

Tiddington-with-Albury Neighbourhood Development Plan 2016-2035

**A report to South Oxfordshire District Council on
the Tiddington-with-Albury Neighbourhood
Development Plan**

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

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by South Oxfordshire District Council in November 2022 to carry out the independent examination of the Tiddington-with-Albury Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 18 November 2022.
- 3 The Plan is a good example of a neighbourhood plan. It includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on three specific matters. The first is ensuring that the development takes account of defined settlement boundaries. The second is the proposed identification of a series of Key Views. The third is the identification of a proposed Local Gap between Tiddington and Albury.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
15 February 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Tiddington-with-Albury Neighbourhood Development Plan 2016-2035 ('the Plan').
- 1.2 The Plan was submitted to South Oxfordshire District Council (SODC) by Tiddington-with-Albury Parish Council Parish Council (TAPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan. It seeks to provide a context in which the neighbourhood area can maintain its character and then separation of its settlements.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by SODC, with the consent of TAPC, to conduct the examination of the Plan and to prepare this report. I am independent of both SODC and TAPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan, I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report and am satisfied that they have been met.

3 Procedural Matters

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

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the SEA/HRA screening report (November 2021).
- the various appendices (both to the Plan and to the Consultation Statement).
- the representations made to the Plan.
- TAPC's responses to the clarification note.
- the adopted South Oxfordshire Local Plan (2011-2035).
- the National Planning Policy Framework (July 2021).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 18 November 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations and the professional way in which the Plan has been developed.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), TAPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. It is a good example of a Statement of this type. It sets out key findings in a concise report which is underpinned with a series of more detailed tables and appendices.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (February to March 2022). Section 3 provides the details of the ways in which the Plan was refined as a result of this process.
- 4.4 The Statement sets out details of the range of consultation events that were carried out in relation to the initial stages of the Plan which included:
- the provision of up-dates through articles in the Tiddington-with-Albury and Milton Common Parish Newsletter (distributed free to every house bi-monthly);
 - two paper surveys with an on-line survey in parallel with the second questionnaire;
 - holding regular Steering Group meetings;
 - leafleting through every door in the parish;
 - the use of posters; and
 - the use of Facebook (Tiddington People).
- 4.5 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. SODC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

- 4.6 Consultation on the submitted plan was undertaken by SODC. It ended on 14 November 2022. This exercise generated representations from the following organisations:
- South Oxfordshire District Council

- Marine Management Organisation
- SSE
- Historic England
- Coal Authority
- Sports England
- Tetsworth Parish Council
- National Highways
- Fisher German (on behalf of a property owner)
- Natural England
- Waterstock Parish Meeting
- Thames Water

4.7 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Tiddington with Albury. Its population in 2011 was 683 persons living in 270 households. It is in the eastern part of Oxfordshire on its boundary with Buckinghamshire. It lies approximately 3.5 miles west of Thame and 3 miles east of Wheatley. Oxford lies 8.5 miles to the west and Aylesbury 12 miles to the northeast. It was designated as a neighbourhood area on 21 December 2016.
- 5.2 Tiddington is the principal settlement in the parish. The other settlements are Milton Common, and the hamlets of Albury and Draycot. The four residential areas of the village all have different settlement arrangements. Tiddington has a cruciform arrangement around a crossroads on the A418. Milton Common has a linear format along the A40. It is relatively modern in its character based on the development and infill of pastures and paddocks located along the roads. Albury is a group of old houses based around the church. Draycot remains in its original scattered form of a farmhouse and associated cottages.
- 5.3 The remainder of the neighbourhood area is attractive rolling countryside. The western side of the parish is within the Oxford Green Belt.

Development Plan Context

- 5.4 The South Oxfordshire Local Plan was adopted in December 2020. It sets out the basis for future development in the District up to 2035.
- 5.5 Tiddington is identified as ‘smaller village’ in the adopted Local Plan (Appendix 7). Policy H8 of the Plan addresses development in such villages. Paragraph 4.37 of that Plan comments that smaller villages ‘have no defined requirement to contribute towards delivering additional housing (beyond windfall and infill development) to meet the overall housing requirement of South Oxfordshire. There is a sufficient supply of housing from strategic allocations and from existing planning permissions, which means that the less sustainable settlements will not be required to offset the housing requirement. However, some parishes may still wish to proceed with preparing a Neighbourhood Development Plan for example to achieve the protection afforded by allocating housing to fund projects they want to deliver or they would like to identify a specific type of housing bespoke to their village’s needs. The Council’s strategy therefore allows them to do so, provided that the levels of growth are commensurate to the size of the village’
- 5.6 Milton Common is identified as an ‘Other Village’ in the Plan. Policy H16 of the Plan comments that within Smaller Villages and Other Villages, development should be limited to infill and the redevelopment of previously developed land or buildings.
- 5.7 The following other policies are particularly relevant to the submitted Plan:

Policy STRAT 1	The Overall Strategy
Policy EMP10	Development in Rural Areas

Policy ENV1	Landscape and Countryside
Policy ENV3	Biodiversity
Policy ENV4	Watercourses
Policy ENV6	Historic Environment
Policy ENV7	Listed Buildings
Policy DES1	Delivering High Quality Development

- 5.8 The submitted Plan has been prepared within its up-to-date development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter. The submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 18 November 2022. I approached it from the M40 to the west. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network.
- 5.10 I looked initially at Tiddington. I walked along Oxford Road and then to the north on Ickford Road. I saw the significance of the Village Hall, the Fox and Goat PH and Tiddington Garage.
- 5.11 I then walked along Ickford Road to Draycott. I appreciated its rural character and tranquillity.
- 5.12 I then walked to Albury. In doing so I saw the significance of the proposed Local Gap. I sat awhile on the bench in churchyard.
- 5.13 I then walked back to the village via the Cricket Ground. In this part of the visit I saw the significance of the former railway embankment in the local landscape.
- 5.14 I paid particular attention throughout the visit to the proposed local green spaces and the identified key views.
- 5.15 Thereafter I drove to Milton Common. I saw its different appearance and character, and the significance of the hotel.
- 5.16 I left the neighbourhood area on the A40 heading to Tetsworth to the south.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework 2021 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Tiddington-with-Albury Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the South Oxfordshire Local Plan;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies on a range of development and environmental matters. It has a focus on designating local green spaces and identifying a Local Gap between Tiddington and Albury.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID: 41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for infill residential development (Policy TwA2) and for commercial and business uses (Policy TwA9). In the social role, it includes policies on First Homes (Policy TwA4) and on the range of house sizes in new developments (Policy TwA5). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on local green spaces (Policy TwA3) and on dark skies (Policy TwA11). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in South Oxfordshire in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, SODC undertook a screening exercise in November 2021 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It concludes that the Plan is unlikely to have a significant effect on the environment and therefore does not require a Strategic Environment Assessment.

Habitats Regulations Assessment

- 6.15 SODC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It assesses the potential impact of the Plan's policies on the following protected sites outside the parish:
- Aston Rowant SAC;
 - Chiltern Beechwoods SAC;
 - Little Wittenham SAC;
 - Oxford Meadow SAC;
 - Spartum Fen SSSI; and
 - Holton Wood SSSI.
- 6.16 The HRA concludes that the neighbourhood plan will not give rise to likely significant effects on these protected sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

Human Rights

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and TAPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans should address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity, this section of the report comments on all policies whether I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial parts of the Plan (Sections 1 to 5)

- 7.8 The Plan is well-organised and presented. It has been prepared with much attention to detail and local pride. It makes an appropriate distinction between the policies and their supporting text.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. The Introduction comments about the way in which the Plan was prepared and when the neighbourhood area was designated. It properly identifies the neighbourhood area (Figure 1) and the Plan period. Paragraph 1.5 also summarises the concept of the basic conditions against which the Plan is assessed.
- 7.10 Section 2 provides information about the neighbourhood area. It provides interesting and comprehensive details which help to set the scene for the eventual policies. In several cases, the information is underpinned by the information in the various appendices.
- 7.11 Section 3 comments about national and local planning policies which influenced the work on the Plan. It refers both to the NPPF and to the adopted Local Plan.

7.12 Section 4 comments about the community's views on planning matters. It neatly summarises key elements of the Consultation Statement.

7.13 Section 5 sets out the vision and objectives for the Plan. It makes a strong functional relationship between the various issues and, in several cases, they feed directly into the resulting policies. The Vision neatly summarises the approach taken as follows:

'That in 2035 Tiddington-with-Albury Parish, comprising the distinct areas of Albury, Draycot, Milton Common and Tiddington, will continue to be an attractive place to live with its four residential areas still separated but all contributing to an active community. The natural environment will have been enhanced by better integration with adjoining higher-level schemes, largely based on the flood plain of the River Thame. Any development that has taken place will be sustainable and, in accordance with the desires of the parishioners, will fit in with the local architectural heritage, rural aspect and landscape of the village. The network of footpaths and the bridle path will have been enhanced by better provision for cyclists along the main roads. There will have been improvements in traffic management on the main routes through The Parish which will add to the attractiveness of The Parish.'

7.14 The objectives are based around three themes as follows:

- Environment, Landscape and Countryside;
- Housing; and
- Traffic and Transport.

7.15 A key element of the Plan is the way in which its policies are directly underpinned by detailed appendices. This enhances the legibility of the Plan.

7.16 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy TwA1: Nature Recovery

7.17 The policy reflects information in the Plan about the variety of green and blue infrastructure in the parish and the way in which it provides an environmental support system for communities and wildlife. The policy designates this Network for the purpose of promoting nature recovery, sustainable movement and for mitigating climate change. In summary the Network comprises Local Green Spaces, footpaths, woodland, trees, hedgerows, ponds, and land of biodiversity value.

7.18 The policy comments that development proposals that lie within or adjoining the Network are required to have full regard to maintaining and improving the functionality of the Network, including delivering a net gain to general biodiversity assets, in the design of their layouts and landscaping schemes. It also comments that proposals that will harm the functionality or connectivity of the Network, including the Tiddington Nature Recovery Corridor, will not be supported

7.19 The policy is underpinned by extensive supporting text. I recommend a detailed modification to some of the paragraph to recognise the different roles which TAPC and Natural England have on the matter and to ensure wider clarity.

- 7.20 The policy takes a positive approach to this matter. It captures the environmental significance of the parish.
- 7.21 I recommend that Parts B and C of the policy are broken down into their individual components. This will bring the clarity required by the NPPF and allow SODC to apply the policy consistently throughout the Plan period. In doing so I recommend a specific modification so that the policy can be applied in a proportionate way. Plainly individual proposals will have different effects on the Network. I also recommend that the enhancement part of the policy only applies where such enhancements are practicable.
- 7.22 On behalf of the owners of the site Fisher German suggest that it is inappropriate for the Network to extend into the private curtilage at 46 Ickford Road. The representation comments:
- ‘Whilst we do not object in principle to the wider designation, it currently extends to the private garden land of 46 Ickford Road, Tiddington, as well as the dwelling itself which lies within the village boundary (land edged blue in the Network Plan extract below). No other land within the village boundary has been proposed for inclusion. There is no evidence to suggest that this land is of biodiversity value or should be included within this designation. This land is a private dwelling house and private garden, and should be excluded from any wildlife corridor, network or otherwise revised wording.’*
- 7.23 On the balance of the evidence I recommend that the land concerned is excluded from the Network as shown on Figure 3. There is no evidence to suggest that any of the features of the Network exist within the site. I make a separate judgement on the relationship of the parcel of land to the proposed village boundary (Policy TwA2) later in this report.
- 7.24 Otherwise the policy meets the basic conditions. It will assist in the delivery of the environmental dimension of sustainable development.

Retain Part A of the policy without the initial A

Replace Parts B and C with:

‘As appropriate to their scale, nature and location, development proposals that lie within or adjoining the Network should maintain and where practicable improve the functionality of the Network, including delivering a net gain to general biodiversity assets in the design of their layouts and landscaping schemes.

Development proposals that would lead to the extension of the Network, including delivery of the Tiddington Nature Recovery Corridor, will be supported, where they are consistent with other relevant policies of the development plan.

Proposals that would unacceptably harm the functionality or connectivity of the Network, including the Tiddington Nature Recovery Corridor, will not be supported.’

Revise boundary of the Network on Figure 3 to exclude 46 Ickford Road, Tiddington

Replace the final sentence of paragraph 5.11 with: ‘The section along Ickford Road is part of the Great Crested Newt Conservation Priority Zone. Ponds in Milton Common previously had Great Crested Newts and an aim would be to encourage habitat re-creation.’

Replace the initial wording in paragraph 5.13 with: ‘The policy therefore requires that all development proposals that lie within the Nature Recovery Network (shown at Figure 3),’

In paragraph 5.14 replace ‘The Network will’ with ‘The Network may’

Policy TwA2: Village Boundaries and Infill development

7.25 This is a key policy. In effect it sets a spatial strategy for the parish. The Plan defines village boundaries for Tiddington (Figure 4) and Milton Common (Figure 5).

7.26 The policy takes a traditional format. It comments that proposals for infill development and redevelopment within the village boundaries that lie outside the Green Belt will be supported, provided they accord with the design and development management policies of the development plan. It then comments that proposals for development outside the village boundaries and outside the Green Belt will only be supported if they are consistent with Development Plan policies for the countryside. It then comments that proposals for limited infill development and redevelopment within the village boundaries that lie within the Green Belt will be deemed appropriate development in the Green Belt and will be supported provided that they accord with the design and development management policies of the development plan.

7.27 The proposed village boundaries reflect the current patterns of built development in Tiddington and Milton Common. A representation has been received suggesting that 46 Ickford Road is included in the Tiddington village boundary. The representation comments:

‘Curtilages are very often included within a settlement boundary in recognition of the combined status of properties and their curtilage as a single planning unit. A curtilage is usually classified as an area of land immediately beside or around a building which is closely associated with and serves the purposes of that building in some necessary or useful way. For dwellinghouses the curtilage is usually the garden and is often, but not necessarily always, marked-off or enclosed. The garden of 46 Ickford Road has clear and obvious site boundaries, enclosed by hedgerows and trees.

There is no evidence to suggest that the outlined area of 46 Ickford Road should be excluded when other properties include the whole of the garden. Accordingly, the village boundary should be amended to include the full garden of 46 Ickford Road to be consistent with the application of the methodology elsewhere in the settlement.’

7.28 The representation also identifies other locations in the village where the village boundary includes larger gardens/curtilages.

7.29 I sought TAPC's comments on the representation. It responded as follows:

'The methodology adopted for drawing the settlement boundary uses conventions adopted by other local planning authorities that use this development management tool. Essentially, the boundary follows the observed settlement edge formed by the built form which have a clear functional relationship to the settlement. The curtilages of buildings were included as a guiding principle unless the curtilages related more to the character of the countryside than the built form. Domestic gardens on the edge of the settlement which are extensive and not functionally related to the physical built form of the settlement were excluded.'

7.30 I looked at the site carefully during the visit. It consists of a house off Ickford Road together with its associated garden/curtilage.

7.31 The house and the garden have a very different character to the other houses off Ickford Road, North Close and Brookside Close which have a format and arrangement which extends the built-up extent of the village to the north along Ickford Road. In contrast 46 Ickford Road has a more open character and appearance which relates more closely to the countryside. On the balance of all the information, including my own observations I am satisfied that the proposed village boundary for Tiddington has been appropriately drawn.

7.32 SODC suggests a slight revision to the village boundary of Tiddington to the north of the Fox and Goat PH to the west of Ickford Road. Such a revision would have merit. However, it has not been the subject of consultation and as I have commented in paragraph 1.4 of this report my role is to examine the submitted Plan and not an alternative to that Plan.

7.33 In the round I am satisfied that the policy itself takes an appropriate approach. It will help to ensure that new development is concentrated in Tiddington and Milton Common where there is access to local services and community facilities. However, in my view the policy element on the Green Belt (part C) is overly-complicated and does not add to existing Green Belt policy at both and national or at a local level. I recommend a modification to remedy this matter. Otherwise, the wider policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the first sentence of part C of the policy with:

'Proposals for limited infill development and redevelopment within the village boundaries that lie within the Green Belt will be supported where they meet the requirements for development in the Green Belt and they accord with the design and development management policies of the development plan.'

Policy TwA3: Local Green Spaces

7.34 This policy proposes the designation of three local green spaces (LGS). Two are in Tiddington and one is in Albury.

- 7.35 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGSs comply with the three tests in paragraph 102 of the NPPF. They are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy. I recommend that paragraph 5.21 is updated so that it corresponds with the LGSs included in the Plan.
- 7.36 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.
- 7.37 The policy itself follows the matter-of-fact approach in paragraph 103 of the NPPF.
- 7.38 The policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Replace paragraph 5.21 with:

'In addition to that area of the village in the Oxford Green Belt, this policy proposes three important green spaces in and on the edge of the settlements within The Parish, which lies outside of the Green Belt. These areas are largely privately owned but play an important role in creating the environment of each settlement that is enjoyed by the residents.'

Policy TwA4: First Homes

- 7.39 This policy sets out the Plan's approach towards First Homes exceptions sites. It identifies four criteria with which they should comply. In the round the policy responds positively to this important national agenda. There is every possibility that First Homes will help to address access to housing and affordability in the parish.
- 7.40 Whilst I can see that the approach taken in Policy TwA4 sets out to guide the element of proportionality required by the Written Ministerial Statement (date 2021) on First Homes, it imposes arbitrary restrictions on the size and yield of any such schemes rather proposing an approach on the evidence necessary to assess the proportionality of a scheme. I recommend modifications to remedy this matter. They emphasise the need for evidence to ensure that sites coming forward meet local needs. I also recommend consequential modifications to the supporting text. Otherwise, the policy meets the basic conditions. It will assist in the delivery of the social and environmental dimensions of sustainable development.

Replace the policy with:

‘Proposals for a First Homes Exception Site will be supported subject to the following criteria:

- **the scheme is supported by robust evidence of demonstrable local needs and does not exceed 5% of the size of the existing settlement;**
- **at least one of the boundaries of the site entirely adjoins the settlement boundary of either Tiddington or Milton Common as defined by Policy TwA2; and**
- **it can be demonstrated that the scheme will avoid areas at risk of flooding and not cause unacceptable harm to identified Important Views or cause unacceptable harm to a designated heritage asset.**

In paragraph 5.25 add ‘after the discount has been applied’ after ‘£250,000’

Replace paragraph 5.26 with:

‘In essence the policy reflects the spirit and intention of Policy H8 of the Local Plan which allows for a level of growth commensurate to the scale and character of the village, expected to be around a 5% to 10% increase in dwellings above the number of dwellings in the village in the 2011 census during the plan period. The Parish Council considers that approximately 5% of growth is a level of growth commensurate to the scale and character of Tiddington as a small village with limited services.’

Policy TwA5: Housing Mix

- 7.41 This policy has a focus on housing mix. It comments that proposals for new residential development should provide homes to address the nature of local needs and contribute to the objective of creating a mixed and balanced community. It identifies that proposals which recognise the need for smaller dwellings and comprise of two- or three-bedroom homes will be particularly supported.
- 7.42 The policy is non-prescriptive in nature. It is based on up-to-date information and provides flexibility for development proposals to respond to additional/updated information which may arise in the Plan period. The policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Policy TwA6: Protection of Key Views

- 7.43 The Neighbourhood Plan identifies Key Views on the Policies Maps as valued sightlines into and out of the Parish. They are shown on the policies maps and in greater detail in Appendix 4.
- 7.44 The policy comments that development proposals should preserve or enhance the local character of the landscape and through their design, height and massing should recognise and respond positively to the various Key Views. It also comments that development proposals which would have a significant adverse impact on an identified Key View will not be supported.

7.45 In the round I am satisfied that the policy takes a positive approach to this matter. Appendix 4 provides the necessary justification for such a policy. In addition, I am satisfied that the policy provides guidance about the way in which development proposals should respond positively to the identified views rather than seeking to prevent appropriate development coming forward. Within this context I recommend the following detailed modifications so that the policy has the clarity required by the NPPF:

- to ensure that proposals can both preserve and enhance the views concerned where it is practicable to do so;
- to clarify the language in the third part of the policy; and
- to refine the location of View 10 (as raised by SODC and agreed by TAPC in its response to the clarification note).

7.46 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

In part B of the policy replace ‘preserve or enhance’ with ‘preserve and where practicable enhance’.

In part C of the policy replace ‘a significant adverse’ with ‘an unacceptable’.

Revise the location of View 10 to take account of SODC’s commentary.

Policy TwA7: Local Gap

7.47 This is an important policy in the Plan. It identifies a Local Gap on the pastures between Tiddington and Albury for the purpose of preventing coalescence of the two settlements. It comments that development proposals within a Local Gap will only be supported if they do not harm, individually or cumulatively, its open character.

7.48 I looked carefully at the proposed Gap during the visit. Its significance in the wider landscape was self-evident.

7.49 There is an inconsistency between the two parts of the policy and between the policy and the supporting text. On the one hand, the text comments that ‘land included in the gap is considered to be the minimum to ensure that the visual openness of the space between the two settlements is protected’. On the other hand, Part A of the policy is simply concerned to avoid the coalescence of the two settlements.

7.50 I recommend modifications to remedy this issue. They are based on helpful comments from NAPC in its response to clarification note. They will bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

Replace the policy with:

‘A. The Neighbourhood Plan identifies a Local Gap, as shown on the Policies Map, on the pastures between Tiddington and Albury for the purpose of preventing coalescence of the two settlements, and to protect their character and rural setting.

B. Development proposals within the Local Gap will only be supported if they do not result in an unacceptable harm, individually or cumulatively, to its open character.'

Replace paragraphs 5.38 and 5.39 as follows:

'5.38 The policy defines an area of land between two of its settlements which plays an important role in preventing development that will undermine the visual integrity of the gap to the point that there is coalescence of these two distinct settlements, Appendix 3.8. The Local Green Space analysis shows that this area of land plays an important role in forming the separate setting within which each part can be appreciated and enjoyed.

5.39 Although the land lies outside the Village Boundary (as defined in Policy TwA2) that policy acknowledges that there are some types of development that are suited to the countryside which may be appropriate. However, this policy requires that its effects, by way of their location, height, and/or mass, – should not harm the function and purpose of the Local Gap. The land included in the gap is considered to make a significant contribution to maintaining the individual and rural character of the two adjoining settlements.'

Policy TwA8: Community Facilities

- 7.51 The policy acknowledges the importance of community facilities in the parish. The Plan identifies a range of community facilities. The policy comments that development proposals which would affect the use of the identified community facilities, will be determined against the provisions of Policies CF1 (Safeguarding Community Facilities) and CF4 (Existing Open Space, Sport, and Recreation Facilities) of the Local Plan.
- 7.52 Part B of the policy continues the approach in commenting that proposals to change the use of part of a community, open space, sport, or recreation facility that is surplus to requirements will be supported where they will not undermine the overall viability and important of the community, open space, sport, or recreation facility concerned.
- 7.53 The policy takes an appropriate approach to this matter. I saw first-hand the importance of the identified facilities in the parish.
- 7.54 The policy carefully identifies facilities in the parish to which relevant Local Plan policies would apply. This is best practice.
- 7.55 In the round the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Policy TwA9: Commercial Business and Service Uses

- 7.56 This policy acknowledges the importance of identified commercial facilities to the wellbeing of the neighbourhood area. It comments that proposals to retain and improve existing identified commercial businesses and services will be supported, provided that they do not harm residential amenity and that they accord with other design and development policies of the development plan.

7.57 The policy takes an appropriate approach to this matter. I saw first-hand the importance of the identified facilities in the parish.

7.58 In the round the policy meets the basic conditions. It will contribute to the delivery of the economic dimension of sustainable development.

. Policy TwA10: Traffic Management and Transport

7.59 This policy comments about the impact of development proposals on traffic management and transport in the neighbourhood area. The approach taken is that development proposals will be supported, provided that, where appropriate to their location, they deliver or make financial contributions towards the mitigation of traffic volumes and speed through the Parish, they do not introduce urbanising highways infrastructure into the village lanes and they are in accordance with the other relevant policies of the development plan.

7.60 The policy has a general rather than a specific nature. On the balance of the evidence, I am satisfied that it brings added value to national and local planning policies. I recommend a detailed modification to the wording of the policy to ensure that it has regard to NPPF paragraphs 104d and 110d on mitigating development impacts. Otherwise, it meets the basic conditions. It will assist in the delivery of the environmental dimension of sustainable development.

. **Insert ‘related to their development;’ after ‘the Parish’**

Policy TwA11: Dark Skies

7.61 This policy seeks to safeguard the dark skies in the neighbourhood area. It comments that proposals for development will only be supported where it is demonstrated that, if external lighting is required, light pollution has been reduced wherever possible, or as a minimum, kept to current levels through the application of three criteria. It also makes specific reference to technical guidance produced by the Institute of Lighting Engineers (ILE).

7.62 In principle a policy which seeks to safeguard dark skies can meet the basic conditions. However as submitted the policy is very prescriptive in general and it seeks to ensure that lighting levels are retained at current levels. In some cases, this may be practicable and in other cases it will not be the case. In addition, there is the potential for the policy to conflict with other policies in the Plan (such as Policy TwA8 on community facilities and Policy TwA9 on commercial facilities).

7.63 To remedy these issues I recommend that the policy is modified. The recommended modifications retain the generality of the approach taken and the connection of the policy to ILE guidance. The revised policy will have the clarity required by the NPPF and allow SODC to implement it in a consistent way throughout the Plan period.

7.64 The policy will contribute to the social and environmental dimensions of sustainable development.

Replace the policy with:

‘Development proposals should conserve and enhance relative tranquillity in relation to light pollution and dark night skies.

Development proposals should also demonstrate that they meet or exceed the Institute of Lighting Professionals guidance and other relevant standards or guidance (CIE 150:2003 Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations), or any equivalent replacement/updated guidance for lighting within environmental zones.

Development proposals which include lighting should ensure that:

- **the measured and observed sky quality in the surrounding area is not reduced;**
- **the lighting concerned is not unnecessarily visible in nearby designated and key habitats;**
- **the visibility of lighting from the surrounding landscape is avoided; and**
- **building designs should avoid large areas of glazing which would result in light spillage into rural and unlit areas.’**

Implementation

7.65 Section 6 of the Plan comments about its implementation. It does so to good effect.

7.66 Earlier parts of the Plan comment about the emerging Local Plan. It will be adopted within the Plan period and could affect the broader planning policy context within which the neighbourhood plan has been prepared. In these circumstances I recommend that Section 6 includes a section about the way in which TAPC will assess the need or otherwise for a made Plan to be reviewed at some future point.

Add an addition section in Part 6 of the Plan to read:

‘Monitoring and Review of the Plan

The Parish Council will monitor planning decisions to assess the effectiveness of the Plan’s policies. Where necessary it will have discussions with the District Council to ensure that day-to-day decisions on planning applications take account of the vision, objectives, and policies of the Plan.

The Parish Council acknowledges that policy context for the Plan may change within the Plan period. The adoption of the emerging Local Plan (covering the period up to 2041) will be a key factor. On this basis the Parish Council will consider the need or otherwise for a partial or full review of the Plan either within 5 years from its making or within 6 months of the adoption of the emerging Local Plan (whichever occurs first).’

Other Matters - General

7.67 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may

be required elsewhere in the Plan as a result of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for SODC and TAPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.

Other Matters – Specific

7.68 SODC has made a series of helpful comments on the Plan. I have included them in the recommended modifications on a policy-by-policy basis where they are required to ensure that the Plan meets the basic conditions.

7.69 I also recommend other modifications to the text of the Plan based on SODC's comments insofar as they are necessary to ensure that the Plan meets the basic conditions. In the main they will bring the Plan up-to-date. Other matters relate to the more general parts of the Plan. In combination they are as follows:

In paragraph 1.7 delete 'second reading....and the'.

In paragraph 3.8 replace the second sentence with: 'An Issues Consultation took place in May 2022 and June 2022.'

Delete paragraphs 3.15 to 3.17 to take account of the termination of work on the Oxfordshire Plan 2050.

7.70 SODC also highlights a series of typographic changes to the Plan. It would be entirely appropriate for these corrections to be incorporated into the referendum version of the Plan.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2035. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area and its heritage assets.
- 8.2 Following the independent examination of the Plan, I have concluded that the Tiddington-with-Albury Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report, I recommend to South Oxfordshire District Council that subject to the incorporation of the modifications set out in this report that the Tiddington-with-Albury Neighbourhood Development Plan should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 21 December 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses to the clarification note were detailed, informative and delivered in a very timely fashion.

Andrew Ashcroft
Independent Examiner
15 February 2023