

## Delegated authority officer decision notice

<b>Decision made by</b>	Adrianna Partridge Deputy Chief Executive – Transformation and Operations
<b>Lead officer contact details</b>	Robyn Tobutt Senior Planning Policy Officer (Neighbourhood) Tel: 07917 088349 Email: <a href="mailto:Robyn.Tobutt@southandvale.gov.uk">Robyn.Tobutt@southandvale.gov.uk</a>
<b>Decision</b> (Keep this succinct)	<ol style="list-style-type: none"> <li>1. To accept all modifications recommended by the Examiner;</li> <li>2. To determine that the Henley and Harpsden Neighbourhood Development Plan Review, as modified, meets the basic conditions, is compatible with the Convention rights, complies with definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and</li> <li>3. To take all appropriate actions to progress the Henley and Harpsden Neighbourhood Development Plan Review to referendum.</li> </ol>
<b>Key decision?</b> (see notes below)	Yes, the neighbourhood plan covers two parish areas (Henley on Thames and Harpsden), and this decision affects two wards (Henley on Thames and Sonning Common).
<b>If key decision, has call-in been waived by the Scrutiny Committee chair(s)?</b>	N/A
<b>Confidential decision, and if so under which exempt category?</b>	No
<b>Delegated authority reference from the constitution</b>	Deputy Chief Executive – Transformation and Operations Ref 3.1 (Page 136). Head of Policy and Programmes ref 3.3 (Page 178)
<b>Risks</b>	<p>The local community will have the opportunity to vote on the neighbourhood plan at referendum; there is a risk that the local community will vote against the plan. This risk is low given the level of support shown for the plan and detailed in the consultation statement.</p> <p>The legislation makes provision for the council’s decision at this stage to be challenged via a judicial review. The process undertaken and proposed accords with planning legislation.</p>
<b>Reasons for decision</b>	<ol style="list-style-type: none"> <li>1. The Henley and Harpsden Neighbourhood Development Plan Review (the Plan) as modified by the Examiner’s recommendations, has had regard to policies and advice contained in guidance issued by the Secretary of State. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but it is intended to have and does have to a</li> </ol>

significant effect. A neighbourhood plan must not constrain the delivery of important national policy objectives. The principal document in which national planning policy is contained is the National Planning Policy Framework (NPPF) and this conclusion is reached bearing this in mind. It should be noted that the NPPF was revised on 20 July 2021. The revised NPPF replaces the previous NPPF published in March 2012, revised in July 2018 and updated in February 2019. The advice within National Planning Practice Guidance (“NPPG”) has also been borne in mind in reaching this conclusion.

2. Paragraph 13 of the NPPF is clear that neighbourhood plans should support the delivery of strategic policies contained in local plans and spatial development strategies. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside these strategic policies. More specifically paragraph 29 of the NPPF states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.
3. Beyond this, the content of the draft neighbourhood plan will determine which other aspects of national policy are or are not a relevant consideration to take into account. The basic condition allows qualifying bodies, the independent examiner and local planning authority to reach a view in those cases where different parts of national policy need to be balanced.
4. Having considered all relevant information, including representations submitted in response to the Plan, the Examiner’s considerations and recommendations, the council has come to the view that the Plan recognises and respects relevant constraints. The Plan has developed a positive suite of policies that seek to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on allocating land for housing development to meet the strategic requirement for Henley in the South Oxfordshire Local Plan 2035.
5. The plan, as modified by the Examiner’s recommendations, contributes to the achievement of sustainable development. This condition relates to the making of the plan as a whole. It does not require that each policy in it must contribute to sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the plan includes policies for 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 (ENV2).

6. As a whole, the council is satisfied that the policies in the plan pursue net gain across each of the different dimensions of sustainability in a mutually supportive way.
7. The plan, as modified by the Examiner's recommendation, is in general conformity with the strategic policies contained in the current Development Plan for the area. The Plan delivers a local dimension to the strategic context and supplements the detail already included in the adopted South Oxfordshire Local Plan 2035. The Neighbourhood Plan Review is allocating a total of 377 homes, which includes allocations carried forward from the 'made' Joint Henley and Harpsden Neighbourhood Plan. The Plan also carries forward existing employment allocations and proposes an additional 1 hectare of land for employment use.
8. Henley-on-Thames is identified as a town in the adopted Local Plan (Appendix 7) and the overall strategy supports the role of towns by maintaining and improving the attractiveness of the town centres through measures that include environmental improvements and mixed-use developments and by providing new homes, jobs and infrastructure. Policy HEN1 sets out the strategy for Henley-on-Thames. Among other considerations such as strengthening the retail offer within the town centre, and improving accessibility, the strategy is clear that Neighbourhood Development Plans are expected to support development proposals that deliver housing in accordance with Policy H3. Policy H3 in the Local Plan sets out the minimum housing requirement to be delivered in Henley-on-Thames. It identifies that in Henley-on-Thames at least 1,285 homes are required.
9. The housing requirement for market towns in the Local Plan was arrived at using a proportional mathematical formula (15% growth on the number of dwellings in that village as per Census 2011 plus any Core Strategy allocations where these existed). Completions and commitments as of 1 April 2020 were taken into account when determining the outstanding requirement figure for Neighbourhood Plans identified in Policy H3, with a breakdown provided in table 4d. The minimum outstanding requirement for Henley on Thames identified in table 4d is 115 homes.
10. The Joint Henley and Harpsden Neighbourhood Plan includes two new sites allocating a total of 113 homes, and is increasing the dwellings allocated on two allocations carried forward from the 'made' plan, site A1 from 60 to 72 homes and site J from 30 to 50 homes. Combined, the package of housing allocations proposed in the neighbourhood plan

exceeds the minimum outstanding requirement set out in Policy H3.

11. The Local Plan is clear in setting out a minimum housing figure and does not prevent the delivery of a greater number of houses. The plan is supported by proportionate evidence, including a site assessment and Strategic Environmental Assessment which demonstrated that great weight was given to the conservation and enhancement of the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty. Therefore, the Plan is considered to be in general conformity with strategic policies in the Local Plan and Policies HEN1, H3 and ENV1 in particular.
12. The neighbourhood area includes the village of Harpsden which is identified as a Smaller Village in the adopted Local Plan (Appendix 7). Policies H8 (Housing in the Smaller Villages) and H16 (Infill development and redevelopment) of the Local Plan set the context for the scale and nature of new development which would be supported in smaller villages in the district. Policy H8 advises that smaller villages have no defined requirement to contribute towards delivering additional housing, however where a Parish Council wishes to prepare a Neighbourhood Development Plan and make housing allocations within it to support further growth, the Council will support this provided that the levels of growth are commensurate to the size of the village. Policy H4 in the Plan sets out how infill housing and proposals for the construction of self-build dwellings within the built-up area of Harpsden will be supported where it is demonstrated that the proposed development is in accordance with other relevant policies of the development plan.
13. The delivery of the development proposed in the plan will contribute towards supporting the overall spatial strategy for the district, including the minimum housing requirement for the town of Henley-on-Thames.
14. The plan, as modified by the Examiner's recommendation, would not breach, and be otherwise incompatible with EU obligations, retained in UK law, including the following Directives: the strategic Environmental Assessment (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). In addition, no issue arises in respect of equality under general principles of EU law or any EU equality directive.
15. In order to comply with the basic conditions on the European Union legislation, the Qualifying Body commissioned a

Strategic Environmental Assessment dated September 2021. The Strategic Environmental Assessment sets out the introductions and background in sections 1 and 2. Section 3 sets out the scope of the SEA. Section 5 identifies the growth scenarios and section 6 assesses the scenarios. Section 7 sets out the preferred approach, and sections 8, 9, and 10 set out the SEA findings and recommendations. Section 12 of the report covers monitoring. The Environmental Report is well-considered and detailed. It assesses the environmental conditions in the neighbourhood area and appraises the policies (and reasonable alternatives) against the framework developed through the Scoping Report.

16. The plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites. The Council screened the Plan's potential impact on the EU Special Areas of Conservation (SACs) and this was completed in November 2021. The HRA screening report concluded that the Plan would not have any likely significant effects on the integrity of European sites in or around South Oxfordshire, either alone or in combination with other plans or programmes and that an Appropriate Assessment is therefore not required.
17. The Plan, as modified by the Examiner's recommendations, is in all respects fully compatible with Convention rights contained in the Human Rights Act 1988. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known.
18. The Plan, as modified by the Examiner's recommendations, complies with the definition of an NDP and the provisions that can be made by an NDP. The Plan sets out policies in relation to the development and use of land in the whole of the neighbourhood area; it specifies the period for which it is to have effect and it does not include provision about development that is 'excluded development'.
19. The council is satisfied that it is not necessary to extend the referendum area beyond the boundaries of the designated neighbourhood area as they are currently defined.
20. The individual modifications proposed by the Examiner are set out in Appendix 1 alongside the council's decision in response to each recommendation and the reason for them. The Examiner's Report is available in Appendix 2.
21. The Examiner noted in his report, paragraph 7.151, that it will be appropriate to make any necessary consequential changes to the general text. To ensure that the plan reads as a coherent document the qualifying body and the council have agreed factual and consequential updates. These are

	<p>set out in Appendix 3.</p> <p>22. The modifications set out in Appendix 1 and Appendix 3, both separately and combined, produce no likely significant environmental affects and are unlikely to have any significant effects on the integrity of European Designated Sites.</p> <p>23. The council has taken account of all the representations received.</p> <p>24. The Counting Officer is responsible for determining the date of the referendum. The Electoral Service team advises that the referendum in planned for Thursday 24 November 2022.</p>
<p><b>Alternative options rejected</b></p>	<p><b>Make a decision that differs from the Examiner’s recommendation</b></p> <p>If the council deviates from the Examiner’s recommendations, the council is required to:</p> <ol style="list-style-type: none"> <li>1. Notify all those identified on the consultation statement of the parish council and invite representation, during a period of six weeks,</li> <li>2. Refer the issue to a further independent examination if appropriate.</li> </ol> <p><b>Refusing to progress the Plan</b></p> <p>The council can decide that it is not satisfied with the Plan proposal with respect to meeting basic conditions, compatibility with Convention rights, definition and provisions of the NDP even if modified. Without robust grounds, which are not considered to be present in this case, refusing to take the Plan to a referendum could leave the Council vulnerable to a legal challenge.</p> <p><u>Reason for rejecting alternative options</u></p> <p>These options were rejected because the district council is minded to agree with all of the Examiner’s recommended modifications and his conclusion that the Plan, as modified, meets the basic conditions and relevant legal requirements.</p>
<p><b>Climate and ecological implications</b></p>	<p>The Plan contributes to the achievement of sustainable development. Sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.</p> <p>In terms of the climate and ecological implications the Plan seeks to have a positive impact, containing a number of objectives concerned with the environment, sustainability and design quality. The plan contains a suit of environment policies covering air quality (Policy ENV1), biodiversity (Policy ENV2), trees (Policy ENV3), Local Green Spaces (Policy ENV4), and watercourses (Policy ENV5). In addition to environmental policies, there are sustainability policies which cover minimising carbon emissions (Policy SD1) and community energy projects (Policy SD2).</p>

<b>Legal implications</b>	The process undertaken and proposed accords with planning legislation.			
<b>Financial implications</b>	<p>The Government makes funding available to local authorities to help them meet the cost of their responsibilities around neighbourhood planning. A total of £20,000 can be claimed for each neighbourhood planning area. In the case of neighbourhood plan reviews, a local planning authority may make only one claim for substantive modifications to a specific neighbourhood plan in their area within each 5-year window from the date that plan was first made. The council becomes eligible to apply for this additional grant once the council issue a decision statement detailing the intention to send the plan to referendum.</p> <p>The Government grant funds the process of progressing neighbourhood plans through the formal stages, including the referendum. Any costs incurred in the formal stages in excess of Government grants is borne by the council. Staffing costs associated with supporting community groups and progressing neighbourhood plans through the formal stages are funded by the council. It is expected that costs associated with progressing this neighbourhood plan can be met from with existing neighbourhood planning budget.</p>			
<b>Other implications</b>	There are no other implications.			
<b>Background papers considered</b>	<ol style="list-style-type: none"> <li>1. Joint Henley and Harpsden Neighbourhood Plan Review and supporting documents</li> <li>2. National Planning Policy Framework (2021)</li> <li>3. National Planning Policy Guidance (July 2014 and subsequent updates)</li> <li>4. South Oxfordshire Local Plan 2035</li> <li>5. Strategic Environmental Assessment for the Revised Joint Henley and Harpsden Neighbourhood Plan</li> <li>6. South Oxfordshire District Council HRA Screening Statement</li> <li>7. Representations submitted in response to the Joint Henley and Harpsden Neighbourhood Plan Review</li> <li>8. Relevant Ministerial Statement</li> </ol>			
<b>Declarations/ conflict of interest?</b>	None			
<b>Consultees</b>		<b>Name</b>	<b>Outcome</b>	<b>Date</b>
	Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a>		No Comment	06/10/22
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>		No Comment	06/10/22
	HR <a href="mailto:hradminandpayroll@southandv">hradminandpayroll@southandva</a>		No Comment	06/10/22

	<a href="http://le.gov.uk">le.gov.uk</a>			
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>		Support	04/10/22
	Equality and diversity <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a>		No Comment	06/10/22
	Risk and insurance <a href="mailto:risk@southandvale.gov.uk">risk@southandvale.gov.uk</a>		No Comment	06/10/22
	Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>		No Comment	06/10/22
	Cabinet member	Anne-Marie Simpson	Support	30/09/22
	Ward councillors	David Bartholomew	No comment	06/10/22
		Leigh Rawlins	Support	03/10/22
		Ken Arlett	Support progress of the Plan. Requested minor changes to further emphasise the participation of Harpsden Parish in the joint neighbourhood plan.	30/09/22
		Kellie Hinton	No comment	06/10/22
		Stefan Gawrysiak	No comment	06/10/22
<b>Decision maker's signature</b> To confirm the decision as set out in this notice.	Signature: Adrianna Partridge Date: 11/10/2022			

## Appendix 1: Examiner's recommendations

Policy/Section	Examiner's recommendations	Council's Decision	Justification/Reason
Policy ENV1: Air Quality	<b>Replace 'All development proposals' with 'As appropriate to their scale, nature and location, development proposals'</b>	Agree	The council consider the proposed modification to the opening element of the policy to be necessary to ensure that it can be applied on a proportionate basis and there is the clarity that is required by national policy and guidance. We agree with the examiner that as air quality issues do not exist outside of the town centre, the policy as submitted would place onerous responsibility on development proposals.
Policy ENV2: Biodiversity	<b>In the third criterion of the first part of the policy delete 'such as green walls.....the public realm'</b>	Agree	The council consider the proposed modification to the policy necessary to ensure there is the clarity that is required by national policy and guidance. This recognises that the specific details of the biodiversity and landscape measures are more appropriately dealt with during the development management process.
Policy ENV3: Trees	<b>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</b>	Agree	The council consider the proposed modification to the policy wording necessary to ensure there is the clarity required by national policy and guidance.

	<p>would allow their longer-term stability and growth. Wherever practicable, three new trees should replace every tree lost.'</p> <p>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.'</p>		
Policy ENV3: Trees – Supporting text	<i>In paragraph 5.26 replace 'emerging Council' with 'emerging Town Council'</i>	Agree	The council agrees with the proposed modification to the supporting text to avoid confusion and provide clarity that the Tree Strategy referred to belongs to the Town Council.
Policy ENV4: Local Green Spaces	<b>Renumber the proposed LGSs in the schedule in the policy.</b>	Agree	The council consider the proposed modification to renumber the proposed LGSs in the policy schedule necessary to ensure there is the clarity required by national policy and guidance.
Policy ENV4:	<i>At the end of paragraph 5.30 add: 'Policy ENV4</i>	Agree	The council consider the proposed

<p>Local Green Spaces – Supporting text</p>	<p><i>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’</i></p> <p><i>Renumber the sites on Figure 1 so that they relate to the revised number sequence in the policy</i></p>		<p>modification to expand the supporting text necessary to help the policy achieve the clarity required by national policy and guidance and to closer align with the development management process.</p> <p>The council agree that the modifications to Figure 1 are necessary to ensure the text is consistent with the modification to Policy ENV4.</p>
<p>Policy ENV5: Watercourses</p>	<p><b>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.’</b></p>	<p>Agree</p>	<p>The council consider the proposed modifications to the policy text necessary to ensure there is the clarity required by national policy and guidance. This modification will ensure the policy more closely relates to the local circumstances.</p>
<p>Policy SD1a: Minimising Carbon Emissions</p>	<p><b>Replace the opening component of Part A of the policy with:</b></p> <p><b>‘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:’</b></p>	<p>Agree</p>	<p>The council consider the proposed modification to the opening component of Part A of the policy necessary to ensure there is the clarity that is required by national policy and guidance.</p>

<p>Policy SD1b: Minimising Carbon Emissions – Other Methods</p>	<p><b>Replace the opening part of the policy with:</b></p> <p><b>‘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:’</b></p>	<p>Agree</p>	<p>The council consider the proposed modification to the opening component of the policy necessary to ensure there is the clarity that is required by national policy and guidance.</p>
<p>Policy SD3: Local Character</p>	<p><b>Replace the opening part of the policy with:</b></p> <p><b>‘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.’</b></p> <p><b>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’</b></p>	<p>Agree</p>	<p>The council agrees that the proposed modification to the policy is necessary to ensure there is the clarity required by national policy and guidance. Specifically, the modifications will:</p> <ul style="list-style-type: none"> <li>- simplify the open element of the policy;</li> <li>- replace part A of the policy with one which uses appropriate policy wording; and</li> <li>- relocate the details of the character areas into the supporting text.</li> </ul>

	<b>In B delete the second sentence (listing the character areas)</b>		
Policy SD3: Local Character – Supporting text	<i>Relocate the schedule of Character Areas (in part B of the policy) to the end of paragraph 6.24</i>  <i>Delete 'More information...Climate Change'</i>	Agree	The council consider the proposed change to the supporting text to be necessary to ensure the text is consistent with the modifications to Policy SD3.
Policy H2: Affordable Housing	<b>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'</b>	Agree	The council consider the proposed change to the policy text necessary to ensure that the policy has regard to national policy and guidance, specifically taking into account changes to the delivery of First Homes.
Policy H3: Housing type and mix – Supporting text	<i>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'</i>	Agree	The council consider the proposed change to the supporting text necessary to help Policy H3 achieve the clarity required by national policy and guidance.
Policy E2: Henley town centre – Supporting text	<i>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.'</i>	Agree	The council consider the proposed change to the supporting text necessary to ensure that there is clarity concerning the new Use Classes Order 2020, particularly the Class E Use. Whilst Policy E2 is a retained policy from the made plan, it has the ability to be affected by the Use Class Order 2020 which has been introduced since the plan was made, and therefore we agree with the examiner that this change will help to bring clarity to Policy E2.

Policy E3: Market Place Hub	<b>In a) replace ‘Use Class A3 Food and Drink uses’ with ‘Food and drink (Class E)’</b>	Agree	The council agree with the examiner that this policy is directly affected by the change in national planning policy brought about by the Use Class Order 2020. The former A3 Use Class is now incorporated within Use Class E and therefore these consequential changes are necessary to ensure the policy has regard to national policy and guidance.
Policy T1: Impact of development on the transport network	<b>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.’</b>	Agree	The council consider the proposed change to the policy text necessary to ensure that there is the clarity that is required by national policy and guidance, so that the policy focuses on the outcome rather than the process.
Policy T1: Impact of development on the transport network – Supporting text	<i>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.’</i>	Agree	The council consider the proposed change to the supporting text to be necessary to ensure the text is consistent with the modifications to Policy T1.

Policy T2: Active Travel	<p><b>Replace the policy with:</b></p> <p><b>‘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:</b></p> <ul style="list-style-type: none"> <li>• <b>encourage walking, cycling and the use of public transport; and/or</b></li> <li>• <b>supporting projects as shown in Appendix A; and/or</b></li> <li>• <b>maintain and enhance connectivity with the network of public rights of way (bridleways), and the designated local green spaces as shown in Policy ENV4.</b></li> </ul> <p><b>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.’</b></p>	Agree	The council consider the proposed change to the policy necessary to bring clarity to the wording as required by national policy and guidance and ensure it reads as a land use policy. Policies need to deal with planning/land use issues and this modification will ensure that that the policy is not dealing with non-planning related matters.
Policy T3: Easing Congestion	<p><b>Replace b) with:</b></p> <p><b>‘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.’</b></p>	Agree	The council consider the proposed modification to the policy to be necessary to ensure that there is the clarity that is required by national policy and guidance, and so that it is capable of being implemented through the development management process.
Policy T4: EV Charging Points	<b>At the end of part B add ‘or any updates of the Strategy within the Plan period’</b>	Agree	The council agree with the proposed modification to Part B of the policy to ensure

	<p><b>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’</b></p> <p><b>In Part C delete the final sentence</b></p> <p><b>In part E replace ‘applications’ with ‘proposals’</b></p>		<p>it has regard to national policy and guidance, recognising that current standards may change within the Plan period.</p> <p>The council consider the proposed change to part C of the policy necessary to bring clarity to the wording as required by national policy and guidance and ensure it reads as a land use policy.</p> <p>The council consider the proposed modification to the remainder of the policy to be necessary to ensure that there is the clarity that is required by national policy and guidance, and so that it more clearly relates to the development management process.</p>
Policy T5: Public Transport	<p><b>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.’</b></p>	Agree	<p>The council consider the proposed change to the policy text necessary to ensure that there is the clarity that is required by national policy and guidance, which will result in the policy being simplified.</p>
Policy T6: Parking and Standards	<p><b>Replace the first and second parts of the policy with:</b></p> <p><b>‘Development proposals should provide vehicle and cycle parking to meet the most up to date Oxfordshire County Council standards.’</b></p> <p><b>Replace the third part of the policy with:</b></p> <p><b>‘Parking provision and layout should be</b></p>	Agree	<p>The council consider the proposed change to the policy text necessary to ensure that there is the clarity that is required by national policy and guidance, which will result in the removal of repetitive elements and explanatory text from the policy.</p>

	<p>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.</p> <p>Replace the fourth part of the policy with:</p> <p>‘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.’</p>		
Policy DS2: Land west of Fairmile	<p><b>Replace the opening part of the policy and criterion a with:</b></p> <p><b>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:</b></p> <p><b>Re-letter ‘b) to f)’ with ‘a) to e)’</b></p>	Agree	The council consider the proposed change to the policy format and setting necessary to ensure that there is the clarity that is required by national policy and guidance.
Policy DS3: Gillotts School Field	<p><b>Replace the opening part of the policy and criterion a with:</b></p> <p><b>‘The Gillotts School Field site (as shown on site</b></p>	Agree	The council consider the proposed change to the policy format and setting necessary to ensure that there is the clarity that is required by national policy and guidance.

	<p><b>C location diagram) is allocated for around 50 residential units. The Design Brief prepared for site C should demonstrate how the proposed development:</b></p> <p><b>Re-letter 'b) to g)' with 'a) to f)'</b></p>		
Policy DS4: Empstead Works	<p><b>Replace the opening part of the policy with:</b></p> <p><b>'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.'</b></p> <p><b>In the second part of the policy re-letter c) to g) with a) to e)</b></p>	Agree	The council consider the proposed change to the policy format and setting necessary to ensure that there is the clarity that is required by national policy and guidance.
Policy DS5: Chilterns End	<p><b>Replace the policy with:</b></p> <p><b>'The Chilterns End site (as shown on site F location diagram) is allocated for around 27 residential units.</b></p> <p><b>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.'</b></p>	Agree	The council consider the proposed change to the policy format and setting necessary to ensure that there is the clarity that is required by national policy and guidance.
Policy DS6: Reading Road	<p><b>Replace the policy with:</b></p> <p><b>'The 357 Reading Road site (as shown on site J</b></p>	Agree	The council consider the proposed change to the policy format and setting necessary to ensure that there is the clarity that is

	<p><b>location diagram) is allocated for:</b></p> <p><b>a) around 50 residential units; and</b></p> <p><b>b) Up to 200sqm of retail/commercial development.</b></p> <p><b>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.'</b></p>		<p>required by national policy and guidance.</p> <p>The council agrees that the deletion of the element of the policy which comments on when development should start is necessary as it lacks the clarity required by national policy and guidance. A planning policy cannot seek to ensure the future of an existing facility on an alternative site without any evidence to support such an approach.</p>
Policy DS6: Reading Road – Supporting text	<i>In paragraph 11.23 delete the final sentence.</i>	Agree	The council agrees that the deletion of the final sentence in paragraph 11.23 in the supporting text necessary to help the policy achieve the clarity required by national policy and guidance. The approach set out in the text was unrealistic and not consistent with the policy approach.
Policy DS7: Highlands Farm Northern Field	<p><b>Replace the policy with:</b></p> <p><b>'The Northern Field, Highlands Farm site as shown on site location diagram is allocated for the following uses:</b></p> <ul style="list-style-type: none"> <li>• <b>around 110 new homes including community-led housing;</b></li> <li>• <b>1 ha of flexible commercial and community employment land including the relocation of the Chilterns Centre; the</b></li> </ul>	Agree	<p>The council consider the proposed change to the policy format and setting necessary to ensure that there is the clarity that is required by national policy and guidance.</p> <p>The council consider the proposed changes to the criteria necessary to ensure the policy has the clarity required by national policy and guidance. The recasting of the policy identifies the uses supported on site, the need for it to respond to its location in the AONB and range of other design and layout</p>

	<p><b>relocation and redesign of the community centre and the employment facilities from existing Highlands Farm residential development; and</b></p> <ul style="list-style-type: none"><li>• <b>publicly accessible open space.</b></li></ul> <p><b>Development proposals should be landscaped 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.</b></p> <p><b>Development proposals should demonstrate how they would:</b></p> <p><b>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></p> <p><b>b) protect and where practicable enhance the Scheduled Ancient Monument and its setting within the site;</b></p> <p><b>c) protect and where practicable enhance the SSSI including a buffer strip on the north side</b></p>		<p>issues.</p> <p>The council also agrees with the proposed modification to relocate the reference in the policy to the need for a Design Brief to the supporting text as it is more of the process matter rather than a policy issue. This will ensure the policy has the clarity required by national policy and guidance.</p>
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	<p><b>of Highlands Farm Pit SSSI; and</b></p> <p><b>d) respond positively to the site’s environmental and landscape context, including its visibility from the opposite side of the valley.’</b></p>		
<p>Policy DS7: Highlands Farm Northern Field – Supporting text</p>	<p><i>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.’</i></p> <p><i>At the end of paragraph 11.26 add: ‘The sensitivity</i></p>	<p>Agree</p>	<p>The council agrees that the proposed modification to paragraph 11.25 of the supporting text is necessary to provide clarity, ensuring the language more accurately reflects the technical language of the assessment process used by the Landscape Institute.</p> <p>The council also agree with the examiner that paragraph 11.26 necessary to ensure the text is consistent with the modifications to Policy DS7 and the proposed modifications which relocated process elements from the policy into the supporting text.</p>

	<p><i>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.'</i></p>		
Policy DS8: Henley Youth Club	<p><b>Replace the opening part of the policy and criterion a with:</b></p> <p><b>'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:</b></p> <p><b>Re-letter b) and c) with a) and b)'</b></p>	Agree	The council consider the proposed change to the policy format and setting necessary to ensure that there is the clarity that is required by national policy and guidance.
Policy DS9: Chiltern Centre	<p><b>Replace the policy with:</b></p> <p><b>'The Chiltern Centre (as shown on site Y location diagram) is allocated for around three new homes.</b></p> <p><b>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.'</b></p>	Agree	The council consider the proposed change to the policy format and setting necessary to ensure that there is the clarity that is required by national policy and guidance.

<p>Policy DS10: Land at Newtown Road</p>	<p><b>Replace the policy with:</b></p> <p><b>‘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.’</b></p>	<p>Agree</p>	<p>The council consider the proposed change to the policy format and setting necessary to ensure that there is the clarity that is required by national policy and guidance.</p>
<p>Monitoring and Review</p>	<p><i>At the end of Section 2 of the Plan add:</i></p> <p><i>‘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.</i></p> <p><i>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</i></p>	<p>Agree</p>	<p>The council agrees with the examiner that the expansion of the text to take account of any changes which may arise in national policy in the Plan period and the way in which the sites are delivered is necessary. This inserted text provides clarity on the monitoring of the housing allocations in the Plan which is important given the way in which the Plan has sought to respond to the strategic requirements in the Local Plan 2035.</p>

	<i>the Local Plan. Where necessary, it will consider the need for a full or partial review of the Plan'</i>		
Other matters - General	<i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i>	Agree	The council agrees with the examiner that it may be necessary to amend the plan where consequential changes to the text are required directly as a result of the examiners recommended modifications.

## Appendix 2 – Examiner’s Report

The Examiner’s Report is available here: <https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2022/09/Henley-and-Harpsden-Neighbourhood-Development-Plan-Review-Examiners-Report.pdf>

## Appendix 3 – Consequential and/or Factual Changes

Section	Agreed change	Justification/Reason
Front cover	Replace ' <b><i>Submission Draft December 2021</i></b> ' with ' <b><i>Referendum Version September 2022</i></b> '	Factual correction to reflect that this is the referendum version of the plan.
Page 3 – Paragraph 1.1	Replace ' <b><i>This document is the pre-submission version of the Neighbourhood Development Plan for the parish areas of Henley on Thames and Harpsden.</i></b> '  with ' <b><i>This document is the referendum version of the Neighbourhood Development Plan for the parish areas of Henley on Thames and Harpsden.</i></b> '	Factual correction to reflect that this is the referendum version of the plan.
Page 3 – Paragraph 1.3	Replace ' <b><i>The pre-submission version of the JHHNP has been developed by residents of Henley and Harpsden</i></b> '	Factual correction to reflect that this is the referendum version of the plan.

	<p><b><i>through public consultation, focus groups and events, and by members of working groups, populated by volunteers from the local community.'</i></b></p> <p>with <b><i>'The referendum version of the JHHNP has been developed by residents of Henley and Harpsden through public consultation, focus groups and events, and by members of working groups, populated by volunteers from the local community.'</i></b></p>	
Page 5	Replace <b><i>'Developing the draft JHHNP'</i></b> with <b><i>'Developing the JHHNP'</i></b>	Necessary consequential change due to the change in status of the plan.
Page 5 – Paragraph 2.1	<p>Replace <b><i>'A brief summary of the process of producing the submission version of the JHHNP is provided below.'</i></b></p> <p>With <b><i>'A brief summary of the process of producing the referendum version of the JHHNP is provided below.'</i></b></p>	Factual correction to reflect that this is the referendum version of the plan.
Page 5 – Paragraph 2.6	<p>Replace <b><i>'The Plan will be submitted to South Oxfordshire District Council for publication and a further six-week public consultation will take place before it is sent to an Independent Examiner.'</i></b></p> <p>With <b><i>'The Plan was then submitted to South Oxfordshire District Council for publication and a further eight-week public consultation took place before it was sent to an Independent Examiner.'</i></b></p>	Factual correction to reflect that this is the referendum version of the plan.
Page 5 – Paragraph 2.7	Replace <b><i>'The Examiner will firstly consider whether the proposed modifications are significant or substantial as</i></b>	Factual update now that the examination process is complete.

	<p><b><i>to <u>change the nature of the plan</u>. Where material modifications do not change the nature of the plan (and the examiner finds that the proposal meets the basic conditions, or would with further modifications) a referendum will not be required.'</i></b></p> <p>With '<b><i>An electronic copy of the (Regulation 16) submission draft Neighbourhood Plan documentation and associated evidence based can be found online at: <a href="https://jhhnp.org.uk/">https://jhhnp.org.uk/</a></i></b>'</p>	
Page 5 – Paragraph 2.8	Delete ' <b><i>The district council will be required to decide if the modified plan should be 'made' within 5 weeks following receipt of the examiner's report, or such later date as agreed in writing between the district and the town council.'</i></b>	Necessary consequential change to delete text concerned with the process.
Page 5 – Paragraph 2.9	Delete ' <b><i>Where material modifications do change the nature of the plan, the district council would publicise and consider the examiner's report in line with the procedure for making a new neighbourhood plan. The district council would then be required to decide whether to proceed to referendum so that, if the referendum is successful, the modified neighbourhood plan becomes part of the development plan.'</i></b>	Necessary consequential change now that the examination process is complete.
Page 6 – Paragraph 2.11	Delete ' <b><i>in order to proceed to referendum'</i></b>	Consequential change.
Page 59 – Paragraph 9.8	Replace ' <b><i>Henley Town Council and South Oxfordshire District Council both declared a Climate Emergency in</i></b>	Factual correction.

	<p><b>2019.'</b></p> <p>With <b>'To South Oxfordshire District Council declared a Climate Emergency in 2019 and Henley Town Council in 2020.'</b></p>	
Baseline Report - Front Cover	<p>Replace <b>'Submission Version'</b> With <b>'Referendum Version'</b></p> <p>Delete <b>'December 2021'</b></p>	Factual correction to reflect that this is the referendum version of the plan.
Baseline Report – Content Pages	Update policies listed to be consistent with examiner's recommendations.	Consequential changes to be consistent with the examiner's recommendations.
Baseline Report – Page 7 - Paragraph 3.4	<p>Replace <b>'In 2019, Henley Town Council declared a Climate Emergency.'</b></p> <p>With <b>'In 2020, Henley Town Council declared a Climate Emergency.'</b></p>	Factual correction.
Baseline Report – Page 30 – Figure 2	Re-number the proposed Local Green Spaces in the map and schedule.	Necessary consequential change to be consistent with the examiner's recommendation.
Baseline Report – Page 18 – Paragraph 5.48	<p>Replace <b>'A Climate Emergency 2030 Working Group was established by the Town Council in 2019 following the declaration of a Climate Emergency.'</b></p> <p>With <b>'A Climate Emergency 2030 Working Group was established by the Town Council in 2019 and a Climate Emergency was declared in 2020.'</b></p>	Factual correction.

<p>Baseline Report – Page 35 – Paragraph 5.88</p>	<p>Replace <b><i>‘Figure 4.1 (above) shows areas at risk from flooding from the River Thames are in Flood Zone 3, representing areas that have a 1% (1 in 100) or greater annual flood risk, and Flood Zone 2, representing areas that have between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%). Figure 3 shows the the Fluvial flood risk within the Neighbourhood Plan area.’</i></b></p> <p>With <b><i>‘Figure 3 shows areas at risk from flooding from the River Thames are in Flood Zone 3, representing areas that have a 1% (1 in 100) or greater annual flood risk, and Flood Zone 2, representing areas that have between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%).’</i></b></p>	<p>Factual correction.</p>
<p>Baseline Report – Page 36 – Paragraph 5.93</p>	<p>Replace <b><i>‘Figure 6’</i></b> With <b><i>‘Figure 5’</i></b>.</p>	<p>Factual correction.</p>
<p>Baseline Report – Page 44 – Paragraph 5.115</p>	<p>Replace <b><i>‘A Climate Emergency 2030 Working Group was established by the Town Council in 2019 following the declaration of a Climate Emergency.’</i></b></p> <p>With <b><i>‘A Climate Emergency 2030 Working Group was established by the Town Council in 2019 and a Climate Emergency was declared in 2020.’</i></b></p>	<p>Factual correction.</p>
<p>Baseline Report – Page 67 – Paragraph 13.3</p>	<p>Replace <b><i>‘It should be noted that proposed the Local Plan’</i></b> With <b><i>‘It should be noted that the new Local Plan’</i></b>.</p>	<p>Factual correction.</p>

<p>Baseline Report – Page 112 – Paragraph 21.30</p>	<p>Replace <b><i>‘The table shown in figure 1 sets out the level of need provided in Henley and the surrounding villages.’</i></b></p> <p>With <b><i>‘The table shown in figure 24 sets out the level of need provided in Henley and the surrounding villages.’</i></b></p>	<p>Factual correction.</p>
<p>Baseline Report – Page 117 – Paragraph 24.4</p>	<p>Replace <b><i>‘In 2019, Henley Town Council declared a Climate Emergency and set up a Working Group. Henley Town Council’s Climate Emergency 2030 Working Group (CE2030WG) has been formed to develop actions to reduce the Town’s carbon emissions.’</i></b></p> <p>With <b><i>‘A Climate Emergency 2030 Working Group was established by the Town Council in 2019 to develop actions to reduce the Town’s carbon emissions and a Climate Emergency was declared in 2020.’</i></b></p>	<p>Factual correction.</p>
<p>Baseline Report – Page 125 – Paragraph 27.16</p>	<p>Replace <b><i>‘Henley Town Council and South Oxfordshire District Council both declared a Climate Emergency in 2019’</i></b> With <b><i>‘South Oxfordshire District Council declared a Climate Emergency in 2019 and Henley Town Council in 2020.’</i></b></p>	<p>Factual correction.</p>