

Lewknor Parish Neighbourhood Development Plan 2023-2040

**A report to South Oxfordshire District Council on
the Lewknor Parish Neighbourhood Development
Plan**

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Executive Summary

- 1 I was appointed by South Oxfordshire District Council in July 2023 to carry out the independent examination of the Lewknor Parish Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 20 July 2023.
- 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 designation of local green spaces.
- 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
13 September 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Lewknor Neighbourhood Development Plan 2023-2040 ('the Plan').
- 1.2 The Plan was submitted to South Oxfordshire District Council (SODC) by Lewknor Parish Council (LPC) 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, 2021 and 2023. 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 setting in the wider landscape.
- 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 LPC, to conduct the examination of the Plan and to prepare this report. I am independent of both SODC and LPC. 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 40 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations. 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 five appendices to the Plan.
- the Basic Conditions Statement.
- the Consultation Statement (and its appendices).
- the SEA/HRA screening report.
- the representations made to the Plan.
- LPC's responses to the clarification note.
- the adopted South Oxfordshire Local Plan (2011-2035).
- the National Planning Policy Framework (September 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 20 July 2023. 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), LPC 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 (June to July 2020). Section 4 of the Statement and the appendices provide details about how the Plan was refined as a result of this process.
- 4.4 Appendix B of the Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan
- 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 7 June 2023. This exercise generated representations from the following organisations:
- South Oxfordshire District Council
 - SSE
 - Historic England
 - Coal Authority
 - Tetsworth Parish Council
 - Chilterns Conservation Board
 - National Gas
 - National Grid
 - Natural England
 - Oxfordshire County Council
 - Thames Water

- Rainier Developments Ltd

4.7 A representation was also received from a resident. 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 Lewknor. It was designated as a neighbourhood area on 18 October 2017. Its population in 2011 was 663 persons living in 274 households. The parish lies between Oxford and High Wycombe, at the foot of the Chiltern Hills. The former trunk road, the A40, passes the Thame Lambert Hotel on the eastern edge of the Parish, then bisects the small village of Postcombe, before continuing towards Oxford. The M40 cuts through the parish immediately to the east of Lewknor.
- 5.2 There are three separate settlements in the parish of different sizes. Lewknor is the principal settlement. Postcombe is located to the north along the A40. South Weston is a small hamlet between the two larger settlements.
- 5.3 The remainder of the neighbourhood area is attractive rolling countryside within the wider context of the Chilterns Area of Outstanding Natural Beauty (AONB). It includes the Aston Rowant National Nature Reserve.

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 Lewknor 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 Postcombe 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 20 July 2023. I approached it from the M40. 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 Lewknor. I saw the way in which the village was attractively arranged around the junction of Watlington Road, High Street, Weston Road, and Hill Road. I walked to the east to the attractive school and the Church. The village has a pleasant tranquillity despite its proximity to the M40 (to the east).
- 5.11 I took the opportunity to look at the proposed local green spaces in the village. I also walked to the eastern end of High Street and saw the Village Hall and the adjacent play area.
- 5.12 I then drove to the Lambert Hotel on the A40 between Lewknor and Postcombe.
- 5.13 I then drove to Postcombe. I saw its position on the A40 and the importance of the petrol station/garage and the England's Rose public house and bed and breakfast facilities to the local community.
- 5.14 I took the opportunity to walk into the village itself to the east of the A40. I saw its interesting range of buildings including the impressive Adwell Farm. I looked in detail at the proposed local green space in Box Tree Lane.
- 5.15 I left the neighbourhood area on the A40 heading to Tetsworth to the north.

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 2023 (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 Lewknor Parish 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 safeguarding the Chilterns AONB.
- 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 a policy for commercial and business uses (Policy FI6). In the social role, it includes policies on the mix of houses (Policy HO1) and community facilities (Policy FI2). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on heritage (Policy CH1), on landscape (Policy CH2), on views (Policy CH3) on the AONB (Policy CH4) and on design (Policy DC2). 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 April 2020 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 both inside and outside the parish:
- Aston Rowant SAC;
 - Chiltern Beechwoods SAC; and
 - Little Wittenham SAC.
- 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 about these matters. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

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 LPC 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 the policies in the Plan.
- 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 9)

- 7.8 The Plan is well-organised and presented. It has been prepared with much attention to detail. 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 (Section 5) 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). Whilst the Plan period is shown in the front cover, I recommend that it is inserted in Section 5 to satisfy the prescribed matters (as set out in paragraph 2.6 of this report).

At the end of the final paragraph in Section 5 add: 'The Plan period is 2023 to 2040.'

- 7.10 Section 6 provides a background to the development of the Plan. Section 7 then sets out 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 very informative photographs.
- 7.11 Section 8 sets out the vision, aims and objectives for the Plan. It makes a strong functional relationship between the various issues which, in several cases, they feed directly into the resulting policies. The links between the aims and objectives as displayed in Section 8.2 are very informative.

7.12 Section 9 provides an overview of the policies. The policies are based around the following themes:

- Spatial Strategy;
- Landscape and Village Character;
- Design and Character of Buildings;
- Environment;
- Facilities and Infrastructure;
- Housing; and
- Transport and Highways.

7.13 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.

7.14 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 SS1: Settlement Boundaries

7.15 The policy defines settlement boundaries for Lewknor and Postcombe. It supports new development within the defined settlement boundaries and restates the position in the Local Plan towards development proposals in the countryside (outside the defined settlement boundaries).

7.16 In the round I am satisfied that the policy takes an appropriate approach to these matters and meets the basic conditions. Its broader effect is to establish a spatial strategy for the parish which will focus new development in sustainable locations.

7.17 SODC raises specific queries about the way in which the settlement boundaries have been defined in both Lewknor and Postcombe. In its response to the clarification note LPC agreed with the suggested changes. I have considered these issues very carefully. Given the definition used in the Plan to define the settlement boundaries I am satisfied that the suggested refinements to the settlement boundaries are appropriate and I recommend accordingly. Otherwise, the policy meets the basic conditions. It will contribute to each of the three dimensions of sustainable development.

Revise the settlement boundaries as suggested in Comment 9 of the SODC representation

Policy CH1: Conserving Heritage

7.18 This policy sets out the importance of new developments responding positively to heritage assets (including the Lewknor conservation area, designated and non-designated heritage assets). Appendix 3 of the Plan identifies a proposed package of non-designated heritage assets.

7.19 As submitted, the policy is wide-ranging and does not make a distinction between designated and non-designated heritage assets. In addition, it brings no added value to national and local planning policies on the conservation area and designated

heritage assets. I recommend that these issues are remedied by recasting the policy so that its focus is on the proposed package of non-designated heritage assets.

- 7.20 In this context I also recommend that four additional maps are included in the Plan to identify the location of the identified assets based on those in Lewknor (Sections 5.1.1 and 5.1.2 of the appendix), in South Weston (Section 5.2 of the appendix), in Postcombe (Section 5.3 of the appendix) and elsewhere in the parish (Section 5.4 of the appendix). I also recommend consequential modifications to the supporting text. On this basis the policy will meet the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with:

‘The Plan identifies non-designated heritage assets (as shown on Maps Insert numbers).

The effect of a development proposal on the significance of the identified non-designated heritage asset should be taken into account in determining planning applications. In weighing applications that directly or indirectly affect an identified non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset concerned.’

Show the proposed non-designated heritage assets and the designated heritage assets on four additional plans (as set out in paragraph 7.20 of this report).

Include an additional paragraph at the end of Section 11.1 to read:

‘National and local policies already provide a robust context to safeguard the conservation area and the various listed buildings in the parish. As part of the preparation of the neighbourhood plan, the Steering Group, on behalf of the Parish Council has undertaken an assessment of the significance of non-designated heritage assets. Important buildings are described in Appendix 3. Policy CH1 translates this information into a policy context and in doing so identifies the various buildings as non-designated heritage assets. The buildings are shown on Maps [insert numbers].’

Policy CH2: Landscape Character

- 7.21 This policy comments that any development should conserve and enhance the landscape character area in which it lies having regard to the South Oxfordshire Landscape Character Assessment document. It also highlights the importance of the Chilterns AONB in the parish.
- 7.22 The policy takes an appropriate approach to this matter. During the visit I saw that its landscape setting is a key component of its overall character. I recommend a detailed modification to the wording of the first part of the policy. I also recommend that its second sentence (on the AONB) is deleted and repositioned into the supporting text given that this matter is already addressed in the adopted Local Plan.
- 7.23 I also recommend a modification to the second part of the policy so that it can be applied in a proportionate way by SODC throughout the Plan period. Otherwise, the

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

In the first part of the policy replace ‘Any development’ with ‘Development proposals’

In the first part of the policy delete the second sentence.

In the second part of the policy replace the opening element with: ‘As appropriate to their scale, nature and location, development proposals should respect:’

Insert the deleted second sentence of the first part of the policy at the end of the final paragraph of the supporting text in Section 11.2.

Policy CH3: Protection of Views

- 7.24 This policy has two related aspects. The first is that any proposed development should preserve or enhance the local character of the landscape and not have a significant adverse impact on the identified important views. The second identifies fourteen views as having specific significance in the parish. The policy is underpinned by the details in Appendix 4.
- 7.25 I looked carefully at a selection of the views during the visit. They help to describe the character of the parish. I am satisfied that they are appropriate to be safeguarded in the policy.
- 7.26 I recommend that the order of the components of the policy is reversed so that the views are listed initially followed by the policy. I also recommend detailed modifications to the wording used to bring the clarity required by the NPPF. I also recommend that the map of the views in Appendix 4 is reproduced in the Plan itself. I recommend other consequential modifications including repositioning the reference to Appendix 4 into the supporting text. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Reverse the order of the two parts of the policy.

In the part listing the views replace the opening element with: ‘The Plan identifies important views in the Parish (as shown on Figure Insert number) as being of special significance for the character and setting of the parish and its villages as follows:’

Replace the policy element with: ‘Development proposals should preserve or where practicable enhance the local character of the landscape and respond positively to the identified important views.’

At the end of the penultimate paragraph of the supporting text in Section 11.3 add: ‘Figure [insert number] reproduces the map from Appendix 4.’

Policy CH4: The Chilterns Area of Outstanding Natural Beauty

- 7.27 This policy sets out a policy approach for the Chilterns Area of Outstanding Natural Beauty (AONB). It is based on national and local planning policies.
- 7.28 The policy takes a positive approach to this important matter. I recommend a package of detailed modifications to the wording of the policy to bring the clarity required by the NPPF and to ensure that it has regard to national policy. The recommended modifications reflect that whilst they are excellent documents in their own rights, the AONB Management Plan and the Chilterns Buildings Design Guide do not form part of the development plan. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the opening element of the policy with:

‘Proposals for major developments in the Chilterns Area of Outstanding Natural Beauty will not be supported other than in exceptional circumstances and where it can be demonstrated that development is in the public interest, as defined by national planning policy.’

Development proposals within the Chilterns Area of Outstanding Natural Beauty, or affecting the setting of the Chilterns Area of Outstanding Natural Beauty, will only be supported where they:’

In i) replace ‘conserves and enhances’ with ‘conserve and enhance’

In ii) replace ‘is appropriate’ with ‘are appropriate’

In iii) replace ‘meets the aims of’ with ‘has regard to’ and delete ‘statutory’

In iv) replace ‘complies’ with ‘comply’

Replace v) with ‘are designed to avoid unacceptable impacts (including cumulative effects), unless any harm can be satisfactorily mitigated’

Policy DC1: Character of Developments

- 7.29 This policy comments that new developments and extensions to properties should be in harmony with the rural character of the parish and its landscape and enhance the sense of place and local distinctiveness. It also comments that development proposals will be supported where they meet a series of criteria.
- 7.30 The policy has been well-considered. It is a very good local response to Section 12 of the NPPF. The criteria in the policy are commendably distinctive to the parish.
- 7.31 I recommend that the initial part of the policy is modified so that it acknowledges that it may not always be practicable for proposals to enhance the sense of place and local distinctiveness of the parish. In addition, I recommend the modification of the unnecessary reference to the details of the parish. I also recommend detailed modifications to the first two criteria in the policy. They reflect that the whilst they are excellent documents in their own rights, the AONB Management Plan and the Chilterns

Buildings Design Guide do not form part of the development plan. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

In the initial part of the policy replace ‘Lewknor parish’ with ‘the parish’ and ‘and enhance’ with ‘and where practicable enhance’

Replace the first two criteria with:

i. implement the best practices set out in the Joint Design Guide; and have regard to the Chilterns Buildings Design Guide;

ii. where a Design and Access Statement is required and the development is in the Chilterns Area of Outstanding Natural Beauty or its environs, it should explain how it complies with the Joint Design Guide and has regard to the Chilterns Buildings Design Guide

Policy DC2: Design Principles

- 7.32 This policy sets out the Plan’s approach to design. It advises that proposals for new development or for changes to existing buildings, including extension or change of use, must demonstrate how the design and layout fits in with the local character of the area and addresses a series of design criteria.
- 7.33 As with Policy DC1, the policy has been well-considered. It is a very good local response to Section 12 of the NPPF. The criteria in the policy are commendably distinctive to the parish.
- 7.34 I recommend that the opening element of the policy is modified so that the policy can be applied proportionately by SODC throughout the Plan period. Whilst the principles of good design apply to all development, many of the criteria in the policy will not directly apply to minor and domestic proposals, I also recommend detailed modifications to some of the criteria. Their contents are based on the suggestions made by SODC. In turn they will bring the clarity required by the NPPF and allow SODC to apply the policy in a consistent fashion throughout the Plan period.
- 7.35 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the opening element of the policy with:

‘As appropriate to their scale, nature and location, development proposals should incorporate designs and layouts that respond positively to the local character of the area and address the following principles:’

Replace iv. with: ‘boundary treatments to highways and village lanes should comprise, where practicable, native hedgerow (or species appropriate to the site’s growing conditions), or stone, brick or flint boundary walls as appropriate to the immediate context of the site.’

Replace the final part of viii. with: ‘All new residential developments should provide for the parking of vehicles in accordance with Oxfordshire County Council’s parking standards, unless specific evidence is provided to justify a departure from those standards.’

In ix. replace ‘permitted’ with ‘supported’

Replace xii. with ‘roads and footpaths should not feature street and/or path lighting unless it is a requirement of a statutory body, in which case renewable energy solutions (such as solar lighting) are encouraged.’

Replace xiii. with: ‘it should avoid the installation of kerbs to new or existing village lanes or roads. Where such an approach is impracticable, the use of more sympathetic materials / construction design, as identified in Oxfordshire County Council’s Residential Road Design Guide, should be used in preference to the installation of precast concrete kerbs.’

In xiv. replace ‘greenhouse gases’ with ‘carbon emissions’

Policy DC3: Sustainable Design

- 7.36 This policy indicates that new buildings should be energy and water-efficient and be future-proofed to accept new technologies during their lifetimes.
- 7.37 The policy has been well considered. I recommend detailed modifications to the second criteria to clarify its intentions. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace ii. With ‘how the development has been future proofed for the provision of modern technology, such as high-speed broadband, electric vehicle charging points and ground or air source heat pumps.’

Policy EN1: Wildlife and Biodiversity

- 7.38 This policy identifies ten biodiversity principles which should be incorporated into new developments.
- 7.39 In the round the policy takes a positive approach to this matter and has regard to national policy. I recommend that the opening element of the policy is modified so that the policy can be applied proportionately by SODC throughout the Plan period. Whilst the principles of good design apply to all development, many of the criteria in the policy will not directly apply to minor and domestic proposals, I also recommend detailed modifications to some of the criteria. Their contents are based on the suggestions made by SODC. In turn they will bring the clarity required by the NPPF and allow SODC to apply the policy in a consistent fashion throughout the Plan period. In recommending the modifications I have taken account of LPC’s responses to the clarification note.
- 7.40 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

At the beginning of the policy add: ‘As appropriate to their scale, nature and location’

In the first criterion replace the second sentence with: ‘Where the loss of a mature tree or hedgerow is unavoidable, the proposals should make provision on site for species appropriate to the site’s growing conditions.’

At the end of the first criterion add ‘or in an approved alternative location in accordance with a compensation scheme provided as a condition of planning permission.’

Replace the second criterion with: ‘Where appropriate, incorporate landscape schemes which use species appropriate to the site’s growing conditions.’

In iv. delete the first sentence.

In x. replace ‘outside’ with ‘adjacent to’ and ‘should not normally be permitted’ with ‘will not be supported’

Policy EN2: Aston Rowant National Nature Reserve

- 7.41 The Plan comments that the Aston Rowant National Nature Reserve (NNR), and Site of Special Scientific Interest is one of the largest surviving complexes of beech woodland, mixed scrub, juniper, and chalk grassland in the Chilterns. Such habitats are now largely fragmented by agricultural improvement, the cessation of traditional grazing systems and afforestation. The NNR falls wholly within the parish. It is a European Special Area of Conservation.
- 7.42 The policy seeks to establish that any new development respects the character and importance of the NNR.
- 7.43 I recommend that the policy is reconfigured so that it sets out the requirements for development proposals rather than restating the importance of the NNR itself. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the policy with:

‘Development proposals at the Aston Rowant National Nature Reserve should conserve and where practicable enhance its status as a Site of Special Scientific Interest/Special Area of Conservation. In addition, any development proposals within the Reserve should result in a biodiversity net gain of at least 10% through the incorporation of measures including land management approaches such as grazing regimes, restoring hedgerows, reinstating ponds, reverting arable land to chalk grassland, and joining up islands of ancient woodland or chalk grassland.’

Policy EN3: High Grade Agricultural Land

- 7.44 This policy comments that proposals for development on land outside the built-up part of the Plan area in the areas shown as Excellent and Very Good Agricultural Land will not be supported, unless the development is necessary and suitable for that specific countryside location
- 7.45 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Policy FI1: Local Green Spaces

- 7.46 Proposes the designation of six local green spaces (LGSs). Five are in Lewknor and one in Postcombe. The approach taken in the policy is underpinned by the details in Appendix 2.
- 7.47 On the basis of all the information available to me, including my own observations, I am satisfied that proposed LGSs i. to v. comply with the three tests in paragraph 102 of the NPPF. In several cases, they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy.
- 7.48 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.
- 7.49 Proposed LGS vi (Wooded area next to Box Tree House) presents a different set of issues. In Appendix 2 it is described as a rectangular plot, wild and unmaintained in Box Tree Lane. I looked at the proposed LGS carefully during the visit both from Box Tree Lane and from the footpath adjacent to the site. I also saw that it was on a raised level from that of Box Tree Lane. In addition, the analysis in Appendix 2 suggests that the LPC had assessed its potential as a future playground rather than its inherent value as a LGS (as advised in paragraphs 101 and 102 of the NPPF).
- 7.50 In its response to the clarification note LPC commented that:

'The Box Tree Lane LGS is proposed, as well as for its potential recreational value, for its tranquillity and the richness of its wildlife, as set out in the analysis in clause 5.5. In lieu of any agreement with the landowner for use as a playground, these environmental criteria have greater local significance than its potential use as a playground'

- 7.51 I have considered this matter very carefully. On the balance of the evidence, I am not satisfied that the site has the characteristics to warrant its designation as a LGS. As such it cannot demonstrate that it is demonstrably special to the local community and

holds a particular local significance as required by paragraph 102 of the NPPF. It is not readily visible within Postcombe and there is no specific evidence to suggest that the biodiversity on the site is different to that which will otherwise be found in parcels of agricultural or open land on the edge of the village. In these circumstances I recommend the deletion of the proposed LGS.

- 7.52 The policy itself sets out to follow the matter-of-fact approach in paragraph 103 of the NPPF. Nevertheless, I recommend detailed modifications to the wording used to bring the clarity required by the NPPF.
- 7.53 I also recommend that the map of the LGSs in Appendix 2 is reproduced in the Plan itself (without LGS vi). Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

Replace the opening part of the policy with:

‘New development will not be supported, except in very special circumstances, on the following designated Local Green Spaces (as shown on Map insert number):

Delete LGS vi Wooded area next to Box Tree House

Reproduce the map of the LGSs in Appendix 2 in the Plan itself (without LGS vi)

Policy FI2: Community Facilities

- 7.54 This is a wide-ranging policy on community facilities. It offers support to proposals which would deliver new community facilities or improve the accessibility of existing facilities.
- 7.55 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Policy FI3: Sustainable Movement

- 7.56 This is a wide-ranging policy on sustainable movement. It addresses footpaths, safe routes to school and cycleways.
- 7.57 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Policy FI4: Green Energy

- 7.58 This policy comments that proposals for individual and community scale renewable energy schemes will be supported where they meet a series of criteria.
- 7.59 In the round, I am satisfied that this policy takes an appropriate approach to this important matter and has regard to national policy. Within this context, I recommend detailed modifications to the wording of the criteria so that they will have the clarity required by the NPPF and can be applied in a consistent way by SODC. Otherwise,

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

In ii. replace ‘create a negative’ with ‘have an unacceptable’

In iii. replace ‘adverse’ with ‘unacceptable’

In iv. replace ‘cause detrimental’ with ‘have an unacceptable’

Policy FI5: Utilities

- 7.60 This policy sets out advice for developers on water supply and the delivery of communications/IT services.
- 7.61 SODC questions the need for the first part of the policy given the contents of the adopted Local Plan. In its response to the clarification note LPC advises that it wishes to reinforce such matters in the Plan. I have considered this matter very carefully. On the balance of the evidence, I am satisfied that the first part of the policy should remain in the Plan given the significance of the chalk streams in the parish and the information in the supporting text. Nevertheless, I recommend that it is reconfigured to bring the clarity required by the NPPF and to provide detailed advice to developers. I also recommended that this part of the policy is worded so that it can be applied on a proportionate basis.
- 7.62 I also recommend detailed modifications to the second part of the policy to bring the clarity required by the NPPF and to allow SODC to be able to apply its contents in a consistent way in the Plan period. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

In the Utilities part of the policy replace ‘Development proposals will be supported, provided it can be demonstrated that, where appropriate:’ with ‘As appropriate to their scale, nature and location, development proposals should demonstrate that:’

In the Communications part of the policy replace ‘providing they do not detrimentally impact the character, any views or biodiversity’ with ‘where they respond positively to the character of the immediate locality of the site, the key views identified in Policy CH3 of this Plan, and to the biodiversity of the site and its immediate surroundings’

Policy FI6: Employment, Economic and Commercial Development

- 7.63 This policy offers support commercial development subject to a series of criteria. The second part of the policy offers specific support to tourism and conservation initiatives.
- 7.64 I recommend a series of modifications to the policy to bring the clarity required by the NPPF. I recommend the deletion of the initial part of the policy as the broader issue of the acceptability of proposals is addressed in the various criteria in the main part of the policy itself. Some of the recommended modifications reflect the suggestions made by SODC. In other cases, they are proposed to ensure that SODC can implement the

policy consistently throughout the Plan period. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the economic and environmental dimensions of sustainable development.

Delete the opening element of the policy.

Replace the opening element of the first part of the policy with: ‘Development proposals for employment, economic and commercial development will be supported subject to the following criteria:’

In the first bullet point replace ‘which is’ with ‘where they are’

In the second, third and fifth bullet points replace ‘should’ with ‘they’

Replace the fourth bullet point with: ‘do not have an unacceptable residual cumulative impact on the road network or give rise to unacceptable effects on the environmental quality of the rural areas and villages within the neighbourhood area and should identify the way in which they would be satisfactorily accommodated within the local highways network.’

In the second part of the policy replace ‘support’ with ‘consolidate’

Replace the three criteria with:

- **respond positively to their immediate locality;**
- **are located, and designed to respect the character of the local landscape; and**
- **respond positively to the scenic beauty of the Chilterns Area of Outstanding Natural Beauty and its setting and the character and appearance of the Conservation Areas.**

Policy HO1: Housing Mix

- 7.65 This policy comments that proposals for new residential development should consist of an appropriate mix of properties.
- 7.66 The policy largely repeats the contents of Policy H11 of the Local Plan. In these circumstances, I recommend that it is deleted and that the supporting text is consolidated accordingly. In coming to this conclusion, I have taken account of LPC’s response to the clarification note.

Delete the policy

At the end of the second paragraph of Section 15.1 add: ‘This approach reflects the details of Policy H11 of the adopted Local Plan.’

Policy TH1: Sustainable Transport

- 7.67 This policy comments that any developments which would lead to a significant increase in traffic should be accompanied by a travel plan which seeks to maximise the use of sustainable modes of transport.

- 7.68 As submitted, the policy reads as a process requirement (the submission of a travel plan) rather than as a land use policy. I recommend that the policy is recast to remedy this matter. I also recommend that the submitted policy is repositioned into the supporting text. 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:

‘Development proposals should seek to maximise the use of sustainable modes of transport and minimise the additional traffic within the neighbourhood area. Development proposals which would have an unacceptable impact on the capacity and/or the safety of the local highways network will not be supported.’

At the end of the final paragraph of Section 16.1 add: ‘These matters are addressed in Policy TH1. Development proposals which would lead to a significant increase in traffic should be accompanied by a travel plan.’

Policy TH2: Vehicle Traffic

- 7.69 This policy comments that proposals will be supported which mitigate the impact of vehicle traffic. I recommend that the policy is recast to reflect its broader intentions and seek to mitigate the impacts both of traffic from the development itself, and the impacts of existing traffic on strategic routes from the occupiers of new development. The recommended modification removes the traffic management measures from the policy as they are highways rather than land use matters. It includes a proportionate element to allow SODC to apply it in a consistent and clear fashion. 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:

‘As appropriate to their scale, nature and location, development proposals should mitigate the impact of vehicular traffic by incorporating land for natural screening including tree planting and hedgerows, and designing their layouts to reduce the impact of noise from the M40 motorway and other main roads.’

Other Matters - General

- 7.70 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 LPC 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

- 7.71 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.
- 7.72 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. They have been agreed by LPC
- 7.73 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.

Modification of general text to update the Plan and correct errors

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 2040. 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 to designate local green spaces.
- 8.2 Following the independent examination of the Plan, I have concluded that the Lewknor Parish 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 Lewknor Parish Neighbourhood Development Plan should proceed to referendum.

Other Matters Date

- 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 18 October 2017.
- 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
13 September 2023