide better protection from speculative unplanned development in the Neighbourhood Plan Area.’*
- 7.44 The selection of the site has arisen from an assessment of alternative sites. This was a two-stage process. In the first instance AECOM was commissioned to assess the various site options. This report is reproduced as Appendix B1 of the wider Plan. Its remit was to assess the sites which had come forward as a result of the call for sites exercise. The conclusion of the pro-forma assessment was that four of the twelve sites assessed would be, to varying extents, suitable for allocation, and between them offer a capacity for 207 homes (195 of which would lie within a single site on the edge of Reading and the remaining twelve of which are at three sites within or adjoining

Kidmore End village). Of the twelve sites, eight (69, 71, 80, 1269, CFS1, CFS3, CFS9 and CFS10) were given red ratings, three (1056, CFS 4 and CFS6) were given amber ratings and one (CFS8) was given a green rating.

- 7.45 Thereafter KEPC produced its own Housing Requirement and Allocations Paper. (Appendix B3 of the Plan). It took account of the findings of the AECOM study. In addition, it sought the comments of local and statutory bodies (including SODC and Oxfordshire County Council).
- 7.46 The policy itself is largely based around a series of criteria with which any proposed developments on the site should comply. They include boundary treatments, the house sizes to be delivered, the requirement for the houses to be arranged in a linear fashion facing the road, detailed parking and access arrangements and the use building materials.
- 7.47 In order to provide additional detail, Appendix B7 of the Plan includes a Design Code for the development of the site. It is referenced in the policy. The Code addresses the following matters:
- access arrangements;
  - landscaping and planting;
  - building heights and arrangement; and
  - the depth of gardens associated with the proposed houses.
- 7.48 The proposed allocation of the site has generated significant comment and interest. Several local residents support the wider Plan and the proposed allocated site. Other local residents, and the Keep Kidmore End Green group in particular, object to the proposed housing allocation. In summary the objections are as follows:
- the level of community engagement associated with the promotion of the allocation;
  - the extent to which the decision to allocate the site was based on evidence drawn from an objective assessment of housing needs;
  - the extent to which the level of evidence supports the view that the identification of a housing site will prevent speculative housing development elsewhere in the parish;
  - the location of the site within the Chilterns AONB; and
  - the extent to which the alternative sites were assessed in a systematic manner.
- 7.49 I have also taken account of comments which have been received on the proposed allocation from other landowners, including those with an interest in the alternative sites which were assessed.
- 7.50 I sought separate comments from the Chilterns Conservation Board on the proposed allocation as it had not made a representation on the wider Plan. Its response comments:

*‘Site allocation CFS8 sits in an area of some sensitivity, itself within the wider landscape very much a part of the semi enclosed dipslope. We deemed its proximity*

*to the existing settlement very relevant and its boundary treatment as something that could be supplemented to assist in the site's relative demarcation into the settlement. CFS8 criterion 1 and 2 are designed to achieve this and consideration to the Chilterns Buildings Design 2 Guide would be a significant factor in the design of these proposed 4 dwellings. Reference to that would be material in any planning determination. It may be worthwhile making explicit reference to the CBDG in this policy, upon reflection. We also note that the Neighbourhood Plan's Design Principles Policy (LCDP) also deals with the CBDG. One of the characteristics here is that the settlement is 'Generally partially hidden by trees and other landscape features', as ordinarily applies to 'Valley bottom and scarpfoot villages – nucleated form' (page 18 of the CBDG). The land around Kidmore End and Tokers Green is not a valley bottom as such but shares this characteristic. To follow this 'partially hidden' feature is a facet of the policy allocation details.*

*The plan justifies the need for a small level of housing allocation and at a neighbourhood scale and not as required by the strategic policies in the Local Plan. CCB accepts that this can work, subject to location and the impact upon the special qualities of the AONB. In this case the small-scale nature of development as the outcome of a detailed assessment and with a series of strict policy tests, would not materially harm those special qualities, in our judgment.'*

7.51 Following its response to the second clarification note, KEPC published an updated version of Appendix D7 (the Design Code). The principal changes from the appendix in the submitted Plan are in relation to the following requirements:

- the provision of a well-defined defensible boundary to the west and south of the site with minimum width of 3m native hedgerow and shrub planting, and interspersed with trees, to soften the edge of the settlement;
- building heights should be limited to 2 storeys to limit adverse impact. Building footprints should reflect typical local patterns for smaller dwellings and be no more than 2 to 3 bedrooms. They should meet the Technical Housing Standards with the minimal gross internal area required and be in the region of between 79 – 102 square metres;
- the properties are expected to conform to an informal linear or staggered layout which respects the existing building line as shown in the appendix;
- in addition, the proposed site has been amended so that it extends further west and not as far south. It is now proposed to have a more curved shape.

7.52 SODC undertook separate consultation on the proposed revisions to the Appendix. Several of the local residents and the Keep Kidmore End Green group who had objected to the details in the submitted Plan restated their objections to the revised details in the Appendix. In particular the representations raise the following comments:

- highways and access arrangements;
- the development will create further coalescence between Kidmore End and Caversham;
- no topographical survey has been undertaken;
- there is a lack of clarity on the density of the development; and

- there is no evidence about biodiversity net gain and/or any evidence about biodiversity/ecological mitigation which may be required.

7.53 I have considered all the information available to me very carefully. I comment on the matter based on the following headings:

*The delivery of new homes in the parish*

7.54 The policy has a broader ambition to secure a limited number of smaller houses in the parish. It does so in order to offer a degree of choice for local housing provision against a backcloth of generally large and expensive houses. This objective is extensively set out in the Plan itself and the various appendices.

7.55 Based on all the information available to me, I am satisfied that the approach has regard both to national policy and is in general conformity with the strategic policies in the development plan. In particular the NPPF comments as follows:

*‘To support the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay’. (Paragraph 60)*

*Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 69(a) suitable for housing in their area. (Paragraph 70)*

7.56 The South Oxfordshire Local Plan (paragraph 4.37) as reproduced earlier in paragraph 5.7 of this report sets out the opportunity for parish councils to promote specific housing development where it would achieve local aims and ambitions. In this context, I am satisfied that KEPC has taken an approach which has sought to achieve the delivery of smaller homes. In doing so, it has sought professional advice to assess site options and has engaged extensively with SODC.

*The process followed and the site selection process*

7.57 In a similar fashion, I am satisfied that the process undertaken has been robust and detailed. The initial AECOM study (Appendix B1) assessed the various sites in a comprehensive fashion. Plainly there was a degree to which the Parish Council identified important criteria for the search. This is entirely appropriate both within the wider context of the Localism Act and as a local response to the opportunity for smaller settlements to promote bespoke housing accommodation in the parish as set out in the adopted Local Plan.

7.58 From my observations and visits, I am satisfied that Kidmore End is the most sustainable location in the parish. It has a public house and a school. It is also clear from the assessment work that the sites considered in Kidmore End are relatively small and would be of a scale which would naturally restrict the resulting numbers of new houses. On this basis I looked carefully at the four potential sites in and around the village (CFS4/6/8/10 and 181). All of the potential sites are in the Chilterns AONB. In

doing so, I looked at the evidence in the AECOM study, its update and the Parish Council's final assessment of the matter. On the balance of the evidence, I am satisfied that the decision-making process has properly grappled with the key issues of bringing forward a site in a sustainable location which would achieve the social and community objectives of the wider Plan.

- 7.59 In reaching this judgement, I have paid particular attention to the representation about the land off Coopers Pightle (CFS10). That representation is itself supported by several detailed assessments. I have taken account of their commentary that the AECOM studies have not properly assessed the most up-to-date condition of the site as the Plan was prepared. This was particularly the case in relation to the tree cover on and around the site.
- 7.60 Plainly the wider process has been iterative in its nature. In these circumstances it would not be unusual for circumstances to change on this (or any other site) as the site assessment took place. In addition, the AECOM assessment work was undertaken at a high level and as part of the wider site assessment process. On the overall balance of the evidence, I am satisfied that KEPC has undertaken a balanced and proportionate assessment of this and other sites.
- 7.61 Plainly events have moved on in terms of the uses on the site. When I visited in 2021, I saw the significant level of mature trees which surround the site on its eastern, western and southern boundaries. I saw the new agricultural gate which had been installed off Coopers Pightle. I saw that the site itself was largely cleared of any significant trees but was overgrown with brambles and other vegetation. When I visited in April 2022, I saw that the brambles had been cleared.
- 7.62 This objection to the Plan in general, and the proposed housing allocation in particular has run in parallel with the objector's submission of an outline application for residential development on the site (P21/S3391/O). The application was refused planning permission in May 2022 on the basis that it was not infill development as defined in Policy H16 of the Local Plan and would result in an extension of residential built form into the open countryside. A second reason for refusal relates to an increase in traffic movements at a substandard access. Whilst the application was refused for different reasons from those which caused KEPC not to promote the site as a housing allocation in the Plan, the decision by SODC nevertheless identifies locational and technical reasons why it has not supported the residential development of the site.

#### *Consultation*

- 7.63 The Keep Kidmore End Green (KKEG) group raise detailed comments about the way KEPC has undertaken the consultation process. I have given detailed attention to these issues. As the Plan has progressed the KKEG group has sought to engage specifically with KEPC and KEPC has declined to have a detailed debate on the matter. That is a matter for KEPC. Plainly in preparing a neighbourhood plan any parish council has to balance a series of issues. This has particularly been the case here both in terms of other land owners promoting their own sites, and in terms detailed objections from a group of residents living in close proximity to the site proposed in the Plan.

7.64 In this wider context, I am satisfied that KEPC has provided proper access to neighbourhood plan documents and has sought to allow all interested parties to comment on the Plan. This is captured in the Consultation Statement. The KKEG group comment that the latter stages of the consultation process were not as open and engaging as those in the earlier stages of the Plan. This may well have been the case. Nevertheless, that process is not untypical and reflects that as the plan-making process approaches a mature stage it inevitably comes to judgements on emerging policies and the relative merits of the various site options.

7.65 A key test for any neighbourhood plan is the extent to which it 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). I sought KEPC comments on this matter in the clarification note. It commented as follows:

*'The Parish Council is satisfied that, with the help of community feedback and in line with Planning Practice Guidance for neighbourhood plans, the KENDP has secured a shared vision for the parish and shaped the plan for future development that respond to the priorities expressed by our residents. The KENDP reflects the views of residents from all five villages in the parish, obtained through a number of events and surveys conducted over the last four years. The priorities and preferences of residents have remained consistent throughout this period. The KENDP vision and objectives relate to the whole parish, and the preservation of the rural character of our parish is a vision shared by the whole community.'*

7.66 Plainly this is ultimately a matter of judgement. Many plans readily achieve a shared vision. In this case, the submitted Plan has grappled with a series of challenging issues, one of which has been both its decision to allocate a housing site in general terms, and on the edge of Kidmore End in particular. In these circumstances, it is perhaps not surprising that there will be different views expressed. However, on the balance of the evidence, I am satisfied that KEPC has worked diligently to secure this outcome. It has done so across a series of different communities in the parish and with a series of development pressures. Several of the representations from local residents support the Plan. Similarly, many of the comments from statutory bodies do not raise any specific or technical objections to the Plan. In these circumstances, I am satisfied that the consultation process has been thorough, proportionate and meets the basic conditions.

*The impact of the development on the Chilterns AONB*

7.67 The proposed housing allocation is located in the Chilterns AONB. This matter has generated several objections. Plainly it is an important matter. Nevertheless, I am satisfied that KEPC have addressed this issue in an open and transparent fashion. In addition, I have already commented that Kidmore End is the most sustainable location in the parish and it is wholly within the AONB.

7.68 In its comments on the proposed housing allocation the Chilterns Conservation Board has indicated that, with appropriate controls by way of the details of the site, the small-scale nature of development would not materially harm the special qualities of the AONB. Having looked in detail at the site, I am satisfied that the proposed allocation

can be satisfactorily incorporated into the AONB. I am also satisfied that the site has been specifically promoted to be of a scale which can be accommodated in such a protected landscape.

*Ability to be satisfactorily accommodated in the local environment.*

- 7.69 The revisions to the detailed arrangements for the site as shown in the updated Appendix D7 indicate how the site has the ability to be sensitively incorporated into the wider landscape. The success of this process will reflect the way in which the proposed allocation is seen as a small and natural extension of the linear housing along the northern side of Tokers Green Lane. I recommend detailed modifications to the policy to ensure that this is the case. I am satisfied that the updated Appendix D7 sets out an appropriate level of detail to help to provide clarity on the site's development.

*The ability to secure the ambitions of the policy in perpetuity*

- 7.70 This is an important matter. The allocation has been promoted to secure smaller houses in the parish to meet the demand for smaller houses as identified in the Household Survey. Plainly it would be counter-intuitive if the policy did not deliver such housing in the short term, and did not secure the delivered housing in the longer term. As submitted the policy proposed that this matter was addressed in its criterion 3 to the extent that 'the development should include a mix of housing sizes, meaning no more than three bedrooms in any of the proposed dwellings, and that the mix should include dwellings with less than three bedrooms'

- 7.71 I raised the matter with KEPC in the second clarification note. It commented as follows:

*'The Parish Council are intending to control future extensions through the overall size of the site and the resultant plot sizes. For example, under permitted development rights, in most cases extensions and other buildings must not exceed 50% of the curtilage. Therefore, by limiting the size of the plot, the potential size of any future extension is also restricted. However, on the basis that these limited houses are meeting an appetite for smaller more affordable housing, policy wording to guarantee that the properties remain smaller in perpetuity could be introduced. For example, through the introduction of wording requiring the imposition of a planning condition or legal agreement, removing rights under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)'*

- 7.72 I have considered this matter very carefully and in doing so have taken account of KEPC's comments on this matter. On the one hand, it is unusual for a neighbourhood plan to address the development of an allocation housing site in this level of detail. However, on the other hand the allocated site has been promoted in such specific circumstances that I am satisfied that such an approach is both necessary and justified. In particular, it will help to deliver the social and community objectives of the Plan. It is entirely appropriate for a proposal to be restricted where it would achieve a broader land use objective.

- 7.73 Plainly different housing layouts and house types will have different implications within the Plan period. However, there is the obvious potential for three-bedroom houses to

be extended to become four- or five-bedroom houses if sufficient controls are not in place to secure the smaller homes either within the Plan period or in perpetuity. It is not for a neighbourhood plan to seek to remove national permitted development rights. To do so as a matter of overarching policy would not have regard to national policy. However, this will be a matter for SODC to consider on a case-by-case basis. Plainly this matter will overlap with the details already in the policy in houses sizes (and as recommended for modification in this report).

#### Highways Access

- 7.74 The KKEG group draw attention to the need for access arrangements to be resolved. This is captured in the representation from Oxfordshire County Council (OCC) in its capacity as the highway authority. I have considered this matter carefully. I also looked at the issue during both visits to the parish. My interpretation of OCC's comments is that they set out detailed issues to be resolved rather than any fundamental objection to the development of the site. I recommend that the matter is addressed by way of a modification to the sixth criterion in the policy.

#### *The policy itself*

- 7.75 The policy is set out in a matter-of-fact way based on a series of criteria. I recommend that it is modified so that it explicitly allocates the land for residential purposes. I also recommend that its wording relates to a description of the site itself rather than by reference to the site number which has been used in the Plan preparation process. The recommendations in the policy below also incorporate the other detailed modifications which have been addressed in this section of the report.
- 7.76 Plainly the site is addressed in detail in several of the appendices and supporting documents. However, it is not shown in a simple and accessible fashion in the Plan itself. I recommend a modification to remedy this matter.
- 7.77 Criterion 10 comments about construction detail arrangements. This will be an important matter in the event that the site is developed. Nevertheless, it is a process matter rather than a land use policy. As such, I recommend that it is deleted and repositioned into the supporting text.

#### **Replace the opening element of the policy with:**

**'Land off Tokers Green Lane, Kidmore End (as shown on Figure insert number) is allocated for residential development of up to four open market dwellings. Proposals for the development of the site should respond positively to the following criteria:'**

**In C1 and 2 replace 'must' with 'should'**

**Replace criterion 3 with: 'The western and southern boundaries of the site should incorporate landscaping consistent with the that of the residential properties to the north of the site. In particular they should be designed to complement the surrounding countryside and avoid the use of close boarded**

fences. The use of native hedges, post and rail fences and indigenous trees will be particularly supported.'

Replace criterion 4 with: 'The development should include a mix of housing sizes with no more than three bedrooms in any of the proposed dwellings and include dwellings with less than three bedrooms. All development proposals should ensure the retention of the house sizes in perpetuity through a planning condition or legal agreement as appropriate to the development concerned.'

Replace criterion 5 with: 'The development should establish a clearly defined edge of the village and respect its relationship with the adjacent open countryside.'

Replace criterion 6 with: 'An appropriate access to Tokers Green Lane should be provided and the dwellings should be positioned in a linear, road facing arrangement, with no back fill.'

Delete criterion 10.

Replace criterion 12 with: 'The overall layout, scale, landscaping and access for the site should respond positively to the Design Code in Appendix D7 of the Plan.'

*Show the site on a separate map/figure in the Plan at a scale of 1:5000 (as those in Appendix A).*

*Add a new paragraph of supporting text (10.23) to read:*

*'Policy HDA sets out the detailed approach to the development of the site. It does so by reference to a series of detailed criteria. They include design and landscaping issues (1-3), the size of housing which would be supported (4) and the way in which they are arranged on the site.'*

*Add a new paragraph of supporting text (10.24) to read:*

*'Criterion 4 of the policy sets out the way in which the delivered house sizes should be addressed. Plainly the details will be considered in individual applications. However, as a guide the three-bedroom houses should not exceed 102 square metres of gross internal area.'*

*Add a new paragraph of supporting text (10.25) to read:*

*'The effect on residential amenity of the construction arrangements should be carefully controlled. This process should include lorry movement, deliveries, working times, lighting and the protection of the existing boundaries to the north and east of the site (insofar as this is consistent with the approved proposals). This can best be achieved by way of the development of a Construction Management Plan.'*

## Landscape policies – General comments

- 7.78 The plan preparation work has included a range of work on landscape matters. At its heart is an assessment of the character of the southern part of the parish which is located between the southern boundary of the Chilterns AONB and the built-up area of Reading (to the immediate south of the parish). They are captured in the following documents:
- Kidmore End Parish Landscape Sensitivity Study (Appendix C1);
  - Kidmore End Locally Valued Landscape Topic Paper (Appendix C2); and
  - Kidmore End Locally Value Landscape Assessment (Appendix C3).
- 7.79 This work translates into two related policies. The first is one of general nature which applies both to the AONB and its setting (Policy LPCS). The second is one which propose to identify an Area of Local Landscape Value (Policy LPLV). This creates policies which would have an overlapping effect. I raised this matter with KEPC in the first clarification note. I have taken account of its responses in commenting on these two policies.
- 7.80 In my judgement these policies also have an overlap with the policy on a proposed Local Gap (LCLG). The proposed Local Gap is wholly within the proposed Area of Local Landscape Value. This results in a complex matrix of policies.
- 7.81 In coming to a judgement on the interplay between these various policies, I have applied the following principles:
- a policy should be underpinned by proportionate evidence to justify its inclusion within a development plan document;
  - a neighbourhood plan policy should not seek to repeat or restate national or local policies; and
  - a neighbourhood plan policy should be distinctive to the area concerned and add local value to any relevant national and local policies.

## Chilterns AONB and its Setting Policy (LPCS)

- 7.82 This policy is underpinned by the Kidmore End Parish Landscape Sensitivity Study. The Study concludes that the area shares many of the physical, natural and historic characteristics of the AONB, and with a high level of inter-visibility with the AONB, and therefore contributes to the setting of the AONB. This matter is captured within the policy. The policy proposes the application of AONB principles both within the AONB and to the southern part of the parish (outside the AONB).
- 7.83 I have considered the appropriateness of this policy very carefully. On the balance of the evidence, I am not satisfied that it either adds any value to the application of national or local policies or meets the basic conditions. On the first matter, the approach towards safeguarding AONBs and their settings is already captured in national policy and in Policy ENV1 of the adopted Local Plan. In many respects the proposed policy either relates this policy approach or provides matter of fact details about the special qualities of the Chilterns AONB. On the second matter, the policy does not have the clarity required by the NPPF as it does not define the setting of the

AONB. Indeed, the response to the first clarification note comments that not the whole of the area to the south of the AONB boundary may fall within the setting.

- 7.84 In all the circumstances, I recommend that the policy is deleted. Nevertheless, I recommend that the descriptive elements about the special qualities of the AONB in the policy are retained in modified supporting text to highlight the significance of the Chilterns AONB in the neighbourhood area and the scale and extent of the existing national and local policies which safeguard the designated area.

### **Delete the policy**

*Delete paragraph 11.14-11.18 and 11.22*

*At the end of paragraph 11.21 add: In addition to national policy on this matter Policy ENV1 of the South Oxfordshire Local Plan safeguards the Chilterns AONB.*

### **Local Valued Landscape Policy (LPLV)**

- 7.85 The Kidmore End Parish Landscape Sensitivity Study also concludes that the area has a high number of landscape features of value in their own right over and above those contributing to the setting of the AONB, and that collectively across the area these form a landscape that should be regarded considered as a Valued Landscape under NPPF para 174 a). This approach is captured within this policy.
- 7.86 It comments that development proposals should only be permitted where they protect and enhance the physical and visual attributes of the character, quality and appearance of this valued landscape. In addition, it also requires that landscape mitigation measures should be in keeping with the prevailing local vegetation pattern and support landscape, bio-diversity and heritage objectives for the parish.
- 7.87 I looked at the southern part of the parish in significant detail during my initial visit. As described in Section 5 of this report I walked extensively to understand the nature of the landscape. I was able to appreciate its attractiveness.
- 7.88 The Landscape Sensitivity Assessment (Appendix C1) helpfully describes the nature of the landscape and identifies the way in which it would be sensitive to new development. It is a compelling study in the way in which it describes the area concerned and assesses it against national and local policies. Its paragraph 2.11 provides a context to the way in which this part of the parish has been considered in the past as follows:

*'The Study Area was formerly part of SODC's Area of Great Landscape Value until the early 2000s. Historic planning documents show that this area was long regarded by SODC and Oxfordshire County Council as of a suitable quality for inclusion within the Chilterns AONB and was described as 'an area of dip slope of the Chilterns' much of which is 'indistinguishable from the landscape of the AONB' (see Appendix 4 - Rural Areas of Local Plan South Oxfordshire District Council, 1992, p37). However, the area was excluded in the original designation of the Chilterns AONB in 1965 and again in 1990 when the boundary was reviewed'*

- 7.89 I have taken account of the comments of SODC, the Chilterns Conservation Board, L&Q and Perfectfield on this matter. Whilst L&Q assert that the proposed designation of Locally Valued Landscape has not been justified, it offers no evidence that the landscape does not have these qualities, nor does it directly challenge the evidence which KEPC has assembled on this matter. On the balance of the evidence and my own observations, I am satisfied that the principle of identifying a Local Valued Landscape is entirely appropriate.
- 7.90 The policy itself defines the landscape concerned and then sets out an approach against which development proposals will be assessed. I recommend that the policy is modified so that its focus is on the way in which development proposals should respond to the designation of the local valued landscape. I also recommend that the references in both parts of the policy recognise that the enhancement of the landscape and the ability of any landscaping proposals to support the wider landscape, bio-diversity and heritage objectives for the parish may not always be practicable. Otherwise, the policy meets the basic conditions. It will play a significant part in the way in which the Plan will contribute towards the achievement of the environmental dimension of sustainable development.

**Replace the policy with:**

**‘The Kidmore End Parish Local Valued Landscape is identified in Map 4. Development proposals should protect and where practicable enhance the physical and visual attributes of the character, quality and appearance of this valued landscape.**

**Where development proposals are in accordance with Local Plan Policy ENV1 and this policy, any landscape mitigation measures should reflect the prevailing local vegetation pattern and where practicable support the landscape, bio-diversity and heritage objectives for the parish as set out in this Plan.’**

Local Gap Policy (LPLG)

- 7.91 This policy seeks to consolidate the approach in the two previous policies. The Plan comments that it is specifically included to prevent coalescence between Caversham and Tokers Green and to protect a narrow gap of vulnerable open land and rural setting next to the urban area of Reading, whilst maintaining the separate identity of Tokers Green. The policy comments that proposals for development within the Local Gap should not, either individually or cumulatively, unacceptably detract from the openness and the scale of the remaining gap between Tokers Green and Caversham.
- 7.92 Paragraph 9.18 of the Plan describes the proposed Local Gap as ‘an area of open, tranquil and rural farmed landscape. The eastern part forms part of a dry valley feature, predominantly of pasture and woodland belts, with narrow winding lanes and routeways; the western part is typical of the Chilterns plateau topography. The Local Gap boundaries are defined by the settlement edge of Tokers Green and the Parish boundary (and its tree line) in the west, the urban edge and Reading Borough boundary at Caversham in the south, and well-defined field boundaries to the north and east’

- 7.93 The proposed Local Gap is located within the proposed Area of Local Landscape Value. I looked at the proposed Local Gap carefully during the visit. I saw that it was readily identified within the wider landscape.
- 7.94 The policy has attracted objections from L&Q and Perfectfield. The former raises a series of matters in relation to the principle of the policy and the extent to which it is needed. The latter comments a parcel of land in its control to the west of Tokers Green Lane
- 7.95 I raised a series of questions with KEPC in the clarification note. The first related to the relative importance of the 'scale of the gap' and the 'openness' issues in the policy. KEPC commented that the key issue for the Parish Council is the 'openness' of the gap. It also advised that the scale of the Gap has been derived from the assessment of the area as set out in the NDP para 9.17 to 9.20 and on page 38 which needs to remain open in order to retain the separate identity of the settlements of Reading and Tokers Green.
- 7.96 The second was the relationship between the scale of the proposed Gap, its topography and the status of Tokers Green in the settlement hierarchy and the prospect and/or likelihood of development being so significant as to justify the proposed designation of a Local Gap. KEPC commented that Perfectfield Ltd has set out the desire for development on part of the proposed local gap. In addition, the submission of extensive tracts of land on the remaining part of the proposed local gap in the Call for Sites and the Local Plan 2035 process (sites 1017 and 1269) also show the prospect of development in the gap if the area is not protected as a gap in its own right. The scale of the gap has been determined by the area that is visible across the valley from the edge of Tokers Green and Reading. The Council wants to retain the distinct rural character and small scale of the settlement of Tokers Green which could be easily subsumed into Reading. This area is very vulnerable to expansion out from Reading.
- 7.97 The third was the extent to which the policy relates to Policy LPLV (Local valued landscape policy). KEPC commented that although the area of the local gap is also covered by the LPLV, the two policies seek to achieve different goals. It advised that Policy LPLV seeks to recognise that the land concerned is of locally important landscape quality and value in its own right. It comments that the evidence provided in Appendices C1 and C2a and C2b and the enormous support for this policy by the local community shows this to be the case. Policy LCLG is, on the other hand, designed to protect the openness between and separate identity of two very disparate settlements thus preventing the physical or visual merging of these within a specific very vulnerable area of open land, regardless of whether it is a valued landscape. KEPC comments that the two policy tests would both be applied to any development proposal.
- 7.98 KEPC also commented that the area of land identified for the local gap is considered the minimum needed to maintain the separate identity of the two settlements (Reading and Tokers Green) and that the assessments for the Local Landscape Value show that this land is also inherently part of the local valued landscape based on the quality of the landscape. The Parish Council feels that the importance of some of this land as a gap has been tried and tested through appeals and sets a precedent. On the other

hand, it comments that the LPLV policy is very important to the parish, but it is new to South Oxfordshire and yet to be tested and highlights concern if Policy LPLG were to be dropped as a separate policy.

- 7.99 I have considered the extent to which the policy meets the basic conditions very carefully. On the one hand, it would reinforce the suite of policies elsewhere in the Plan which seek to safeguard the quality of the wider landscape, and will ensure the ongoing separation of the various settlements. On the other hand, the Plan offers no real evidence about the development pressures and the extent to which they cannot be handled by national policy and an up-to-date Local Plan. In addition, I have concluded that the extent of the proposed Local Gap is disproportionate to the objective which it sets out to achieve. The scale of development which would cause the existing separation of settlements in this part of the parish would be of a scale well beyond that anticipated for this part of the District in the adopted Local Plan.
- 7.100 In the round, I am satisfied that the ongoing separation of Tokers Green from the northern edge of Reading can be addressed in a robust fashion by the combination of the Separation of Settlements policy which applies more generally across the parish, and the Local Valued Landscape Policy in the southern part of the parish. The latter policy is underpinned by an extensive and well-considered evidence base. Whilst I have taken account of the comments by KEPC in its response to the clarification note about the relative weight and importance that might be given to the Local Gap policy and the Local Valued Landscape policy, I am satisfied that the latter is more than adequate to ensure that only appropriate development comes forward in the area identified as a Local Valued Landscape. Its identification relates directly to paragraph 174 of the NPPF.
- 7.101 In these circumstances, I recommend the deletion of the policy. I also recommend consequential modifications to the supporting text.

**Delete the policy.**

*Change the coloured heading before 9.14.*

*Delete paragraphs 9.17 to 9.22.*

*In paragraph 9.23 delete the two references to the Local Gap policy.*

**Safety for All Road Users Policy (LTSRU)**

- 7.102 The policy comments that proposed developments should not cause an unacceptable reduction in road safety including that of pedestrians, cyclists, horse riders and other road users. It also identifies four matters which should be taken into account in decision-making.
- 7.103 I have taken account of KEPC's responses to the clarification note. I am satisfied that the approach taken adds value to national and local policies. It reflects the sensitive relationship between the distribution of existing development in the parish and the character of the highway network. The second part of the policy is written in a form which does not directly apply to the development industry. I recommend modifications

to remedy this matter and to bring the clarity required by the NPPF. As with other policies, I recommend that this matter is applied in a proportionate way.

**Replace the opening element of the second part of the policy with: ‘As appropriate to their scale, nature and location, development proposals should address their impacts on:’**

Preservation of Footpaths, Bridleways and Tracks Policy (LTPFBT)

- 7.104 This policy comments that proposed development should protect the existing rights of way network and their ambience and provide enhancements, where possible, to the existing network. The second part of the policy sets out three specific matters.
- 7.105 The policy takes an appropriate approach to this matter. I recommend modifications to the second part of the policy so that it can be applied in a proportionate way.

**At the beginning of the second part of the policy add: ‘As appropriate to their scale, nature and location,’**

Safe Access and Parking Policy (LTSAP)

- 7.106 The policy comments that proposed development should make adequate provision for parking and not rely on roadside parking. It also comments that any new development proposals should provide off-road parking to meet the County Council’s standards by delivering innovative and attractive arrangements which complement the character of the area.
- 7.107 I have taken account of KEPC’s responses to the clarification note. I am satisfied that the approach taken adds value to national and local policies. I saw the pressure caused by on-street parking in some of the villages. In most cases, this was in locations where the housing stock was built before the advent of the car or widespread car ownership rates.
- 7.108 I recommend that the policy’s format is simplified to bring the clarity required by the NPPF. In particular, I recommend the deletion of the repetitive references to the need to avoid on-street parking. The policy can require appropriate levels of off-street parking. However, it cannot dictate to property owners where they park their cars. Nevertheless, I recommend that the potential consequences of delivering off-street parking is captured in the supporting text.

**Replace the policy with:**

**‘Development proposals should provide off-road parking by delivering innovative and attractive arrangements which complement the character of the area and which meet the County Council’s standards.**

**In particular, car parking provision should be designed to take account of the continuing lifecycle of the development.’**

*At the end of paragraph 12.13 add: 'The policy sets out to require that new development provides appropriate levels of off-street parking. This will reduce the potential for additional on street parking.'*

#### Other matters - General

- 7.109 This report has recommended a series of modifications both to the policies and to the text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for SODC and KEPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

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

- 7.110 I have recommended the deletion of several policies in the Plan. Where I have done so, I have also recommended a series of consequential modifications which directly arise. However, it will be appropriate for SODC and KEPC to have the flexibility to make any necessary consequential changes to the text earlier in the Plan, especially where it relates to the structure of the Plan and the schedule of policies (Section 8 and Figure 15). I recommend accordingly.

*Modification of general text in the earlier sections of the Plan to take account of the deletion of certain policies in the submitted Plan.*

#### Other matters – Specific

- 7.111 SODC has made a series of detailed comments on the Plan. They have been very helpful as part of the wider examination process. Where they are necessary to ensure that the Plan meets the basic conditions, I have incorporated them into the recommendation modifications on a policy-by-policy basis.
- 7.112 In addition I recommend a modification to wording in paragraph 8.4 of the Plan which comments about the way in which the policies would be applied. As submitted, the Plan takes a polarised view which does not recognise the way in which planning applications will be considered in the round against the wider package of policies in the development plan.

*Replace the final sentence of paragraph 8.4 with: 'The purpose of these policies is to guide how planning applications should be determined'*

- 7.113 Oxfordshire County Council objects to the designation of Kidmore End Church of England Primary School grounds, Chalkhouse Green Road, Kidmore End as an Important Green Space (shown as Site 4 in Appendix D1). It contends that the designation of this site as a Locally Important Green Space may inhibit any potential future educational uses of the land in conjunction with the Kidmore End Church of England Primary School. In its update to its comments the County Council also raised

a similar objection to identified Important Green Space Site 9: Wood Lane/Horsepond Road in Gallowstree Common.

7.114 I have considered these matters very carefully. On the balance of the evidence, I am satisfied that the Plan has taken an appropriate approach to this matter. In both Appendix D1 (Kidmore End) and D2 (Gallowstree Common) KEPC has described a series of important green spaces. Whilst the character analysis work has been undertaken to provide the basis for the application of the local character policies in the Plan, it has not sought to give these green spaces any specific protection. In particular, they are not proposed to be designated as Local Green Spaces. Similarly, there is no such policy in the Plan itself. Nevertheless, for the avoidance of any doubt, I recommend that the title of the relevant parts of Appendix D1 and D2 are changed from 'Important Green Spaces' to 'Existing Green Spaces'.

*In Appendix D1 and D2 replace the heading 'Important Green Spaces' with 'Existing Green Spaces'*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2035. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination of the Plan, I have concluded that the Kidmore End 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 the Kidmore End 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 designated neighbourhood area. In my view, that 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 20 December 2017.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

**Andrew Ashcroft**  
**Independent Examiner**  
**23 May 2022**