

East Hagbourne Neighbourhood Development Plan Review 2018-2033

**A report to South Oxfordshire District Council on
the East Hagbourne Neighbourhood Development
Plan Review**

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Executive Summary

- 1 I was appointed by South Oxfordshire District Council in January 2024 to carry out the independent examination of the review of the East Hagbourne Neighbourhood Development Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 24 January 2024.
- 3 The Plan is an excellent example of a neighbourhood plan review. It seeks to bring the Plan up-to-date and responds to the adoption of the South Oxfordshire Local Plan. It includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area.
- 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 East Hagbourne Neighbourhood Development Plan Review meets all the necessary legal requirements and should be made by South Oxfordshire District Council.

Andrew Ashcroft
Independent Examiner
8 February 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the East Hagbourne Neighbourhood Development Plan Review 2018-2033 ('the Plan').
- 1.2 The Plan was submitted to South Oxfordshire District Council (SODC) by East Hagbourne Parish Council (EHPC) 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 (and a review of a 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.

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 EHPC, to conduct the examination of the Plan and to prepare this report. I am independent of both SODC and EHPC. 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 The examination process for the review of a 'made' neighbourhood plan is set out in Section 3 of this report.
- 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.
- the EHPC Modification Statement.
- the SODC Modification Statement.
- the twelve appendices (including the Design Guide and Codes).
- the representations made to the Plan.
- EHPC's responses to the clarification note.
- the adopted South Oxfordshire Local Plan (2011-2035).
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 24 January 2024. 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.

The examination process for the review of a neighbourhood plan

3.4 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as and when qualifying bodies seek to review 'made' neighbourhood plans and introduces a proportionate process to do so based on the changes proposed.

3.5 There are three types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves and as follows:

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

the independent examiner, are not so significant or substantial as to change the nature of the plan; or

- material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

3.6 EHPC has considered this issue. It takes the view that the proposed changes to the 'made' Plan fall into the second category.

3.7 SODC has also undertaken a separate assessment of the issue. It takes the same view as EHPC on the scale and nature of the modifications to the policies in the 'made' Plan.

3.8 I have considered these assessments very carefully. I have concluded that the review of the Plan includes material modifications which do not change the nature of the Plan and which would require examination but not a referendum. I have reached this decision for the following reasons:

- the new policies largely update those in the 'made' Plan and respond to recent changes in national policy; and
- the modifications to the existing policies will bring the Plan up to date to reflect changes in national and local planning policy.

3.9 In these circumstances I will examine the Plan against Schedule A2 of the Planning and Compulsory Purchase Act 2004. The regulations identify that this report must recommend one of three outcomes:

- that the local planning authority should make the draft plan; or
- that the local planning authority should make the draft plan with the modifications specified in the report; or
- that the local planning authority should not make the draft plan.

3.10 Section 7 of this report assesses each policy in turn and identifies any modifications required to ensure that the policy meets the basic conditions. My recommendation is then set out in Section 8.

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), EHPC 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 initial part of the Statement records the various activities that were held to engage the local community. This process reflects the nature of the review of the 'made' Plan. The Statement also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (March to May 2023).
- 4.4 Appendices 2 and 3 of the Statement provide details about how the Plan was refined because of this process. This helps to explain the way in which the Plan was refined following on from that consultation exercise.
- 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 21 September 2023. This exercise generated representations from the following organisations:
- Historic England
 - Thames Water
 - Hagbournes and Upton Group for Sustainability
 - South Oxfordshire District Council
 - Natural England
 - Oxfordshire County Council
- 4.7 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, this report refers to 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 East Hagbourne. It was designated as a neighbourhood area on 31 March 2016.
- 5.2 East Hagbourne lies to the south of Didcot and is surrounded on three sides by open countryside. The wider parish extends to the small hamlet of Coscote to the west, and to Hagbourne Mill on the road to Blewbury. To the north, the village continues along New Road towards Didcot, and the newer area of Bishop's Orchard.
- 5.3 The historic core of the village consists of Main Road, part of Blewbury Road and Tadley. It is designated as a Conservation Area. The SODC character study of the conservation area notes that despite its proximity to Didcot, East Hagbourne has retained a strong rural character with a distinct identity.

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 East Hagbourne 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 In the round 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 24 January 2024. I approached it from Didcot to the north. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network. It also highlighted the significance of the Local Green Gaps between Didcot and East Hagbourne and the way that they are addressed in the Plan.
- 5.10 I looked at the parts of the neighbourhood area that are most affected by the policies in the Plan. I paid particular attention to assessing the continued appropriateness of the designated local green spaces and the integrity of the Local Green Gaps.
- 5.11 I also took the opportunity to look at some of the ongoing development of the allocated housing site by Deanfield Homes.
- 5.12 I appreciated the continued attractiveness and tranquillity of the neighbourhood area.

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 East Hagbourne Neighbourhood Development Plan Review:
- 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. In addition, it seeks to update the 'made' Plan to take account of changes in national policy since 2019.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID: 41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for residential development (Policies H1 and H3). In the social role, it includes policies on housing needs (Policy H2), and on footpaths (Policy TA2). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on village character and design (Policy VC3), and on heritage assets (Policy VC4). 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 July 2023 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:
- Little Wittenham SAC;
 - Hartslock Wood SAC;
 - Hackpen Hill SAC
 - Cothill Fen 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 neighbourhood plan obligations. 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 neighbourhood area. The wider community and EHPC have spent time and energy in identifying the issues and objectives that they wish to be included in the review of the 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 4)

- 7.8 The Plan is well-organised and presented. It has been prepared with much attention to the information in the supporting text. 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.
- 7.10 Section 2 sets out information about the way in which the Plan has been developed. It also comments about the community's engagement in the development of the Plan and which overlaps with the details in the Consultation Statement. It properly identifies the neighbourhood area (on Map 1). Whilst the Plan period is shown on the front cover, I recommend that it is addressed in this part of the Plan so that the prescribed conditions (as set out in paragraph 2.5 of this report) are met.

At the end of section 2.2 add: 'The Plan period is 2018-2033.'

- 7.11 Section 3 sets out information about the neighbourhood area. It provides interesting and comprehensive details which help to set the scene for the eventual policies. It also comments on the context provided by the development plan, the character of the village and the challenges addressed in preparing the Plan.
- 7.12 Section 4 sets out the vision, aims and objectives for the Plan. The vision is as follows:

‘To safeguard the individual character, vitality and community facilities of our historic village and protect its rural environment for the health and wellbeing of town and village residents alike, whilst supporting sustainable development that meets the needs of residents now and in the future.’

- 7.13 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.

General comments on the Plan and the format of its policies

- 7.14 The Plan is an excellent example of a review of a neighbourhood plan. It helpfully consolidates the review of the Plan into the structure of the ‘made’ Plan. This results in a series of new policies and the retention of existing policies in the ‘made’ Plan. The new policies are principally informed by the details in two additional appendices. Appendix 11 is a Design Guide. Appendix 12 is a Strategy for People and Nature. Both provide a very positive approach to these important matters.
- 7.15 For the purposes of this report, I do not comment in any detail on the retained policies other than where they may have been affected by the adoption of the South Oxfordshire Local Plan or by updates in national planning policy. In some cases, I have recommended modifications to the wording of policies in the made Plan to reflect the approach and language now taken in neighbourhood plans (which has matured since the Plan was made).

Policy SD1 – Sustainable development

- 7.16 This policy is carried forward with minor amendments/additions to policy wording, to address the promotion of water efficiency and reducing water consumption. It is also underpinned by the new Appendix 11 (East Hagbourne Design Guide 2023) and encourages developments which are net zero carbon in their environmental effects.
- 7.17 In general terms the policy takes a positive approach to this matter. It addresses significant changes in national policy (as now captured in Sections 14 and 15 of the NPPF) since the Plan was made.
- 7.18 Within this positive context I recommend the following series of modifications to bring the clarity required by the NPPF and to allow SODC to apply the policy in a consistent way:
- using language which more properly relates to a development plan policy;
 - including a missing word; and
 - to acknowledge that the requirements for broadband access and electric vehicle charging are now dealt with by the Building Regulations (Parts R and S respectively).
- 7.19 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development

Replace ‘planning applications’ with ‘development proposals’

In the fourth bullet point insert ‘from’ between ‘flooding’ and ‘increased’

Delete the eighth bullet point (on broadband access).

In the ninth bullet point delete ‘and to include the provision for recharging electric vehicles’

The Local Gap policies

- 7.20 The Didcot Garden Town Delivery Plan (October 2017) recognises the importance of the landscape setting and proposes green buffers to the surrounding ‘necklace of villages’ around Didcot. The Delivery Plan has been refined since the neighbourhood plan was made and a detailed implementation plan is being delivered. The importance of the Local Gaps remains of significant importance to the character and setting on the NA. These general comments apply equally to Policies VC1a/1b/1c.

Policy VC1a – Lower End Fields Local Gap

- 7.21 The policy remains unchanged from the made Plan.
7.22 I am satisfied that it continues to meet the basic conditions.

Policy VC1b – Coscote Fields Local Gap

- 7.23 The policy remains unchanged from the made Plan.
7.24 I am satisfied that it continues to meet the basic conditions.

Policy VC1c – The Green Corridor Local Gap

- 7.25 The policy remains unchanged from the made Plan.
7.26 I am satisfied that it continues to meet the basic conditions.

Policy VC2 - Conserving and Enhancing Important Views

- 7.27 The policy remains unchanged from the made Plan.
7.28 I am satisfied that it continues to meet the basic conditions.

Policy VC3 - Retaining smaller village character and promoting good design

- 7.29 This policy is carried forward from the made Plan with minor amendments/additions to policy wording designed to address the provisions set out in the new East Hagbourne Design Guide 2023 (Appendix 11).
- 7.30 In the round the policy is a very positive local response to Section 12 of the NPPF. The Design Guide helpfully captures the character of the different parts of the village. Within this context, I recommend the following modifications to bring the clarity required by the NPPF and to allow SODC to apply its provisions in a clear and transparent way:
- a recognition that the Joint South and Vale Design Guide 2022 will also apply to development proposals;

- the introduction of a proportionate element into the second part of the policy to acknowledge that all the various design criteria will not necessarily apply to each proposal; and
- a grammatical reconfiguration of the various criteria so that they flow more naturally from the opening element of the second part of the policy.

7.31 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 element of the first part of the policy with ‘...and should follow the provisions of the East Hagbourne Design Guide 2023 as shown in Appendix 11, as well as the Joint South and Vale Design Guide 2022.’

Replace the second part of the policy with:

‘As appropriate to their scale, nature and location, development proposals should:

a) conserve and enhance the quality, integrity and legibility of the local Character Areas identified in the Character Assessment (Appendix 2);

b) ensure that new development or alterations to existing buildings have regard to their local design context. Although it may be necessary to introduce modern building materials and styles, the materials, form, massing, orientation, set-back and other characteristics of development should reflect the local context and should make an appropriate contribution to the Character Area, following the provisions of the Design Guide;

c) ensure that building design and quality of materials are appropriate to and in keeping with existing buildings in each character area of the village;

d) wherever practicable, incorporate the eco-design provisions of the Design Guide; and

e) ensure that infill development is at a density appropriate to the site and its surroundings and reflects its Character Area location (as identified in the Character Assessment - Appendix 2).’

Policy VC4 - Assets of local distinctiveness

7.32 This policy carried forward with minor amendments/additions to policy wording. It now specifically refers to Figure 7, which adds two new green spaces at Rymans Crescent and Windsor Crescent as “Assets of Local Distinctiveness”.

7.33 I am satisfied that it continues to meet the basic conditions.

Policy VC5 - Conserving and Enhancing Heritage Assets: Designated Heritage Assets and Non-Designated Heritage Assets

7.34 The policy remains unchanged from the made Plan.

- 7.35 I recommend a grammatical modification to the policy. Otherwise, I am satisfied that it continues to meet the basic conditions.

Insert a full stop at the end of the first paragraph of the policy

Policy VC6 – Lighting

- 7.36 This policy is carried forward from the made Plan with minor amendments/additions to the policy wording, to address external lighting and to highlight the new Appendix 11 (East Hagbourne Design Guide 2023).

- 7.37 I am satisfied that it continues to meet the basic conditions.

Policy H1 Housing Provision

- 7.38 The policy remains unchanged from the made Plan.

- 7.39 Section 6 of the Plan anticipates that the overall issue of housing provision may need to be reviewed once the emerging Local Plan has been adopted. Nevertheless, at this point, I am satisfied that the policy continues to meet the basic conditions.

Policy H2 - Meeting Housing Needs

- 7.40 The policy remains unchanged from the made Plan.

- 7.41 I am satisfied that it continues to meet the basic conditions.

Policy H3 - Housing Allocation

- 7.42 The policy remains unchanged from the made Plan.

- 7.43 I saw that the construction of the site was well-underway during the visit and that several of the new homes are now occupied.

- 7.44 I am satisfied that it continues to meet the basic conditions. In coming to this conclusion, I have taken account of SODC's comment about the introduction of an additional word into the policy. It is not needed to ensure that the Plan meets the basic conditions.

Policy CF1 – Infrastructure – utilities

- 7.45 This policy is carried forward from the made Plan with minor amendments/additions to policy wording, to address an integration with infrastructure upgrades where appropriate.

- 7.46 I correct a minor grammatical error in the policy. Otherwise, I am satisfied that it continues to meet the basic conditions.

At the end of the first bullet point delete the unnecessary full stop

Policy CF2 – Infrastructure - community facilities

- 7.47 This policy is carried forward from the made Plan with minor amendments/additions to the policy wording, an update to the names of facilities and to highlight that the primary school and its playing field are one of the identified community facilities.
- 7.48 I correct minor grammatical errors in the policy. Otherwise, I am satisfied that it continues to meet the basic conditions.

At the end of the opening element delete the unnecessary apostrophe

In the final part of the policy delete the unnecessary ‘a’

Policy TA1 – Road Safety

- 7.49 The policy remains unchanged from the made Plan.
- 7.50 I am satisfied that it continues to meet the basic conditions.

Policy TA2 – Footpaths and Pavements

- 7.51 The policy remains unchanged from the made Plan.
- 7.52 I am satisfied that it continues to meet the basic conditions.

Policy TA3 – Parking

- 7.53 The policy remains unchanged from the made Plan.
- 7.54 SODC suggests a detailed modification to the wording of the policy so that it reads more naturally. I recommend accordingly. Otherwise, I am satisfied that the policy continues to meet the basic conditions.

In the first bullet point delete ‘parking’

Policy E1 – Local Green Spaces

- 7.55 This policy continues to propose the designation of local green spaces (LGSs).
- 7.56 The policy remains unchanged other than the proposed expansion of the area of the Paddocks Local Green Space (from 1.3ha to 1.8ha). The matter is explained in the supporting text and Appendix 3 and shown on Figure 11.
- 7.57 I looked at the proposed extended LGS. I am satisfied that it meets the criteria for the designation of LGSs as set out in paragraphs 105 and 106 of the NPPF. EHPC has carefully discussed the matter with the landowner.
- 7.58 I am also satisfied that the existing LGSs continue to meet the criteria for the designation of LGS (as now set out in paragraphs 105 and 106 of the NPPF).

Policy E2 – Protect and enhance biodiversity and the natural environment

- 7.59 This policy is carried forward from the made Plan with minor amendments/additions to policy wording. The wider approach is based on Appendix 11 (the new Design Guide East Hagbourne Neighbourhood Development Plan Review – Examiner’s Report

2023) and Appendix 12 (Strategy for People and Nature). It adds that development should seek to deliver a minimum biodiversity net gain of 20%. Detailed new supporting text explains the background to the policy approach.

- 7.60 The policy takes a positive approach to this matter. It sets out to respond to Section 15 of the NPPF which has been expanded considerably since the Plan was made. It also responds to the emerging national agenda on biodiversity net gain. Within this broader context I recommend that the policy is modified so that it will have the clarity required by the NPPF and will be able to be applied consistently by SODC through the development management process. The modifications will ensure that biodiversity net gain of 20% should be sought where it is practicable to do so and that the criteria in the third part of the policy are applied on a proportionate basis (and directly related to the development rather than to the information provided as part of any planning application). I also recommend that the final part of the policy is repositioned into the supporting text. It explains the wider context within which development proposals will be determined rather than setting out a land use policy. 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 respect the natural environment and protect and enhance biodiversity.

Development should ensure that existing wildlife habitats are safeguarded, and retain and enhance hedgerows, waterways, and scrubland. Where practicable, development proposals should seek to deliver a minimum biodiversity net gain of 20%.

As appropriate to their scale, nature and location, development proposals should:

- **preserve, mitigate and where necessary, recreate wildlife habitats and net gains in natural flora;**
- **provide corridors of land including public footpaths and bridleways of significant local recreational and amenity value; and**
- **incorporate sustainable drainage systems.**

At the end of the supporting text add:

‘Policy E2 addresses these various matters. In addition to the provisions of the policy, development proposals should take account of findings and recommendations in the East Hagbourne Village Character Assessment and Landscape Study 2018 (Character Assessment), the East Hagbourne Design Guide 2023 and the Strategy for People and Nature in East Hagbourne (Appendix 12) that relate to species and habitats. These various studies have directly informed the policy.’

Policy E2a – Wildlife Buffers

- 7.61 This is a new policy. It requires that development proposals potentially impacting watercourses and wildlife should enhance and/or create new natural buffers and habitats.
- 7.62 In general terms the policy has been carefully developed. In the round I am satisfied that it has regard to Section 16 of the NPPF. It will consolidate the general effects of Policy E2.
- 7.63 I recommend modifications to the second part of the policy so that it can be applied where it is practicable to do so. I also recommend the deletion of the unnecessary final sentence of that part of the policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

Replace the second part of the policy with: ‘Where practicable, development proposals should establish habitats alongside watercourses that would mitigate nutrient impacts and enhance biodiversity value.’

Policy E2b - Enhance Wildlife Habitat

- 7.64 This is a new policy. It advises that that development proposals should contribute towards protecting and enhancing wildlife and biodiversity. The approach is underpinned by the Appendix 12. Various options are identified in the policy including tree planting, hedge line improvement, enhancement/creation of grassland and retention/care/planting of orchards.
- 7.65 The policy has been prepared to operate in a non-prescriptive way. As with Policy E2a, it will consolidate the general effects of Policy E2.
- 7.66 I recommend that the policy is modified so that it can be applied in a proportionate way. As submitted, it assumes that all development proposals will be directly affected by the policy. I also recommend the repositioning of the final part of the paragraph so that it sits as the final bullet point rather than as a separate element of the policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

Replace ‘Development proposals’ with ‘As appropriate to their scale, nature and location, development proposals’

Reposition the final part of the paragraph so that it sits as the final bullet point rather than as a separate element of the policy.

Policy E3 – Flooding

- 7.67 This policy is carried forward from the made Plan with additions to policy wording regarding drainage and sewers, and an encouragement of the use of sustainable drainage systems.

- 7.68 In general the policy takes a positive approach to this matter and has regard to Section 14 of the NPPF. Within this overall context I recommend that the policy is recast so that it uses language more appropriate to a neighbourhood plan and to ensure that SODC will be able to apply its contents on a consistent basis through the development management process. Whilst the recommended modification replaces the policy the overall approach taken in the submitted Plan remains unaffected. The modified policy will contribute to the delivery of the social and environmental dimensions of sustainable development.

Replace the policy with:

‘Development proposals within the catchment area of Hacca's Brook or its tributaries should demonstrate that they will not exacerbate the existing risk of flooding taking into account the flooding history of the immediate locality and local conditions.

Appropriate provision should be made for surface water drainage to ground, water courses or surface water sewer. Surface water should not drain to the foul sewer.

The incorporation of sustainable drainage systems within new development will be supported. Wherever practicable, such systems should enhance water quality and biodiversity in accordance with the Water Framework Directive.

Sustainable drainage schemes should be capable of regular maintenance so that their long-term effectiveness can be maintained.’

Other Matters - General

- 7.69 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 because 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 because 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 EHPC 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

- 7.70 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.
- 7.71 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 EHPC. SODC also highlights a series of typographic/presentation changes to the Plan. It would be entirely appropriate for these corrections to be incorporated into the Plan. For convenience I list them using the relevant reference numbers in the SODC representation.

Modification of general text to update the Plan (SODC comment 1), to refine the presentation of the Plan (SODC comment 9) and to refine the wording used (SODC comments 2,14-25).

Implementation, Review and Monitoring

- 7.72 Section 6 of the Plan addresses the implementation, review, and monitoring in a very positive way. It advises that the neighbourhood plan will be assessed and where necessary reviewed once the emerging Joint Local Plan for South Oxfordshire and the Vale of White Horse District has been adopted. It properly advises that the scale and nature of the review will be determined by the eventual outcome of the Local Plan. Finally, it advises that key elements of any assessment are likely to include future housing provision in the neighbourhood area and the extent and policy wording of the local gap policies. This is best practice.

8 Summary and Conclusions

Summary

- 8.1 The Review of the 'made' Plan sets out a range of policies to guide and direct development proposals in the period up to 2033. It has been carefully prepared to refresh the Plan and to address changes in national and local planning policy which have arisen since the initial plan was 'made'

Conclusion

- 8.2 Following my independent examination of the Plan I have concluded that the East Hagbourne Neighbourhood Development Plan Review meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 The recommended modifications refine the wording of certain policies. Nevertheless, the submitted review of the Plan remains fundamentally unchanged in its role and purpose.
- 8.4 I conclude that South Oxfordshire District Council should make the submitted Plan with the modifications specified in this report.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. SODC managed the process in a very efficient way and EHPC's responses to the clarification note were both thorough and timely.

Andrew Ashcroft
Independent Examiner
8 February 2024