

BENSON NEIGHBOURHOOD PLAN TEAM (NPT) RESPONSES TO PLAN EXAMINER'S OPENING ENQUIRIES

This response reproduces the full text of the Plan Examiner's Opening Enquiries and provides our responses below each of the Examiner's points where comments are invited. We have taken the liberty of adding a couple of extra subject headings to aid the clarity of our responses. All our comments are in BOLD BLUE.

Benson Neighbourhood Plan Review (Submission *Plan* dated September 2022)

As you are aware I have been appointed to conduct the Examination of the Benson Neighbourhood Plan Review. In order that I may progress the Examination I would be grateful for the Qualifying Body's response to the initial enquiries below; the local authority may also have comments.

My purpose here is to better understand the intention behind the policy content from the authors and it is not to invite new content or policies that will not have been subjected to the public consultation process. In particular I need to be sure that the Plan meets the obligation to "contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" (NPPF para 16). It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community's intent is sustained in an appropriately modified wording for the policy.

My initial view, subject to the responses to this request and a brief site visit, is that the Examination can be concluded on the basis of written representations alone since the matters for consideration have been expressed clearly by all parties.

In order to ensure transparency with the conduct of the Examination a copy of these queries is being sent to the Local Planning Authority with a request that the exchange of emails be published on the webpage relating to the Neighbourhood Plan Review alongside the representations received during the Regulation 16 public consultation. Where relevant, I have included below matters raised during that formal consultation.

Modifications

There are three types of modification which can be made to a Neighbourhood Plan. The process will depend on the degree of change which the modification involves:

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

My understanding from the material that I have read is that the Qualifying Body has made

modifications that they believe fall within the second category above: “We believe that none of these changes are so significant, individually or collectively, that they change the nature of our Plan”. The NPPF was last updated in 2021 and it is against that version of the NPPF that I must conduct my Examination. From the Statement of Modifications and a comparison of the Review document and the ‘made’ Neighbourhood Plan I have identified the following matters – please advise if you identify instances where I have missed other areas of modification.

No other areas of modification identified.

Table of Contents

It is a puzzle that the “Table of Contents” includes only a very limited signposting of Plan policies, although it includes within its listing the “List of Policies” which is not itself indexed to pages (although I note the online version incorporates hyperlinks). Ideally Plan policies ought to be read within their context and it would therefore seem preferable for the Table of Contents to reference all the Policies and their page numbers. The List of Policies might be adapted to show a comparison of Policy numbering between the Review and the original Plan.

We agree that the Table of Contents is not as helpful as it could be, due to software compatibility issues between the Original and Revised versions of the Plan. As the Revised version currently uses auto-indexing, we suggest that we replace it with a manual table when all the changes requested following the examination process have been completed.

We did consider including a comparison table showing the mapping of policy numbers and titles between the Original and Revised Plans, but decided not to compromise the simplicity of our new Plan with too many tables and cross-references. If the Examiner believes such a table is necessary to make the Plan more accessible, we are willing to provide one.

Whilst the paragraph numbering within the Plan changes to reflect each section, the section headings are themselves not numbered. It would probably aid read-across between the paragraphs and the sections, particularly when content is being quoted within Officer reports, if the sections were numbered both here and within the body of the Plan.

This can also be added to the final version.

I also note within the Table that the entry for “Conservation and Heritage” has an indicator (presumably picked up from the page that is being indexed) suggesting there is a footnote, but this is superfluous in the context of the contents’ listing.

We are happy to remove this from the Table of Contents.

Executive Summary

It is appropriate for the Executive Summary to be updated to reflect the Review process.

Under the sub-heading “Deliver approximately 565 new houses”, whilst stating the housing numbers is helpful, what is significant in policy terms is that the expectation from the Local Plan 2035 of 15% growth in Larger Villages had already been met in Benson, and this achievement has been acknowledged by the District Council. An extra sentence to this effect would I believe be helpful.

We agree and would welcome such modification.

Under the sub-heading “Designate Local Green Spaces”, in the first sentence the use of capital letters for “Local Green Space” is inappropriate since, as you acknowledge, any prospective designations on the new estates will be resolved in a future review.

Agreed.

Under the sub-heading “Climate Statement”, at the top of page 14, strictly speaking it is not the purpose of a Local Green Space designation to “safeguard the flood retention capacity” of any space; this part of the sentence therefore ought to be omitted lest it mislead.

We would like to keep the wording as is, in line with the current debate about levelling up access to nature and specifically widening the criteria for Local Green Space designation in NPPF Para 102. A good summary of this debate seems to us to be provided by CPRE’s report “Local Green Space – A tool for People’s and Nature’s Welfare” (Feb 2022) - see specifically Page 5, point 4:

https://www.cpre.org.uk/wp-content/uploads/2022/01/Feb-2022_CPRE_Local-Green-Spaces-full-report-1.pdf

If the Examiner believes this wording is not conformant, we suggest amending the text to reflect some of the other reasons that make this place special to Benson - “using Local Green Space designation to safeguard the Flood Meadows beside the River Thames for their beauty, biodiversity and the value Benson’s community place on them for healthy exercise and enjoyment”.

Foreword

No comments.

Introduction & Background

No comments.

The Neighbourhood Area

No comments.

Planning Policy Context

For clarity the dating of the NPPF ought to be ‘July 2021’. Paragraph 3.4 ought to have an additional sentence to clarify that the Revised Plan has been written to assure general conformity with the Local Plan 2035. The source for the map on page 26 ought to be declared – presumably it is the Local Plan document?

Points agreed – the plan does come from the South Oxfordshire Local Plan 2035 page 21.

I note that the local authority has requested that references to the superseded Core Strategy should be avoided, and they have suggested ways that this might be achieved. To me their proposals seem appropriate.

Agreed.

In relation to paragraph 3.10, as noted in representations, it is unclear why it is felt that the retention of allocation Policy BEN2 might “ensure that the site delivers all the infrastructure and other planning benefits promised by the development, precisely in accordance with both the Neighbourhood Plan policy and the planning permission”; the basis for the granting of the planning permission is a matter of record. However, I accept that this part of the Plan is not so dated as to have become irrelevant to the implementation and understanding of the Plan overall, and therefore the judgement made within the Review process about which parts to review seems to be a rational one.

Para 3.10 relates to BEN1 Phase 2, rather than BEN2 as stated above. This development is not yet complete – at least 80 houses remain to be built at the time of this Reg 16 version of the Revised Plan and the housing will not be completed until mid-2024; the Relief Road is not finished or joined up to the BEN2 site to the east; the Skatepark and Community Hall still have some outstanding issues (which are the subject of ongoing discussions between the developer, SODC and BPC) and will not anyway

transfer to the Parish Council until late 2023; and the green spaces to be transferred are not yet in a state where they meet the transfer criteria. We therefore consider that this text remains both relevant and important and wish to retain it in the Revised Plan.

The relevance of the lengthy paragraph 3.11 within the context of a section on “Planning Policy Context” is obscure. The new Local Plan 2035 has not brought into question the allocations made in the original Neighbourhood Plan and therefore their justification is not needed to be repeated here at such length?

It is correct that SODC’s Local Plan 2035 has not questioned the allocations made in our Plan. This paragraph is simply intended to explain why it was necessary to allocate the sites selected and the amount of new housing proposed; and why the Relief Road was such an important factor. These questions continue to be asked regularly by both newcomers to the village and by long-term residents, as and when they become aware of any disruption caused by construction work and the stress being placed on their village services.

This explanation of the history of Benson’s Neighbourhood Plan is also important with respect to prospective developers of sites not allocated around the village. These developers are inevitably keen to secure permission for their sites and regularly seek to question the justification of our allocations and look to exploit any planning advantages they can - most commonly focusing on doubts regarding SODC’s 5 Year Land Supply. This is well illustrated by two very recent applications – [Application P22/S4031/O](#) from Croudace Homes on the BEN6 site for 150 houses (refused on 2nd Feb 2023) and [Application P23/S0035/O](#) from Elivia Homes on BEN5 for 180 houses (awaiting determination). Both these applications accept openly that their applications do not meet either the Neighbourhood Plan’s Housing Policies or the Local Plan 2035 criteria for additional development on unallocated sites in the countryside, but state that they are justified simply by arguments that in their view SODC cannot demonstrate a 5 Year Housing Land Supply and that the ‘tilted balance’ therefore applies and that the made Benson NP cannot provide the protection afforded by paragraph 14 of the National Planning Policy Framework because it is over 2 years old.

For these reasons, we feel the detail provided is not excessive. We also believe Section 3 is on balance the most appropriate place for this text as it provides the context for our core Housing Policies NP1-4.

Paragraph 3.18 appears to make a reference back to the NPPF but, as is later noted, there are supporting policies relating to green infrastructure within the Local Plan 2035, which is what is being addressed at this juncture. Does this paragraph need to be relocated or the content reviewed?

We agree this paragraph is not clear enough. The vague reference to ‘framework’ at the start is to Local Plan 2035, not to the NPPF. We would be happy to amend it to refer explicitly to Local Plan 2035 policies (as well as the Environment Act 2021).

Community Views on Planning

No comments.

Vision, Objectives and Land Use Policies

I note that this section has not been altered.

Land Use Policies

Housing Allocation Policy

I am seeking a little further explanation about the process by which the land now to be excluded was not included within the planning application(s) for BEN 3/4. As you will have seen, a representation objects to these exclusions and the basis on which sites already assessed as suitable for sustainable development are to be excluded. Was the amended site boundary a developer decision? You may

have comments on the representation related to the amendment to be made through the Review? Planning Practice Guidance (Paragraph: 009 Reference ID: 41-009-20190509) suggests “allocating reserve sites to ensure that emerging evidence of housing need is addressed”. Was such an approach considered as part of the deliberations on these already allocated sites? I do however note that the Parish will have provided for over twice as much housing as the minimum suggested via the Local Plan process.

This site (“Land adjacent to The Orchard” or “The Orchard” for short) is currently the subject of an appeal (PINS reference Q3115/W/22/3297026 and SODC Planning reference [P21/S0882/O](#)). This is the second appeal for this site, the first appeal having been dismissed in July 2019.

The Orchard was only included in the BEN4 allocation of our original NP because it was included by SODC in their February 2015 'Call for Sites' map for Benson and it was assumed (wrongly as it turned out) that the BEN4 allocation represented a single landholding. The circumstances leading to the earlier sale and separate ownership of this site only became clear to us at a meeting in May 2017 requested by the owners' agent, at which point our plan had already reached an advanced stage. We were clear at this and subsequent meetings that we would not support standalone proposals on the site that:

- did not align with the neighbourhood plan's strategy to focus allocations around the delivery of the Relief Road,
- did not integrate well with the village, and
- would compromise our objective to achieve a green buffer at the Northern and Eastern edges of the BEN4 site (as allocated in the made plan) – an area which plays a critical part in preserving the separation of Benson and Rokemarsh.

Our intention was always for our allocated sites to operate in a well-integrated and coordinated manner contributing to the delivery of the plan's objectives – it was not our intention for the allocated sites or parts of allocated sites to come forward in a piecemeal or standalone manner.

The Ridge document to the Examiner persists in painting Benson PC and the NPT as “being in full knowledge” of their site's ownership and their intentions to develop it from an early stage in the process. This is simply not true.

David Wilson Homes (DWH) obtained planning permission on 12th October 2021 to build the 240 dwellings allocated for the BEN 3/4 site in our made neighbourhood plan. The permission included appropriate provisions towards the delivery of the Relief Road, which was a key objective of the plan. Their proposals and planning permission did not include the Orchard site.

Benson's Parish Council and its NPT has consistently opposed standalone development at the Orchard from the outset, for a number of reasons:

- The Orchard site is not part of our strategic plan to deliver a well-integrated set of developments containing the Relief Road necessary to solve our community's number one issue. Development on this site would be poorly-integrated to the village and other planned development and would detract from this strategic plan.
- It would add further housing to Benson that is already accommodating far more than its housing requirement - an additional 831 dwellings on an existing housing stock, at the time of the original NP development, of 1,350 dwellings. This represents an increase of over 60%.
- It would result in removal of the separation between Benson and Rokemarsh that our detailed negotiations on site layout with David Wilson Homes had secured. It would also break the green buffer between Benson's built area and the countryside. The 'Benson Indicative Concept Plan' in Figure 6 of our Revised Plan shows how development on this site would clearly harm this ambition.
- The site is over a mile from Benson's village centre and is not sustainable in terms of transport, as residents will inevitably default to their cars.
- Every consultation we undertook during development of our original NP showed strong

support for accepting the housing necessary to realise the Relief Road, but no support at all for further housing beyond this within the plan period – the independent “Community Questionnaire Report” and Pre-Submission Consultation Statement from the original NP are probably the two most important documents. And every consultation event for this Revised Plan has reinforced this. (See below).

- The NPT, supported by the Parish Council, has worked very hard over a long time to explain to our community why we needed to propose a much larger number of houses than our local plan requirement. They have accepted 565 dwellings allocated in our NP (versus the requirement of 383 in SODC’s Local Plan 2035). This is on top of 187 dwellings permitted before the original NP was made, plus another 79 ‘windfall’ and other developments. The total increase of 831 dwellings or 60% growth over a 5 or 6 year period is a hard ‘ask’ of any village and it is remarkable how well our community has supported our plan, once they understood and bought into what we were trying to achieve. Our community engagement evidence indicates there is currently no support for further development beyond the significant planned development supported in the made plan. If the plan review is required to make provision for further housing growth, our neighbourhood plan will be judged by the community to have failed.

The Examiner has invited comments on the representation made by Ridge. We have provided detailed responses to several previous Ridge representations, most recently to their latest Appeal submission, and this is available on the SODC planning website. For the purposes of this examination however, it may help to emphasise two key points about the Ridge representations:

- The Ridge case depends heavily on Local Plan Policy H4 and its context narrative to show that Benson could still take more developments. Ridge quotes “The Council will support Larger Villages to allocate further development sites should the NDP so wish, where this level of growth is sustainable for that village and where this in accordance with national policies and guidance.” For all the reasons given above, development on this site as a standalone application would not integrate well with the village and would create additional pressure on already stretched services and facilities. As such it would not represent sustainable development. Furthermore, there is no public support for additional housing allocations.
- The second point relates to Ridge’s arguments to show that SODC cannot demonstrate a 5-year Housing Land Supply. In this, they rely heavily on three appeal precedents (2 in their attached ‘previous representation’ and 1 more recent case in their Response Letter itself), where the judgement has found that SODC has failed to demonstrate a 5 Year Housing Land Supply. Two of these references (at Ladygrove in Didcot and Little Sparrows in Sonning Common) relate to appeals that were granted prior to the publication, in July 2022, of SODC’s updated land supply figures and are therefore out of date. In the case of the third appeal (Crossways in Lower Shiplake), the Inspector decided that he could not accept the updated evidence submitted to him by SODC on 29th July 2022, as it had not been available for examination at the hearing on the 5th July 2022. Effectively therefore this third reference appeal says nothing about SODC’s updated 5 Year Land Housing Supply Statement either. In any case, following the making of the Benson Neighbourhood Plan Review, the Benson neighbourhood area will be subject to a 3 Year Housing Land Supply test in accordance with Paragraph 14 of the National Planning Policy Framework.

The previous application for 19 houses on the Orchard site, submitted in June 2018, was refused by SODC and dismissed following appeal in July 2019, primarily on grounds of unsustainable transport and lack of integration with Benson:

“I have found that the appeal scheme would result in an isolated development, where future occupants would be reliant on a private motor vehicle for their day to day needs. Furthermore, the scheme would not integrate well with the rest of the village. These matters and their associated development plan conflict weigh substantially against the proposed development.”

Taking all the above into account, we have come to the view that it is necessary to update this element of the plan. The Orchard site is surplus to requirements, which have already been met and exceeded, and inappropriate as a standalone development. The overwhelming majority of our community is clearly against any further major development within the plan period. This is clearly shown by the original NP consultation exercises mentioned above, and now even more strongly emphasised by feedback from consultations in regard to this Plan Revision – including feedback received from public events to present our Draft Plan Revision and responses to our Pre-Submission Consultation. Further evidence has also been provided by parishioners’ responses to SODC on the very recent applications from Croudace Homes (over 200 responses, all objecting) and Elivia Homes (over 200 objections to date, with a week of the consultation still to go) – all these demonstrate complete rejection of further housing.

In conducting this Plan Revision, we have focused on two key challenges for Benson:

- Benson’s ability to cope with the impacts of housing growth, when it is less than halfway through absorbing the housing from our allocated sites – the current build status (approximate) of the 558 dwellings permitted for these allocated sites is that 180 (32%) have been completed and 378 (68%) are outstanding. Note that this number of dwellings on allocated sites does not include the 187 dwellings on BEN 1 Phase1 that were permitted prior to the NP and have now all been built.
- The serious deterioration of key services arising from Benson’s rapid housing and population growth – e.g. Benson Surgery placing a freeze on new patient registrations for the last 6 months, without any certainty when registrations will become possible again; the inability of newcomers to the village to secure school places at Benson Primary School for their children - and being advised that they will need to look elsewhere for a suitable school and that they will need to use public transport or private cars to get their children to and from these schools. These and other problems can only get worse as more of the houses are completed and occupied. Having exceeded our housing requirement set out in the Local Plan and a significant amount of committed growth yet to be delivered, the local community does not support additional housing development in the plan period and fully supports the measures we are taking in this Plan Review.

We did not consider allocating any reserve sites, as the plan made provision to deliver in excess of housing requirements and the site allocations were specifically focused around the delivery of the Relief Road.

Policy NP1 – Housing

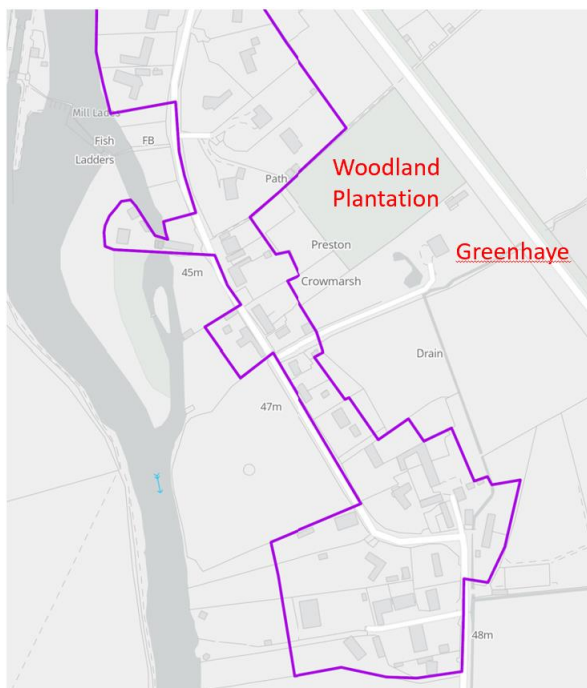
Although representations have challenged the value and purpose of the addition relating to Settlement Boundaries, I am inclined to accept the local authority view that the boundaries legitimately add local detail to aid the implementation of the Local Plan, in particular Policy STRAT1 which makes specific mention of “protecting and enhancing the countryside by ensuring that outside of the towns and villages any change relates to very specific needs”. I note that a methodology is defined and a commentary on its application are both helpfully provided in Appendix M. I acknowledge that it would not be appropriate to include within the settlement boundary sites which are not allocated or do not have a planning consent. Although I appreciate that consistency of application is key, my one area of reservation, where I would appreciate more detail on the thinking prior to my viewing, relates to what I believe to be lodges adjacent to the Thames, at the western edge of the defined boundary, which would seem more likely to be regarded as non-permanent structures associated with the countryside (albeit in this case riverside) than a settlement; their density may have influenced your decision here?

Static caravans on this site next to the river are subject to Lawful Development Certificate P03/E0602/LD, issued on the basis of proof that there had been caravans on the site since the 1970s, and that occupation will be on a seasonal holiday basis. The use of the site is long-standing

and densely implemented, albeit with a required annual break, and associates immediately with the tourist facilities of the adjacent marina. The marina jetties continue along the whole of the site's frontage to the river. The NPT has therefore interpreted the site as a commercial part of the settlement in accordance with criterion 10 of the methodology, and has identified the site's specialist function in Figure 18, within the Community Facilities section on page 90 of the Plan. We consulted with SODC on this and they considered that it would be appropriate to include the site within the settlement boundary, in order to ensure the methodology is consistently applied - the area contains a concentration of built form, which relates well to the settlement, in line with criterion 1 of the methodology. If the Examiner is minded to recommend this area should be removed from the settlement boundary, the NPT has no objection.

A representation queries the boundary for Preston Crowmarsh: "[The Preston Crowmarsh Conservation Area] includes 'Greenhaye'/No 45 Preston Crowmarsh, an Edwardian property built in 1906 and lying at the heart of Preston Crowmarsh. Why is this period property the only house in P.C. outside the Settlement Boundary? Why is the woodland to the North of 'Greenhaye' also excluded from the Settlement?" Some explanation would be helpful.

Greenhaye is an Edwardian villa set well back c.125 metres behind the main building line along the lane through Preston Crowmarsh (and c.170 metres from the lane itself). It stands alone between a woodland plantation to the north and fields to the south.



This is unusual for Preston Crowmarsh where development is characterised by historic buildings that hug the lane, with deeper grouping seen only at the modern houses at either end of the hamlet. Greenhaye does connect with the lane via a drive and the grounds to the north of the drive, but these grounds are extensive, and the prime garden area would appear to be around the house at the east end of the property. Given Criteria 1, 3, 5 and 8 of the Methodology set out in Appendix M, the NPT considered that it would not be consistent to include Greenhaye within the boundary.

The NPT is aware that some Preston Crowmarsh residents have initially interpreted the boundary as having implications for the social extent of the hamlet as a community and neighbourhood. The NPT has therefore sought to explain, via consultation responses and direct discussion, that the boundary now proposed relates only to the planning context and the extent of the built-up area and intends no social distinction.

The local authority has made a suggestion about a minor rewording of the Policy that I assess as

appropriate. The County Council has also suggested an amendment that may be considered appropriate for completeness.

We have no objection to the amended wording suggested by SODC and the County Council.

Site Allocations

My understanding is that these sections have not been part of the Review. However, the local authority has suggested some rewordings designed to provide greater clarity. These appear uncontentious?

We are happy with the changes to our Allocation Policies suggested by SODC in their points 1, 2, 3, 5 and 6.

On SODC's point 4 regarding NP Policy 2, we think that the general wording in the opening of the policy "taking into consideration the Benson's Indicative Concept Plan in Figure 6" may not be adequate to cover the very specific point being made in second criterion – namely that we expect the overall size of public green spaces to be the same as shown in Figure 6, even though we recognise the layout and distribution of the green spaces may differ from what Figure 6 shows. We would like to retain this wording if possible.

The Riverside

This section appears to me to be oddly located, within a section otherwise exclusively devoted to allocating land for housing. The Policy relating to the land-use designation of a Local Green Space that has a riverside location is elsewhere within the Plan. Was it perhaps intended that a whole new section should be added?

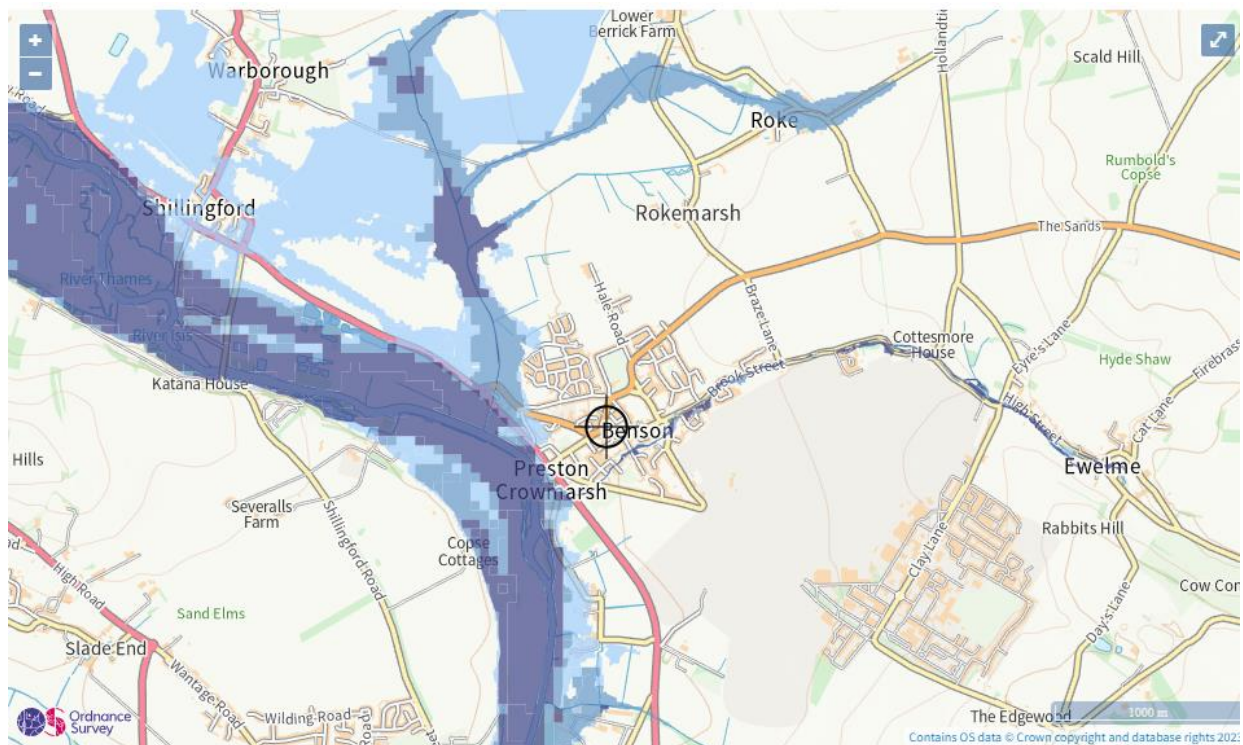
Early debate on the revision of the Plan identified the Riverside as one of the areas of prime focus – Covid lockdown had increased appreciation of its attractions and had revealed issues arising from the pressure of vastly increased visitor numbers, and there was new awareness of climate change and flood risk. Initial drafts of the Revised Plan proposed a Riverside Strategy to protect the natural beauty and biodiversity of the area, safeguard against flood risk, and facilitate access to and public enjoyment of the riverside's natural attractions and leisure facilities. Policy NP5 was to have been a multi-strand policy designed to capture all these aspects. SODC comments on the draft recognised the value of the strategy, but warned against duplication of local and national policies, and suggested that some policy elements belonged elsewhere. The section on The Riverside was therefore cut back and elements redistributed. It retained an account of the overall strategic approach, to provide background for NP5 and other policies, including NP21 Protection of Local Green Spaces and NP30 Flood Risk and SuDS.

The NPT would like to see the Riverside section retained in this location in the Plan because of its strategic importance, but would be happy to make it a separate chapter if the Examiner thinks this appropriate. There is also some advantage in this location as NP5 replaces a discontinued policy, thereby allowing policy numbering to continue much as in the original plan, and minimising confusion for readers familiar with the previous Plan.

We recognise that an alternative home for this section could be with the Landscape policies, but note that the strategy might not wholly fit with the landscape subject matter. We would be reluctant to lose the strategy elements as they are important to our conception of the Riverside Buffer as part of a wider whole. We would, however, value the Examiner's recommendations on this.

Paragraph 6.38 refers to the extract of the Environment Agency map being Figure 11 whereas in reality it is Figure 22. Again, it appears odd that the map doesn't sit with the first reference to it and where its relevance to the Riverside is evident.

The extract from the Environment Agency Flood Zone map was moved to Figure 22 to associate with NP30, in the belief that the flood photograph at Figure 9 would be adequate to illustrate the flood issues in the NP5 context. The reference to Figure 11 in 6.38 was left in error. We agree that this reference should be amended to Figure 22 and we would be happy to relocate the extract, with appropriate cross reference, if the Examiner thinks this is desirable. We are also aware that the Flood Zone map was re-issued in revised form in November 2022, after we had submitted our Plan, and would welcome an opportunity to substitute with the latest version (see below) if the Examiner considers this appropriate. Having reviewed the revised map, we do not believe that it invalidates any of the existing text.



The Buffer Zone

It is unclear to me how the boundary for the “Buffer Zone” has been defined. I note that part of the area is within the designated AONB, though there are also AONB parts that are excluded (as I read Figure 10). There is no evident read-across between the area boundaries shown in the Landscape Assessment (Appendix E Part 2) and the boundaries for the Buffer Zone. The authorship* of the Landscape Assessment appears to be undeclared and it seems to suffer from a lack of sub-maps to help understand the detailed references to particular features and locations. Unlike the Settlement Boundary, there is no apparent methodology for defining the edges and coverage of the Buffer Zone? In terms of purpose, I am wondering what distinguishes it from the sections in the Design Statement that address particular locations, including the riverside and the countryside.

We believe it may be helpful to provide a sequential account of how the thinking behind the buffer zone, and its proposed form, came about:

1. The Character Assessments provided for Appendix E of the original Plan and retained in this Plan Revision as “Appendix E1: Settlements”, looked at the character and landscape setting of Preston Crowmarsh in Section 9. This section noted the alignment of the hamlet on a bank just above the flood plain, diverging southwards away from the river to leave long gardens leading down to the river and a significant open area of paddock/field opposite the central cottages. The assessment noted that “These areas read attractively as green in views from the lane and from the opposite bank along the Thames Path, with willows and other tall trees distinctive along the river edge”. The views were identified and illustrated in the Important Views section of the same appendix, and provided the basis for the original policy

- NP28. This required important views to be taken into account, and stated that: “Planning applications affecting the riverside area should be accompanied by the necessary technical information to demonstrate how the proposal has incorporated the Design Principles A1-6 and C1-7 in the Design Statement to mitigate any potential or identified harmful effects”.
- Principles A1-6 related to the close association between the settlements and the river, and the importance of this to the character and identity of both Benson and Preston Crowmarsh.
2. Experience of planning applications following the adoption of the Plan in 2018 suggested that Policy NP28 was not proving effective. Proposals referred neither to the views nor to the Design Principles, and planning decisions suggested that these considerations were not of sufficiently high priority to warrant refusal. One particular approval for an enlarged replacement dwelling has made the modern extension of the settlement much more prominent in views from across the river, and shows how the attractive impression of greenness and rurality along the riverbank can be eroded. (The controversial decoration of the pillbox was associated with the building works but not dependent on their approval.) A further proposal for a replacement house even closer to the river has recently been refused but the period for appeal is still open.
 3. The NPT considered the flaws of Policy NP28 and questioned whether its aims and area of application were perhaps too vague, and too reliant on Design Principles that might be regarded as secondary. We considered that a clearer spatial approach was necessary, affecting whether and where development might be permitted, as well as how it should appear. The idea of a buffer therefore evolved as a practical way of affording some protection to the rural greenness of the gap between the settlement and the river, and the quality of the views across it.
 4. It will be obvious that the concern originally voiced in NP28 and the Design Principles was about protecting the rural landscape setting of Preston Crowmarsh, its distinctive relationship with the river, and the views valuable to enjoyment of the river and that setting. This shaped our early conception of the buffer zone, as encompassing the undeveloped rural area between the bank of the main river and the settlement, and the views across it.
 5. Early in the revision process we re-examined the views, both out of Preston Crowmarsh towards the river (Views 8 as shown in Figure 20 and Appendix E3 of the Revised Plan), and the views from the increasingly popular Thames Path (Views 4). We noted the growth of vegetation and the more seasonal nature of some of the views opposite the mill island, but also the continuing opportunities for views closer to the river bank. We noted the continuing openness of the oblique view across the undeveloped area from 4b and southwards, interrupted only by the decorated pillbox and a few garden structures. We also took new account of views south from the footbridges across the mill stream and the weir towards Preston Crowmarsh (View 3) and the mill island. In our opinion the value of the views and the attractiveness of the riverine setting of Preston Crowmarsh remained largely intact and worthy of special regard.
 6. For the boundary of the buffer on the river side, we chose the east bank of the main river channel, so as to include the mill island in the buffer. The mill island is the only part of the North Wessex Downs AONB that lies within the Benson Plan area, and it is clearly visible in views 3 and 8, as a predominantly green space with typical riverside trees. It can also be glimpsed from the Thames Path. The few buildings associated with Crowmarsh Mill (Mill Cottage) were excluded from the buffer and the boundary was drawn tightly around them.
 7. Initially, we considered whether the buffer should be limited to a narrow strip along the riverbank, but we dismissed this idea as not fulfilling the objective of avoiding harm to the character of the area. We came to realise that the buffer could only be effective if it filled the whole of the area between riverbank and built settlement. As the Settlement Boundary for Preston Crowmarsh had evolved in the meantime - taking account of which areas had already been developed or were subject to permission to develop, and which areas of large

- garden had been left in a semi-natural condition - it became clear that the Settlement Boundary would make the most logical eastern boundary for at least part of the buffer.
8. We considered it important to extend the buffer southwards to the cluster of buildings around Crowmarsh Battle Farm where residential curtilages also extend down to the river. Buildings here are already closer to the river and more prominent in views from the river and far bank, but have in the past respected the need for set-back from the bank. The boundary for the buffer here cuts across a field for the sake of continuity, but otherwise follows the line of development/permitted planning use and uses a similar concept for undeveloped garden as further north.
 9. We also considered continuing the buffer south to the farthest point of the riverside within the Plan area, but decided this was not necessary, given the purely agricultural countryside context. However, we would welcome recommendations to extend the buffer if the Examiner considers this appropriate.
 10. Continuation of the buffer northwards from the Thames Path was considered irrelevant because of the closeness of existing development to the riverside and the lesser sense of open green character.
 11. A buffer was not proposed for the flood meadows north of the marina and lodges because of their proposed designation as Local Green Space.
 12. The eastern boundary of the buffer has some approximate correlation with the boundary between Flood Zones 3 and 2, but this is coincidental. The buffer boundary has not been influenced unduly by flood considerations, as we have sought to follow SODC's advice not to duplicate local and national policies and to keep policies for different purposes separate where appropriate. The NPT is however pleased that the correlation reflects something of their original riverside strategy for highlighting the benefits of natural flood water retention in a time of climate change. We are also comforted that the correlation with Flood Zone 3 means that planning approval for any significant development within the buffer area is unlikely due to flood risk.

The NPT's approach to landscape developed alongside consideration of all the above. The way in which we considered the landscape is covered under 'Landscape Assessment' below. Suffice to say here that the character areas and formal assessments of the South Oxfordshire Landscape Character Assessment (SOLCA) of 2017 for the River Thames Corridor (LCA4) were noted and reviewed for more specific local context, with local observations set out in Section 1 of Appendix E2.

Some of the SOLCA points were of particular relevance to this exercise – most importantly the descriptions of "Flat floodplain pasture" as:

- "Typically dominated by permanent pasture with a distinctively 'wet', riparian character
- Prone to flooding with distinctive network of drainage ditches
- Comparatively strong landscape structure with willows conspicuous along the riverside.
- Intimate, pastoral and tranquil character with some 'arcadian' qualities" - we considered the "arcadian" reference particularly appropriate to the setting of Preston Crowmarsh
- "Important areas of riverside greenspace within or adjoining the main settlements and urban areas".

NP5 Policy Wording

The Policy wording refers to "the physical and visual aspects of the character, quality and appearance of this landscape", suggesting that these are distinct, but if they are to be respected then I would suggest they need more clarity of definition. A lack of a reference to Appendix B is surprising and rather reinforces my initial view that there is some disconnect between purpose and execution. Some further explanation would be helpful.

When drafted in June 2022 the NP5 policy read:

“NP5: Development that requires planning permission within the Riverside Buffer identified in Figure 10 will only be supported where proposals:

- avoid harm to riverside views, and
- maintain the open green character of the buffer area, and
- respect the pattern of settlement, and
- accord with other policies in this Revised Plan and the Local Development Plan.”

The submitted version of the Policy reads:

“NP5 – Riverside Buffer Figure 10 identifies the Riverside Buffer area. Proposals for development that requires planning permission in this area should protect and where practicable enhance the physical and visual aspects of the character, quality and appearance of this landscape, including its open green character.”

The NPT adopted the submitted wording on the advice of SODC officers who explained that:

‘As originally worded the policy focuses on avoiding harm to riverside views, maintaining the character of the area, respecting the pattern of the settlement, and according with other policies in the development plan.

However, a number of the views identified on figure 10 start outside of the neighbourhood area from across the river. Neighbourhood plan policies only apply to the designated neighbourhood area. For this reason, instead of identifying specific views in this way we recommend you consider more generic wording to apply to the whole area, as opposed to identifying individual views. You may want to consider replacement policy wording such as:

“Figure 10 identifies the Riverside Buffer area. Development proposals within this area should protect and where practicable enhance the physical and visual attributes of the character, quality and appearance of this landscape.”

This approach would then apply to the whole area and addresses many of the issues which the proposed policy is seeking to address such as important views and the settlement pattern.’

The NPT welcomed the suggestion, as it used wording found acceptable in another neighbourhood plan in the district and offered broader application, but were very keen that the reference to “open green character” should be retained as this was fundamental to our original concerns for the buffer.

We would be happy to include reference to Design Principles in Appendix B, particularly A1,3,4 and 5, but are concerned about relying solely upon them given our experience with previous Policy NP28 as described above. We would also be happy to include reference to the descriptions in Appendices E1 and E2, if the Examiner considers that this provides greater clarity of definition, though we note that the text accompanying the policy does signpost these already.

Regarding the wording of Policy NP5, “the physical and visual aspects of the character, quality and appearance of this landscape”, we do see that reference to “this landscape” perhaps conveys a formal dependence on landscape assessment, rather than the process by which we arrived at this policy and the evaluation of this valued area. If the Examiner considers this wording needs changing, we would welcome his recommendations.

Landscape Assessment

* The authorship may be important to declare when, as has happened in representations, the accuracy of content is challenged. Does the author possess qualifications appropriate to the appraisal of landscape character? To what degree is the content prepared independently of those proposing policy derived from the findings?

The landscape assessments were compiled by the member of the NPT who leads on heritage and design. While she has no formal qualifications in landscape, she has professional heritage expertise, with understanding of character assessment and historic landscape characterisation, and has worked extensively alongside landscape specialists. She turned to the South Oxfordshire Landscape Character Assessment (SOLCA) of 2017 to provide a professional landscape base, and sought to add local colour and detail to the framework that this provided. She looked particularly at whether the somewhat generalised descriptions of the SOLCA character areas applied directly to the local circumstances or whether they needed tailoring – hence the comments on matters such as openness of views and survival of hedgerows. She used her own professional expertise to add detail regarding settlement pattern and the survival of historic field patterns and enclosures, and incorporated contributions from members of the Benson Nature Group with respect to hedgerows, Oakley Wood, and habitats of particular value. The notes on hedgerow species and quality and on some of the habitats were provided by professional ecologists

While members of the NPT are responsible for both the assessments and the relevant policies, they saw the assessment process as an independent objective exercise to: raise the profile of landscape as part of the revised Plan; provide detail pertinent to the rural setting of the settlements; and help guide the siting and design of any development that might be allowed within the countryside. Comments were intended to inform policy making and the implementation of policy. Paragraphs 11.36 to 11.42 provide some explanation of the motives for doing this.

The Assessments have been subject to consultation at pre-submission and submission stages and have been challenged only by Croudace Homes, who wish to develop the field identified as BEN6 in Figure 3 of the Plan. Croudace seek to qualify the description of the hedges with regard to their field, and contest the description of the historic development of Benson as linear. The NPT had not attempted to cover every field individually and considers its description of the prominent outer hedges as reasonably appropriate to the wider standard of assessment in the Plan. We are also happy with the description of the linear development as “historic”, the point being that it is only along Brook Street where this historic pattern survives.

The NPDT believe that the landscape assessments are objective, robust and proportionate to the requirements of related policies NP5 and NP27-29.

Conservation and Heritage

My understanding is that Policy NP6 has not been revised.

This is correct.

Design

I note that “This policy remains unchanged in substance, but the Design Statement to which it refers has been revised to include more detail of measures to mitigate and adapt to climate change”. The local authority has noted updates to the text required because the Joint Design Guide was adopted in June 2022 and suggestions that it is still “draft” are incorrect.

This is correct. We would be happy to remove it.

The revised Design Statement – subject to my comments above – seems to have been expanded appropriately and consistently. I note that the new sections are not yet fully integrated within the contents page – page numbering and hyperlinking are missing.

We would be happy to complete the Contents Page with page numbers for the added last sections and will liaise with SODC regarding hyperlinks.

On one particular matter, it is noted on page 45 of the Design Statement that national policy “is not intended to discourage alterations to adapt to or mitigate climate change, but does require careful consideration of options that are appropriate both to significant external and internal historic character, and to the nature of the historic construction”. The guidance at R4 is however more blunt than it might be, given that it is not particular to Benson and detailed guidance on adaptation does exist, and it may be read as a discouragement to adaptation.

Principle R4 was included as a means of alerting residents as well as planners to the special circumstances of historic buildings. This was considered important in the context of a section otherwise devoted to the promotion of measures to mitigate climate change. We did not wish to encourage well-meaning alterations that might prove inappropriate and contrary to national guidance in these particular circumstances. The NPT would like to retain R4 but would be happy to see it reworded. We suggest the following wording but will respect any alternative that the Examiner considers appropriate in this context.

“R4: Modifications to the fabric and appearance of historic buildings within the Neighbourhood Plan Area, to increase thermal efficiency and/or introduce renewable energy, should have regard for the particular character of the building, and for any local and national guidance relevant to its historic significance.”

Roads and Transport

I note that minor changes and some reordering of content have taken place as part of the Review. The local authority has identified at paragraph 9.16 that, since the Oxfordshire Local Transport and Connectivity Plan was adopted in July 2022, the prefix ‘proposed’ needs to be deleted. In other respects, the amendments have not given rise to any issues.

Agreed.

Community Facilities' Policies

Village Centre

In relation to the wording of Policy NP14 the local authority has commented: “The final criterion is concerned with demonstrating there is no market interest in the premises following one year of active and effective marketing. As currently drafted the policy requires that this applies to all proposals provided either the first criterion (vitality) or second criterion (evidenced community need) are met. However, this may prevent sustainable forms of development coming forward in a timely manner. For example, if an applicant is able to demonstrate that the new use meets an evidenced community need, but has not completed one year of active and effective marketing, the policy would not support the development. We therefore recommend that the at the end of the second criterion ‘and’ is replaced with ‘or’.” This seems to be an appropriate amendment.

We agree this policy does not cope with the example suggested – thank you! A key intention of the policy is to ensure the vitality and viability of the village centre in all cases and we would therefore like to suggest the following alternative wording:

“ ... proposals .. will only be supported where:

- They do not undermine the vitality and viability of the village centre AND EITHER**
- The new use meets an evidenced community need OR**
- There is no market interest in the premises concerned for Class E uses following one year of active and effective marketing. etc...”**

In relation to Policy NP15 I am unclear what the fourth bullet point might be thought to be addressing? The Neighbourhood Plan Policies will all need to be addressed where applicable, but it is hard to see where a conversion from a residential use might conflict with a policy (NP14) about changes away from Class E. Also, in the last sentence of the Policy, I believe it would be appropriate to replace “will be” with ‘are’.

We agree with both these observations.

In other respects, there are no alterations giving rise to issues.

Environmental Policies

I note that this section has been appropriately updated to take account of the impact of the Environment Act 2021. Much of the content is factual, however there are a few wording issues arising:

- paragraph 11.6 says that the NPPF “requires that we”, implying it is referring to the Qualifying Body, “plan for ecological networks”. There is in fact no obligation placed on the Qualifying Body.

This quote is from Para 11.5. We recognise that most of the focus of Section 15 of the NPPF is on the planning system and that the scope of neighbourhood plans is for local communities to decide. We believe that it is important for our Neighbourhood Plan to contribute specific, local policies, strategies and projects, which are complementary to the Local Plan and do not simply duplicate its measures. Benson’s Nature Group and other local volunteer groups already have a number of ecological projects running (e.g. Benson Brook project to improve the health and biodiversity of our local chalkstream to attract otters, trout and other species; and Benson Verges project to encourage wild flowers and pollinators on Benson’s verges and small green spaces) and are planning several more that will make local Benson-specific contributions to improving/enhancing networks of habitat within the plan area. We would welcome recommendations to clarify the proactive role of the NP in planning for ecological networks.

- Paragraph 11.14 sits under a heading “Local Green Space and ..” but references green spaces more generally; since the term Local Green Space relates to a particular designation (as addressed later) I believe that omitting “Local” from the heading or replacing “Green” with ‘Open’ would be more appropriate. The same comment applies to the title of Policy NP22.

We would welcome a recommendation to omit the word ‘Local’ from these titles as suggested.

In relation to the designation of the additional Local Green Space I have a number of queries regarding the evidence that might be said to support that the area is “Demonstrably special to a local community and holds a particular local significance and local in character and is not an extensive tract of land.” (NPPF paragraph 102):

- “Professional surveys in Spring /summer 2022 confirmed the area’s importance for these species” – but there is no reference link to this?

A team of experienced local bird recorders conducted 12 surveys of the Flood Meadows during the breeding season between April and July 2022, using a formal transect-based methodology. A further professional survey and report was commissioned from [Wild Oxfordshire](#). There is already a link to this professional survey at the end of Para 30 of Appendix K (Benson’s Green Infrastructure Assets), but the link is indirect and does not cover the other surveys undertaken. If the Examiner considers it helpful, we would welcome a recommendation to include links both from the main body of the Revised Plan and from Appendix K to the wider information set attached below:

1) Summary of survey results plus individual survey records; 2) Wild Oxfordshire Report; 3) Survey Route and Instructions.

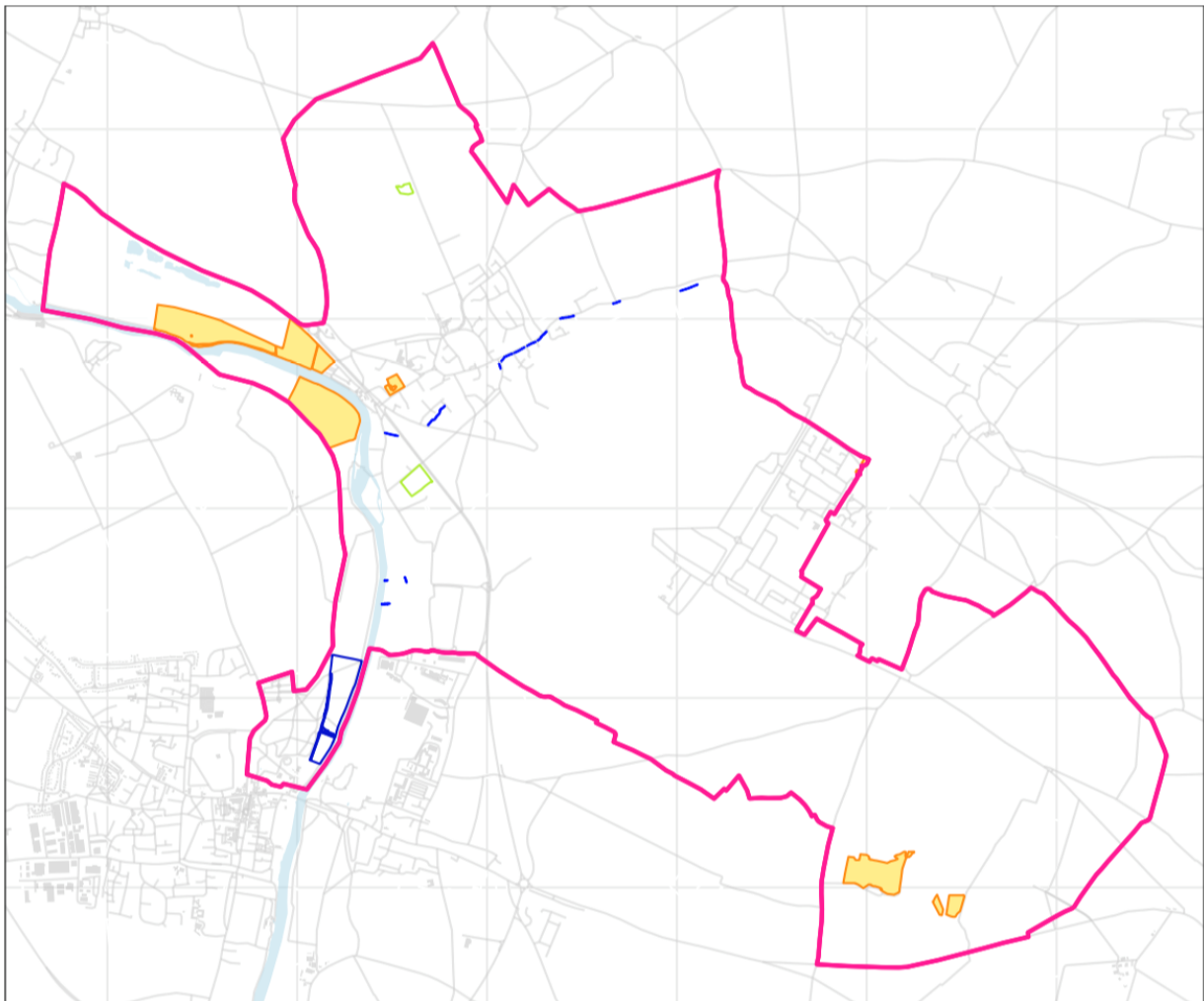






BFM Record Sheet - BFM Survey 7 - Benson Flood SUMMARY only.xlsx 010622 - Profession:Meadows Route, In:

- “The meadows have been identified by TVERC as possible priority habitat” – but there is no reference link to this and it would seem that this future ‘potential’ would not be realised without the co-operation of the landowner, and the Regulation 14 Consultation suggests that the landowners are not supportive of the designation? Have further conversations been had with the landowners or their representatives?

A copy of the Priority Habitat map from the TVERC report is provided below:

Benson Priority Habitat Map



 Coastal and Floodplain Grazing Marsh  Rivers
 Possible Priority Grassland Habitat  Traditional Orchards

If the Examiner considers it appropriate, we can also provide links to the full TVERC Report referenced above in the final version of the Revised Plan. We have also commissioned TVERC to produce an updated version of this report, in the hope that the Examiner agrees this is appropriate.

Regarding the designation of the Flood Meadows, we understand from Planning Practice Guidance Para 019 that we can designate land in private ownership - "A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan."

We have attempted to talk to the owners of the Flood Meadows on 3 or 4 occasions, but have only been able to hold two informal conversations with their agents (Savills). From these conversations, it is clear that the owners wish to keep their options open, to be able to bring forward proposals in the future for gravel extraction and/or for a second marina area. We have scrupulously ensured they have been included in the consultee list for both Plan Revision consultation exercises and we remain ready to talk to them anytime. We would particularly welcome a conversation on how the community might be able to help manage (some parts of) the area to optimize the habitats it provides for wildlife. We also have access to a number of experts who could, if allowed limited and responsible access, provide much better insight to wildlife classes present in the Flood Meadows that are not easy to see without accessing the hinterland (e.g. flora, invertebrates).

- "The meadows are the last remaining flood meadows in Benson that are [are] publicly accessible. The meadows lie adjacent to the Thames Path National Trail" – but the access appears to be limited to a public footpath and the Planning Policy Guidance says "There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation". (Paragraph: 018 Reference ID: 37-018-20140306).

Our purpose in designating the meadows is not to seek to duplicate the protection of access rights already established through Public Rights of Way legislation and National Trail designation. It is to recognise the many natural capital benefits that the meadows as a whole provide in their current state - benefits that would be severely diminished or lost altogether if the use of the meadows was to change in line with the aspirations expressed to us by the current landowners' agents.

There are actually two paths providing public access to the Flood Meadows – a) along the river and b) through the first meadow from the A4074 down to the riverside area – and the whole of the stretch of flood meadow is unfenced and 'open to view'. Residents and visitors understand and respect that the densely vegetated hinterland is private land and that the many breeding birds (as well as the significant ranges of plants, amphibians and insects) should not be disturbed.

We believe that the status of this specific area as part of a National Trail, the openness of the flood meadows site, its unspoilt riverside landscape, the views of it and from it, and the breadth of activities and pastimes conducted along the river (walking, running, fishing, wild-swimming, dog-walking, picnicking, wildlife watching etc) means that this area is far more than just a 'right of way' and therefore needs protection beyond that provided for rights of way.

- "The natural capital value of the fields also includes their role in providing flood attenuation locally" – but areas liable to flooding are already protected from inappropriate development by other parts of the NPPF.

We understand that NPPF Section 14 covers many aspects of flood management and mitigation, but appears to omit discussion of natural mitigation methods and how they should be viewed in a planning context. We wonder whether it is not legitimate to mention this aspect here as (just) one of the important characteristics of this site, particularly as this site is part of a long stretch of the Thames from Days Lock, near Dorchester to Goring and Streatley, that regularly gets inundated in

winter. (This stretch has just seen its 7th Flood Alert in 12 months). Flood meadows occur sporadically along this stretch of the Thames but play an important role in reducing the impacts of flooding.

By way of illustration, we attach two photos, taken on 17th January 2023, showing the flood meadow adjacent to Benson's Marina area underwater – the water level made it impossible to access the second flood meadow. (Photos taken 24 hours after the peak).





- “The fields connect physically to meadows that stretch upstream towards Shillingford, with the complex providing an important stepping stone linking the Thames Clifton to Shillingford Conservation Target Area (CTA) to the Thames Wallingford to Goring CTA” - but the required “particular local significance” needs to be intrinsic to the space to be designated.

What makes this site worthy of designation in this context is that it is not only special to our community for its immediately local biodiversity, but that it is also part of a wider set of special places, which become increasingly valuable to nature when they are linked up to create broader territories and new habitats, attracting more individuals and new species. The RSPB and all the Wildlife Trusts in the UK are clear that preserving/increasing biodiversity depends fundamentally on scaling up habitats through the aggregation of smaller sites and the creation of safe corridors between them.

We are therefore very keen to retain this text in our Revised Plan, as we are confident it strengthens, rather than weakens, the argument that Benson’s Flood Meadows have particular local significance. Government publications over more than a decade, notably the response to Making Space for Nature 2010 (aka the 'Lawton Review'), the resulting Natural Environment White Paper, the Biodiversity Strategy 2020 and the 25 Year Environment Plan, all recognise that scale matters - and that joining up fragmented local pieces of similar or complementary habitat is often the best way or the only way to secure that scale... The context for these meadows matters.

- The tabulation in Appendix K notes the measurement of the space as “Limited defined boundary. Size = 4.12 ha total, or 1 ha +3.1 ha.” – but these particular forms of description do not appear to be explained elsewhere.

We agree these area measurements need explanation in the text and will be happy to provide this. The measurements relate to the 2 Flood Meadows (having areas of 1 ha and 3.1 ha respectively) and are included to demonstrate that they meet the third criterion in Para 102 of the NPPF that the designated spaces should be local and not an extensive tract of land.

In relation to Policy NP22—Creation of New Local Green Spaces I note that the additional wording is an ‘encouragement’ which would have the potential to open a dialogue with the community.

On reflection this final sentence is now redundant, as the uses of the green spaces on all our allocated sites have been agreed, following lots of community engagement (e.g. on BEN3/4, community engagement has driven the provision of extra allotments, a community orchard and an enhancement of the eastern circular walking route to accommodate cyclists) and we are explicitly not seeking to allocate any further sites in this plan review. We would therefore welcome a recommendation to remove this sentence. We also recognise, however, the importance of continuing community dialogue, so if the Plan Examiner considers this sentence should be maintained, we are happy to do so.

With Policy NP23 – Biodiversity I am unsure that ‘considering opportunities for the inclusion of’ suggests anything more than a paper exercise, whereas the stated objective would seem to be the planting of street trees wherever practicable. Therefore, a rewording as ‘demonstrate the appropriate use of street tree planting’ might achieve more? The local authority has raised a valid concern that the second paragraph of the policy should be focused on development proposals rather than developers. The same concern is expressed for Policy NP24 – Wildlife Corridor.

We agree both points.

I note that Policy NP26 – Benson Brook (referenced in your Modification Statement as NP24) has been updated to better conform with the equivalent Local Plan 2035 Policy.

Landscape and Distinctiveness of Settlements

In relation to Policy NP27 the local authority has commented: “The policy is titled ‘distinctiveness of settlements’ and seeks to maintain the separation between settlements. However, the final bullet point lists ‘between the above settlements and outlying farmsteads’. In policy terms outlying farmsteads are part of the open countryside and not considered a settlement or part of the built-up area. For this reason, we recommend this final bullet point is deleted from the policy.” I further note in support of this suggested amendment that Policy NP28 already references the rural setting of farmsteads.

The NPT wished to include reference to farmsteads in Policy NP27 because the gaps between Benson and Hale Farm, and between Preston Crowmarsh and Crowmarsh Battle Farm, are now reduced to single fields. A recent application for a house in the latter gap has attempted to argue continuity of the settlement, and the Benson/Hale Farm field has been put forward for development in response to SODC’s latest Call for Sites. We believe it is important to make it clear that the rural character and openness of these fields is important, both as a separation gap and as a part of the rural setting of the historic farmsteads.

I note that Policies NP27 and NP28 both reference Figure 20 and this seems to emphasise the considerable degree of overlap between the two. However, it is equally clear that the illustrated gaps are partial and omit the separation that is sought between Benson and Rokemarsh, which is part of the detail in Appendix E Part 4. Evidently the majority of the desired gap is outside of the Plan boundary, but not all. However, I note that a representation argues that “it has been demonstrated that the site [of the Paddocks] would not prejudice the coalescence between Benson and Rokemarsh, thus ensuring that each settlement retains a separate identity and distinctiveness to one another”.

The NPT was keen to strengthen our previous Policy NP27: Distinctiveness of Settlements, as it did not seem to have been understood when proposals for up to 19 houses at Land adjacent to the Orchard (SODC application P18/S0181/O) were considered at appeal in July 2019 (APP/Q3115/W/18/3219295). (This site is also known as the Paddocks as noted by the Examiner.)

While the appeal was dismissed on other grounds, The Inspector concluded that “adequate greenspace and a landscaped buffer between the appeal site and Rokemarsh could be delivered in order to provide significant separation and to avoid coalescence occurring between Benson and Rokemarsh”. He noted that green spaces and landscape buffers had been provided within the adjacent development site in accordance with the Plan, and that the Orchard site was not included in these. It will be obvious from our responses above that the NPT had initially been unaware of any intention to develop the site separately and had assumed that it would remain as paddock. The appeal inspector proceeded to discuss the extent of development northwards, commenting that the new houses would be no more visible from Rokemarsh than the adjacent development to the west (now Chiltern Grange). He did not appear, however, to have considered the impact of the development eastwards.

The NPT is very concerned that the extension of the village eastwards across the Orchard site to Braze Lane would take Benson right up to the lane through Rokemarsh, with Rokemarsh houses visible in conjunction with the proposed entrance to the site, and right up to the first two houses in Rokemarsh, one of which is The Orchard. The NPT do not see how this would maintain open landscape space between the two settlements as required by Policy NP27. We are also concerned that the new Orchard houses would be more visible from Rokemarsh than the Chiltern Grange houses nearby, because there would be no room left on which to provide further landscape buffering north of the Orchard development, if it was built. Moreover, the new Orchard houses would be very visible in views from along the B4009, clearly blocking the gap between Chiltern Grange and Rokemarsh, as seen from this direction.

Early in the development of our original Plan, the NPT had negotiated with the developers of BEN4 (now Chiltern Grange) to retain the eastern spur of that site, between the new roundabout and Braze Lane, as green space, along with areas to the north of the development. The NPT considered that this, along with the green space afforded by the horse paddocks (no planning applications were then expected for this site), would allow for an appropriate gap between the extended built area of Benson and the hamlet of Rokemarsh. Catering for appropriate and sustainable growth “in a manner that maintains the distinct and separate character of the village” had been and remains one of the main objectives of the Plan, and the NPT continues to feel very strongly about this. It is worth noting that local residents, like the Examiner, have also questioned why the green space area between Benson and Rokemarsh is not included in the Important Local Gaps identified in Figure 20.

The NPT requests that the Examiner considers the above points during his site visit. We would welcome a recommendation to identify the Paddock site as one of the Important Local Gaps in Figure 20, if he considers this appropriate. Furthermore, as the green spaces to the east and north of the BEN4 site can only be designated as Local Green Spaces once development is complete, we would further welcome the Examiner’s views on whether these spaces should also be included as parts of the same Important Local Gap.

It is also important to note that the appeal report was published in July 2019, before any of the allocated sites in our NP were permitted (BEN 1 Phase 2 received full approval in August 2019; BEN3/4 in October 2021; and BEN2 in August 2022) and therefore the Inspector would not have been aware of the location or extent of any green buffers forming part of those sites.

On the broader principle of identifying gaps in general, SODC officers advised against identifying gaps in circumstances where the gap does not represent the minimum area necessary to prevent coalescence. They explained that “in such circumstances SODC normally encourages groups to use separation of settlement policies and this would be consistent with the approach taken by the Examiner in the Neighbourhood Plan for Berrick Salome, which covers the area of Roke (the nearest settlement) and Rokemarsh, which is classed as open countryside in the South Oxfordshire Local Plan Settlement Hierarchy (Appendix 7).”

The NPT took note of this advice and refined the wording of Policy NP27. Given the experience at Rokemarsh, however, we were very reluctant to discard all the gaps initially identified, and so retained those of greatest significance to the rural setting of the settlements. We remain very keen not to abandon the principle unless the Examiner believes there is a better way to achieve the plan's aims.

I feel that clarity would be gained, and nothing evident would be lost, if the second (and perhaps the third) elements of Policy NP28 were added to Policy NP27, thus merging the two. The third element of NP28 is obscure as to its expectation by caveating. If the expectation is that 'Where possible, development proposals should improve public access to the countryside' then that has already been addressed more appropriately within earlier Policies?

Could NP27 and NP28 be merged?

The NPT did consider whether a single policy would suffice but opted for two separate policies on the basis that they applied to different strands of landscape policy. NP27 is very much about the gaps and preserving open rural space between the settlements. It relates to whether significant building might be permitted or not, and to what extent. Policy NP28 is more about the suitability of development for particular landscape settings, bearing in mind the possibility of approval for buildings in the countryside in certain circumstances, as set out in national Policy and in SODC Local Plan 35 policies H1, H19, CF2 and EMP10. If the Examiner considers this unclear, the NPT would welcome recommendations to address this, but we would like to see the distinction maintained.

Public access to the countryside

Whereas other policies require this in relation to specific sites, Policy NP28 provides a catch-all context for development not currently envisaged but that may come forward should the Plan become outdated. It also looks to the possibility that development in the countryside might facilitate new footpath routes that might amplify the existing network of pathways as considered desirable in paragraph 11.37 of the text that accompanies the Policy.

Similarly, Policy NP29 – Landscape Buffers seems to cover the same policy territory as the Concept Plan introduced as Figure 6, in wording terms there is potential confusion with the purpose of the Riverside "Buffer", and in coverage it appears to relate less to the existing landscape than the interventions necessitated by development. Is Policy NP29 perhaps more duplication?

The NPT do not consider that this policy duplicates the provision set out in Policies NP2, 3 and 4 as those policies are wholly site-specific. NP29 is necessary to ensure that any other, so far unforeseen, future development in the countryside, particularly at the edge of the settlements, is subject to similar requirements. We think it essential to retain this provision in view of possible challenges to the housing provision, and possible calls for development in the context of SODC Local Plan 35 policies H1, H19, CF2 and EMP10 as above.

Appendix E Part 4 is more explanatory than analytical of the value of the gaps between settlements – however it does provide more supporting detail than it would have been appropriate to include with the Plan itself. The detailing of views in Appendix E Part 3 is helpful in illustrating the landscape character at various locations.

The local authority has noted a factual error referring to a 'Reg 19' public consultation in the final sentence of paragraph 11.46 whereas the reference would more likely be to 'Reg 14'.

We would welcome a recommendation to correct the reference to the pre-submission consultation.

The amendments to Policy NP30 - Flood Risk and SuDS are indeed minor. I note that Thames Water has suggested further amendments for this policy area but I feel that their comments are already addressed at the Local Plan level.

We agree that the Local Plan covers this area well and needs no amplification in the Revised Plan.

Appendices

I have noted points above on the content in Appendices where they interrelate to reviewed Policy content. The County Council has noted a factual error in the content relating to Site Assessment for BEN9 Benson Material Store in Appendix A. Whilst this is not material to any part of the Plan Revision it would be appropriate for any factual errors to be corrected as soon as they are confirmed.

Agreed.