

SOUTH OXFORDSHIRE DISTRICT COUNCIL

CHINNOR NEIGHBOUR DEVELOPMENT PLAN REVIEW II: FINAL DECISION STATEMENT

DATE OF PUBLICATION – 25 April 2024

1. Decision

- 1.1. Following an Independent Examination South Oxfordshire District Council decided at the Council meeting on 17 November 2023:
1. To make the Chinnor Neighbourhood Development Plan Review II with the modifications specified in the Examiner's report.
 2. To delegate to the Head of Policy and Programmes, in consultation with the appropriate Cabinet Member and in agreement with the Qualifying Body, Chinnor Parish Council, the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.

2. Background

- 2.1 The Chinnor Neighbourhood Development Plan was adopted in 2017. Following the plan's adoption, the Parish Council started to work on the first review in 2020 and this Review was made in May 2021. The Chinnor Neighbour Development Plan Review II was submitted to the district council in August 2023.
- 2.2 Following the submission of the Chinnor Review II Neighbourhood Plan ('the Plan') to the Council, the plan was publicised and comments were invited from the public and stakeholders.
- 2.3 South Oxfordshire District Council appointed an independent Examiner, Timothy Jones to review whether the plan met the basic conditions required by legislation.
- 2.4 The Examiner's Report concluded, subject to the modifications proposed in his report, that the plan meets the Basic Conditions and should be made by the council.
- 2.5 The council determined on 17 November 2023 that the Plan, as modified by the Examiner's recommendations, should be made.

3. Reason for decision

- 3.1 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as parish councils seek to review 'made' neighbourhood plans. It introduces a proportionate process for the modification of neighbourhood plans where a neighbourhood development plan has already been made in relation to that area.
- 3.2 There are three types of modification which can be made to a neighbourhood plan. The process will depend on the degree of change which the modification involves, as follows:
- **minor (non-material) modifications** to a neighbourhood plan which would not materially affect the policies in the plan;
 - **material modifications which do not change the nature of the plan** and which would require examination but not a referendum; or
 - **material modifications which do change the nature of the plan** would require examination and a referendum.
- 3.3 Whether modifications change the nature of the plan is a decision for the independent examiner. The examiner will consider the nature of the existing plan, alongside representations and the statements on the matter made by the qualifying body and the local planning authority.
- 3.4 Chinnor Parish Council has considered this issue. It took the view that the proposed changes to the 'made' Plan Review II fall into the second category – material modifications which do not change the nature of the plan.
- 3.5 South Oxfordshire District Council undertook a separate assessment and concluded that the proposed modifications materially affect the policies in the plan. However, although material, the modifications were not considered to be so significant or so substantial as to change the nature of the plan. The Vision, Objectives and Action Points of the plan were expanded and updated to provide further clarity and context.
- 3.6 With the consent of Chinnor Parish Council, the council appointed Mr. Timothy Jones to examine the Plan. The Independent Examiner considered this issue and concluded that the review of the Plan included material modifications which did not change the nature of the Plan, and which required examination but not a referendum.

- 3.7 In these circumstances, proposals for the modification of made neighbourhood development plans are examined in line with the procedures set out in Schedule A2 of the Planning and Compulsory Purchase Act 2004 (As Amended).
- 3.8 Paragraph 13 of Schedule A2 of the 2004 Act sets out that after considering a draft plan, the examiner must make a report on the draft plan containing one of the following recommendations:
- that the council should make the draft plan; or
 - that the council should make the draft plan with the modifications specified in the report; or
 - that the council should not make the draft plan.
- 3.9 The Examiner's Report is available in Appendix 1. The Examiner's Report assesses the policies in the plan and identifies any modifications required to ensure that they meet the basic conditions. The Examiner concluded that the Plan meets the basic conditions subject to a limited number of recommended modifications. The recommended modifications refine the wording of the policies concerned. Nevertheless, the submitted review of the Plan remains fundamentally unchanged in its role and purpose. The Examiner's Report recommends that the council should make the Plan with the modifications specified in the Report. A listing of the Examiner's recommendations exactly as they are shown in his Report is available in Appendix 2.
- 3.10 Paragraph 14 of Schedule A2 of the 2004 Act sets out that if the Examiner's Report recommends that the council should make the draft plan with the modifications specified in the report, the council must make the draft plan with those modifications. The only circumstance where the council should not make this decision is where the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 3.11 The making of the Chinnor Neighbourhood Development Plan Review II (the Plan) would not breach, or otherwise be incompatible with, any EU or human rights obligations, including the following Directives: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water

Framework Directive (2000/60/EC). In addition, no issues arise in respect of equality under general principles of EU law or any EU equality directive. In order to comply with the basic condition on the European Union legislation, the council produced a Strategic Environmental Assessment Screening Report in September 2023. The report concludes that the implementation of Plan Review II would not result in likely significant effects on the environment.

- 3.12 The reviewed Plan would not give rise to significant environmental effects on European sites. The council screened the Plan's potential impact on EU Special Areas of Conservation (SACs) in September 2023. The Habitats Regulations Assessment Screening Report concluded that the Plan would not have any likely significant effects on the integrity of European sites in or around South Oxfordshire, either alone or in combination with other plans or programmes and that an Appropriate Assessment is therefore not required.
- 3.13 The council is satisfied that the Plan is in all respects fully compatible with Convention Rights contained in the Human Rights Act 1988. 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.
- 3.14 The modifications set out in the Examiner's Report individually or combined are not considered to produce likely significant environmental affects and are unlikely to have any significant effects on the integrity of European Designated Sites.
- 3.15 As the Examiner's Report recommends that the council should make the Plan with the modifications specified in the Report and the council is satisfied that the making of the Plan would not breach, or otherwise be incompatible with, any EU or human rights obligations as incorporated into UK law, the council must make the Chinnor Neighbourhood Development Plan Review II.

4. Other Information

- 4.1 In accordance with Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012, this Decision Statement and the made Chinnor Neighbourhood Plan Review can be viewed on the Council's website:

<https://www.southoxon.gov.uk/south-oxfordshire-district-council/planning-and-development/local-plan-and-planning-policies/neighbourhood-plans/emerging-neighbourhood-plans/chinnor-neighbourhood-plan/>

4.2 Copies of this Decision Statement and the Chinnor Review II Neighbourhood Plan Review can be inspected at:

Reception South Oxfordshire District Council Abbey House, Abbey Close, Abingdon OX14 3JE	If you would like to view these documents at the Council offices, please contact us on 01235 422600 or email: planning.policy@southandvale.gov.uk to book an appointment.
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4.3 In accordance with Regulation 19(b) and Regulation 30 of the Neighbourhood Planning (General) Regulations 2012, a copy of this Decision Statement has been sent to:

- The qualifying body, namely Chinnor Parish Council
- The persons who asked to be notified of the decision



Signed:

Date: 25/04/2024

Ricardo Rios

Planning Policy Team Leader (Neighbourhood)

Appendix 1 Examiners Report

https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2023/11/Chinnor_NP_FinalReport.pdf

Appendix 2 – Listing of the Examiner’s recommendations exactly as they are shown in his Report

Appendix A: Recommended Modifications

Recommended modification 1

Page 5, map

Replace the map with the map in Appendix 1 to SODC's representations.

Recommended modification 2

Page 6, paragraph 1.6

Replace "1003" with "1002".

Recommended modification 3

Page 7, lines 3-6

**Replace " the local planning authority 'has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer' as set out in paragraph 74); and the local planning authority's 'housing delivery'"
With**

" 'the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 74)'; and 'the local planning authority's housing delivery'".

Recommended modification 4

Page 9, paragraph 1.17

Replace "a 15-year period" with "the period".

Recommended modification 5

Page 12, paragraph 2.6

Replace "the Oxfordshire County Council" with "Oxfordshire County Council".

Recommended modification 6

Page 14, paragraph 2.9

Delete the second sentence.

Recommended modification 7

Page 17, paragraph 2.16

Replace "1003" with "1002" and "131" with "130".

Recommended modification 8

Page 19

Delete paragraph 2.21 and the figure below it.

Pages 19 – 26

Renumber the present paragraph 2.22 and the following paragraphs appropriately.

Recommended modification 9

Page 20, paragraph 2.27

Replace “is 50.7% of the population of 7644 residents which is drastic reduction as a percentage from the 72% of 2011.

With

“was 50.7% of the population of 7644 residents which is a drastic percentage reduction from the 72% of 2011.”

Recommended modification 10

Page 21, paragraph 2.30, penultimate sentence

Delete “, however those above and at 3 are unknown”.

Recommended modification 11

Page 24, paragraph 2.40

Insert a comma on either side of “a popular sport”.

Page 24, paragraph 2.44

Replace the lines 3 and 4 with:

“50) based at St Andrew’s School; Jack and Jill Pre-School (roll is between 40 and 45) also based at Mill Lane School site; and Windmill Community”.

Recommended modification 12

Page 27, paragraph 3.1 first sentence

Delete “has”.

Recommended modification 13

Page 29, table beneath paragraph 3.3

State the full name of each policy immediately after its number.

Recommended modification 14

Page 37, paragraph 4.5

Replace “2034” with “2035” and “1003” with “1002”.

Recommended modification 15

Page 39, paragraph 4.11

Replace “and as set out in paragraph 4.8 of this Plan” with “as set out in paragraph 4.8 above”.

Recommended modification 16

Page 39, policy CH H1, 4th indent

Replace “Cause” with “Does not cause”.

Recommended modification 17

Page 42 figure and text in italics beneath it

Delete this entirely.

Paragraph 4.17, second sentence

Replace this with “The 2021 Census showed that 20.5% of Chinnor’s residents are now aged 65 and over.”

Recommended modification 18

Page 44

In paragraph 4.22 replace “137” with “136”

Replace the whole of footnote 4 with “South Oxfordshire Housing Land Supply figures 2023”.

Recommended modification 19

Page 45, paragraph 4.24

Replace the final sentence with “In addition, as stated above, they have already been consented as housing development sites and were therefore considered deliverable.”

Recommended modification 20

Page 46, Policy CH H6, final column

Replace “140” with “116”.

Recommended modification 21

Page 46, Figure 1

**Replace Figure 1 with the figure in SODC's Regulation 16 representation Appendix 2a.
Do not include any text below the figure.**

Recommended modification 22

Pages 47 and 48, footnotes 5, 6 and 7

Replace 77 with 79, 79 with 80 and 84 with 85.

Page 48, paragraph 4.29, 5th line

Replace "an" with "for".

Recommended modification 23

Page 46, Figure 2

Replace Figure 2 with the figure in SODC's Regulation 16 representation Appendix 2b.

Recommended modification 24

Page 53, paragraph, lines 5 and 6

"properties" should follow "newer" without a line break.

Recommended modification 25

Page 56, paragraph 6.3, 1st sentence

Delete "proposed".

Page 56, paragraph 6.3, 6th and 7th sentences

Replace these with "The second comprises the Playing Fields to the east of Station Road. These are extensively used as formal playing fields".

Recommended modification 26

Page 57 paragraph 6.4, indent's first sentence

Replace this with "St Andrew's Road play area, two open spaces within Van Diemens Close (covered by one designation), Hayley Croft open green, Estover Way open green, Estover Way balancing pond and wildlife area, land behind Greenwood Avenue, Greenwood Meadow Open Greens, Old Orchard at the junction of Donkey Lane and the railway line, Memorial Garden (at Keens Lane where it meets The Avenue) and Mill Lane Community Garden.

Recommended modification 27

Page 73, plan of LGS 14

Replace this with the plan in SODC's Regulation 16 representation Appendix 3.

Recommended modification 28

Page 75, plan of LGS 16

Replace this with a plan that excludes the electricity substation and its associated fenced-off land.

Recommended modification 29

Page 78, policy CH GP2, second indent

In the second indent, replace "All" with "Where possible all".

Replace the third indent's first sentence with "Minimising the loss of existing trees and hedgerows".

Recommended modification 30

Page 83

Place "14 The Red Lion; 15 The Crown; 16 Wheatsheaf public houses in Chinnor;" in separate lines and give Station Road in 19 initial capital letters.

Recommended modification 31

Pages 87-88, paragraph 8.12

Replace: "following use designations: A1 Shops, A2 Financial and professional services, A3 Restaurants and cafés, A4 Drinking establishments and A5 Hot food takeaways" with "following use designations: E(a) Shops (display or retail sale of goods), E(b) and *Sui Generis* Restaurants and cafés, E(ci and cii) Financial and professional services, *Sui Generis* Drinking establishments and Hot food takeaways".

Replace footnote 8 with "Please see

<https://www.planningportal.co.uk/permission/common-projects/change-of-use/use-classes> for more information regarding current Use Classes. The uses mentioned above are covered by E(a), E(b), E(c) and certain aspects of *Sui generis*".

Recommended modification 32

Page 88, map

Replace the map with the map in Appendix 4 to SODC's regulation 16 representations.

Recommended modification 33

Page 93, to the right of the box containing the policy

Delete “9”.

Recommended modification 34

Page 94, paragraph 9.3, last sentence

Add at the end of the sentence, “at present”.

Recommended modification 35

Page 94, paragraph 9.4, third sentence

Replace this with “St Andrew’s two halls are below the Department for Education’s recommended size.”

Recommended modification 36

Page 114, row relating to White’s Field, off Mill Lane

Replace “games are” with “games area”.

Recommended modification 37

Page 119, map

Replace the map with the map in Appendix 5 to SODC’s regulation 16 representations.

Recommended modification 38

Page 123

Replace the map with the map in Appendix 6 to SODC’s regulation 16 representations.

Recommended modification 39

Page 125, Scale and Density

Replace “Scale and Density” with “Scale”

Delete “density,” in the following line.

Replace “with the Chinnor Village setting” with “within the Chinnor Village setting”.

Recommended modification 40

Page 125

Replace “Off-street car parking shall be provided for a minimum of two cars” with “Parking shall be provided in accordance with Oxfordshire County Council parking standards”.

Recommended modification 40

Page 134

Alter the entry in the first column of the second row so that ‘heritage’ is written as one word and in a separate line to ‘Conservation’.

Recommended modification 41

Page 164

Insert a comma between Wainhill and Chinnor Hill

Appendix B: Abbreviations

The following abbreviations are used in this report:

Convention	European Convention on Human Rights
CA	Conservation Area
CPC	Chinnor Parish Council
Draft NDP	Chinnor Neighbourhood Plan 2011 – 2035 (2023 SODC Review Consultation Version)
EU	European Union
General Regulations	Neighbourhood Planning (General) Regulations 2012 (as amended)
LGS	local green space
NDP	Neighbourhood Development Plan
NPPF	National Planning Policy Framework (September 2023)
para	paragraph
PCPA	Planning and Compulsory Purchase Act 2004 (as amended)
PPG	national Planning Practice Guidance
s	section
Sch	Schedule
SODC	South Oxfordshire District Council
SOLP	South Oxfordshire Local Plan 2035
TCPA	Town and Country Planning Act 1990 (as amended)

Where I use the verb *'include'*, I am not using it to mean *'comprise'*. The words that follow are not necessarily exclusive.