

# **Henley and Harpsden Neighbourhood Development Plan Review 2020-2035**

**A report to South Oxfordshire District Council  
on the Review of the Henley and Harpsden  
Neighbourhood Development Plan**

**Andrew Ashcroft  
Independent Examiner  
BA (Hons) MA, DMS, MRTPI**

**Director – Andrew Ashcroft Planning Limited**

## **Executive Summary**

- 1 I was appointed by South Oxfordshire District Council in February 2022 to carry out the independent examination of the review of the Henley and Harpsden Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations and a hearing. I visited the neighbourhood area on 25 March 2022. The hearing was held on 1 August 2022.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on allocating land for housing development to meet the strategic requirement for Henley in the South Oxfordshire Local 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 Henley and Harpsden 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**  
**16 September 2022**

## 1 Introduction

- 1.1 This report sets out the findings of the independent examination of the review of the Joint Henley and Harpsden Neighbourhood Development Plan Review 2020-2035 (the Plan).
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Henley Town Council (HTC) 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. The Plan has a very clear focus on promoting housing allocations whilst safeguarding the neighbourhood area's relationship with the surrounding Chilterns Area of Outstanding Natural Beauty.
- 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 replace the existing 'made' Plan and be used to determine planning applications within the neighbourhood area. As such it will form 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 HTC, to conduct the examination of the Plan and to prepare this report. I am independent of both the SODC and HTC. 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 There are a variety of ways in which a review of a neighbourhood plan can be examined. In this case it is accepted by all concerned that the Plan needs both examination and a referendum.
- 2.5 In this context, as the independent examiner I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed 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.

### *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 Environmental Report.
- the Baseline Report.
- the various technical and background documents on the Plan's website.
- the representations made to the Plan.
- HTC's responses to the clarification note.
- SODC's responses to the clarification note.
- the additional information submitted by the parties who attended the hearing.
- 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 25 March 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. I also refreshed my knowledge of the neighbourhood area on the day of the hearing. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.4 Both HTC and SODC have concluded that the review of the Plan proposes material modifications which change the nature of the plan or order would require examination and a referendum. I concur with this assessment and will examine the Plan on that basis.

3.5 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the majority of the Plan could be examined without the need for a public hearing. However, following the receipt of HTC's responses to the clarification note, I took the view that the proposed allocation of land at the Northern Field, Highlands Farm (Policy DS7) should be addressed by way of a public hearing. That hearing took place on 1 August 2022. The hearing note is incorporated at the end of this report as Appendix A. The findings from the hearing are incorporated into the relevant parts of 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, HTC has prepared a Consultation Statement. The Statement is very detailed. In addition, it reflects the neighbourhood area and the policies in the Plan in a distinctive way. It comments on the very specific circumstances that have generated the community's desire to review the existing 'made' Plan. It is a particularly good example of a statement of this type. It is logically-structured and specific details are provided in a series of appendices.
- 4.3 The Statement details the various activities that were held to engage the local community during the initial stages of the plan-preparation process. They also provide specific details on the consultation process that took place on the pre-submission version of the Plan (September to November 2021).
- 4.4 The Statement sets out details of the community engagement that took place as the Plan was being prepared. They included:
- the ongoing use of the Henley Herald, the Henley Standard, the Plan's website, the HTC website, e-mail to registered users, Facebook, Twitter and Instagram to raise awareness of the Plan;
  - the distribution of the Neighbourhood Plan survey leaflet to every household in Henley and Harpsden (December 2020); and
  - the site options and draft policies exhibition at Town Hall and related on line access (July 2021).
- 4.5 The detailed elements of the Statement set out how the submitted Plan took account of consultation feedback. Appendix 8 sets out the refinements and updates made to the Plan as a result of the comments from statutory bodies and reproduces all the comments received.

### *Consultation Feedback*

- 4.6 Consultation on the Plan was undertaken by SODC for an eight-week period that ended on 16 March 2022. This exercise generated representations from the following organisations:
- The Chiltern Centre
  - Chilterns Conservation Board
  - Thames Development Group Limited
  - Gillotts School

- Blockwork
- South Oxfordshire District Council
- B&M Care
- Network Rail
- SSE
- Coal Authority
- Historic England
- Taylor Wimpey
- Westbourne Homes and Debrecq
- Borlase Family
- Crest Nicholson Chiltern
- Bloor Homes
- Oxfordshire County Council
- Knole Homes
- SGN
- SODC Property Services
- Environment Agency

4.7 The Plan also attracted nine representations from 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 relevant policies in the Plan.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area consists of the parish of Henley and the parish of Harpsden. It is centred on the historic market town of Henley-on-Thames. It is dominated by the River Thames to the east and by the Chiltern Area of Outstanding Natural Beauty elsewhere. Its population in 2011 was 12179 persons living in 5907 homes. The neighbourhood area was designated June 2013 and covers both Henley and Harpsden. This decision was based on circumstances where SODC had identified housing sites in Harpsden that would help to fulfil the housing requirement for Henley. Following the amendment of the Shiplake Neighbourhood Area in May 2019 the Henley and Harpsden Neighbourhood Area was modified to remove areas in Shiplake parish.
- 5.2 Henley is an attractive market town. Its historic core is a conservation area. It has a historic street pattern and provides attractive retail and commercial services to local residents and visitors alike. Its relationship with the River Thames is ever-present. Mill Meadows and Marsh Meadows provide a series of attractive walks to the south of the town. The town benefits from a railway station which is located to the immediate south of the town centre.
- 5.3 Harpsden has an altogether different character. It is situated in the Chilterns AONB which surrounds Henley. Its houses are based around Harpsden Church, Harpsden Hall and Harpsden Bottom. It sits comfortably in an attractive well-treed environment.

### *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. The adoption of that Plan has generated HTC's desire to review the made Plan.
- 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 Henley's role as one of the four towns in South Oxfordshire is consolidated in the adopted Local Plan. Policy HEN1 sets out a wide range of roles for the town. Policy H3 then goes on to identify the amount of housing required in Henley. It requires 1285 homes in the Plan period, and identifies that 1170 homes are either delivered or are committed. At the time that the Local Plan was adopted this left a residual figure of 115 homes to be identified through the production of the neighbourhood plan.
- 5.7 The adopted Local Plan includes specific policies relating to housing, employment and retail for Henley in Chapters 4 (Delivering New Homes), 5 (Employment and Economy) and 9 (Ensuring the Vitality of Town Centres).

- 5.8 In summary, the emerging neighbourhood plan has sought to respond positively to the adopted Local Plan. 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 25 March 2022. I approached from the A4130 to the north. This gave the opportunity to see the neighbourhood area within its wider context in general, and within the Chilterns AONB in particular.
- 5.10 I looked initially at the part of Henley off Greys Road. I looked in turn at the Stuart Turner site, the Youth Club site and the Chilterns End site.
- 5.11 I then looked at the existing Crest Nicholson housing at Highlands Farm. I took time to look at the proposed Highlands Harm (Northern Field) housing site. I saw the way in which it related to the Chilterns AONB in which it was located.
- 5.12 I then looked at the proposed local green space adjacent to Gillotts School. I walked along the path to the north of the School.
- 5.13 I then took the opportunity to drive to Harpsden. I saw that it had a very different character to that of Henley. I looked at the attractive St Margaret's Church and the equally attractive Village Hall. I saw the way in which groups of houses sat comfortably in their overall landscape. I saw that the relationship between St Margaret's Church and Harpsden Court was a key element of the village.
- 5.14 I then looked at the area on and around Reading Road in Henley. I saw the scale and significance of the Tesco superstore and the industrial areas off Newtown Road to its north. I looked the proposed housing site off Reading Road adjacent to the Tesco site.
- 5.15 I then took the opportunity to look at the town centre. I saw its attractive range of shops and commercial facilities and its close functional relationship with the River Thames. I also saw the way in which the railway made an attractive and sympathetic entrance into the southern edge of the town centre.
- 5.16 I took the opportunity to walk through Mill Meadows and Marsh Meadows to Marsh Lock and Weir. It provided an alternative view of the town from the River Thames. I saw the obelisk and its interesting history. I then walked up Marlow Road as far as the Swiss Farm Caravan and Camping Park.

## 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 Henley and Harpsden 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 sets out a positive vision for the future of the neighbourhood area in promoting residential allocations in response to the strategic target for Henley in the adopted Local Plan. It also includes a series of policies that address a range of environmental and economic matters. I assess the way in which the proposed housing allocation at the Northern Field, Highlands Farm responds to national advice on development in areas of outstanding natural beauty in Section 7 of this report. 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. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for new residential development (Policy DS1) and for the town centre (Policies E2-E4). In the social role, it includes policies on housing mix (Policy H3) and on affordable housing (Policy H2). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on local green spaces (Policy ENV4), air quality (Policy ENV1) and biodiversity (Policy ENV2). This assessment overlaps with HTC'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.

- 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 the policies in the development plan. Subject to the recommended modifications 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*

- 6.14 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 satisfy the regulations, HTC commissioned an Environmental Report (ER) for the Plan. It is a well-designed and comprehensive document. Its findings inform the wider Plan in general terms and the proposed housing allocations in particular.
- 6.16 The ER comments both about the general effects of the Plan against a series of environmental factors and the process which was followed to advise on the selection of housing sites to meet the outstanding strategic requirement for the town (as identified in the Local Plan). On the former, Section 10 summarises its findings as follows:
- overall, the Plan appraisal has served to highlight the potential for both positive and negative effects of significance;
  - significant positive effects are anticipated in relation to the population and communities SEA theme as a result of the growth strategy which includes an element of employment and retail development alongside housing growth and provides a buffer to better secure housing delivery;
  - the potential for significant negative effects is also highlighted in relation to both landscape and the historic environment. This relates to the spatial strategy which proposes an element of development within the AONB, and development within the vicinity of a Scheduled Monument. Whilst policy mitigation is provided to a certain extent, further consultation with both Natural England and Historic England is recommended as the Plan progresses;
  - the growth strategy is also considered likely to increase traffic and congestion within the Plan area to some degree and this has minor negative implications for transportation, air quality and the designated conservation area. Despite this, major development is expected to seek the 'air quality neutral' benchmark which should avoid significant effects arising, particularly within the designated AQMA;
  - minor negative effects are also anticipated in relation to land and soil resources, given an element of greenfield (and potential high-quality agricultural land) development. However, it is recognised that this is largely reflective of a lack of suitable alternative and available brownfield sites; and
  - minor positive effects are concluded in relation to both climate change and health and wellbeing, predominantly reflecting the potential for connected and resilient development. Broadly neutral effects are concluded in relation to

biodiversity and water resources, with no significant deviation from the baseline anticipated.

- 6.17 I will address the findings of the ER in Section 7 of this report in the section relating to the proposed package of site allocations.
- 6.18 In the round, I am satisfied that the ER is fit for purposes and meets the basic conditions. In particular I am satisfied about the way in which it conforms with the Practical Guide to the Strategic Environmental Assessment Directive (Office of the Deputy Prime Minister 2005).

#### *Habitat Regulations*

- 6.19 SODC prepared a Habitats Regulations Assessment (HRA) of the Plan (June 2019). It assesses the likely effects of the implementation of the Plan on the Hartslock Wood SAC and the Chilterns Beechwoods SAC. It concludes that the submitted Plan is unlikely to have significant effects on a European site. 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, and Appropriate Assessment is not required.
- 6.20 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.

#### *Human Rights*

- 6.21 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*

- 6.22 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 HTC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. The community has successfully marshalled the required capacity to prepare a review of its 'made' neighbourhood plan to reflect the changing circumstances brought about by the adoption of an updated Local Plan context. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. The land use policies are supplemented by a series of Priority Projects (as set out in Appendix A).
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. Thereafter I comment on the Priority Projects.
- 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 1-4)*

- 7.8 The Plan as a whole is well-organised. It 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 neighbourhood area and the subsequent policies.
- 7.9 The Introduction comments about the wider national agenda on neighbourhood planning and how it has been developed in the neighbourhood area. It makes a concise summary of the implications of the adoption of the South Oxfordshire Local Plan and draws particular attention to Policy HEN 1 of that Plan. The map on page 4 identifies the neighbourhood area. Paragraph 1.2 identifies the Plan period.

- 7.10 Section 2 sets out a summary of the Plan's structure and contents. It comments about the community engagement process and neatly overlaps with the Consultation Statement. It also introduces the concept of the basic conditions and sets out the nature of sustainable development.
- 7.11 Section 3 provides a very helpful profile of the neighbourhood area. It includes commentary on its landscape setting, its natural environment, its physical environment, and housing stock, air quality, character and appearance, transport and flooding matters.
- 7.12 Section 4 comments about the vision, goals and objectives for the Plan.
- 7.13 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*

- 7.14 The Plan helpfully consolidates the review of the Plan into the structure of the 'made' Plan. This results in a series of new policies, the retention of several of the existing policies in the 'made' Plan and the deletion of some policies. For the purposes of this report, I do not comment in any detail on the retained policies other than where they may have been affected by the adoption of the South Oxfordshire Local Plan 2035 or by updates in national planning policy since the Plan was 'made' in 2016.

Policy ENV1: Air Quality (New Policy)

- 7.15 The policy comments that development proposals should include measures to minimise air pollution at the design stage and incorporate best practice in the design, construction and operation of the development. It seeks to provide a local iteration of Local Plan Policy HEN1 which address air quality issues.
- 7.16 The policy responds positively to Policy HEN1 of the Local Plan and takes account of air quality issues in the town centre of Henley. However, air quality issues do not exist elsewhere in the neighbourhood area and, as submitted, the policy would place onerous responsibilities on development proposals. I recommend that the opening element is modified so that it can be applied on a proportionate basis. Otherwise, it meets the basic conditions.

**Replace 'All development proposals' with 'As appropriate to their scale, nature and location, development proposals'**

Policy ENV2: Biodiversity

- 7.17 This policy is a material modification to Policy EN1 of the 'made' Plan. It comments that new development should maintain and enhance the natural environment and its intrinsic ecological value. The policy has been designed so that it can be applied on a proportionate basis.
- 7.18 I recommend a modification to the third criterion of the first part of the policy. Whilst its context is that biodiversity measures should be proportionate to the development, the

criterion comments in a level of detail which is inappropriate for the policy. The specific details of the biodiversity and landscape measures will ultimately be a matter of discussion between SODC and the developer concerned,

**In the third criterion of the first part of the policy delete ‘such as green walls .....the public realm’**

Policy ENV3: Trees (New policy)

- 7.19 This policy highlights the importance of trees in the neighbourhood area. It is based on the emerging Henley Tree Strategy which is being promoted by HTC.
- 7.20 The policy has two related parts. The first part comments that proposals that affect existing trees should contain plans for their protection including damage to roots. Where removal of a tree due to development is unavoidable all trees so removed must be replaced by appropriate species according to the emerging Henley Town Council Tree Strategy at a ratio of 3:1. The second part comments that tree planting should be considered as a part of any new development either in individual gardens, or as a communal wooded area, or a combination of both. As a minimum three trees should be planted for each dwelling and plans put in place for the maintenance and upkeep of communal trees.
- 7.21 The policy has attracted a series of related comments from the development industry and from SODC. In their different ways the representations comment that the policy reads in a slightly mechanical fashion and that the approach towards tree planting fails to take account of the site circumstances and the ability of new trees to become established and flourish. I recommend modification to the two elements of the policy to address these matters. They bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions

**Replace the first part of the policy with: ‘Development proposals that affect existing trees should contain measures for their protection in general, and to avoid damage to roots in particular. Where the removal of trees is unavoidable, they should be replaced by appropriate species and in locations which would allow their longer-term stability and growth. Wherever practicable, three new trees should replace every tree lost.’**

**Replace the second part of the policy with: ‘As appropriate to its scale, nature and location tree planting should form part of new development proposals. This should include large scale trees planted along streets and in public open spaces where their future can be guaranteed. In addition, trees should be planted in gardens or as communal woodlands, or a combination of both. Unless site circumstances dictate otherwise, a minimum of three trees should be planted for each dwelling and measures put in place for the maintenance and upkeep of communal trees.’**

*In paragraph 5.26 replace ‘emerging Council’ with ‘emerging Town Council’*

Policy ENV4: Local Green Spaces (New policy)

- 7.22 The policy is an addition to the Plan. It proposes the designation of a series of local green spaces (LGSs). A detailed justification for each of the proposed Local Green Spaces is provided in the Local Green Space Assessments in the Baseline Report. Their locations are shown on Figure 1.
- 7.23 In general terms I am satisfied that the policy has been underpinned by appropriate evidence and research. In particular, the work in the Assessment has sought to relate the proposed LGS to the approach as set out in the NPPF. In general terms they are open green spaces on the edge of Henley and/or adjacent to the River Thames
- 7.24 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGSs comply with the three tests in the NPPF. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy. The Mill and Marsh Meadows are particularly iconic.
- 7.25 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.
- 7.26 A detailed representation was received to the proposed designation of LGS19 (Gillotts Wood) by Gillotts School. The proposed LGS principally consists of a group of trees in the northern part of the School site.
- 7.27 Gillotts School contends that the proposed LGS does not properly meet the criteria for LGS designation and that the approach proposed in the Plan would interfere with its wider ambition for the School site in general, and the implementation of Policy SCI1 in particular. In its response to the clarification note HTC confirmed that the proposed LGS is wholly within the Gillotts School site – the northern boundary is with the bridleway along Peppard Lane.
- 7.28 I looked at the proposed LGS from Peppard Lane during the visit. I saw the attractive way in which provided separation between the School and the houses to the north. I also saw the opportunities that the area provided for informal recreation for school children within the wider School site.
- 7.29 On the balance of the evidence, I am satisfied that the proposed LGS meets the various criteria for designation. The proposed designation has come forward within the wider context of the Plan's general and specific proposals for the School site. In any event the site is large enough to cater for the development proposed in the Plan.

*The policy itself*

- 7.30 The policy lists the proposed LGSs. Thereafter it seeks to build on the national approach to development for LGSs as set out in paragraph 103 of the NPPF. It does so to good effect. However, I recommend that the supporting text is expanded so that it sets out the way in which development proposals affecting the designated LGSs would be assessed on a case-by-case basis by SODC. In particular SODC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy.
- 7.31 The schedule of LGSs continues to use the numbers which were generated earlier in the Plan’s preparation as these and other potential LGSs were assessed. However, at this mature stage in the Plan’s progress the numbering system used is no longer relevant. I recommend that they are numbered in a traditional sequence in the Plan. I also recommend consequential modifications to Figure 1.
- 7.32 Otherwise, the policy meets the basic conditions. It will do much to contribute to the delivery of the environmental and the social dimensions of sustainable development. In many cases the proposed LGSs help to define the character of the neighbourhood area.

**Renumber the proposed LGSs in the schedule in the policy.**

*At the end of paragraph 5.30 add: ‘Policy ENV4 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. In particular, it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy’*

*Renumber the sites on Figure 1 so that they relate to the revised number sequence in the policy*

Policy ENV5: Watercourses

- 7.33 The policy comments in a general way that development should have regard to the geology and drainage capacity of the site and the consideration of the catchment map.
- 7.34 The supporting text in the Plan explains the context to the policy. It advises that Henley and Harpsden displays a unique geology. It also comments about the location of Harpsden on the dip slope of the Chiltern Hills, a chalk outcrop which stretches 50 miles. Rainfall in this catchment area is normally drained through the underlying chalk, however when the ground is either saturated, or is too dry to absorb water, the rainfall runs off following dry watercourses.
- 7.35 I recommend that the policy is modified so that it more closely relates to this background information. Otherwise, it meets the basic conditions.

**Replace the policy with: ‘As appropriate to their scale, nature and location development proposals should have regard to the geology and drainage capacity of the site and the way in which rainfall is affected by the underlying chalk in the area.’**

Policy SD1a: Minimising Carbon Emissions - Fabric First Approach (New policy)

- 7.36 This policy takes a positive approach towards minimising carbon emissions. It comments that development proposals should consider a ‘Fabric First’ approach to their design to minimise their carbon emissions and as a minimum meet the energy efficiency requirements set out in the development plan.
- 7.37 The policy takes a positive and non-prescriptive approach to this matter. In particular it sets out a general approach rather than to attempt to anticipate all circumstances which may arise. I recommend a detailed modification to the opening component of part A of the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions.

**Replace the opening component of Part A of the policy with:**

**‘A ‘fabric first’ approach to building design should be taken to maximise the performance of the components and materials that make up the building fabric itself, before considering the use of mechanical or electrical building services systems. As such developers should consider the following development principles:’**

Policy SD1b: Minimising Carbon Emissions - Other Methods (New policy)

- 7.38 This policy continues the approach taken in Policy SD1a. In this case, it encourages the use of a series of sustainable energy measures where electrical or mechanical means are required. In particular it sets out a general approach rather attempt to anticipate all circumstances which may arise. I recommend a detailed modification to the opening component of Part A of the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions.

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

**‘Where electrical and mechanical means are required to meet energy efficiency targets set out in the South Oxfordshire Local Plan, or any higher standards which may be introduced in the Plan period, development proposals should incorporate some, or all, of the following measures:’**

Policy SD2 (Formerly DQS2): Community Energy Projects (No changes)

- 7.39 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 SD3 (Formerly DQS1): Local Character (Material Modification)

- 7.40 This policy sets out a very positive approach towards ensuring the new development has regards to the character of the area in which it is located. The policy is based on

the excellent work which has been commissioned by HTC on the Conservation Area Appraisal Management Plan (CAAMP). It provides a significant level of detail on the three conservation areas in Henley – Henley, St Mark’s Road and Reading Road.

7.41 The CAAMP identifies nine-character areas as follows:

- Area 1 Fairmile
- Area 2 Northfield End
- Area 3 Phyllis Court and Fawley Court
- Area 4 Town Centre
- Area 5 Western Edges of Town Centre
- Area 6 Riverside
- Area 7 Edwardian Suburbs
- Area 8 St Mark’s Road
- Area 9 Reading Road

7.42 The policy comments that development proposals should have regard to the importance of responding creatively to the setting of the surrounding area, having regard to the character of adjacent buildings and spaces, including scale, orientation, height and massing. It also comments that development proposals should demonstrate high quality, sustainable and inclusive design and architecture that respects the relevant Character Area as set out in the CAAMP.

7.43 The work on the CAMMP has been undertaken to a first-class standard. It has been carefully timed so that it has overlapped with the development of the review of the Plan.

7.44 In the round the policy is an excellent local response to Section 12 of the NPPF.

7.45 I recommend a series of modifications to the policy to bring the clarity required by the NPPF as follows:

- to simplify the opening element of the policy – as submitted it included several references to the need to have regard to the character of the relevant Character Area without setting out any specific requirement;
- to replace part A of the policy with one which uses appropriate policy wording; and
- to relocate the details of the character areas from the second part of the policy into the supporting text.

Otherwise, the policy meets the basic conditions. It will contribute significantly to the delivery of the environmental dimension of sustainable development.

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

**‘Development proposals should respond positively to the setting of the surrounding area, having regard to the character of adjacent buildings and spaces, including scale, orientation, height and massing. In particular, they should demonstrate high quality, sustainable and inclusive design and architecture that respects the relevant Character Area, as shown in the Conservation Area Appraisal Management Plan.’**

**Replace A with:**

**‘Development proposals should have regard to the importance of responding creatively to, and where practicable enhancing, the setting of the surrounding area, having regard to the character of adjacent buildings and spaces, including scale, orientation, height and massing’**

**In B delete the second sentence (listing the character areas)**

*Relocate the schedule of Character Areas (in part B of the policy) to the end of paragraph 6.24*

*Delete ‘More information...Climate Change’*

Policy H1 (Formerly H2): Design Brief (No changes)

- 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 H2: Affordable Housing (New policy)

- 7.47 This policy comments about the tenure of affordable housing that will be sought should in the NA. It seeks to complement the approach taken in Policy H9 of the Local Plan and the introduction of the concept of First Homes since the neighbourhood plan was initially made.
- 7.48 The policy takes a positive approach to this matter. I recommend that the policy is worded to take account of any changes to the delivery of First Homes which may arise in the Plan period. Otherwise, it meets the basic conditions.

**At the end of the initial part of the policy add: ‘or in any update position as set out by South Oxfordshire District Council on this matter’**

Policy H3: Housing type and mix (Formerly type and size of new housing) (Material Modification)

- 7.49 This policy sets out to ensure that the type and mix of housing delivered in the neighbourhood area reflects local housing needs. It comments that proposals for residential development should deliver a mix of dwelling types and sizes to meet the needs of current and future households. It requires applicants to have regard to information in the Housing Needs Assessment produced as part of the Plan.
- 7.50 SODC suggests that the policy is refined so that it requires that new development takes account of broader housing needs in South Oxfordshire. Plainly the two matters will overlap. On this basis, I recommend that the issue of these broader housing needs is captured in the supporting text. I also recommend a modification to paragraph 7.6 of the Plan. Whilst it is positive approach to address long term housing needs, a neighbourhood plan cannot comment about a time period which runs beyond the Plan period itself. This is more than an academic issue given that housing needs will vary over time.

*Replace the first sentence of paragraph 7.6 with: 'It is important to ensure that new housing meets the housing needs of both South Oxfordshire and Henley and Harpsden both now and over the lifetime of the Plan'*

Policy H4: Infill and self-build dwellings (No changes)

- 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 E1: Supporting Henley's Economy (Material Modification)

- 7.52 This policy comments generally that development at Reading Road Industrial Estate that supports its role as the Neighbourhood Area's main employment area will be supported. I am satisfied that it meets the basic conditions.

Policy E2 (Formerly TCE1): Henley town centre (No changes)

- 7.53 This policy is a retained policy from the made Plan. Whilst it is unaffected directly by any subsequent changes in the development plan or in national planning policy, it has the ability to be affected by the greater flexibility provided by the Use Classes Order 2020. In particular that version of the Order introduced a new Class E use (commercial, business and service uses). I recommend that the supporting text highlights this matter. Otherwise, the policy continues to meet the basic conditions.

*At the end of paragraph 8.7 add: 'Greater flexibility was provided to town centre uses by the Use Classes Order 2020. In particular that version of the Order introduced a new Class E use (commercial, business and service uses) within which changes from one use to another do not need planning permission.'*

Policy E3 (Formerly TCE2): Market Place Hub (No changes)

- 7.54 This policy is a retained policy from the made Plan. It adds value to Policy E2. In this case, it is directly affected by the change in national planning policy brought about by the Use Classes Order 2020. In particular the former A3 Use Class (Food and Drink) is now incorporated within Use Class E (Commercial, business and service uses). I recommend consequential modifications to the policy. Otherwise, it continues to meet the basic conditions.

**In a) replace 'Use Class A3 Food and Drink uses' with 'Food and drink (Class E)'**

Policy E4 (Formerly TCE4): Employment and Residential above shops (No changes)

- 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.

- 7.56 Nonetheless it remains a particularly important policy. In the context of a physically constrained town centre with high commercial demand, used and unused commercial space above shops and other business uses provides a valuable stock of potential commercial and residential floorspace. In addition, the comprehensive use of the premises concerned with contribute towards their maintenance and longevity.

Policy T1: Impact of development on the transport network. (Material Modification)

- 7.57 This policy comments that development proposals that are likely to have significant transport impacts must be accompanied by an appropriate Transport Assessment. In addition, it comments that the Assessment should demonstrate the development's impacts on traffic during both the construction and operational phases and the expected effect of mitigation measures.
- 7.58 As submitted the policy's focus is on the process to be followed (the Assessment) rather than the outcomes which are ultimately sought through the formulation of a planning policy. I recommend that the policy is recast accordingly. I also recommend that the submitted intention of the policy is captured in the supporting text.

**Replace the policy with:**

**'Development proposals should identify the way in which they would be satisfactorily accommodated within the local highways network. In particular, development proposals should identify the way in which they would respond positively to air quality issues in Henley and to improving health outcomes and quality of life.'**

*At the end of paragraph 9.3 add: 'Development proposals that are likely to have significant transport impacts must be accompanied by an appropriate Transport Assessment. This consolidates the approach taken in Policy TRANS4 of the Local Plan. In addition, the Assessment should demonstrate the development's impacts on traffic during both the construction and operational phases and the expected effect of mitigation measures.'*

Policy T2: Active Travel (Material Modification)

- 7.59 This policy sets out support for a wide-ranging series of active travel. As submitted, it reads partly as a land use policy and partly as a community action to be pursued more widely by the Town Council. I recommend that the policy is recast so that it reads as a land use policy. This will enable it to be implemented through the development management system.
- 7.60 The recommended modification makes no reference to section D of the submitted policy which comments about the desirability of securing public access across private land. The approach taken in the Plan is very commendable. Nevertheless, it is a separate civil matter for HTC to pursue with any affected landowners rather than a planning/land use issue.

**Replace the policy with:**

**'Development proposals which would join up footpaths/ways and cycle paths/ways into comprehensive networks will be supported. Particular support will be given to proposals which would:**

- **encourage walking, cycling and the use of public transport; and/or**
- **supporting projects as shown in Appendix A; and/or**

- **maintain and enhance connectivity with the network of public rights of way (bridleways), and the designated local green spaces as shown in Policy ENV4.**

**Development proposals that would result in a reduction in the capacity of existing active travel infrastructure or of the safety of active travel infrastructure will not be supported.'**

Policy T3: Easing Congestion (No changes)

- 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.
- 7.62 I have however considered the effectiveness of part b) of the policy. As included in the made Plan it provides no specific requirements for developers. As such, I recommend that this part of the policy is modified so that it will have the clarity required by the NPPF and be capable of being implemented through the development management process.

**Replace b) with:**

**'additional opportunities to alleviate traffic congestion on the highway network and through improvements to pedestrian and cycling routes and improvements to public transport have been identified, considered and where appropriate incorporated into the scheme.'**

Policy T4: EV Charging Points (New policy)

- 7.63 The policy comments that proposals for development should include, where practicable, appropriate provision for electric vehicle charging points. It also comments about a series of practical issues how the approach can best be implemented.
- 7.64 The policy takes a positive and pragmatic approach to this important matter. Plainly circumstances in relation to electric vehicles and charging facilities are likely to change significantly during the Plan period.
- 7.65 I recommend a series of modifications as follows:
- part B – to recognise that current standards may change within the Plan period;
  - part C – to acknowledge that maintenance issues are not necessarily land use matters; and
  - to bring clarity to the wording used and to relate it better to the development management process.

**At the end of part B add 'or any updates of the Strategy within the Plan period'**

**In part C replace 'For developments, details of how the required electric vehicle charging points' with 'Details of how the electric vehicle charging facilities within development proposals'**

**In Part C delete the final sentence**

**In part E replace 'applications' with 'proposals'**

Policy T5: Public Transport (New policy)

- 7.66 This policy seeks to enhance public transport facilities and to ensure that new development contributes towards this objective. It has three related parts. The first comments that proposals on the Henley Railway Station Site should seek to enhance the services, transport links and amenity provided. The second comments that development proposals should meet the infrastructure and service needs they create. The third comments that, where appropriate, development proposals should be designed to facilitate access to high quality public transport routes, including safe walking routes to nearby bus stops or new bus stops.
- 7.67 In general terms, I am satisfied that the policy takes an appropriate and non-prescriptive approach to public transport. It is underpinned by the details in Topic Paper 4. I recommend modifications to the second part of the policy. They will bring the clarity required by the NPPF and have the related outcome of simplifying the policy. In my view there is no specific need or justification provided for the specific highlighting of bus services in the second part of the policy

**Replace the second part of the policy with: ‘Development proposals should meet the public transport infrastructure and service requirements which directly arise from their implementation.’**

Policy T6: Parking and Standards (New policy)

- 7.68 This policy looks to ensure that new development has appropriate car parking. It comments that development will be permitted where adequate vehicle parking facilities and cycling parking are provided to serve the needs of the proposed development. It also comments that development proposals should provide sufficient parking spaces to avoid inappropriate on-street parking, highway safety problems and to protect living and working conditions locally. It also provides detailed guidance about how the car parking should be configured.
- 7.69 The final part of the policy comments specifically that any proposals to develop on existing public car parks within the neighbourhood area will need to demonstrate that the overall number of car parking spaces available to the public and their ease of use is adequate to meet the needs of the town centre and railway station.
- 7.70 I sought HTC’s comments on the extent to which the policy added any distinctive value to national and local policies on car parking and the extent to which the final part of the policy was realistic. HTC provided specific comments about the parking issues being faced in the town and the way in which the submitted policy had sought to provide a detailed response to elements of Policy HEN1 of the Local Plan.
- 7.71 I have considered the matter very carefully. On the balance of the evidence, I am satisfied that the policy responds positively to the local agenda on car parking. Nevertheless, I recommend detailed modifications to certain elements of the policy to bring the clarity required by the NPPF. In particular, they remove repetitive elements and explanatory text in the policy itself.

**Replace the first and second parts of the policy with:**

**‘Development proposals should provide vehicle and cycle parking to meet the most up to date Oxfordshire County Council standards.’**

**Replace the third part of the policy with:**

**‘Parking provision and layout should be carefully considered as part of the wider scheme and designed as appropriate for the site. Vehicle and cycle parking should be integrated in layouts as a key element of design and ensure high quality, safe, secure and attractive environments. In particular, development proposals should comply with the requirements of the South Oxfordshire District Council Design Guide.’**

**Replace the fourth part of the policy with:**

**‘Development proposals to redevelop existing public car parks will only be supported where they can demonstrate that the overall number of residual car parking spaces available to the public and their ease of use remains appropriate to meet the needs of the town centre and the railway station.’**

Policy SCI1: Comprehensive Renewal of Gillotts School (No changes)

- 7.72 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 SCI2: Renewal and Enhancement of Community Facilities. (No changes)

- 7.73 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 SCI3: Community Right to Build (No changes)

- 7.74 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 SCI4: Henley College (No changes)

- 7.75 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.

Proposed allocations

- 7.76 The made Plan includes a series of housing, employment and mixed-use allocations to meet the strategic allocation for Henley as set out in the former Core Strategy. The review of the Plan sets out to identify sites to meet the update strategic allocation for Henley as included in the adopted South Oxfordshire Local Plan 2025. Policy HEN1 of the Local Plan sets out a wide range of roles for the town. Policy H3 then goes on to identify the amount of housing to be delivered in Henley. It requires 1285 homes in the Plan period, and identifies that 1170 homes are either delivered or are committed. At that time this left a residual figure of 115 homes to be identified through the production

of the neighbourhood plan. Since 1st April 2020 further homes have become committed, and as such the outstanding requirement is now 69 homes.

- 7.77 HTC embarked on a comprehensive process to identify additional land to meet this revised requirement. In 2020 it commissioned AECOM to assess the potential of a series of housing sites. That report assessed 35 sites which had been identified through a number of sources including the Neighbourhood Plan Call for Sites and the 2019 Strategic Housing and Employment Land Availability Assessment (SHELAA). The Call for Sites list was checked against the 'submitted sites' and the SHELAA evidence base to ensure that all known sites were included. The work undertaken was both comprehensive in terms of its scope and detailed in terms of the analysis undertaken.
- 7.78 HTC also commissioned AECOM to undertake an ER. A key part of that report was an assessment of the reasonable alternatives to deliver the strategic housing. The ER takes a filtered approach towards the assessment of an appropriate package as follows:

*The overall approach* - The headline broad spatial consideration, with a bearing on establishing housing growth scenarios is the Chilterns Area of Outstanding Natural Beauty (AONB), which heavily constrains all of the Henley urban edge, bar the south (east of Gillotts School). The AONB also constrains the western half of Harpsden Parish, but does not directly constrain the eastern half of the parish. This factor, when viewed in isolation, suggests a need to consider directing growth to the eastern half of Harpsden Parish; however, areas that come into consideration for allocation – having accounted for the valley and flood risk zone that strongly defines the southeast edge of Henley, and the setting of Harpsden as a historic settlement (with its grade 2 listed medieval church and grade 2\* listed Harpsden Court) – relates poorly to Henley and Harpsden, instead relating more closely to Lower Shiplake (Shiplake Parish). This gives rise to clear concerns regarding meeting housing needs and connectivity / car movements, plus there are other constraints in this area. (ER Section 5.9)

*Other relevant considerations* - There are a range of other strategic spatial considerations, including as listed within Policy HEN1 of the SODC Local Plan. A key point to elaborate upon here is the need to support the achievement of objectives for the highly valued town centre, and support connectivity to the town centre. Amongst other things, a key objective is to reduce traffic through the town centre, including with a view to addressing air quality issues, with much of the town centre being designated as an Air Quality Management Area (AQMA). This objective has important implications for spatial strategy; for example, there is a need to support growth at locations well connected to the town centre by non-car modes of travel, as far as possible. (ER Section 5.10)

*An assessment of the progress of existing allocated sites* - The first of these sites to consider here are those that benefit from an allocation within the made Plan, and where the decision to simply roll-forward the existing allocation into the Plan Review is relatively clear cut. There are three such sites with a combined capacity of 92 homes, namely Site 991, Site E and Site X. The anticipated supply from these sites is accounted for within the calculation that leads to the outstanding figure for the Plan

Review (115 homes in the SODC Local Plan, now reduced to 69 homes). As a further point, it is notable that two of these sites are potentially associated with delivery challenges, which serves to highlight the importance of planning for a ‘supply buffer’ over-and-above the 69 homes requirement figure. (ER Section 5.13)

*Extended delivery on existing allocated sites* - The next port of call is Site J, which is an existing allocation for 30 homes, but where the latest evidence serves to suggest the potential to deliver 50 homes. The Neighbourhood Plan Committee supports the 50-home scheme, and it is understood to be relatively non-contentious. This is a previously developed site in the urban area with low sensitivity, and the increase in capacity would assist with ensuring viability and therefore timely delivery. (ER Section 5.15)

*Extended delivery on existing allocated sites* - The next port of call is Site 5, which comprises an existing allocation for 60 homes plus a small area of additional land (a house and garden). A pending planning application (P19/S2350/FUL) suggests the potential to deliver 72 homes across the expanded site, and the Neighbourhood Plan Committee is supportive of this approach. There are sensitivities however, on balance, there is no need to call into question the 72-home scheme, for the purposes of arriving at reasonable housing growth scenarios, recognising the stretching housing requirement and constraints/challenges associated with other site options. (ER Section 5.16)

*The next steps* - On the basis of the discussion above there are relatively ‘easy win’ options to deliver 32 homes (20 homes at Site E plus 12 homes at Site 5), of the 69 homes outstanding requirement figure. As such, there is a clear need to explore further site options, over-and-above those discussed above (this would be the case even if it were to be assumed that Site C is suited to delivering a higher density scheme). (ER Section 5.17)

*The assessment of additional sites* - The first port of call is the list of sites assigned a green rating by the Site Assessment. There are nine such sites, of which five have already been discussed above. Taking the remaining four sites in turn:

Site 2 – stands out as performing very strongly, as a previously developed site in the urban area. It has capacity to deliver three homes.

Sites 1117 and New 1 – are located on the edge of Lower Shiplake, which gives rise to concerns; nonetheless, there is a need to explore these sites further – see further discussion below.

Site 853a – would comprise a northern extension to the 170 home Highlands Farm allocation within the Made JHHNP, which is now under construction. The Site Options Assessment (SOA) supports this site on the basis of its relationship with the current built form of the Henley urban edge (once account is taken of the committed site currently under construction); however, there are also clear sensitivities; most notably, the site falls within the AONB. (ER Section 5.18)

- 7.79 This process resulted in the development of two alternative approaches in the ER. Both scenarios include Fairmile (+12) Stuart Turner (+20) and the Chiltern Centre (3). The two scenarios are as follows:

*Scenario 1*

- Highlands Farm - Northern Field (110)

*Scenario 2*

- Crossways Shiplake (11)
- Wyevale (11)
- Gillotts School (+30)

- 7.80 The ER identifies a preferred approach is to take forward Scenario 1 into the review of the Plan. HTC concluded that the approach broadly aligns with the findings of the site assessment, which finds Scenario 1 to perform well in terms of the majority of key sustainability issues, both in absolute terms and relative terms. It reaches this conclusion having assessed the two scenarios against a series of factors as follows:

- Air Quality
- Biodiversity
- Climate Change
- Health
- Historic Environment
- Landscape
- Land, soil and water resources
- Population and community
- Transportation

- 7.81 I comment on the package of the proposed allocations on the Plan (as set out in Policy DS1) on a site-by-site basis in the following sections of this report. However, in a general sense, I am satisfied that the assessment of the package of housing allocations has been carefully and comprehensively assessed. In particular I am satisfied that the range of sites considered is extensive and that the judgements reached are both reasonable and based on the available evidence.

- 7.82 I am also satisfied that the conclusion with the ER reached (and subsequently reflected in the submitted Plan) is based on a full and proper assessment of the strategic context within which the Plan has been developed. In particular it seeks to address the range of issues included in Policy HEN 1 of the Local Plan. This has been designed to ensure that the neighbourhood plan is both in general conformity with the strategic policies in the development plan and proactively sets out to deliver its ambitions in a practical way. I address the landscape impacts of the development of the Northern Field Highlands Farm in my assessment of Policy DS7 which sets out a policy context for that site.

Policy DS1: Proposed Allocations (Material Modification)

- 7.83 This policy sets out a wider framework to the remainder of the DS policies which, in turn, set out specific policy guidance for the development of the proposed allocated sites.
- 7.83 The table in Policy DS1 effectively follows on from the ER. It sets out the sites which are carried forward from the made Plan together with those where the proposed capacity has been extended. Finally, it includes the proposed development of the Northern Field of Highlands Farm.
- 7.84 In its response to the clarification note HTC commented as follows on the future delivery of the proposed housing sites which were allocated in the made Plan and which have yet to come forward:

*DS2 Land West of Fair Mile: A full planning application was submitted in 2019 (P19/S2350/FUL) and is currently considered by SODC. This follows extensive pre-application discussions.*

*DS3 Gillott's School Playing Field: The landowners have confirmed that this is available and deliverable in the Plan Period.*

*DS4 Empstead Works / Stuart Turner: The site promoters expect to submit a full planning application on at least part of the site within the next 12-18 months. If planning permission is obtained, then it would be expected that development could commence imminently with the completion of development expected within a 12–24-month period.*

*DS5 Chiltern's End: The site promoter expects to submit a planning application by April 2023. If planning permission is obtained, then it would be expected that development would commence on site would start in approximately Spring 2024 with a completion within a 25-month period.*

*DS6 357 Reading Road: The landowner expects to submit an outline planning application before the end of 2022. If planning permission is obtained, the site would probably be sold to a developer. Work is likely to start in 2024.*

*DS8 Henley Youth Club: Although as part of the submissions, the site promoters have advised that this would not be deliverable for housing. This site is one of the most sustainable sites within the Plan and the Committee would like to see this coming forward for housing. The response also draws attention to the comments received from the owners about their ambitions for the site and the County Council's comments to that proposal.*

- 7.85 The package in the Plan identifies the potential over-delivery of housing in the neighbourhood area. I have considered this matter very carefully. In doing so I have taken account of the representations which comment about this matter. On the balance of the evidence, I am satisfied that the approach taken meets the basic conditions. I have reached this conclusion for the following reasons. Firstly, the Local Plan refers to a minimum figure and does not prevent the delivery of a greater number of houses. Secondly the proportionate degree of headroom set out in the policy is best practice.

Plainly it will provide a degree of a buffer in the event that some of the sites do not come forward or deliver more slowly than anticipated. Notwithstanding the helpful information provided by HTC, there will be a degree of uncertainty on their future development, especially where planning permissions are not yet in place. In particular there are very specific issues to overcome on the future development of the Henley Youth Club site (Policy DS8).

*Format of policies DS2 to DS10*

- 7.86 These policies largely follow the format of the policies in the made Plan and the same approach is applied to the proposed extended site yields and to the development of the additional site (DS7).
- 7.87 I have considered the format of the policies very carefully. Plainly it would not normally be appropriate for modifications to be recommended to policies which are not proposed to be changed in the Plan. However, they have a slightly clumsy and unclear format and would benefit from modification to bring the clarity required by the NPPF. The recommended modifications affect the format and setting of the policies rather than their content. I do not repeat this explanation on a policy-by-policy basis.

Policy DS2: Land west of Fairmile (Material Modification)

- 7.88 The Plan comments that this site is already allocated for residential development in the current adopted Plan but has not been developed. It is proposed to roll it forward into the new Plan period. The site is located between existing development along Fairmile. The policy proposes to increase the number of dwellings from 60 to 72. I am satisfied that this increase is based on proportionate evidence
- 7.89 I recommend a modification to the format of the policy as highlighted in paragraph 7.87 of this report. Otherwise, it meets the basic conditions.

**Replace the opening part of the policy and criterion a with:**

**The land west of Fairmile site (as shown on site A location diagram) is allocated for 72 residential units. The Design Brief prepared for this site should demonstrate how the proposed development:**

**Re-letter 'b) to f)' with 'a) to e)'**

Policy DS3: Gillotts School Field (No changes)

- 7.90 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. However, I am satisfied that HTC has carefully considered the future of this site and its ongoing promotion by the School. I am also satisfied that it is appropriate to keep the capacity of the site to around 50 dwellings. I have reached this conclusion given the sensitivity of the site and the need to secure an access which both meets appropriate standards and provides adequate environmental safeguards for local residents.
- 7.91 I have considered the representations from local residents and Gillotts School on this matter.

- 7.92 I recommend a modification to the format of the policy as highlighted in paragraph 7.87 of this report. Otherwise, it meets the basic conditions

**Replace the opening part of the policy and criterion a with:**

**‘The Gillotts School Field site (as shown on site C location diagram) is allocated for around 50 residential units. The Design Brief prepared for site C should demonstrate how the proposed development:**

**Re-letter ‘b) to g)’ with ‘a) to f)’**

Policy DS4: Empstead Works (Material Modification)

- 7.93 As the Plan comments this site is already allocated for mixed use development in the current adopted Plan but has not been developed. The policy proposes to increase the number of dwellings on the site from 30 to 42. I am satisfied that this increase is based on proportionate evidence.

- 7.94 I recommend a modification to the format of the policy as highlighted in paragraph 7.87 of this report. Otherwise, it meets the basic conditions.

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

**‘The Empstead Works/ Stuart Turner site (as shown on site E location diagram) is allocated for around 42 dwellings and at least 3,000sqm of town centre mixed uses including employment and 1,500sqm for a single format food store.’**

**In the second part of the policy re-letter c) to g) with a) to e)**

Policy DS5: Chilterns End (No changes)

- 7.95 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. The representation from Oxfordshire County Council proposes that a degree of flexibility should be included in the policy to allow the site to be redeveloped to provide extra care units. I have considered this representation very carefully together with HTC’s comments in its response to the clarification note. Given that the County Council’s Estate team is unable to confirm whether the site will be required for extra care purposes, I am satisfied that the approach taken in the policy continues to remain appropriate. In the event that extra care accommodation is required in the future, development proposals for such uses would be assessed by SODC on their merits and in the context of the wider development plan.

- 7.96 I recommend a modification to the format of the policy as highlighted in paragraph 7.87 of this report. Otherwise, it meets the basic conditions.

**Replace the policy with:**

**‘The Chilterns End site (as shown on site F location diagram) is allocated for around 27 residential units.**

**The Design Brief for this site should demonstrate how the proposed development appropriately responds to the site's environmental and landscape context, including proximity to the AONB.'**

Policy DS6: Reading Road (Material Modification)

- 7.97 This proposed site largely remains unchanged from the made Plan other than that its proposed yield would increase from 30 to 50 homes. I am satisfied that this increase is based on proportionate evidence.
- 7.98 I looked at the site very carefully during the visit. As the supporting text comments the site is located within the built-up area and the adjacent developments are between three and four storeys in height. As such, I am satisfied that a yield of 50 homes is both realistic and achievable.
- 7.99 The supporting text sets out guidance about the development of the site. It also comments that the viability of the site should be assessed before it is allocated. Such an approach is unrealistic given that the site was initially included in the made Plan and is now proposed as an allocation in the review of the Plan. As such, I recommend that this element is deleted from the policy.
- 7.100 As submitted, the structure of the policy is confusing. In particular its lettering captures both elements of the development and how it should be developed. I recommend modification to bring the clarity required by the NPPF.
- 7.101 Finally I recommend the deletion of the element of the policy which comments that development on the site should not start prior to the opening of replacement community sports facilities currently located on the site. There is nothing in the policy or the supporting text which addresses this matter. In addition, it is inappropriate for a planning policy to seek to ensure the future of an existing facility on an alternative site without any evidence to support such an approach or any indication of the availability of potential sites for the existing uses and the practicality of such an approach.
- 7.102 I recommend a modification to the format of the policy as highlighted in paragraph 7.87 of this report. Otherwise, it meets the basic conditions,

**Replace the policy with:**

**'The 357 Reading Road site (as shown on site J location diagram) is allocated for:**

- a) around 50 residential units; and**
- b) Up to 200sqm of retail/commercial development.**

**The Design Brief prepared for this site should demonstrate how the proposed development mitigates the impact of any delivery vehicles on residential amenity and integrates with the surrounding area and provides walking and cycling connections.'**

*In paragraph 11.23 delete the final sentence.*

Policy DS7: Highlands Farm Northern Field (New Policy)

7.103 The proposed allocation of this site is the most significant element of the wider approach to housing in the Plan. The site is to the north of the existing allocated site M (Highlands Farm) which is currently being developed. I looked both at the proposed Northern Field site and the existing housing development at Highlands Farm during the visit to the neighbourhood area. I looked in particular at the intended relationship between the two sites, the relationship of the proposed site to the boundary of the existing town to the north and the relationship between the proposed site and the Chilterns AONB in which it is located.

7.104 The policy proposes the following package of development:

- around 110 new homes;
- 1 hectare of employment land;
- publicly accessible open space;
- the relocation of the Chilterns Centre;
- the provision of community led housing; and
- the relocation and redesign of the community centre and the employment facilities from existing allocation at Highlands Farm.

7.105 The proposed development of the site was considered in detail at the hearing. I set out my comments on the site on the basis of the following issues as discussed at the hearing:

*The extent to which the proposed allocation of the site has properly assessed its impact on the Chilterns Area of Outstanding Natural Beauty and was fully addressed in the Environmental Report and the site assessment reports*

7.106 Plainly this matter is at the heart of the policy. Paragraph 176 of the NPPF comments that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.

7.107 At the hearing, HTC set out the way in which it had sought to address the range of options for new development and how they were incorporated in the Assessment of Sites document and the ER. HTC also commented about the way in which the SODC Landscape Capacity Assessment for the market towns had approached the potential development of the site and had identified a specific parcel of land at Highlands Farm which had the ability to be incorporated within its wider landscape setting.

7.108 SODC made parallel comments on this matter at the hearing. In particular it commented on the importance set in the Local Plan for market towns to deliver a proportionate level of growth. It also drew my attention to the work which it had commissioned (by way of the 2017 Landscape Capacity Assessment) to demonstrate that the market towns had the environmental capacity to deliver the growth anticipated for such locations in the Local Plan.

7.109 In contrast, the Chilterns Conservation Board (CCB) argued that the process undertaken by HTC was incomplete and does not justify the proposed allocation of the Henley and Harpsden Neighbourhood Development Plan Review – Examiner's Report

site. In particular it commented that the site assessments rely heavily on the 2017 study commissioned by SODC (for the purposes of the Local Plan) and that no landscape and visual impact assessment had been produced in evidence to support the allocation of the site.

- 7.110 CCB also contended that the approach taken was more akin to one within the setting of an AONB rather than within an AONB. In this context it concluded that the adoption of Scenario 2 within the submitted Plan would have demonstrated that HTC had given great weight to the AONB in the site selection process.
- 7.111 I have considered this matter very carefully. On the balance of the evidence, including the discussion at the hearing, I am satisfied that HTC has properly assessed the impact of the allocation of the site on the Chilterns Area of Outstanding Natural Beauty and that the matter was fully addressed in the Environmental Report and the site assessment reports. In coming to this conclusion, I have considered the way in which HTC has grappled with the challenging issues faced to accommodate strategic growth on the one hand and the environmental capacities of the town on the other hand. The various documents which have underpinned the Plan indicate that HTC has tackled these issues in a robust fashion. It has acknowledged the importance of the AONB and has not sought to ignore or dismiss the sensitivities of the site and its location. In the round I am satisfied that the balanced judgement which it has reached is reasonable and justified. I am also satisfied that HTC has attached great weight to conserving and enhancing landscape and scenic beauty in the Chilterns AONB.
- 7.112 It is clear that HTC has sought to develop a package of development sites which would respond positively to the series of strategic matters as captured in Policy HEN1 of the Local Plan. In doing so it has sought to bring forward developments which would represent sustainable development and would deliver an appropriate mix of housing, including affordable housing. It has been on this basis that it has selected the range of sites in Scenario 1 to be included in the Plan rather than those in Scenario 2. In particular it has concluded that the sites in Scenario 2 are not in sustainable locations. It has also concluded that the development of the Northern Field at Highlands Farm can be appropriate mitigated. This matter is addressed in the next section of this report.
- 7.113 There was a productive discussion at the hearing about the degree of landscape evidence which was needed to justify the allocation of a housing allocation in a development plan document and the corresponding amount of information that would be needed to support and justify a planning application on the site concerned. On the basis of this discussion, I recommend that paragraph 11.25 is replaced by one which more accurately reflects the technical language of the assessment process used by the Landscape Institute.
- 7.114 In a broader sense, I am satisfied that relevant and proportionate information was used to underpin the site assessment. That information has informed and underpinned the decision-making process.

*The extent to which the impact of the development of the site on the Chilterns Area of Outstanding Natural Beauty can be adequately mitigated and is addressed in Policy DS7 of the Plan*

- 7.115 The hearing considered the way in which the detailed criteria in the policy had been designed to ensure that the impact of the development site could be fully and properly mitigated.
- 7.116 HTC commented about the way in which it had sought to formulate detailed criteria which had been raised as part of the site assessment process. In its response to the clarification note HTC had acknowledged that the various criteria in the policy could be better configured to achieve its ambitions for the development of the site. In particular it proposed an additional criterion to ensure that the development of the site properly reflected its location in the AONB.
- 7.117 SODC explained the way in which it was generally satisfied that the policy provided a natural outcome of the site assessment process. I also heard comments from Crest Nicholson about the way in which it was actively seeking to secure a landscape-led approach to the development of the site. I also heard that the site would be developed using the same principles as those which had been applied to the development of the existing development at Highlands Farm.
- 7.118 CCB commented that the current Highlands Farm should be seen as a finite development and limited by its previously-developed status. It also commented that the second part of the submitted policy does not offer any certainty over the scale, nature and quality of development which might proceed on the site. As such the policy does not offer the certainty required by the NPPF for a development plan policy.
- 7.119 I have considered these matters carefully. On the balance of the evidence, I am satisfied that the policy approach generally provides appropriate controls over the development of the site and will secure appropriate mitigations. Nevertheless, some of the criteria in the policy lack the clarity required by the NPPF and provide little direct guidance to potential developers. In these circumstances I recommend that the policy is recast so that it identifies the uses supported on the site, the need for it to respond to its location in the AONB and a range of other design and layout issues. The proposed additional criterion submitted by HTC is incorporated (with refinements) as a specific part of the modification rather than as an additional criterion. In doing so it replaces the need for some of the criteria in the submitted policy. I also recommend that the reference in the policy to the need for a Design Brief is relocated to the supporting text as it is more of a process matter rather than a policy issue. In this wider context I am satisfied that the policy can be satisfactorily delivered through the development management system.

*The extent to which the contribution that the development of the site would make to the delivery of new homes in general, and to the delivery of affordable housing in particular would be sufficiently compelling to outweigh the impact of built development in the Chilterns Area of Outstanding Natural Beauty*

- 7.120 The discussion at the hearing provided a range of comments about the importance of housing delivery in the town and the parallel need to deliver affordable housing. I was advised about the specific issues faced in the town on affordability. I was also advised about the opportunities which arose from the site's size and its ability to deliver

affordable housing and the willingness of the developer to collaborate with SODC and HTC to do so.

- 7.121 CCB commented that it considered that the policy as a whole has failed to grapple with the great weight which must be given to the AONB. It also advised that the way in which HTC had dismissed other alternatives was not sufficiently robust.
- 7.122 On the balance of the evidence I am satisfied that the development of the site will bring forward much-needed affordable housing. Similarly, I am satisfied that the delivery of housing of this type will assist in the delivery of Policy HEN1 of the adopted Local Plan. Plainly the various matters need to be addressed in the round. In this context I am satisfied that HTC has taken a responsible approach which meets the basic conditions. It has diligently addressed the location of the site in the AONB and has sought to mitigate the effects of its development. I am also satisfied that the development of affordable housing on the site has been seen as a natural and positive outcome of the development of the site rather than as a justification to bring forward development which would not properly take account of the landscape setting of the town.

*The extent to which the site would represent sustainable development and would relate to the existing built form of the town*

- 7.123 The debate on this matter at the hearing focused on the way in which the proposed mix of uses on the site would contribute towards the delivery of the three dimensions of sustainable development. In overlapping ways HTC, SODC and Crest Nicholson commented that the mix of uses would bring both economic and social benefits to the town in addition to the very specific delivery of new homes to meet the strategic requirements for the town as set out in the adopted Local Plan. Both HTC and SODC acknowledged that the development of the site would bring environmental challenges. In this context they drew my attention to the nature of the site selection process as set out in the various supporting documents, including the ER.
- 7.124 CCB commented that the principle of the development and the mix of the proposed uses would normally constitute sustainable development. However, given its location in the AONB the presumption in favour of sustainable development should be applied in a different fashion. I have considered these comments very carefully. Paragraph 11 of the NPPF sets out the government's policy and approach towards plan-making. In particular it identifies AONBs as one of a series of designated areas or assets of particular importance which may provide a strong reason for restricting the overall scale, type or distribution of development in a plan area.
- 7.125 Plainly this issue has needed to be addressed in relation to the specific preparation of the neighbourhood plan and the identification of a package of development sites. However, the matter was already been debated extensively as part of the development and examination of the Local Plan. In this context, I am satisfied that HTC has properly addressed this matter in its promotion of the review of the neighbourhood plan. I am also satisfied that Policy DS7 (with the recommended modifications set out in this report) will provide a local policy basis to ensure that the development of the site can be managed in a sensitive fashion and generate sustainable development.

- 7.126 In a similar fashion, I am satisfied that the proposed site would have a satisfactory relationship with the existing built form of the town. Whilst it would further consolidate the development of new housing to the west of the existing built form of the town off Greys Road, it would continue the natural process by which the town has expanded along main roads to the west of the River Thames and which have led to its current distinctive urban format.
- 7.127 In a specific sense the proposed development on the site will be read in its wider setting against the existing residential development off Greys Road (to the north) and to the ongoing development on Highlands Farm (to the south). Whilst I acknowledge that the development of the latter was promoted in the made Plan due to its previously developed nature, it is now an established part of the local environment.

*Other matters - Yield of the site*

- 7.128 During the hearing there was a discussion about the overall yield of the site. It was clear that the wording of the policy is unclear about whether the proposed community housing is anticipated to be part of the anticipated yield of 110 homes, or whether it is in addition to the 110 homes. Similarly, the supporting text is silent on the matter.
- 7.129 In a broader context Policy DS1 indicates that the site will yield 110 homes. The figure of 110 homes is also used in the ER. The Landscape Capacity Assessment (2017) of the Four Towns, produced as part of the evidence base for the South Oxfordshire Local Plan, identifies (on page 137) that at a nominal density of 25dph the site would have capacity to accommodate 130 homes. It goes on to state that a full detailed landscape and visual impact assessment will be essential to inform the final capacity of the site.
- 7.130 I have considered this matter very carefully. In doing so I have taken account of the comments received on this matter from the various parties who attended the hearing. On the balance of the evidence, I have concluded that the policy should refer to an overall indicative development of 110 homes. This is the figure used elsewhere in the Plan itself and as assessed in the ER. Plainly the eventual development of the site will be a matter of judgement for SODC based on the findings of a full detailed landscape and visual impact assessment which will be submitted as part of the planning application process. Whilst other pieces of work have commented about an overall capacity of 130 homes such a figure has not been directly assessed in the Plan nor has it been tested through public consultation.
- 7.131 I have taken account of the comments from Crest Nicholson on the details of the policy and HTC's response to those comments. I concur with the agreed view that the Chiltern Centre, community housing and commercial uses can reasonably be considered as employment-generating uses and be incorporated within the land needed to meet the requirement for employment purposes on the site
- 7.132 I recommend a modification to the format of the policy as highlighted in paragraph 7.87 of this report. I also recommend the other detailed modifications as set out in my commentary on this policy. Otherwise, it meets the basic conditions.
- 7.133 The hearing considered the extent to which the language used in the supporting text about the need for detailed planning applications to be accompanied by a landscape
- Henley and Harpsden Neighbourhood Development Plan Review – Examiner's Report

and visual appraisal. That discussion was both about the principle of the approach and the language used. I recommend that paragraph 11.25 is replaced with text helpfully prepared by SODC at my request after the hearing. It more properly and comprehensively captures the need for such work to be undertaken to support forthcoming planning applications. It also comprehensively overlaps with the way in which HTC has grappled with the sensitivity of the site's location in the Chilterns AONB during the Plan preparation process.

Other matters – comments from other developers

- 7.134 In reaching this conclusion I have also taken account of the comments of another potential developer (Westbourne Homes) about the extent to which the allocation of the Northern Field, Highlands Farm meets the basic conditions. I comment separately on this and site proposals later in this report.

**Replace the policy with:**

**'The Northern Field, Highlands Farm site as shown on site location diagram is allocated for the following uses:**

- **around 110 new homes including community-led housing;**
- **1 ha of flexible commercial and community employment land including the relocation of the Chilterns Centre; the relocation and redesign of the community centre and the employment facilities from existing Highlands Farm residential development; and**
- **publicly accessible open space.**

**Development proposals should be landscape-led and respond positively to the location of the site within the Chilterns AONB. All proposals should demonstrate that their site layout, design, orientation, height, bulk and scale of the proposed structures and buildings have properly responded to the sensitive location of the site. Detailed consideration should also be given to the use of colours, materials and the reflectiveness of surfaces. In addition, the use of street lights and other forms of external illumination should be designed to safeguard the dark night skies of the AONB.**

**Development proposals should demonstrate how they would:**

- a) incorporate and reinforce or re-provide the existing landscaping, green Infrastructure and biodiversity features, particularly along the northern, southern and western edges of the site;**
- b) protect and where practicable enhance the Scheduled Ancient Monument and its setting within the site;**
- c) protect and where practicable enhance the SSSI including a buffer strip on the north side of Highlands Farm Pit SSSI; and**
- d) respond positively to the site's environmental and landscape context, including its visibility from the opposite side of the valley.'**

*Replace paragraph 11.25 with: ‘The site is within the Area of Outstanding Natural Beauty (AONB). A Landscape and Visual Appraisal (LVA) will be required to inform the Masterplanning of the site from the outset, ensuring any impact from the development on the AONB is minimised. The LVA should be completed in accordance with the latest guidelines available from the Landscape Institute. As part of the LVA, wireframe visualisations should be used to explore the appropriate built height of development while responding to the build character of the adjacent areas. Whilst development would be visible from Greys Road, the impact could be mitigated by retaining existing hedges and trees around the site, incorporating internal open space and tree planting within the site, and introducing a landscape buffer to the northern, eastern and western boundaries. Such landscaping should aim to break up views of the new development. The site is large enough to accommodate the proposed number of dwellings, other uses and to achieve landscaping and open space. It is important that proposed developments are landscape-led. The approach taken should be set out in the associated Design and Access Statement or a wider Planning Statement.’*

*At the end of paragraph 11.26 add: ‘The sensitivity of the site is such that Policy DS7 takes a very detailed approach to its development. Developers should demonstrate the way in which they have complied with the policy by way of a detailed Planning Statement with planning application. Criterion b and c of the policy will best be achieved through the preparation of a bespoke geological survey. This will ensure that the Scheduled Ancient Monument and SSSI are protected and to help to inform the design of the site in a sensitive fashion.’*

*Policy DS8: Henley Youth Club (No changes)*

- 7.135 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.
- 7.136 The policy has attracted detailed comments from the site owner. On the balance of the evidence, I am satisfied that it continues to be appropriate for residential use. It is in a sustainable location close to the range of facilities in the town centre. Whilst the development of previously-developed sites can sometimes be challenging this is not a sufficient justification to support a different approach to the development of the site. In any event, HTC has appropriately sought to secure the development of this and other previously-developed sites through the plan-making process.
- 7.137 I recommend a modification to the format of the policy as highlighted in paragraph 7.87 of this report. Otherwise, it meets the basic conditions.

**Replace the opening part of the policy and criterion a with:**

**‘The Henley Youth Club site (as shown on site X location diagram) is allocated for around 23 new homes. The Design Brief prepared for this site should demonstrate how the proposed development:**

**Re-letter b) and c) with a) and b)’**

Policy DS9: Chiltern Centre (New Policy)

- 7.138 This is a new policy which sets a context for a proposed new allocation in the Plan.
- 7.139 I looked at the site carefully during my visit to the neighbourhood area. I am satisfied that it is appropriate for residential use. It is in a sustainable location and is a previously developed site.
- 7.140 I recommend a modification to the format of the policy as highlighted in paragraph 7.87 of this report. Otherwise, it meets the basic conditions

**Replace the policy with:**

**‘The Chiltern Centre (as shown on site Y location diagram) is allocated for around three new homes.**

**The Design Brief for this site should demonstrate how the proposed development appropriately responds to the site’s environmental and landscape context, including proximity to the AONB.’**

Policy DS10: Land at Newtown Road (No changes)

- 7.141 This policy is a retained policy from the made Plan.
- 7.142 The details of the policy are affected by the changes to the Use Classes Order introduced in 2020. That version of the Order includes a new use class (Class E – Commercial, business and service use). As submitted, the policy refers to a former use class (Class B1 – industrial uses) which refers to industrial uses can be undertaken in a residential area without causing detriment to the amenity of the area and other suitable commercial uses. The other uses are unspecified.
- 7.143 I recommend a modification to the policy to address this update in national legislation. I am satisfied that there is an ongoing need to safeguard residential amenity given the proximity of dwellings to the immediate west of the site. Whilst the Class E use is intended to provide flexibility for business uses, I recommend that the development of the site is identified for Class E c/d/e/f/g purposes.
- 7.144 I have considered the representation from the owner of the site very carefully. However, I am not satisfied that the site is appropriate for residential purposes. Any such development would have an uncomfortable relationship with long-standing commercial uses in this part of the town. In addition, the Plan has already made appropriate provision for new allocations for housing purposes and it is not my role to promote an alternative Plan.
- 7.145 I recommend a modification to the format of the policy as highlighted in paragraph 7.87 of this report. Otherwise, it meets the basic conditions.

**Replace the policy with:**

**‘Land at Newtown Road site (as shown on site AD location diagram) is allocated for Class E (c/d/e/f/g) purposes. Development proposals should demonstrate**

**how they would appropriately mitigate any impact on nearby residential properties.'**

*Priority Projects*

7.146 The Plan includes a series of Priority Projects in Appendix A. They primarily relate to the delivery of transportation initiatives.

7.147 The Projects are as follows:

- Henley Car Club
- Weight restriction
- Clear Air for Henley initiative
- Modal Shift
- Walking initiatives
- Cycling initiatives
- Council Bus Service
- Clean river travel
- Electric Vehicle Infrastructure Strategy

7.148 In the round I am satisfied that the identified Projects are both appropriate for the neighbourhood area and distinctive to the particular circumstances in Henley. In addition, they have the ability to complement the land use policies in the Plan.

*Monitoring and Review*

7.149 Plainly this review of the Plan has arisen as a result of the monitoring of the effectiveness of the 'made' Plan and the related adoption of the Local Plan 2035. Nevertheless, the Plan is silent about the way in which it will continue to address the effectiveness of the Plan within the Plan period.

7.150 As such I recommend that the Plan comments about the way in which it will continue to monitor its effectiveness. I also recommend that the Plan includes commentary to take account of any changes which may arise in national policy in the Plan period and the way in which the allocated sites are delivered. These are important matters in their own right. The second matter is also significant given the way in which the Plan has sought to respond to the strategic requirements in the Local Plan 2035. The importance of the issue is highlighted given that some of the sites remain to be developed following their allocation in the 'made' version of the Plan.

At the end of Section 2 of the Plan add:

*'Monitoring and Review*

*2.15 The Plan will run concurrently with the current South Oxfordshire Local Plan and apply until March 2035. It is, however, recognised that the neighbourhood plan is a response to the needs and aspirations of the local community and will need monitoring and review to ensure continuing relevance and delivery. The Town Council, as the designated body, is responsible for maintaining and periodically reviewing the NDP in*

*the event the needs and aspirations of the community require, or following significant changes to nation or local planning policy.*

*2.16 In addition, the Town Council and Harpsden Parish Council will monitor the delivery of the housing allocations in the Plan. If delivery is unlikely to proceed to meet the number of dwellings set out in Policy DS1 of the Plan, the two councils will consider a further review of the Plan to identify the extent to which delivery is not proceeding and/or to explore the allocation of alternative sites to meet any shortfall against the strategic requirements for Henley as identified in the Local Plan. Where necessary, it will consider the need for a full or partial review of the Plan'*

#### Other Matters - General

- 7.151 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 HTC 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 – Alternative proposed sites

- 7.152 I have set out elsewhere in this report that my role is to examine the Plan as submitted and not to examine an alternative Plan. Nevertheless, I have taken account of the representations received from the following developers which have proposed the following alternative housing sites:

- Taylor Wimpey (Thames Farm);
- Westbourne (Crossways, Reading Road);
- Borlase Family (Swiss Farm, Marlow Road); and
- Knole Homes (Newtown Road)

- 7.153 Whilst the representations add further analysis and interpretation of the sites concerned, I have considered them within the wider context of the earlier site assessment and ER process. I have already commented generally on those processes in this report. There is nothing in the various representations to cause me to come to a different judgement on the wider integrity of the package of housing sites included in Policy DS1 of the Plan.

*Other Matters – The deletion of policies which were formerly in the made Plan.*

- 7.154 The Plan review process has resulted in the deletion of policies which were formerly within the made Plan. This is a natural part of the Plan making process. In any event section 41-004-20190509 of Planning Practice Guidance highlights that the content of a neighbourhood plan is entirely a matter of judgement for the relevant qualifying body (here HTC).

- 7.155 The deletion of former policy TCE3 (Hotel and Bed Space) has generated a representation from Blockwork. It contends that the review of the Plan has not demonstrated that there has been a significant increase in hotel supply in the town and that there are no material changes to warrant such a course of action.
- 7.156 Policy TCE3 of the made Plan comments in a general way that the provision of tourist accommodation within the town centre will be supported. Whilst I can understand the nature of the representation there is nothing in the review of the Plan to suggest (directly or indirectly) that tourist accommodation will no longer be provided. In addition, national and local policies would continue to support such development (subject to local circumstances and details). In these circumstances I am satisfied that the Plan's approach is entirely appropriate.

## 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 to update the Plan in general, and to identify additional housing sites in particular.
- 8.2 Following the independent examination of the Plan, I have concluded that the Henley and Harpsden Neighbourhood Development Plan Review meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a variety of modifications to the policies in the Plan. Nevertheless, the Plan remains fundamentally unchanged in its role and purpose.

### *Conclusion*

- 8.4 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 Henley and Harpsden Neighbourhood Development Plan Review should proceed to referendum.
- 8.5 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as most-recently approved by the District Council in May 2019.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. HTC's response to the clarification note was both comprehensive and informative. In addition, the hearing provided helpful clarification on the proposed allocation of the Northern Field at Highlands Farm (Policy DS7).

**Andrew Ashcroft**  
**Independent Examiner**  
**16 September 2022**

## Appendix A

### Henley and Harpsden Neighbourhood Development Plan

#### Arrangements for a hearing

##### Independent Examiner's Note

The examination is now at an advanced stage. I have visited the neighbourhood area, read the submitted documents and the representations made to the Plan. I have also prepared a clarification note for the Town Council and read its responses to that note.

##### *Hearing*

In accordance with paragraph 9 (3) of Schedule 4B to the Town and Country Planning Act 1990, I have concluded that it is in order to ensure an adequate examination of the Plan it is necessary to hold a hearing.

The hearing details are as follows:

Date: 1 August 2022 10:15

Venue: Henley Town Hall, Market Place, Henley on Thames RG9 2AQ.

I would like to meet with the participants at 09.45 on the day of the hearing at the venue. This meeting will discuss the format of the hearing (based on the following sections of this Note). It will not discuss the substantive matters to be debated at the hearing itself.

##### *The participants*

In accordance with paragraph 9 (3) of Schedule 4B to the Town and Country Planning Act 1990, Henley Town Council (the qualifying body) and South Oxfordshire District Council (the local planning authority) will be entitled to make oral representations at the hearing.

In addition, the Chilterns Conservation Board and Crest Nicholson are invited to attend.

##### *The issue to be debated at the hearing*

The hearing will consider the appropriateness or otherwise of the proposed allocation of land at Northern Field, Highlands Farm (Site M1) in the Plan for residential purposes.

In particular the hearing will debate the following matters:

- the extent to which the proposed allocation of the site has properly assessed its impact on the Chilterns Area of Outstanding Natural Beauty and was fully addressed in the Environmental Report and the site assessment reports;
- the extent to which the impact of the development of the site on the Chilterns Area of Outstanding Natural Beauty can be adequately mitigated and is addressed in Policy DS7 of the Plan;

- the extent to which the contribution that the development of the site would make to the delivery of new homes in general, and to the delivery of affordable housing in particular would be sufficiently compelling to outweigh the impact of built development in the Chilterns Area of Outstanding Natural Beauty; and
- the extent to which the site would represent sustainable development and would relate to the existing built form of the town.

### ***General Comments***

The various parties should each be represented by no more than two persons at any of the sessions.

The public and other interested parties will be able to attend the hearing. However, there will be no opportunity for their direct participation.

### ***The format of the hearing***

The hearing will address the matters set out above. I will ask the various questions and lead any follow-up discussions. There will be no opportunity for any party to question the other parties. As the representations made by the parties invited to the hearing are clear and comprehensive, I am satisfied that additional hearing statements are not required.

A neighbourhood plan hearing is intended to achieve a balance between getting to the heart of identified issues and having a light-touch approach so that lay people can both understand and take an active part in its proceedings. The hearing will proceed on this basis.

### ***The wider examination***

I am satisfied that the remainder of the Plan can be examined by way of written representations.

Following the hearing, I will produce a report on the submitted Plan as quickly as possible. Its timing will relate to the nature of the outcomes of the hearing. There will be no separate report arising from the hearing. Its findings and conclusions will form part of the overall report.

Andrew Ashcroft  
Independent Examiner  
Henley and Harpsden Neighbourhood Development Plan

22 June 2022