

Cholsey Neighbourhood Development Plan Review 2022-2035

**A report to South Oxfordshire District Council
on the Review of the Cholsey Neighbourhood
Development Plan**

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Executive Summary

- 1 I was appointed by South Oxfordshire District Council in August 2022 to carry out the independent examination of the review of the Cholsey Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 1 September 2022.
- 3 The review of the Plan proposes a series of changes to the policies in the made Plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Cholsey Neighbourhood Development Plan Review meets all the necessary legal requirements and should be made by South Oxfordshire District Council.

Andrew Ashcroft
Independent Examiner
22 September 2022

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the review of the Cholsey Neighbourhood Development Plan Review 2022-2035 (the Plan).
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Cholsey Council (CPC) 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). 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. It can include whatever range of policies it sees as appropriate to its designated neighbourhood area. In this case, the Plan is a review of the 'made' Plan. It has been designed to be distinctive in general terms, and to be complementary to the development plan in particular.
- 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 be made. If this is the case, the review of 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 CPC, to conduct the examination of the Plan and to prepare this report. I am independent of both the SODC and CPC. 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 and more recently as an examiner of neighbourhood plans. 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 System

Examination Outcomes

- 2.4 The examination process for the review of a 'made' neighbourhood plan is set out in Section 3 of this report.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am also 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 Having addressed the matters identified in paragraph 2.6 of this report, I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Screening Report.
- the representations made to the Plan.
- CPC's responses to the clarification note
- the South Oxfordshire Local Plan 2035.
- the National Planning Policy Framework (July 2021).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 The various documents are helpfully available on the District Council's web site. Wherever possible, I will refer to the document concerned for the purposes of keeping this report as concise as possible.

3.3 I visited the neighbourhood area on 1 September 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

The process for the examination of a review of a neighbourhood plan

3.4 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as qualifying bodies seek to review 'made' neighbourhood plans. It introduces a proportionate process for the modification of neighbourhood plans where a neighbourhood development order or plan has already been made in relation to that area.

3.5 There are three types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves and as follows:

- minor (non-material) modifications to a neighbourhood plan or order which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum; or
- material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan; or

- material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.
- 3.6 CPC has considered this issue. It takes the view that the proposed changes to the 'made' Plan fall into the second category.
- 3.7 SODC has also undertaken a separate assessment of the issue. It takes the same view as CPC on the scale and nature of the modifications to the policies in the 'made' Plan.
- 3.8 I have considered these assessments very carefully. I have concluded that the review of the Plan includes material modifications which do not change the nature of the Plan and which require examination but not a referendum. I have reached this decision for the following reasons:
- the policies largely repeat and update those in the 'made' Plan; and
 - the modifications in the review bring the Plan up to date to reflect changes in national and local planning policy since the Plan was made.
- 3.9 In these circumstances, I will examine the Plan against Schedule A2 of the Planning and Compulsory Purchase Act 2004. The regulations identify that this report must recommend one of three outcomes:
- that the local planning authority should make the draft plan; or
 - that the local planning authority should make the draft plan with the modifications specified in the report; or
 - that the local planning authority should not make the draft plan.
- 3.10 Section 7 of this report assesses each policy in turn and identifies any modifications required to ensure that they meet the basic conditions. My recommendation is then set out in Section 8.

Detailed matter

- 3.11 This report was revised on 22 September 2022 to correct an earlier error in paragraph 7.23 of the report. The reference to the first and fourth bullet points of Policy CNP H1a should have been to the first and fifth bullet points. Paragraph 7.23 of this report is now correct

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, CPC has prepared a Consultation Statement. It reflects the very specific and targeted way in which CPC engaged with the community on the review the existing 'made' Plan.
- 4.3 The Statement details the various activities that were held to engage the local community during the plan-preparation process. They also provide specific details on the consultation process that took place on the pre-submission version of the Plan (March to May 2022). The activities are proportionate to the limited number of issues addressed in the review of the Plan.
- 4.4 The Statement sets out details of the community engagement that took place as the Plan was being prepared. They included:
- the public meeting (March 2022);
 - the public meetings (April 2022);
 - the opportunity to comment on the Plan at the May Day event (May 2022); and
 - the public meeting (May 2022).
- 4.5 The detailed elements of the Statement set out how the CPC took account of the consultation feedback. They help to explain the evolution of the Plan.

Consultation Feedback

- 4.6 Consultation on the Plan was undertaken by SODC that ended on 31 August 2022. This exercise generated representations from the following organisations:
- Chilterns Conservation Board
 - South Oxfordshire District Council
 - SSE
 - Coal Authority
 - Historic England
 - Thames Water
 - Oxfordshire County Council
 - JT Leavesley Limited
 - Deanfield Homes Limited
 - Natural England
 - National Grid

- 4.7 The Plan also attracted nine representations from 13 local residents.

- 4.8 I have taken all the comments into account in preparing this report. Where appropriate, I refer to specific representations in my commentary on the various policies in the Plan.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Cholsey. It is irregularly- shaped and consists principally of the village of Cholsey. The village is located approximately 3 kilometres to the south-west of Wallingford. Its population in 2011 was 3380 persons living in 1426 dwellings. It was designated as a neighbourhood area on 4 August 2016.
- 5.2 The neighbourhood area is mainly in agricultural use and sits within a rich landscape and ecological setting dominated by the River Thames to the east. The River Thames forms most of its north-eastern boundary. The higher ground of the North Wessex Downs Area of Outstanding Beauty (AONB) sits within the south and west part of the neighbourhood area. The Chilterns AONB dominates the landscape to the south and east of the neighbourhood area.
- 5.3 The village of Cholsey is based around the junction formed by Wallingford Road, Station Road and Church Road. The historic core remains clear in design and architectural terms. It is designated as a conservation area. More modern residential development has taken place to the east of Wallingford Road and to the north of Papist Way. Cholsey railway station is located to the south west of the village. It sits on the GWR mainline between Reading and Didcot.

Development Plan Context

- 5.4 The South Oxfordshire Local Plan was adopted in December 2020. It sets out the basis for future development in South Oxfordshire up to 2035.
- 5.5 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.6 Cholsey is identified as one of a series of Larger Villages in the adopted Local Plan. Paragraph 4.18 of the Local Plan comments that development in the Larger Villages should be proportional, appropriate and dependent on existing infrastructure. It is considered that the most appropriate mechanism for delivering housing in larger villages is by preparing a neighbourhood plan and allocating development sites. Table 4f of the Plan sets out the number of houses required in the Larger Villages based on an expected 15% increase in the number of houses in each of the villages. In the case of Cholsey, the target translates to 612 homes. 690 new homes had been completed or committed at April 2020.
- 5.7 In these circumstances Policy H4 (Housing in the Larger Villages) of the Local Plan does not allocate land for additional housing purposes in Cholsey.
- 5.8 In summary, 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 existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Visit to the Neighbourhood Area

- 5.9 I visited the neighbourhood area on 1 September 2022.
- 5.10 I took the opportunity to look at the developments which had taken place since the Plan was made. I also looked at the sites which were specifically mentioned in the representations received to the Plan.

6 The Neighbourhood Plan as a whole

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 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. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Cholsey Neighbourhood Plan Review:

- 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. It includes a series of policy refinements that address the updates which have been made to the NPPF since it was initially made and takes account of the adoption of the Local Plan. 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 is reinforced in Planning Practice. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted, the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me 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 (CNP H2), for new residential development (CNP H1/H1a/H1b), for home working (CNP8) and small-scale business uses (CNP9). In the social role, it includes a policy on community facilities (CNPI6). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on its landscape setting (CNP E1), its riverside location (CNP E2) and its heritage assets (CNP E3). This assessment overlaps with CPC's comments on 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. 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 the 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.

Strategic Environmental Assessment

- 6.13 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.
- 6.14 In order to comply with this requirement, SODC produced a screening report in July 2022. It comments that the Plan does not allocate any new sites for development, it carries over the existing allocations, and continues to place great emphasis on conserving the character and appearance of the area. In addition, it comments that the allocations already benefit from planning permission. The report concludes that the implementation of the review of the Plan would not result in likely significant effects on the environment.

Habitat Regulations

- 6.15 SODC prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It assesses the likely effects of the implementation of the Plan on several protected sites. It also rehearses the screening work which was carried out as part of the preparation of the made Plan (and which included a series of site allocations). The report is very thorough and comprehensive. It concludes that the Plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects. On this basis it also concludes that Appropriate Assessment is not required.
- 6.16 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 the regulations.

Human Rights

- 6.17 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

- 6.18 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 the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and CPC have spent time and energy in identifying the issues and objectives that they wish to be included in the review of the made Plan. The community has successfully marshalled the capacity to prepare a review of its 'made' neighbourhood plan to reflect changing circumstances. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It includes a series of non-land use Pledges.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 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 sections of the Plan (Sections 1-3)

- 7.8 The Plan as a whole is well-organised and includes effective maps and photographs that give real depth and purpose to the Plan. The various photographs are particularly effective. The Plan makes an appropriate distinction between the policies and their supporting text. Its design will ensure that it will comfortably be able to take its place as part of the development plan in the event that it is eventually 'made'. The initial elements of the Plan set the scene for the policies. They are proportionate to the Plan area and the subsequent policies. In particular they describe the way in which CPC has undertaken the review of the Plan. The process chart (Figure 1) is both helpful and very well-presented.
- 7.9 The Introduction describes the neighbourhood area, the community process involved in preparing the Plan and how the Plan will fit into the wider planning system.
- 7.10 Section 1 helpfully sets out helpful background to the neighbourhood area. It also sets out a range of demographic and employment information. It provides a useful reference point for various policies later in the Plan. The section on the environment is particularly effective. It provides a context for the built-up area within its wider landscape and topographical context. Section 2 sets out the vision for Cholsey as follows:

‘Our vision is for Cholsey to continue to thrive, meeting the changing needs of the community whilst conserving the distinctive character, landscape, and setting of the village that has evolved over eleven centuries of history, taking full heed of the challenges we face from the effects of Climate Change.’

- 7.11 Section 3 sets out a comprehensive strategy for the Plan. It has been reworked from the non-policy strategy in the made Plan to a policy in the review of the Plan. Further policies are then set out in section 4. 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.

General comments on policies

- 7.12 The Plan takes a straightforward approach. It consolidates the review of the Plan into the structure of the ‘made Plan. As such the majority of the policies remain either unchanged or are proposed to be modified. Two policies in the made Plan have been deleted from the submitted review of the Plan as they are no longer needed.
- 7.13 For the purposes of this report, I do not comment in any detail on the retained policies other than where I have considered that they require modification to ensure that they meet the basic conditions.

Policy CNP 1

- 7.14 This policy sets out a strategic approach to development in the neighbourhood area. It is a reworking of the strategy in the made Plan. As part of the approach taken the strategy has been updated to made its format shorter and easier to understand and to reflect the climate change issues included in the most recent version of the NPPF.
- 7.15 In taking this approach, CPC has sought to respond positively to the comments from SODC at the pre-submission consultation stage of the Plan about the way in which this process could be achieved and the approach taken in the Wallingford Neighbourhood Plan. In principle, I am satisfied that the intention that underpins the approach taken in the submitted Plan has the ability to meet the basic conditions. Given that I examined the Wallingford Plan I am also satisfied that it would be appropriate for the Cholsey Plan to take a similar approach.
- 7.16 As submitted the policy does not have the clarity required by the NPPF for a development plan policy. In particular it sets out a strategy for the Plan without directly indicating the way in which the strategy would relate to its practical delivery through the development management process. Nevertheless, in the context of the way in which the policy has been developed, I recommend modifications to the details of its initial section to remedy this matter. The incorporation of the recommended modifications into the Plan would result in a policy format which would correspond with that taken in the Wallingford Plan and better relate to the development management process.
- 7.17 I also recommend consequential modifications to the heading of Section 3 of the Plan and the associated supporting text.

Replace the initial wording of the policy with ‘Development proposals should take account of the role of Cholsey as a Larger Village in the District’s settlement hierarchy in general, and its natural, heritage and environmental characteristics in particular. Development proposals will be supported, as appropriate to their scale and nature, where they positively:’

In the policy box delete CNP STRAT 1

Replace the title of Section 3 of the Plan with: ‘Neighbourhood Plan Strategic Approach and Policy’

At the end of paragraph 62 add: ‘Policy CNP 1 sets out a strategic approach to development in the neighbourhood area. It is a reworking of the strategy in the made Plan. As part of the approach taken the strategy has been updated to make its format shorter and easier to understand and to reflect climate change issues as included in the most recent version of the NPPF.’

Policy CNP H1

- 7.18 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.
- 7.19 Since the Plan was made, the land allocated for housing at CHOL1 (East End Farm), CHOL9 (Papist Way) and CHOL10 (Fairmile) have now been developed. This situation is acknowledged in paragraph 92 of the Plan. In these circumstances I recommend that the policy is modified to remove any reference to the completed sites.
- 7.20 In addition, development has now started on CHOL7 (Land west of Wallingford Road). Given that the site is only in its early stages of development, I am satisfied that it would be appropriate to retain the allocation in the Plan. It will provide a context for any revised applications which may be received before the site is completed. Nevertheless, I recommend that the number of houses allocated on the site takes account of the number of completions that had taken place at the end of March 2022.
- 7.21 I also recommend a consequential modification to the supporting text. For completeness I also recommend that the supporting text acknowledges that a separate screening exercise was undertaken as part of the review of the Plan. Otherwise, the policy meets the basic conditions.

Replace the policy with: ‘Land is allocated to provide new homes on land to the west of Wallingford Road (part of CHOL7) for around 99 homes.’

Replace paragraph 92 with:

‘The initial version of the Plan allocated three housing sites - East End Farm (CHOL1) together with land west of Wallingford Road (part of CHOL7) for around 165 homes; Boshers Yard corner of A329 and Papist Way (CHOL9) for around 10 homes and Fairmile (CHOL10) for 14 homes. Full details about the housing sites considered were set out in the Site Assessment paper (IoE 18). This paper together with the Sustainability Appraisal (SA) (IoE 41) also provides an assessment of the impacts of all the sites considered and a summary of how we chose the sites we allocated. The

SA was used to inform the decision-making process, this shows in the overview of development options at paragraph 4.5 onwards that, whilst there are pros and cons for many of the sites, the group of sites selected performs better than the alternative in sustainability terms. A screening report was also undertaken as part of the review of the Plan in 2022. The CHOL1, CHOL9 and CHOL10 site allocations are now built out. As such Policy H1 now refers only to the allocation of land west of Wallingford Road (CHOL7). It also reflects the number of houses already constructed on that site'

Policy CNP H1a

- 7.22 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.
- 7.23 The policy refers specifically to the development of allocations CHOL1 and CHOL7. However, as CHOL1 is now built out I recommend that the policy is modified so that it relates only to the development of the CHOL7 site. The consequential modifications to the supporting text have already been addressed in the context set out above for Policy H1. Otherwise, it meets the basic conditions.

Replace the opening element of the policy with:

'Proposals on CHOL7 should be in general accordance with the Masterplan (MAP 5) and will provide or ensure that:'

Delete the first and fifth criteria.

Policy CNP H1b

- 7.24 This policy is a retained policy from the made Plan.
- 7.25 In its representation to the Plan SODC comments that Policy STRAT5 of the Local Plan sets out an approach to residential densities in order to optimise the use of land and to help in creating more sustainable places. It also states that sites well related to existing towns and villages and served by public transport may be expected to achieve higher densities of 45 dwellings per hectare. It comments that Cholsey has a regular bus service to Wallingford and has a train station with connections to Didcot, Oxford and London and as Cholsey is well related to existing towns and served by public transport, and that a higher density of 45dph should be the starting point unless there are clearly justified planning reasons why a site cannot achieve this density.
- 7.26 The submitted Plan has addressed this matter in its paragraph 89. It comments that:
- 'It is our view that Cholsey's location closely surrounded by AONBs on three sides forms a significant locational constraint. We do not consider that Cholsey is well located to encourage use of public transport, cycling, or walking to Wallingford town centre to access essential services and facilities or to services such as hospitals further away, Table 3 sets out travel times to essential services and demonstrates that Cholsey is poorly connected compared to Oxfordshire generally and to England.'*

- 7.27 Given the way in which delivery has taken place on the allocated sites in the made Plan the issue of residential density will primarily apply to any additional proposals which may arise in the Plan period.
- 7.28 I have considered this matter carefully. On the balance of the evidence, I recommend that the policy is replaced with one which takes a more nuanced approach and reflects the specific circumstances which exist in the parish. Plainly this policy will form part of the development plan and will be considered alongside Policy STRAT5 of the Local Plan. In these circumstances, the recommended modification does not propose a specific minimum density. The allocated houses sites in the made Plan now have planning permission. As such the policy would apply primarily to any additional sites which may come forward in the Plan period. The recommended modified policy seeks to ensure that development proposals optimise the use of land on the one hand whilst responding positively to a series of environmental criteria on the other hand. This approach acknowledges that the District Council will be able to come to a judgement on development proposals on a case-by-case basis. It also acknowledges that the development industry will need to respond positively to the national agenda to bring forward high quality designs. I also recommend a consequential modification to the supporting text.

Replace the policy with:

‘Proposed residential developments should optimise the use of land and the potential of the site and indicate the way in which they have made a positive response to the following matters:

- **the relationship between the neighbourhood area and the Chilterns and the North Wessex Areas of Outstanding Natural Beauty;**
- **the need to secure a high-quality design on the site concerned;**
- **the proximity of the site to local services and facilities;**
- **their impact on the amenities of adjacent residential properties; and**
- **their impact on any heritage assets in their immediate locality.’**

Replace paragraph 89 with: ‘The village is well screened and unobtrusive in the wider landscape, particularly from prominent viewpoints, this is a result of the well wooded nature of the village. We believe, in view of the village’s rural location and proximity to two AONBs, that it is important that there continues to be space for substantial trees and other landscaping to soften the appearance of new development. We note that South Oxfordshire Local Plan 2035 Policy STRAT 5 suggests a significantly higher density for some very sustainable locations in Didcot, the market towns and around Oxford. It is our view that Cholsey’s location closely surrounded by AONBs on three sides forms a significant locational constraint. We do not consider that Cholsey is well located to encourage use of public transport, cycling, or walking to Wallingford town centre to access essential services and facilities or to services such as hospitals further away, Table 3 sets out travel times to essential services and demonstrates that Cholsey is poorly connected compared to Oxfordshire generally and to England. In these circumstances, Policy H1b has been refined from the approach taken in the made Plan so that it takes a more nuanced approach which reflects the specific

circumstances which exist in the parish. Plainly this policy will form part of the development plan and will be considered alongside Policy STRAT5 of the Local Plan. In these circumstances Policy H1b of this Plan does not propose a specific minimum density. The allocated housing sites in the made Plan now have planning permission. As such the policy would apply to any additional sites which may come forward in the Plan period. The policy approach requires that development proposals optimise the use of land on the one hand whilst responding positively to a series of environmental criteria. This approach acknowledges that the District Council will be able to come to a judgement on development proposals on a case-by-case basis.'

Policy CNP H2

- 7.29 This policy is based on the identification of a built-up area boundary. The Plan proposes minor changes to improve its clarity and remove duplication.
- 7.30 I am satisfied that the approach taken meets the basic conditions.

Policy CNP H3

- 7.31 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Policy CNP H4

- 7.32 The policy has been changed to reflect changes to national policy with the introduction of First Homes and the South Oxfordshire Local Plan 2035.
- 7.33 I am satisfied that the review of the Plan has approached this matter in a positive fashion. It ensures that the Plan is fully up to date.
- 7.34 I recommend a very detailed modification to the wording of part of the policy so that it more clearly respects the language used in the NPPF. Otherwise, the policy meets the basic conditions

Replace 'Other routes to affordable home ownership' with 'Other affordable routes to home ownership'

Policy CNP H5

- 7.35 The proposed changes to the policy reflect changes in national policy and the climate change agenda.
- 7.36 I am satisfied that the proposed changes to the policy address these issues in a positive way both generally, and within the wider approach taken in the policy. As such it meets the basic conditions.

Policy CNP H6

- 7.37 This policy is a retained policy from the made Plan.
- 7.38 Since the Plan was made national policy on design has been updated. Section 12 of the NPPF now has a sharp focus on 'the creation of high quality, beautiful and

sustainable buildings and places is fundamental to what the planning and development process should achieve.’ It comments that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’

- 7.39 In this context, I am not satisfied that the policy continues to have regard to national policy. The application of a parking policy which requires specific standards beyond those usually applied by the County Council is mechanical in nature. In particular, it takes no account of the needs of dwellings on a case-by-case basis and does not consider the implications of doing so in design and layout terms. The policy provides no evidence about the way in which it would have regard to Section 12 of the NPPF national in general, and either the National Design Guide or National Model Design Code in particular.
- 7.40 Policy DES1 of the Local Plan raises similar issues. As part of its ambition that all new development must be of a high standard it includes a criterion on car parking as follows:
- ‘a sufficient level of well-integrated and imaginative solutions for car and bicycle parking and external storage (xix)’*
- 7.41 In addition, the proposed additional element of the policy takes no account of the circumstances that might exist for each property. In extreme cases, the policy may prevent the development of an otherwise acceptable extension and which may have been promoted to accommodate social and/or community needs.
- 7.42 Finally, whilst the approach in the policy is underpinned with evidence about on street parking issues it is the responsibility of new development is to accommodate its own parking requirements rather than to resolve pre-existing issues.
- 7.43 In these circumstances, I recommend that the policy is replaced by one which takes a general rather than a prescriptive approach.

Replace the policy with: ‘Proposals for all new homes should provide off-street parking spaces having regard to site-specific circumstances and Oxfordshire County Council parking standards.’

Replace paragraph 157 with:

‘Policy H6 seeks to address this matter. In doing so it sets out to balance the need for appropriate levels of car parking whilst ensuring that they are incorporated successfully into a well-designed scheme which has regard to the contents of Section 12 of the NPPF. It applies the minimum County Council car parking standards to new residential development in the parish. Plainly there may be circumstances where a development has the space and flexibility to provide a standard of car parking beyond the minimum standards. Car parking spaces and parking areas should also be sensitively integrated into new developments in accordance with the various criteria in Policy DES1 of the adopted Local Plan.’

Policy CNP H7

- 7.44 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Policy CNP E1

- 7.45 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Policy CNP E2

- 7.46 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Policy CNP E3

- 7.47 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Policy CNP E4

- 7.48 This policy refers to heritage assets. It has been revised to improve its clarity and to ensure that it has regards to the contents of the most recent version of the NPPF.
- 7.49 I recommend that the supporting text makes a closer relationship to the resulting policy. Otherwise, it meets the basic conditions.

At the end of paragraph 209 add: 'The NPPF sets out the national approach towards both designated and non-designated heritage assets. Policy E4 applies that approach towards such assets in the neighbourhood area'

Policy CNP I1

- 7.50 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Policy CNP I2

- 7.51 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Policy CNP I3

- 7.52 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Policy CNP I4

- 7.53 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Policy CNP I5

- 7.54 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Policy CNP I6

- 7.55 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Policy CNP I7

- 7.56 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Policy CNP I8

- 7.57 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Policy CNP I9

- 7.58 This policy relates to allotments and to cemetery spaces. It is proposed to be changed for clarity.
- 7.59 SODC suggests that the policy should be revised further so that it draws specific attention to making any provided allotments as accessible as possible. Whilst this is not required to ensure that the policy meets the basic conditions, I recommend that it is captured in a revision to the supporting text. Otherwise, the policy meets the basic conditions.

At the end of paragraph 289 add: To ensure that allotment provision is made as accessible as possible, raised beds should be considered in new proposals.'

Policy CNP I10

- 7.60 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Policy CNP T1

- 7.61 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Policy CNP T2

- 7.62 This policy is a retained policy from the made Plan. It is unaffected by any subsequent changes in the development plan or in national planning policy.

Other Matters – Deleted policies

- 7.63 Two policies in the made Plan have been deleted from the review of the Plan. They are Policies CNP ED1 and ED2. Their deletion acknowledges that the primary school and pre-school have now been expanded. As such the policies are no longer needed.

Other Matters - General

- 7.64 This report has recommended a series of modifications both to the policies and to the supporting 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 CPC 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.

Other Matters – SODC comments

- 7.65 SODC has made a series of helpful comments. Where they relate to specific policies, I have considered them in the relevant sections of this report.
- 7.66 I recommend the following more general and/or factual modifications to the Plan insofar as they are necessary to ensure that it meets the basic conditions.

In paragraph 52 delete '(now 1740)'. At the end of the paragraph add: 'With the development of new houses since 2011 the number of houses in the neighbourhood area had increased to 1869 by April 2022 (SODC precept data)'

At the end of paragraph 80 add: 'For development management purposes, the South Oxfordshire Local Plan 2035 and this neighbourhood plan are part of the development plan for the parish'

Other Matters – Specific

- 7.67 The formatting of paragraphs 170 and 171 is incorrect. Paragraph 171 is the vision for the North Wessex Downs AONB and should be in text box. Paragraph 170 is the title for the text box.
- 7.68 Similarly the formatting of the paragraphs in the policy box for Policy E1 is incorrect. The box should include paragraphs 188/189/190.

Reformat paragraphs 170 and 171.

Extend the policy box to incorporate paragraphs 188-190.

Other Matters – Comments made by The Chilterns Conservation Board

- 7.69 The Chilterns Conservation Board has made a series of helpful comments on the Plan and proposes a series of updates and refinements to the supporting text. I recommend

the following modifications based on these comments insofar as they are necessary to ensure that the Plan meets the basic conditions.

Add the following at the end of paragraph 105 after 'Framework' '(where land is within the AONB) and with full regard to the 'duty of regard' to conserve and enhance the AONB in section 85 of the Countryside and Rights of Way Act which applies within the AONB and to land within the setting of the AONB.'

In paragraph 166 insert 'Both the North Wessex Downs and Chilterns AONB Management Boards have prepared Management Plans for their respective areas' after 'The conservation of wildlife and cultural heritage are also important'

Other Matters – Additional proposed sites

- 7.70 I have set out elsewhere in this report that my role is to examine the Plan as submitted and not to examine or to propose an alternative Plan.
- 7.71 However for the sake of completeness I have taken account of the representations received from the following developers which have proposed the following additional housing sites in the neighbourhood area:
- JT Leavesley Limited (Papist Way); and
 - Deanfield Homes Limited (land off Goldfinch Lane and north-west of Wallingford Road).
- 7.72 Given the way in which development has proceeded on the allocated sites in the made Plan I am satisfied that there is no need for the review of the neighbourhood plan to allocate additional land for housing purposes. In addition, it is clear that there is no expectation in the adopted Local Plan that additional growth should come forward in the neighbourhood area to meet the strategic targets in that Plan.
- 7.73 The representation from Deanfield Homes comments that the review of the Cholsey Plan should take account of the emerging South Oxfordshire and Vale of White Horse Local Plan. That Plan will eventually replace the two component local plans in the districts concerned. That Plan is at a very early stage - the issues consultation took place during May and June 2022. The Joint Local Development Scheme indicates that the Plan will be submitted in January 2024 and will be adopted in October 2024.
- 7.74 The basic conditions test for a neighbourhood plan is against the adopted development plan. In this case that is the South Oxfordshire Local Plan 2035. That Plan has the advantage of being relatively recent and up to date. In addition, the emerging Joint Local Plan is at a very early stage and, as such, its future direction is unclear. In these circumstances I am satisfied that CPC has taken a realistic and proportionate approach towards the review of the Plan. In particular its focus on refining existing policies to take account of the adoption of the South Oxfordshire Local Plan 2035 and the introduction of the most recent version of the NPPF in 2021 is entirely appropriate. This conclusion is reinforced given that the made Plan has assisted in the delivery of housing in the neighbourhood area to deliver the level of growth expected for the Larger Villages in the adopted Local Plan. Plainly CPC will have the opportunity to

undertake a further review of the neighbourhood plan once the Joint Local Plan has been adopted.

8 Summary and Conclusions

Summary

- 8.1 The Review of the 'made' Plan sets out a range of policies to guide and direct development proposals in the period up to 2035. It has been carefully prepared to refresh the Plan and to address changes in national and local planning policy which have arisen since the initial plan was 'made'.

Conclusion

- 8.2 Following my independent examination of the Plan I have concluded that the Cholsey Neighbourhood Development Plan Review meets the basic conditions for the preparation of a neighbourhood plan subject to a limited number of recommended modifications.
- 8.3 The recommended modifications refine the wording of the policies concerned. Nevertheless, the submitted review of the Plan remains fundamentally unchanged in its role and purpose.
- 8.4 I recommend that South Oxfordshire District Council should make the Plan with the modifications specified in this report.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. SODC managed the process in a very efficient way and the CPC's response to the clarification note was timely, thorough and helpful.

Andrew Ashcroft
Independent Examiner
22 September 2022