

Towersey Neighbourhood Development Plan 2023-2040

**A report to South Oxfordshire District Council on
the Towersey 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 Towersey 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 designation of a series of Local Green Spaces. The third is the identification of a proposed Local Gap.
- 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
6 October 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Towersey Neighbourhood Development Plan 2023-2040 ('the Plan').
- 1.2 The Plan was submitted to South Oxfordshire District Council (SODC) by Towersey Parish Council (TPC) 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 appearance.
- 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 become part of the wider development plan and be used to determine planning applications in the neighbourhood area.

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 TPC, to conduct the examination of the Plan and to prepare this report. I am independent of both SODC and TPC. 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 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 2020).
 - the representations made to the Plan.
 - TPC'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.
- 3.4 This report is a replacement of the original report (13 September 2023). The only revision is to the recommended modification for Policy TOW7. The revision reflects practical difficulties which TPC and SODC encountered in its translation into the referendum version of the Plan.

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), TPC 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.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event. Section 3 sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan
- 4.4 The Statement also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (June to July 2022). Sections 5 and 6 of the Statement advise about the extent to which the Plan was refined as a result of this process.
- 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 28 June 2023. This exercise generated representations from the following organisations:
- South Oxfordshire District Council
 - Historic England
 - Coal Authority
 - Natural England
 - Thames Water
 - Oxfordshire County Council
- 4.7 Comments were also received from two residents. 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 Towersey. Its population in 2011 was 433 persons living in 178 households. It is situated on the Thame Road in the centre of the parish between the larger settlements of Thame, Chinnor, Princes Risborough and Haddenham. It was designated as a neighbourhood area on 24 August 2016.
- 5.2 Towersey is the principal settlement in the parish. It is based around St Catherine's Church and the junction of Thame Road, Chinnor Road and Manor Road. Windmill Road and Windmill Close are located around 150 metres to the west of the main settlement off Thames Road.
- 5.3 The remainder of the neighbourhood area is attractive countryside.

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 Towersey 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 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

- 5.7 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.

- 5.8 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 Thame. 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 the proposed Local Gap between the two parts of the village. I saw the way in which it related to self-contained parcels of land on either side of Thame Road. I also saw its relationship with the Recreation Ground.
- 5.11 I then took the opportunity to look at the village centre. I saw the importance of the Memorial Hall and the Three Horseshoes PH. I walked across the village green and saw the tree planted as part of The Queen's Green Canopy to celebrate the Platinum Jubilee in 2022. I appreciated the tranquillity of the village.
- 5.12 Thereafter I walked along Manor Road to look at White's Field
- 5.13 I walked up to Lower Green to look at the village pond. I then took the opportunity to walk out into the surrounding countryside along the well-used footpath network.
- 5.14 I left the neighbourhood area by driving to the south along the Chinnor Road. This helped me to understand its position in the wider landscape and its accessibility to other settlements in this part of the District.

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 Towersey 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.
- 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 infill residential development (Policy TOW1). In the social role, it includes policies on local green spaces (Policy TOW6), and on community facilities (Policy TOW8). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on design (Policy TOW4), on local heritage assets (Policy TOW5), and on the identification of a Local Gap (Policy TOW11). 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 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 outside the parish:
- the Aston Rowant SAC; and
 - the Chiltern Beechwoods 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 TPC 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 Plan's policies.
- 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 4)

- 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 Plan period (in paragraph 1.1).
- 7.10 Section 2 comments about the way in which the Plan was prepared. It identifies the neighbourhood area (in Plan A). The breakdown of events overlaps with the Consultation Statement.
- 7.11 Section 3 provides information about the neighbourhood area. It provides interesting and comprehensive details which help to set the scene for the eventual policies. It addresses the following matters:
- Village Spirit (Section 3.2);
 - Landscape and Natural Environment (Section 3.3);
 - History (Section 3.4); and
 - Character Appraisal (Section 3.5).

- 7.12 Section 4 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. It also 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 ambition for the parish as follows:

‘A small, tranquil, “green” village of agricultural origin, surrounded by open countryside, with housing, amenities and services that support and encourage a vibrant and sociable local community.’

- 7.13 The Vision is underpinned by seven objectives. The relationship between the objectives and the policies is helpfully shown in paragraph 4.2.8.
- 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 TOW1 Village Boundaries and Infill Development

- 7.15 This policy sets out a spatial strategy for the parish based on the identification of a village boundary. Its approach is to focus new development within the identified village boundary to ensure that it is in a sustainable location with good access to established community facilities. Paragraph 5.1.3 helpfully comments about the definition of infill development as used in the policy.
- 7.16 In general terms the policy takes a positive approach to this matter. I recommend a detailed modification to the wording of the third part of the policy so that its approach has regard to national policy. I also recommend that the supporting text clarifies where the Policies Map can be found in the Plan. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the third part of the policy with: ‘Proposals for development outside the Village Boundary will only be supported where they are considered appropriate rural development as defined by the NPPF, and are consistent with other policies in the development plan including the other policies in this Plan.’

In paragraph 5.0.2 Replace ‘shown on the Policies Map attached to the document’ with ‘shown on the Policies Map (pages 63 and 64)’

Policy TOW2 Housing Mix

- 7.17 This policy comments that new infill residential developments should provide homes to address the nature of local needs and contribute to the objective of creating a mixed and balanced community. The policy comments that to achieve this objective, the housing mix of new infill residential development is preferred to comprise 1-, 2- and/or 3-bedroom homes.
- 7.18 The policy is underpinned by evidence from the Village Survey and Local Insight, (a tool developed by Oxford Consultants for Social Inclusion) and earlier work on housing needs undertaken by SODC.

- 7.19 In general terms, the policy takes a positive approach to this important matter. I recommend that the first sentence of the policy is modified by the deletion of the word 'infill'. This will allow the policy to be applied throughout the parish. I also recommend that the second sentence is recast so that it has a policy format. As submitted the policy simply sets out a preference for smaller houses. In addition, the recommended modification acknowledges that the development of only 1-3 bedroomed houses may not always be practicable or viable. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

In the first sentence of the policy delete 'infill'

Replace the second sentence with: 'Wherever practicable and viable, new developments should consist of 1-, 2- and/or 3-bedroom homes.'

Policy TOW3 Climate Change Mitigation Zero Carbon Buildings

- 7.20 This policy concentrates on building efficiency. The Plan comments that it is intended to be a temporary measure as in due course it is expected that a new Local Plan and possibly revised national policy will impose higher energy efficiency standards across the District.
- 7.21 The policy has five parts and is intended deliver a step change in the energy performance of all new developments in the parish. It encourages and incentivises the use of the Passivhaus or equivalent standard of building design. Along with the passive design capacity assessment, it is anticipated that designers will demonstrate compliance using a design for performance methodology such as the Passivhaus Planning package or CIBSE TM34 Operational Energy. The Plan also comments that achieving this level of performance will make a significant contribution to mitigating climate change.
- 7.22 The approach taken on this matter is both comprehensive and ambitious. As the Plan acknowledges the policy context for encouraging higher energy efficiency standards at a local plan or neighbourhood plan scale is complex.
- 7.23 The policy attracted detailed comments in the consultation exercise. In its representation on the Plan SODC commented that:

'(the) policy requires Passivhaus technology and though proposed in the context of where such an approach is 'feasible,' the policy does not offer any definitive guidance on how feasibility would be assessed – leading to detailed technical debates between the council and the developer concerned. This does not align with national policy and guidance requiring that plans should be clear and unambiguous and drafted with sufficient clarity that a decision maker can apply them consistently and with confidence.'

It proposes amendments to the policy so that its focus shifts from one which requires the standards set out in the policy to one which offers support or encouragement.

- 7.24 I sought TPC's views on SODC's representations in the clarification note. The initial response (from TPC) was minded to agree with the suggested changes. A later

comment from consultants acting for TPC drew my attention to other plans which had included policies of this type.

- 7.25 I have considered these various approaches to the policy very carefully. In doing so, I have looked in detail at national and local policies on this matter.
- 7.26 National policy is set out in the NPPF. Its paragraph 153 sets the scene in commenting that plans should take a proactive approach to mitigating and adapting to climate change. Paragraph 155 continues by commenting that (amongst other things) that plans should help increase the use and supply of renewable and low carbon energy and heat, by providing a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).
- 7.27 Planning Practice guidance (PPG) considers these matters in further detail. PPG ID:6-009-20150327 comments that

'The National Planning Policy Framework expects local planning authorities when setting any local requirement for a building's sustainability to do so in a way consistent with the government's zero carbon buildings policy and adopt nationally described standards. Local requirements should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability. In this respect, planning authorities will need to take account of government decisions on the Housing Standards Review when considering a local requirement relating to new homes. If considering policies on local requirements for the sustainability of other buildings, local planning authorities will wish to consider if there are nationally described standards and the impact on viability of development.'

- 7.28 PPG ID:6-012-20190315 comments that:

'The Planning and Energy Act 2008 allows local planning authorities to set energy efficiency standards in their development plan policies that exceed the energy efficiency requirements of the building regulations. Such policies must not be inconsistent with relevant national policies for England. Section 43 of the Deregulation Act 2015 would amend this provision, but is not yet in force. The Written Ministerial Statement on Plan Making dated 25 March 2015 clarified the use of plan policies and conditions on energy performance standards for new housing developments. The statement sets out the government's expectation that such policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes (this is approximately 20% above current Building Regulations across the build mix).'

- 7.29 Policies DES8-10 of the adopted Local Plan provide local guidance on this important matter. Paragraph 8.30 of that Plan provides the context for the approach taken. It comments that the government has established that through Part L of the Building Regulations, emissions allowed from new buildings will be reduced incrementally and that "zero carbon" buildings will be required within the plan period. It also comments that the Housing and Planning Act 2016 stipulated that a review of minimum energy

performance requirements under Building Regulations must be carried out and it is expected that current standards will be improved with the introduction of the Future Homes Standard.

- 7.30 Policy DES8 comments that all new development, including building conversions, refurbishments, and extensions, should seek to minimise the carbon and energy impacts of their design and construction. It also comments that proposals must demonstrate that they are seeking to limit greenhouse emissions through location, building orientation, design, landscape, and planting taking into account any nationally adopted standards and in accordance with Policies DES10: Carbon Reduction and DES7: Efficient Use of Resources.
- 7.31 Policy DES10 provides more specific details and comments that a range of development proposals (including those for residential uses) should achieve at least a 40% reduction in carbon emissions compared with a code 2013 Building Regulations compliant base case. This reduction is to be secured through renewable energy and other low carbon technologies and/or energy efficiency measures. It also comments that the requirement will increase from 31 March 2026 to at least a 50% reduction in carbon emissions and again from 31 March 2030 to a 100% reduction in carbon emissions (zero carbon). Finally, it comments that these targets will be reviewed in the light of any future legislation and national guidance.
- 7.32 The implementation of Policy DES10 is expanded in the Joint Design Guide (June 2022). This Design Guide was prepared as part of South Oxfordshire and Vale of White Horse District Councils' commitment to securing the highest quality development within the districts. The guide builds upon and replaces previous local design guides and aligns with the National Design Guide (2019). It is intended to assist landowners, developers, applicants, agents, designers, and planners in the process of developing high quality development and in assessing its design quality. The guide is a Supplementary Planning Document (SPD). The section on climate and sustainability sets out a series of design standards to achieve the details of Policy DES10.
- 7.33 In November 2022 SODC published a technical advice note on Policy DES10. The note comments that whilst it is not an adopted policy document, and should not be read as such, it sets out how applicants should demonstrate compliance with the adopted policy. It also comments that it will be of use to SODC officers, developers, and applicants, elected Members, as well as any other interested parties. In this context it will be used extensively within the Plan period of the submitted Plan.
- 7.34 Taking account of all the information, I recommend modifications to the policy to ensure that it meets the basic conditions. The recommended modifications are underpinned by five key and related factors.
- 7.35 The first is that an independent examiner's role is to assess a neighbourhood plan against the basic conditions. Whilst it is widely anticipated that the national policies about the energy efficiency of new houses will change within the Plan period, it is not my role to seek to anticipate the details of that future approach. This would ultimately be a matter for any potential future review of a 'made' Plan to address.

- 7.36 The second is that there is no direct connection between the approach taken in Policy DES10 of the Local Plan (and the Joint Design Guide) and the proposed Policy TOW3. These circumstances will create fundamental problems in terms of the way in which the two policies will be applied in the Plan period. As such the proposed approach will not bring the clarity required by the NPPF. This conclusion is reinforced as the Local Plan policy is up-to-date and has recently been supplemented by the technical advice note.
- 7.37 The third is that the Written Ministerial Statement of March 2015 continues as an element of government policy. Whilst I have taken account of the responses to the clarification note, I have concluded that to all intents and purposes the policy requires Passivhaus technology. Whilst this is proposed in the context of where such an approach is 'feasible', the policy does not offer any definitive guidance on how feasibility would be assessed beyond the commentary in paragraph 5.3.3 that an applicant must demonstrate those factors which would make the delivery of Passivhaus technology unfeasible. The effect of such an approach would be that SODC and the developer concerned would need to engage in a detailed technical debate on this point. This would be onerous in general terms and within the specific context of SODC's recent publication of a technical advice note on buildings efficiency. In the round, I have concluded that the policy's approach is contrary to the Written Ministerial Statement. In any event such excellent technology may be overtaken by other similar approaches to building efficiency which come forward within the Plan period.
- 7.38 The fourth is that TPC has offered no direct evidence or assurance about the effect of the policy on new development in the parish. Its reference on viability to paragraph 5.3.4 of the Plan is too general, rather than to specific, local information. In addition, whilst I have noted CPC's comments on this matter there is no evidence available to me on this matter including any details from specific developers.
- 7.39 The fifth and final key factor is that the policy as submitted includes a series of elements which explain the proposed operation of the policy rather than being policy (Parts C/D/E).
- 7.40 Taking account of all these circumstances, I recommend a package of modifications to both the policy and to the supporting text. The recommended modifications to the submitted policy would result in a situation where the neighbourhood plan would offer a supportive context for development proposals in the parish to achieve more sustainable solutions than those required by the Local Plan policy rather than requiring this to be the case.
- 7.41 In specific terms, I recommend that the first two parts of the policy are modified so that they take on a less prescriptive format which has regard to national policy. The modifications have also been designed so that they will add value to Policy DES10 in the adopted Local Plan. In this context it is appropriate for a neighbourhood plan policy to offer support for carbon ready/Passivhaus buildings as opposed to requiring this to be the case.

- 7.42 In this context I recommend the deletion of parts C and E of the policy which would no longer apply to the wider policy. I also recommend a modification to the wording of Part D of the policy so that it more closely relates to the approach taken in the Local Plan.
- 7.43 I also recommend a consequential package of modifications to the supporting text.

Replace the policy with:

‘Development proposals which would be ‘zero carbon ready’ by design by minimising the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping will be supported. Consideration should be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon.

Proposals for a Passivhaus or equivalent standard buildings with a space heating demand of less than 15KWh/m²/year will be supported. Schemes that maximise their potential to meet this standard by proposing the use of terraced and/or apartment building forms of plot size, plot coverage and layout that are different to those of the character area within which the proposal is located will be supported, provided it can be demonstrated that the scheme will not have an unacceptable effect on the character area.

Proposals for major development should be accompanied by a Whole-Life-Cycle Carbon Emission Assessment, using a recognised methodology, to demonstrate actions have been taken to reduce embodied carbon resulting from the construction and use of the building over its life.’

Replace paragraphs 5.3.1 to 5.3.9 as follows:

‘Policies DES8-10 of the adopted Local Plan provide local guidance on this important matter. Its paragraph 8.30 provides the context for the approach taken and comments that the Government has established that through Part L of the Building Regulations, emissions allowed from new buildings will be reduced incrementally and that “zero carbon” buildings will be required within the plan period. The Housing and Planning Act 2016 stipulated that a review of minimum energy performance requirements under Building Regulations must be carried out and it is expected that current standards will be improved with the introduction of the Future Homes Standard. Policy DES10 sets the Council’s policy requirement for carbon reduction.

Policy DES8 of the Local Plan comments that all new development, including building conversions, refurbishments, and extensions, should seek to minimise the carbon and energy impacts of their design and construction. Proposals must demonstrate that they are seeking to limit greenhouse emissions through location, building orientation, design, landscape, and planting considering any nationally adopted standards and in accordance with Policies DES10 and DES7.

Policy DES10 of the Local Plan provides more specific details and comments that a range of development proposals (including those for residential uses) should achieve at least a 40% reduction in carbon emissions compared with a code 2013 Building Regulations compliant base case. This reduction is to be secured through renewable energy and other low carbon technologies and/ or energy efficiency measures. The policy comments that this requirement will increase from 31 March 2026 to at least a 50% reduction in carbon emissions and again from 31 March 2030 to a 100% reduction in carbon emissions (zero carbon). The policy also comments that these targets will be reviewed in the light of any future legislation and national guidance.

The implementation of Policy DES10 is expanded in the Joint Design Guide (June 2022). This Design Guide has been prepared as part of South Oxfordshire and Vale of White Horse District Councils' commitment to securing the highest quality development within the districts. The guide builds upon and replaces previous local design guides and aligns with the National Design Guide (2019). It is intended to assist landowners, developers, applicants, agents, designers, and planners in the process of developing high quality development and in assessing its design quality. The guide is a Supplementary Planning Document (SPD). The section on Climate and sustainability sets out a series of design standards to achieve the details of Policy DES10.

In November 2022 the District Council published a technical advice note on Policy DES10 of the Local Plan. The note comments that whilst it is not an adopted policy document, and should not be read as such, it sets out how applicants should demonstrate compliance with the adopted policy. It also comments that it will be of use to South Oxfordshire District Council officers, developers, and applicants, elected Members, as well as any other interested parties.

Policy TOW3 of this Plan builds on this comprehensive local approach. It will result in a situation where the neighbourhood plan would offer a supportive context for development proposals in the parish to achieve more sustainable solutions that those required by the Local Plan policy. Plainly the wider situation may be affected by changes to national or local planning policies on these matters in the Plan period.'

Policy TOW4 Design

- 7.44 This policy sets out a series of design principles for new development. They are informed by the Towersey Character Appraisal.
- 7.45 The policy has been well developed. I am satisfied that the principles are distinctive to the neighbourhood area and are underpinned by the information in the Character Appraisal. In the round the policy is an excellent local response to Section 12 of the NPPF.
- 7.46 In this broader context, I recommend a series of detailed modifications to the opening elements of the policy and to some of the principles. In places their effect is slightly unclear and repetitive. Whilst the modifications do not change the overall effect of the policy, they will bring the clarity required by the NPPF and allow SODC to be able to apply the policy consistently throughout the Plan period.

Replace the opening elements of the policy with:

‘As appropriate to their scale, nature and location, development proposals should sustain and where practicable enhance the character of the Parish and, where appropriate, the character and appearance of the Towersey Conservation Area and its setting as shown on the Policies Map.

Development proposals should also have full regard to the Towersey Character Appraisal and the following design principles:

Replace the first two bullet points with:

‘Maintain the prevailing character of one to two-storey, detached and semi-detached dwellings with consistent building lines in rectangular plots fronting onto main roads;

Respond to and compliments the prevailing material character which primarily consists of: red-facing brick, colour through render, some buff brick and stone, plain clay tile roofs with some Welsh slate, and a small number of thatched roofs;

In the third bullet point replace ‘prominence’ with ‘appearance’ and ‘number of’ with ‘several’

In the fourth bullet point replace ‘The importance’ with ‘Maintain the setting’ and ‘number of’ with ‘several’

In the fifth bullet point delete ‘the importance of’ and add ‘to’ after ‘adjacent’

In the sixth bullet point replace ‘importance’ with ‘prominence’

Policy TOW5 Local Heritage Assets

- 7.47 The policy identifies a series of buildings as Local Heritage Assets (as informed by the details in Appendix A). It then comments that development proposals that affect a Local Heritage Asset will be considered taking account of the scale of any harm or loss and the significance of the asset.
- 7.48 I looked at the proposed local heritage assets carefully during the visit. They contribute to the character of the parish and have been carefully selected. The policy has regard to Paragraph 203 of the NPPF. It meets the basic conditions and will contribute to the delivery of the social and environmental dimensions of sustainable development.

Policy TOW6 Local Green Spaces

- 7.49 The policy proposes the designation of a series of local green spaces (LGS). The policy is underpinned by the details in Appendix B.
- 7.50 On the basis of all the information available to me, including my own observations, I am satisfied that proposed LGSs comply with the three tests in paragraph 102 of the NPPF.

- 7.51 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.
- 7.52 In the case of the Duck Pond I recommend that the strip of highway land as identified by the County Council is excluded from the proposed designation. Otherwise, the proposed designations meet the basic conditions.
- 7.53 I recommend a detailed modification to the wording used in the supporting text.
- 7.54 The policy itself sets out to follow the matter-of-fact approach in paragraph 103 of the NPPF. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In relation to the proposed Village Pond (LGS1) exclude the strip of highway land as identified by the County Council from the proposed designation as shown on the Policies Map

Replace paragraph 5.6.3 with 'Policy TOW6 is underpinned by the details in Appendix B of this Plan.'

Policy TOW7 Green Infrastructure and biodiversity

- 7.55 The Plan comments that the parish contains a variety of green infrastructure that provides an environmental support system for communities and wildlife. It advises that the Network comprises Local Green Spaces, public rights of way (footpaths and bridleways), woodland, trees, hedgerows, ponds, and land of biodiversity value. 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.
- 7.56 The policy provides a good local interpretation of Section 15 of the NPPF. In the round, I am satisfied that there is sufficient in the Character Appraisal (September 2020) together with other published sources of information of green infrastructure in the parish to allow the policy to be applied through the development management process. Nevertheless, I recommend that the policy is recast 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 as follows:
- the repositioning of explanatory text in the first and second parts of the policy into the supporting text;
 - detailed changes to the wording used in parts A and B of the policy; and

- detailed changes to the order and the wording of part C of the policy to ensure that the overall approach of the policy has a positive focus.

7.57 I also recommend consequential modifications to the supporting text. 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 should have full regard to maintaining and, where practicable, improving the functionality of the green infrastructure and biodiversity assets including Local Green Spaces, public rights of way (footpaths and bridleways), woodland, trees, hedgerows, ponds, and land of biodiversity value, in the design of their layouts and landscaping schemes, including delivering a net gain to general biodiversity assets.’

Development proposals that would lead to an increase of green infrastructure and biodiversity assets will be supported where they are consistent with all other relevant policies of the development plan.

Proposals that would lead to an unacceptable loss of green infrastructure or biodiversity assets will not be supported.’

After the first sentence of paragraph 5.7.1 add: ‘The Parish contains a variety of Green Infrastructure that provides an environmental support system for communities and wildlife.’

At the end of paragraph 5.7.2 add: ‘As appropriate to the scale, nature and location of the development proposal a full survey of any affected green infrastructure or biodiversity assets should accompany the planning application concerned.’

Policy TOW8 Community Facilities

7.58 The Plan identifies three community facilities and applies a policy both for proposals which would enhance the facilities and others which may involve a loss of any of the three facilities. The policy properly takes account of the potential for the viability of the facilities to alter in the Plan period or for alternative facilities to come forward.

7.59 I looked carefully at the three facilities. Their importance to the community was self-evident. The policy has been carefully considered and meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Policy TOW9 Managing Traffic

7.60 This policy reflects TPC’s concerns over traffic movements in the parish. It comments that new developments should ensure that any associated improvements to the highway network in the Parish are in keeping with the character of the area, and where practicable, avoid urbanising highway infrastructure. The second part of the policy comments that where appropriate and necessary, development proposals will be

supported where they make contributions to improvements to the wider highways network, in order to mitigate their traffic impacts.

- 7.61 I recommend that the first part of the policy is deleted given that it addresses a series of issues which are not land use matters. I also recommend detailed modifications to the second part of the policy so that it has the clarity required by the NPPF and more directly relates to the development management process. I recommend consequential modifications to the supporting text. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the policy with: ‘Where appropriate and necessary, development proposals should make contributions towards improvements to the wider highways network in order to mitigate the impacts which would arise from their implementation.’

After the first sentence of paragraph 5.9.3 add: ‘Such measures are outside the planning process’

At the end of paragraph 5.9.3 add: Policy TOW9 sets out the way in which development proposals should contribute to wider improvements to the local highway network through the planning process as a direct outcome of the increases in traffic which they would generate and which would be necessary to maintain the safety and overall effectiveness of the network.’

Policy TOW10 Supporting Water Infrastructure

- 7.62 The policy seeks to ensure that development proposals address two matters. The first is that the sewer network can accommodate the additional demand for sewerage disposal either in its existing form or through planned improvements to the system in advance of the construction of the development. The second is that proposals will not increase flood risk from any source of flooding, including surface and ground water flooding.
- 7.63 The policy addresses issues of importance to the local community. Within this context I recommend that the policy is modified so that it sets out requirements for development proposals rather than commenting that they will be supported where they address these infrastructure requirements. Plainly other policies will influence the outcome of planning applications. I also recommend that the policy is worded in a way which will allow it to be applied proportionately. This will acknowledge that individual proposals will have different impacts on the highway network. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the opening element of the policy with: ‘As appropriate to their scale, nature and location development proposals should demonstrate that:’

Policy TOW11 Local Gap

- 7.64 The Plan identifies a Local Gap on open land along Thame Road for the purpose of preventing the coalescence of the two parts of the village of Towersey. It comments that development proposals within a Local Gap will only be supported if they do not harm, individually or cumulatively, its open character and if they consistent with and supportive of, the Plan.
- 7.65 I looked carefully at the proposed Local Gap during the visit. Its intended purpose was self-evident. In addition, the Gap has been drawn by reference to well-defined parcels of land. In the round, I am satisfied that the policy will fulfil and clear purpose in the parish. I recommend detailed modifications to the wording used in Part B of the policy so that it has the clarity required by the NPPF and will be more directly related to the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace Part B of the policy with: ‘Development proposals within the Local Gap will only be supported if they do not individually or cumulatively harm its open character and are consistent with development Plan policies and other policies in this Plan.’

Other Matters - General

- 7.66 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 TPC 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

- 7.67 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.
- 7.68 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 TPC
- 7.69 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 based on parts 1-3, 8 and 13-17 of SODC's representation.

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 its heritage assets.
- 8.2 Following the independent examination of the Plan, I have concluded that the Towersey 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 Towersey 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 24 August 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
6 October 2023