

SOUTH OXFORDSHIRE DISTRICT COUNCIL

CHOLSEY NEIGHBOURHOOD PLAN DECISION STATEMENT

Summary

- 1 Following an independent Examination, South Oxfordshire District Council's Cabinet Member for Planning confirmed on 24 January 2019 that the Cholsey Neighbourhood Plan will proceed to referendum.
- 2 This Decision Statement and the Examiner's Report can be viewed on the Council's website. Hard copies of these documents can be inspected until 14 March 2019 on the following locations:

Reception South Oxfordshire District Council 135 Eastern Avenue, Milton Park, Milton, OX14 4SB	Mon - Thurs, 8.30am - 5pm and Friday, 8.30am - 4.30pm
Cholsey Parish Council, The Pavillion, Station Road, Cholsey, OX10 9PT	Opening Times: 9am to 1pm Monday to Friday

Background

- 3 Cholsey Parish Council, as the qualifying body, successfully applied for Cholsey parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
- 4 Following the submission of the Cholsey Neighbourhood Plan Submission Version ("the Plan") to the district council, the Plan was publicised and comments were invited from the public and stakeholders. The publicity period closed on 12 July 2018.
- 5 South Oxfordshire District Council appointed an independent examiner, Andrew Ashcroft, to review whether the plan meets the basic conditions required by legislation and should proceed to referendum.
- 6 The examiner concluded that the plan meets the basic conditions, and that subject to the modifications proposed in his report, the plan should proceed to referendum.

Decision

Having considered the examiner's recommendations and reasons for them, South Oxfordshire District Council's Cabinet Member for Planning decided on 24 January 2019:

1. To accept all modifications recommended by the Examiner;
2. to determine that the Cholsey Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and
3. to take all appropriate actions to progress the Cholsey Neighbourhood Development Plan to referendum.

Reasons for decision

- 7 The Cholsey Neighbourhood Development Plan (the Plan), as modified by the Examiner's recommendations, has had regard to national policies and advice contained in guidance issued by the Secretary of State. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but it is intended to have and does have a significant effect. The principal document in which national planning policy is contained is the National Planning Policy Framework (March 2012) (NPPF) and this conclusion is reached bearing this in mind. The advice within national Planning Practice Guidance ("NPPG") has also been borne in mind in reaching this conclusion.
- 8 Having considered all relevant information, including representations submitted in response to the Plan, the Examiner's considerations and recommendations, the council has come to the view that the Plan recognises and respects relevant constraints. The Plan has developed a positive suite of policies that aim to safeguard the character and appearance of Cholsey and to promote sensitive development appropriate to its character and the position of the village in the local settlement hierarchy.
- 9 The Plan, as modified by the Examiner's recommendations, contributes to the achievement of sustainable development. This condition relates to the making of the plan as a whole. It does not require that each policy in it must contribute to sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. In the economic dimension the Plan includes policies for housing CNP H1-H8, infrastructure policies CNP I1-CNP I11 and transport policies CNP T1-T2. In the social role, it includes policies for housing CNP H1-H8 and infrastructure policies CNP I1- I11. In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment Policies CNP E1-E3. As a whole, the council is satisfied that the policies in the Plan pursue net gains across each of the different dimensions of sustainability in a mutually supportive way.

- 10 The Plan, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the Development Plan for the area. The adopted Development Plan requires larger villages to accommodate an appropriate amount of growth. In this context, proposals for development in Cholsey should be consistent with the overall strategy of supporting its role and function within the wider network of settlements.
- 11 Criterion 3 of Policy CSS1 (The overall strategy) of the South Oxfordshire Core Strategy (2012) is particularly relevant to the settlement of Cholsey, it sets out that: proposals for development in South Oxfordshire should be consistent with the overall strategy of supporting and enhancing the larger villages as local service centres.
- 12 Criterion 5 of Policy CSS1 is relevant to the wider neighbourhood area, it sets out that: outside the towns and villages, and other major developed sites, any change/development will need to relate to very specific needs or enhancement of the environment.
- 13 Policy CSH1 of the Core Strategy deals with the amount and distribution of housing in the district. It sets out that planning permission will be granted to meet housing requirements in Table 7.1 in accordance with Tables 7.2 to 7.3. The policy directs the reader to Table 7.3 - which identifies the figure of: 1,154 homes to be allocated in a Site Allocations Development Plan Document for the larger villages in the district. As regards the distribution of this figure, the Core Strategy only went as far as setting out that at least 500 homes should be provided in the central Oxfordshire area in order to secure general conformity with the South East Plan.
- 14 Preparation of the Site Allocations Development Plan Document was superseded by the preparation of the emerging South Oxfordshire Local Plan. In September 2013, a cabinet paper proposing distribution numbers for the larger villages, as a basis for taking forward neighbourhood plans in advance of the Local Plan was approved by the council. The figure apportioned to Cholsey is 128 homes. This number has been used by the council when considering the Core Strategy housing requirements for Cholsey.
- 15 Policy CSR1 (Housing in villages) of the Core Strategy (2012) is also relevant. It guides the nature and scale of housing development in accordance with the position of the settlement in the district wide settlement hierarchy.
Notably, as a larger village, Cholsey is expected to have housing allocations and there is no limit on the size of infill development sites.
- 16 Paragraph 5.24 of the council's emerging Local Plan (Final Publication Version 2nd), larger villages are expected to deliver 15% growth in addition to any outstanding Core Strategy Requirements. The latest evidence informing the Local Plan process has been used to set out housing requirements for larger villages in the district. Table 5F sets out the requirement for Cholsey as 612 in the period up to 2034. In the period up

until 30 September 2018, the council has identified 585 completions and commitments for dwellings in Cholsey. The outstanding housing requirement for Cholsey is 27 as detailed in the South Oxfordshire Local Plan 2034 Final Publication Version 2nd.

- 17 The council's emerging Local Plan, which will replace the Core Strategy, continues to direct development to the most sustainable locations and supports neighbourhood planning groups in 'larger villages' in bringing forward appropriate development in the form of site allocations and infill development. The Cholsey neighbourhood plan appropriately responds to the council's emerging Local Plan and sets out a positive strategy for managing future growth in Cholsey by allocating in excess of the requirements set out in the emerging Local Plan.
- 18 The Plan, as modified by the Examiner's recommendations, would not breach, and be otherwise incompatible with EU 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 issue arises 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 Qualifying Body has prepared a Sustainability Appraisal Report on May 2018, The Sustainability Appraisal prepared by the Qualifying Body incorporates a Strategic Environmental Assessment. The Sustainability Appraisal sets out the background of how it was developed in Section 1. Section 2 sets out the scoping. Section 3 details the methodology. Section 4 identifies the reasonable alternatives. Section 5 details the assessment findings and policies. Section 6 identifies significant effects and mitigation. Section 7 sets out the monitoring and next Steps.
- 19 During the public hearing concerns were raised in relation to the consideration of reasonable alternatives in the Plan's Sustainability Appraisal. Having considered the issues raised in detail, the council is satisfied that it was reasonable for CHOL2 not to be assessed further as a reasonable alternative in the Sustainability Appraisal on the basis that the larger site was not a realistic option and the smaller site was not a viable and deliverable option. Those seeking to follow the Plan process can easily tell why it was not selected as a reasonable alternative, because clear and adequate reasons are provided for the decision in both the Plan and the accompanying Sustainability Appraisal
- 20 The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites. The Council screened the Plan potential impact on EU Special Areas of Conservation (SACs) and this was completed in May 2018. The HRA screening report concluded that the Plan would not have any likely significant effects on the integrity of European sites in or around South Oxfordshire. The council decided to appoint consultants to update the screening assessment in light

of the recent judgment from the Court of Justice of the European Union 'People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17)' which ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment and should not be taken into account at the screening stage. The revised Screening Assessment (August 2018) concluded that the Plan will not have any likely significant effects on the integrity of European sites either alone or in combination with other plans or projects. Natural England confirmed on 03 September 2018 that they agree with the conclusions of the revised screening assessment report, that the Cholsey Neighbourhood Plan will not give rise to likely significant effects on European sites, and that an Appropriate Assessment is therefore not required.

- 21 The Plan, as modified by the Examiner's recommendations, 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.
- 22 The Plan, as modified by the Examiner's recommendations, complies with the definition of an NDP and the provisions that can be made by a NDP. The Plan sets out policies in relation to the development and use of land in the whole of the neighbourhood area; it specifies the period for which it is to have effect and it does not include provision about development that is 'excluded development'.
- 23 The council cannot make a decision that differs from the Examiner's recommendations about the referendum area. Therefore, there is no reason to extend the referendum area beyond the boundaries of the designated plan area as they are currently defined.
- 24 The individual modifications proposed by the Examiner are set out in Appendix 1 alongside the council's decision in response to each recommendation and the reasons for them. The Examiner's Report is available in Appendix 2.
- 25 The examiner noted in his report that he has recommended a series of modifications both to policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of his recommended modifications to the policy concerned, they are highlighted in his 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. The examiner noted that it would be appropriate for SODC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text.
- 26 The National Planning Policy Framework was revised on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. The policies in the previous Framework (published on 27 March 2012) will apply for the purpose of examining plans, where

those plans are submitted on or before 24 January 2019. Paragraph 213 sets out that policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The council is satisfied that the policies in the Cholsey Neighbourhood Plan are consistent with the revised National Planning Policy Framework (2018).

27 The council has taken account of all the representations received.

28 The Electoral Services team advise that the referendum is planned for Thursday 14 March 2019.

SEA/ HRA SCREENING

29 The modifications set in Appendix 1, both separately and combined, produce no likely significant environmental affects and are unlikely to have any significant effects on European Designated Sites.

Councillor Felix Bloomfield

South Oxfordshire District Council Cabinet Member with Portfolio for Planning

Date: 31 January 2018

Appendix 1 – Examiner’s modifications

Appendix 1: Examiner’s recommendations			
Policy/ Section	Examiner’s recommendations	Council’s Decision	Justification/Reason
Page 22	Remove tonal shading from the Strategy Box and the text box around it.	Agree	The council considers the modification to be necessary as the contents within the box is a strategic statement rather than a policy. The grey tonal shading and text box is the same as the policies in the NDP and therefore is confusing to the lay reader and should be removed.
Page 32 Para 92	<p>The examiner recommends supporting text at paragraph 92 refers to work that is likely to take place before the site is developed in the event that the plan is made.</p> <p><i>In paragraph 92 (fifth sentence) replace ‘Whilst the proposed....the homes’ with: ‘The sixth criterion of the Policy CNP H1a addresses the design and layout of the site. In addition,’</i></p> <p>At the end of the paragraph 92 add: ‘Policy H1a sets out the need for proposals on the site to be in general accordance with the masterplan in Map 5. This process will need to be applied flexibly. Large development sites tend to change and refine as they</p>	Agree	The council considers the modifications to be necessary to accommodate the flexibility required in relation to large development sites and their ability to change and refine as they are worked out in detail. In addition, financial and viability circumstances may change. The combination of these and other factors may cause the policy to be interpreted in a perspective way and become dated very quickly.

	worked out in detail. In addition, financial and viability circumstances might change. On this basis the planning process may need to be applied flexibly throughout the Plan period to allow the development to come forward and to deliver the required strategic housing for the village. This flexibility should be not undermine the intentions for high quality development on the site that sits well both within the village itself and its wider landscape setting. Development proposals should demonstrate how they can be satisfactory incorporated into the local highway network through the preparation of a travel and cycle plan.'		
Page 34 Policy CNP H1a	The examiner recommends in the opening part of the policy insert the word 'general' before 'accordance'	Agree	The council considers the modification to be necessary to accommodate the flexibility required in relation to large development sites and their ability to change and refine as they are worked out in detail. In addition, financial and viability circumstances may change. The combination of these and other factors may cause the policy to be interpreted in a perspective way and become dated very quickly.
Page 34 Policy CNP H1a	Replace the sixth criterion (minimum separation distances) with the following: 'The design, layout, orientation and massing of the new houses has regard to the character and appearance of	Agree	The council considers the modification to delete the separation distance criterion to be necessary as the approach of including separation distances is very prescriptive and

	the dwellings to the north-west and south of the site and to the setting of the village within the wider rural landscape.'		<p>has the ability to hinder good design on the site and the appropriate delivery of new houses. Whilst many elements of the policy are flexible and will help to deliver high quality outcomes, this component fails to meet the requirements of paragraph 59 of the NPPF.</p> <p>The council considers the modification to include a replacement criterion to be necessary to provide a level of detail whilst concentrating and guiding the overall scale, density and massing of new development in relation to neighbouring buildings and the local area in a more general way.</p>
Page 34 Policy CNP H1a	Insert an additional criterion (after the one above) to read: 'a range and mix of new homes to meet the housing needs set out in the Neighbourhood Plan Housing Mix Strategy'	Agree	The council considers the modification to be necessary due to the need for a range and mix of new homes which the Plan has identified are needed and to also provide the clarity required by the NPPF. In addition, it will focus the range and mix of the housing on the allocated sites and will naturally allow self-build and custom build homes to come forward to other sites in the neighbourhood area.
Page 34 Policy CNP H1a	Delete the final criterion (travel plan) and other consequential modifications to paragraph 92 to take account of the recommended modifications to the policy	Agree	The council considers the modification to be necessary as the criterion is a procedural requirement rather than a policy

	itself.		
Page 37 Policy CNP H2	<i>In the initial part of the policy replace 'granted' with 'supported'</i>	Agree	The approach in the submitted Plan is very prescriptive and has the ability to detract from SODC's need to assess all material planning considerations on each and every planning application on a site-by-site basis. The recommended changes in the first part of the policy refer to the unacceptable harm rather than simply harm. The council considers the modification to be necessary to have the clarity required by the NPPF.
Page 37 Policy CNP H2	In the first criterion replace 'spoil' with 'have an unacceptable impact on'	Agree	The approach in the submitted Plan is very prescriptive and has the ability to detract from SODC's need to assess all material planning considerations on each and every planning application on a site-by-site basis. The recommended changes in the first part of the policy refer to the unacceptable harm rather than simply harm. The council considers the modification to be necessary to have the clarity required by the NPPF.
Page 37 Policy CNP H2	In the second criterion replace 'is not lost' with 'is not unacceptably harmed' and insert 'unacceptably' before harmed. Insert '; and' at the end of the second criterion.	Agree	The approach in the submitted Plan is very prescriptive and has the ability to detract from SODC's need to assess all material planning considerations on each and every planning application on a site-by-site basis. The

			recommended changes in the first part of the policy refer to the unacceptable harm rather than simply harm. The council considers the modification to be necessary to have the clarity required by the NPPF.
Page 37 Policy CNP H2	In the third criterion replace 'problems of' with 'produce an unacceptable impact on' and insert 'in the neighbourhood area' after 'access'	Agree	The approach in the submitted Plan is very prescriptive and has the ability to detract from SODC's need to assess all material planning considerations on each and every planning application on a site-by-site basis. The recommended changes in the first part of the policy refer to the unacceptable harm rather than simply harm. The council considers the modification to be necessary to have the clarity required by the NPPF.
Page 37 Policy CNP H2	Replace the final part of the policy with: 'Proposals for development outside the built-up area boundary will only be supported if they are appropriate to a countryside location and are otherwise consistent with development plan policies.'	Agree	The council considers the modification to be necessary so that the policy has proper regard to national policy and is in general conformity with strategic policy CSS1 from the South Oxfordshire Core Strategy 2012.
Page 39 Policy CNP H3	Delete the first sentence of the policy. Incorporate it into Policy H1	Agree	The council considers the modification to be necessary to ensure the plan refers to the need for a range and mix of new homes which the Plan has identified to be needed, thus providing the clarity required by the NPPF.

Page 39 Policy CNP H3	At the end of paragraph 114 add: 'Policy H1a addresses the need for the allocated housing site (CHOL 1/7) to deliver a range and mix of housing types. Policy CNP H3 has a specific focus on custom and self-build houses. It applies across the neighbourhood area.'	Agree	The council considers the modification to be necessary to ensure the plan refers to the need for a range and mix of new homes which the Plan has identified to be needed, thus providing the clarity required by the NPPF. In addition, the policy as modified will focus the range and mix of the housing on the allocated sites and will naturally allow self-build and custom build homes to come forward to other sites in the neighbourhood area.
Page 41 Policy CNP H4	Delete the second sentence of the policy.	Agree	The council considers the modification to be necessary as it relates to the administration of a process rather than the application of a policy.
Page 46 Policy CNP H6 Page 43 Para 140 and Table 1	Delete the policy and Delete Paragraph 140 and Table 1	Agree	The council considers the modification to be necessary as the original policy wording is considered to be unduly restrictive and as such does not have regard to paragraph 59 of the NPPF. The council also considers the modification to delete the associated supporting text and Table 1 to be necessary to provide consistency throughout the plan.
Page 48 Policy CNP H8	In the opening part replace 'permitted' with 'supported'. In the fourth paragraph replace 'compatible' with 'in keeping'.	Agree	The council considers the proposed modifications are necessary to ensure the policy provides the clarity required by the NPPF.

	In the fifth paragraph replace 'daylight, sunlight and outlook of' with 'daylight and sunlight of'.		
Page 53 Policy CNP E1	<p>In the first part of the policy replace the comma after 'enhanced' with a full stop and then delete the remainder of the sentence.</p> <p>Thereafter replace the remainder of the policy with the following:</p> <p>'Within the AONB (as shown on Map 2) great weight will be given to conserving landscape and scenic beauty. Development proposals for major development will not be supported in this area except in exceptional circumstances and where they can be demonstrated to be in the public interest.</p> <p>Elsewhere in the neighbourhood area development proposals will only be supported where it would promote small scale economic growth which promotes the conservation and enhancement of the countryside.'</p>	Agree	The council considers the modifications necessary so that the policy has regard to the different national policy contexts that affect the neighbourhood area.
Page 52	In paragraph 173 delete '(CHOL5 and 6)'.	Agree	The council considers the modification necessary to provide consistency throughout the plan.
Page 52	At the end of paragraph 177 add:	Agree	The council considers the modifications necessary so that the policy has regard to the

	<p>Policy CNP E1 sets out a policy to address these important issues. It makes a distinction between the parts of the neighbourhood area that are affected by AONB status and those which are not. This will ensure that the policy has regard to national policy. In relation to proposals outside the AONB development proposals should address the following matters as appropriate to their location:</p> <ul style="list-style-type: none"> • how it would safeguard key views of importance in Cholsey Views Assessment; and • how it would impact on local landscape features such as trees, hedgerows, watercourses and bodies of water.' 		different national policy contexts that affect the neighbourhood area.
Page 52	<p>Insert a new policy as follows:</p> <p>Policy CNP [E Insert Number] 'Development proposals should respect the landscape, waterscape, cultural heritage and the user enjoyment of the River Thames, its tributaries and floodplains, the Ridgeway and the Thames Path. Insofar as planning permission is required proposals for mooring stages, posts, earthworks or river-facing banks with piles and planking outside the built-up area boundary will not be supported.'</p> <p>Include new supporting text to read: 'A key part of the attractiveness of the rural parts of the neighbourhood area arise from its association with the</p>	Agree	The council considers the modifications necessary so that the policy has regard to the different national policy contexts that affect the neighbourhood area.

	River Thames. Policy [insert number] addresses this important matter. At its heart is safeguarding the tranquillity of this part of the neighbourhood area in general, and that of the River Thames in particular.'		
Page 53 Policy CNP E1	In the first sentence: <ul style="list-style-type: none"> • replace 'must' with 'should' • delete 'for example....advice'. In the second sentence after 'attributes' add 'particularly those features of the historic environment identified in this Plan'.	Agree	The council considers the modifications proposed by the examiner to be necessary to ensure the policy has sufficient clarity and is not overly restrictive.
Page 58	At the end of paragraph 206 add: 'Policy E3 sets out the Plan's approach towards the relationship between heritage assets in the neighbourhood area and development proposals. Its first part indicates that development proposals should assess the historic environment and how the proposal concerned contributes towards their settings. A good example of how this process could be achieved is set out in Historic England's publication 'Managing Significance in Decision Taking'. (Reposition link to footnote 36 to this revised text).	Agree	The council considers the proposed modifications necessary to ensure that the supporting text provides sufficient clarity.
Page 61 Policy CNPI1	At the start of the policy insert 'Where appropriate'. Insert 'housing' between 'New' and 'developments'	Agree	The council considers the proposed modifications necessary to ensure that the policy provides the necessary clarity and has

	In the first two sentences replace 'must' with 'should'		sufficient flexibility.
Page 61	In paragraph 214 insert 'housing' between 'new' and 'developments'	Agree	The council considers the proposed modification necessary to ensure that the policy provides the necessary clarity.
Page 67 Policy CNP I3	In the first part of the policy (237) delete the first sentence. After the retained sentence add a new sentence to read: 'New developments should also be designed in a way which will neither exacerbate existing water supply or wastewater issues nor create water supply or disposal issues for properties elsewhere in the neighbourhood area.'	Agree	The council considers the proposed modifications to the policy necessary so that it addresses the outputs of the development process.
Page 66	Replace the final bullet point in paragraph 236 with 'the desirability of developers engaging in pre-application discussions with Thames Water' Replace paragraph 234 with the revised statement from Thames Water in its representation to the Plan.	Agree	The council considers the proposed modifications to the supporting text necessary so that it addresses the outputs of the development process rather than the technical process that previously used to underpin planning decisions.
Page 67 Policy CNP I4	Throughout the policy replace 'must' with 'should' Delete the final sentence. Reposition the delete final sentence (and the link to footnote 46) to the end of paragraph 234 (as	Agree	The council considers the proposed modification necessary to allow other guidance or updates to current guidance to influence planning decisions.

	recommended to be modified).		
Page 71 Policy CNP I6	<p>In the first part of the policy replace 'permitted' with 'supported'</p> <p>After i. add ';or'</p> <p>Delete the second paragraph of the policy</p> <p>Replace the deleted element of the policy at the end of paragraph 240. In doing so replace 'realistic price' with 'realistic market price that reflects the existing (community) use of the premises.'</p>	Agree	The council considers the modifications proposed by the examiner to be necessary to ensure the policy and supporting text has sufficient clarity and is not overly restrictive.
Page 73 Policy CNP I8	<p>Insert 'Insofar as planning permission is required' at the beginning of the policy</p> <p>At the end of paragraph 252 add: 'In some cases planning permission may not be required for people to work for such businesses. Policy CNP I8 will apply only to proposals which requires planning permission.'</p>	Agree	The council considers the modification necessary to take account of circumstances where planning permission would not be required for persons to work from home.
Page 73 Policy CNP I9	<p>Delete 'small scale'</p> <p>After 'village' add 'which respect the scale of the village and its wider landscape setting.'</p>	Agree	The council considers the modification necessary as the existing policy would not have regard to national policy and may prevent otherwise acceptable schemes from coming forward.

	<p>After the first sentence of Paragraph 255 insert:</p> <p>'Policy CNP 19 addresses the issue of new business development. It supports new enterprises which would respect the scale of the village and its wider landscape setting. Plainly each proposal would need to be considered on its own merits. However, the Plan anticipates that any such new developments would be of 0.5 hectares or less in the site area.'</p>		
Page 74 Policy CNP I10	<p>Replace the first sentence with:</p> <p>'Proposals that would involve the loss of the existing allotments and the cemetery will not be supported'.</p> <p>In the second sentence replace 'in accordance with the National' with 'to a'.</p>	Agree	The council considers the modifications proposed by the examiner to be necessary to ensure the policy and supporting text has sufficient clarity.
Page 74 Policy CNP I11	<p>Replace 'is particularly encouraged' with 'will be particularly supported'.</p>	Agree	The council considers the modifications to be necessary so CNPI11 is reconfigured to adopt a policy format.
Page 77 Policy CNP T1	<p>At the beginning of the policy insert 'Where appropriate'</p> <p>Delete final sentence.</p>	Agree	The council considers the modification to be necessary, so the policy identifies that not all developments may offer the opportunity to establish connections. For example, not all schemes will provide a direct opportunity to connect to the walking and cycling network.

			The deletion of the final sentence is considered necessary to ensure the policy is not overly restricted and unduly onerous.
Page 79 Policy CNP T2	Insert 'Where appropriate' at the beginning of the second sentence of the policy.	Agree	The council considers the modifications proposed by the examiner to be necessary to ensure the policy has sufficient clarity.
Page 84 Policy CNP ED1	Replace the policy with: 'Proposals for the expansion and/or consolidation of the existing educational facilities on the Cholsey Primary School site will be supported subject to the following criteria: <ul style="list-style-type: none"> • They provide appropriate levels of staff car parking; and • They meet the minimum requirements for the playing field and outdoor play space.' 	Agree	The council considers the modifications to be necessary to be in line with works currently being undertaken by the County Council and to ensure the policy can fully address any potential expansion needs which may arise within the Plan period.
Page 84 Policy CNP ED2	Delete the second sentence of the policy At the end of paragraph 317 add: 'Policy CNP ED2 supports proposals for an expanded pre-school facility. In certain circumstances it may be appropriate for wider developer contribution packages associated with new residential proposals to include the expansion of the pre-school.'	Agree	The council considers the modifications proposed by the examiner to be necessary to ensure the policy and supporting text has sufficient clarity.

Page 85 Monitoring	Replace the final sentence of paragraph 335 with the following: 'The neighbourhood plan will be assessed against the emerging South Oxfordshire Local Plan 2033 when that Plan is eventually adopted. This will be done in two phases. The first phase would assess the implications of the adoption of the Local Plan 2033 on the neighbourhood plan within six months of the adoption of the Local Plan. The second phase would be to begin a review of the neighbourhood plan within twelve months of the adoption of the Local Plan where it was considered that the neighbourhood plan had effectively been superseded by the adoption of the Local Plan'.	Agree	The council considers the modification to be necessary to enable the Plan to be more explicitly related to the adoption of the emerging Local Plan and its strategic housing requirements in particular.
Page 77 Pledge T1	Replace 'The neighbourhood...consider' with 'The Parish Council will explore the feasibility of'	Agree	The council considers the modification necessary, so it refers simply to outcomes and the appropriate qualifying body. By definition the qualifying body for the neighbourhood plan is the Parish Council and therefore the pledge should be amended to reflect this.
Other matters	Modification of the general text (where necessary) to achieve consistency with modified policies	Agree	The council agrees with the examiner that it may be necessary to amend the plan where consequential changes to the text are required directly as a result of the examiners recommended modifications.

Appendix 2

Cholsey Neighbourhood Development Plan 2017-2033

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

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

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by South Oxfordshire District Council in July 2018 to carry out the independent examination of the Cholsey Neighbourhood Plan.
- 2 The examination was undertaken by way of a combination of a hearing and written representations. I visited the neighbourhood plan area on 20 August 2018.
- 3 The Plan 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 promoting new housing development so that it delivers its contribution to strategic development in the District.
- 4 The Plan has been underpinned by community support and engagement. It is clear that 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 Cholsey Neighbourhood 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
19 December 2018**

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Cholsey Neighbourhood Development Plan 2017-2033 (the Plan).
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Cholsey Parish Council 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 and 2018. 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 or not 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. Any plan 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 development plan in particular. It seeks to provide for housing delivery within the Plan period to meet its target as an identified larger village in the adopted Core Strategy and the emerging Local Plan.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by SODC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the SODC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.

2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:

- (a) that the Plan is submitted 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.

The Basic Conditions

2.5 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; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
- not be likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.12 of this report.

2.6 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.

2.7 In order to satisfy the regulations the Parish Council commissioned the preparation of a Sustainability Assessment (SA). It includes the requirements of the SEA Directive. It is a well-designed and comprehensive document. Its findings inform the wider Plan in general terms and Policy H1 (Housing Allocations) in particular. I comment in later sections of this report on that policy. Nevertheless, within the context of this section of the report I am satisfied that the SA is fit for purposes and meets the basic conditions. In particular I am satisfied about the way in which the SA has addressed its

- responsibilities under the European Directive 2001/42/EC (on SEA) and how it conforms with the Practical Guide to the SEA Directive (ODPM 2005).
- 2.8 Over a period of time the Parish Council and SODC also undertook a Habitats Regulations Assessment (HRA) of the Plan. Several reports have been prepared at different times. They conclude that the submitted Plan is unlikely to have significant effects on a European site and that an appropriate assessment is not required.
- 2.9 In April 2018 a case in the European Court (People Over Wind and Peter Sweetman) changed the basis on which competent authorities are required to undertake habitats regulations assessments. In these circumstances a further HRA (August 2018) was commissioned. This report is very thorough and comprehensive. In particular it assesses the likely effects of the implementation of the policies in the Plan on the following sites:
- Little Wittenham SAC;
 - Hartslock Wood SAC;
 - Aston Rowant SAC;
 - Chiltern Beechwoods SAC;
 - River Lambourn SAC;
 - Kennet and Lambourn Floodplain SAC; and
 - Cothill Fen SAC.

It concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and Appropriate Assessment is not required.

- 2.10 I am satisfied that the Council, SODC and the various consultants involved have approached this issue in a sound and responsible manner. The outcome of the European Court case could not have been anticipated as the neighbourhood plan was being prepared.
- 2.11 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.12 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.
- Other examination matters*
- 2.13 In examining the Plan I am also 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.

2.14 Having addressed the matters identified in paragraph 2.13 of this report I am satisfied that all of the points have been met subject to the contents of this report.

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 Sustainability Appraisal and its appendices.
- the HRA Screening reports
- the various other appendices to the Plan.
- the Habitats Regulations Assessment after the publication of the People Over Wind/Sweetman case in the European Court (August 2018).
- the representations made to the Plan.
- the Parish Council's responses to my Clarification Note.
- The response from SODC to my Clarification Note
- the statements submitted for the hearing.
- the statements received after the hearing on the Sustainability Appraisal and the assessment of reasonable alternatives.
- the South Oxfordshire Core Strategy 2012.
- the saved policies of the South Oxfordshire Local Plan 2011.
- the emerging South Oxfordshire Local Plan 2033.
- the decision of SODC on the Local Plan 2033 (May 2018).
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 20 August 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

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 majority of the Plan could be examined by way of written representations. Nevertheless, I concluded that the strategic housing delivery issues should be examined by way of a hearing. That hearing took place on 17 September 2018.

3.4 On 24 July 2018 a revised version of the NPPF was published. The examination of the submitted Plan was taking place on that date. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

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 the Parish Council has prepared a Consultation Statement. This Statement is proportionate to the Plan area and its policies. Its strength is its attention to detail. The general Statements sets out the chronology and types of consultation used. It is then underpinned by detailed feedback on the comments received.
- 4.3 The Statement is particularly detailed in terms of its recording of the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the first (July 2017) and the second (February 2018) pre-submission version of the Plan.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the various stages of the Plan. Section 3 provides details about:
- the organisation of specific meetings;
 - the organisation of a village-wide survey;
 - the organisation of two village meeting in April 2017;
 - the organisation of a stall at the village fete in June 2017.
- 4.5 Appendix 2 of the Statement also reproduces parts of surveys, reports and other information that were used throughout the consultation process. This provides a real sense of interest to the Statement. This is reinforced by the effective use of photographs of the various community events. Those photographs show the well-attended events and the extensive use of a gazebo.
- 4.6 The detailed elements of the Statement set out how the submitted Plan took account of consultation feedback at the two stages of pre-submission phase. They do so in a proportionate and effective way. It helps to describe how the Plan has progressed to its submission stage.
- 4.7 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 12 July 2018. This exercise generated representations from the following persons and organisations:
- Alexandra Collins
 - Pauline Bedford

- Geraldine Meredith
- Andrew Kent
- Thames Water
- National Grid
- Archstone Projects and Bellway Homes
- Everport Developments
- John Pardey Architects
- Natural England
- Oxfordshire County Council
- Leavesley Group
- Roxylight Holdings
- South Oxfordshire District Council

5 The Plan Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Cholsey. It is irregularly- shaped and consists principally of the village of Cholsey. The village is located approximately 3 kilometres to the south-west of Wallingford. Outside the village the Plan area is mainly comprised of pleasant rolling countryside. Its population in 2011 was 3380 persons living in 1426 dwellings. It was designated as a neighbourhood area on 4 August 2016.
- 5.2 The Plan area is mainly in agricultural use and sits within a rich landscape and ecological setting dominated by the River Thames to the east. The River Thames forms most of the north eastern boundary of the neighbourhood area. The higher ground of the North Wessex Downs Area of Outstanding Beauty (AONB) sits within the south and west part of the neighbourhood area. The Chilterns AONB dominates the landscape to the south and east of the neighbourhood area.
- 5.3 Cholsey is a nucleated village on the Wallingford Road. It is based around the junction formed by Wallingford Road, Station Road and Church Road. The historic core remains clear in design and architectural terms. It is designated as a conservation area. More modern residential development has taken place to the east of Wallingford Road and to the north of Papist Way. Cholsey railway station is located to the south west of the village. It sits on the GWR mainline between Reading and Didcot.

Development Plan Context

- 5.4 The South Oxfordshire Core Strategy was adopted in December 2012. It sets out the basis for future development in the District up to 2027. Most of the policies in the Core Strategy are strategic policies of the development plan (see paragraph 2.5 of this report). The adoption of the Core Strategy partially replaced a number of policies in the South Oxfordshire Local Plan 2011. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan. The following policies are particularly relevant to the Cholsey Neighbourhood Plan:

CS1	Presumption in favour of sustainable development
CS S1	The Overall Strategy
CS EM1	Supporting a successful economy
CS H3	Affordable Housing
CS H4	Meeting Housing Needs
CS R1	Housing in Villages
CS R3	Community facilities and rural transport
CS EN1	Landscape
CS EN3	Historic Environment
CS Q3	Design

- 5.5 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.6 Cholsey is identified as a Larger Village in the adopted Core Strategy (policy CSR1 and Appendix 4).
- 5.7 The emerging Local Plan 2033 (Publication Version) was the subject of its own consultation process from October to November 2017. Cholsey remains as a Larger Village in the settlement hierarchy. Following a Council meeting in May 2018 SODC is currently considering the deliverability of strategic housing in the District following an update on the availability of the Chalgrove site. The emerging Plan incorporates a review of the adopted Core Strategy and the saved policies of the Local Plan. In process terms the timings involved have not permitted the submitted neighbourhood plan directly to take account of this emerging local planning context.
- 5.8 Nevertheless, it is clear that the emerging neighbourhood plan has taken account of the emerging local plan both in terms of its growth and delivery agenda in general terms. The neighbourhood plan process has sought to respond to the changing strategic figures which have been considered within the emerging Local Plan. The emerging Local Plan is consistent with the adopted Core Strategy both in terms of the position of the village in the settlement hierarchy and the expectations for new development for Larger Villages in general terms. The submitted neighbourhood plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Site Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 20 August 2018. I refreshed my knowledge of the area on the day of the hearing (17 September 2018).
- 5.10 I drove into the Plan area along the Wallingford Road from the north. This helped me to understand the neighbourhood area in its wider landscape context.
- 5.11 I looked initially around The Forty in the village centre. I saw the various retail and commercial services that are available to local residents. I saw that the area was clearly at the heart of the community. I also saw first hand some of the traffic congestion caused by the larger vehicles delivering to the Tesco Express store.
- 5.12 I then looked at Church Road, the church itself and the School.

- 5.13 I then drove down to the railway station and then along Papist Way to Ferry Lane and the River Thames. Whilst at the River Thames I saw the very interesting Cholsey Marsh. As the information board comments riverside marshes are now becoming scarce due to large-scale drainage for farming purposes. The Berks, Bucks and Oxon Wildlife Trust is clearly conserving the Marsh in a very sensitive fashion.
- 5.14 Throughout the visit I took the opportunity to look at the various housing sites considered in the plan-making process. I also saw the various residential developments that were taking place within the built-up part of the village. On my way back into the village from the River Thames I looked at the recent residential development on the former Fairmile Hospital site.
- 5.15 I then spent some time looking at the setting of the village within its wider landscape setting. It highlighted the significance of Map 2 in the submitted Plan.
- 5.16 I drove out of the Plan area to the east along Caps Lane so that I could understand further its setting in its wider landscape. In doing so I was able to look at some elements of the eastern and northern parts of sites CHOL7 and CHOL2 as addressed in the Sites Assessment work. I then drove to the south along Reading Road before turning into Papist Way.

6 The Neighbourhood Plan as a whole

- 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 considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.11 of this report have already addressed the issue of conformity with European Union legislation.

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 (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Cholsey Neighbourhood Development Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Core Strategy/saved Local Plan;
 - proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - always seeking to secure 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, which is identified as a golden thread running through the planning system. Paragraph 16 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 in general terms. It sets out a positive vision for the future of the neighbourhood area in promoting new residential development within the context of its definition of a Larger Village in the settlement hierarchy. It includes a series of policies that address a range of environmental and economic matters. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 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 (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (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. The majority 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. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for infill residential development (CNP H2), for new residential development (CNP H1/H1a/H1b), for home working (CNP8) and small-scale business uses (CNP9). In the social role, it includes a policy on community facilities (CNPI6), on the School (CNP ED1) and the pre-school (CNP ED2). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on its landscape setting (CNP E1), its riverside location (CNP E2) and its heritage assets (CNP E3). This assessment overlaps with the Parish Council's comments 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 the wider South Oxfordshire District area 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 Core Strategy. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Core Strategy/saved Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves 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 the Parish Council 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 (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. The Plan identifies a range of other, non-land use matters which are referred to as Pledges. Whilst they do not appear in a separate part of the Plan as recommended by this national guidance they are very clearly differentiated from the land use policies (which are shown in shaded boxes). In addition, I can see that the pledges naturally follow on from the associated policies and to relocate them to a separate part of the Plan would serve little practical benefit.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. The Pledges are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.
- The initial sections of the Plan (Sections 1-3)*
- 7.8 The Plan as a whole is well-organised and includes effective maps and photographs that give real depth and purpose to the Plan. The various photographs are particularly effective. The Plan makes an appropriate distinction between the policies and their supporting text. Its design will ensure that it will comfortably be able to take its place as part of the development plan in the event that it is eventually 'made'. The initial elements of the Plan set the scene for the policies. They are proportionate to the Plan area and the subsequent policies.
- 7.9 The Introduction describes the neighbourhood area, the community process involved in preparing the Plan and how the Plan will fit into the wider planning system.
- 7.10 Section 1 helpfully sets out helpful background to the neighbourhood area. It also sets out a range of demographic and employment information about the Plan area. It provides a useful reference point for various policies later in the Plan. The section on the environment is particularly effective. It provides a context for the built-up area within its wider landscape and topographical context. Section 2 sets out the vision for Cholsey as follows:

To continue to thrive, meeting the changing needs of the community whilst conserving the distinctive character, landscape and setting of the village that has evolved over eleven centuries.

- 7.11 Section 3 sets out a comprehensive strategy for the Plan. The policies are then set out in section 4. 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.
CNP STRAT1
- 7.12 An overall strategy for the Plan is set out on page 22. It addresses a wide range of matters including:
- locally-appropriate housing growth;
 - a focus of development within the built-up area;
 - the rural setting of the village;
 - the importance of community networks;
 - to support the local village economy;
 - to minimise the adverse effects of car travel; and
 - to protect the village from flooding
- 7.13 The approach taken is very sound. I can see that it consolidates and expands the Vision set out in Section 2 of the Plan. It is precisely the type of strategic statement that is properly found in neighbourhood plans. However, it is strategic statement rather than a policy.
- 7.14 Furthermore the Strategy is shown in light grey tonal filling in the same way as the policies in the remainder of the Plan. This is potentially confusing to the lay reader. As such I recommend that the grey tonal shading is removed from the text box.

Remove tonal shading from the Strategy Box on page 22

Policy CNP H1

- 7.15 This policy sits at the heart of the Plan. It sets out its approach to the delivery of housing growth within the neighbourhood area in accordance with the strategic policies in the development plan and the latest evidence of housing requirement for Cholsey set out in the emerging Local Plan. It allocates three parcels of land to provide approximately 189 new homes. The three sites identified and their indicative yields are as follows:

East End Farm (CHOL1) and land west of Wallingford Road (part of CHOL7)
165 dwellings

Boshers Yard (CHOL9)
10 homes

Fairmile (CHOL10)
14 homes

- 7.16 The proposed housing allocations are underpinned by comprehensive supporting text at paragraphs 81-92. The site selection process is also addressed in the Sustainability Appraisal. The wider process followed has sought to address a range of different sites that have come forward as part of the plan-making process. The matter has sought to take account of the emerging South Oxfordshire Local Plan. In this context the submitted neighbourhood plan has faced the traditional issues of uncertainty as it has progressed in its own right and also set out to deliver its part of an emerging strategic housing target.
- 7.17 Given the significance of this matter I concluded that a hearing was required so that the relevant issues could be addressed. The hearing was focused on two main issues. The first was the extent to which the delivery of the Plan's policies would boost the supply of housing land in the neighbourhood area. The second was the extent to which the housing site selection process had been robust and evidence-based. After the hearing I sought further views from all parties who had made representations to the Plan on the issue of whether or not the Sustainability Appraisal had properly assessed reasonable alternative housing sites. All the relevant documents are available on SODC's website
- 7.18 This section of the report summarises the main issues which have been raised on these various matters. It also sets out my conclusions. For convenience the commentary is organised around the following headings which formed the basis of the hearing.
- The extent to which the delivery of the Plan's policies would boost the supply of housing land in the neighbourhood area*
- 7.19 This issue was discussed in detailed at the hearing. In particular SODC provided background information on sites under construction and those with planning permission in the neighbourhood area. There was clear evidence at the hearing to the extent to which the neighbourhood area was contributing in a positive and healthy fashion to the strategic housing requirements for the District as set out in the adopted Core Strategy.
- 7.20 At the hearing different views were expressed about the capacity of the neighbourhood area to accommodate further development within the Plan period and that of the emerging Local Plan. Some of the potential developers contended that the neighbourhood area was relatively unconstrained and had the ability to take residential development at a greater level than that identified for Cholsey in the emerging Local Plan. The Parish Council took a different view. It argued that the neighbourhood area had environmental constraints. These include its proximity to adjacent AONBs on three sides, the implications of the Cholsey Brook running through the village and the sensitivity of the separation between Cholsey and Wallingford.
- 7.21 The comments from the Parish Council after the hearing set out how the Plan's steering group had considered four different sets housing numbers that inform the scale of development across the Plan area. They were 135; 175,

250 and 310 dwellings. In those comments the Parish Council also explains how it fine tuned its emerging Plan to take account of the changing requirements in the emerging Local Plan and the granting of planning permissions in the neighbourhood area.

- 7.22 At the hearing SODC set out its position on the delivery of new housing in its selection of Larger Villages. Plainly in principle there is a degree of risk that some of the larger villages will perform to target and that others will not. However, in practice SODC provided assurance that its proposals were well-grounded. This included detailed work on delivery and the healthy progress of neighbourhood plans in many of the other identified Larger Villages
- 7.23 In all the circumstances I am satisfied that the submitted Plan will boost the supply of housing land. It brings forward a range of sites to meet the strategic requirement for the neighbourhood area as currently anticipated in the emerging Local Plan. The majority of this development is planned within one site and where there is active landowner and developer commitment to bring that site forward. In this regard the production of the neighbourhood plan has sought to conform to advice in Planning Practice Guidance (41-009-20160211) on the overlaps that should be achieved between an adopted local plan, an emerging local plan and an emerging neighbourhood plan. Both the Parish Council and SODC commented at the hearing about the ways in which they had individually and collectively sought to have regard to national planning policy in these challenging circumstances.
- 7.24 During the course of the wider examination process some developers have suggested that their proposed site should be included within the Plan either as an additional allocation and/or as a reserve site. I do not recommend either of those options as a modification to the Plan. In the case of the first suggestion to do so would conflict with my role to examine the Plan as submitted. In the case of the second suggestion I am satisfied that there is sufficient assurance in the delivery of the allocated sites for this approach to be unnecessary at this point.
- 7.25 Plainly this situation may change over time in general, and once the final levels of growth have been determined in the Local Plan. On this basis I recommend modifications to the Monitoring section of the Plan in paragraph 7.131 of this report.

The extent to which the housing site selection process had been robust and evidence-based

- 7.26 I will address this issue under two of the sub-headings considered at the hearing (environmental matters and viability/delivery). The third issue of reasonable alternatives is addressed thereafter.

- 7.27 The submitted SA provides exhaustive detail about the way in which the selected sites respect the environment of the neighbourhood area. Its information is proportionate to the task in hand. It assesses all reasonable alternatives against 11 criteria. Plainly the criteria overlap with the environment in different ways. Importantly they include biodiversity, landscape, climate change and pollution.
- 7.28 Taking account of all the evidence available to me I am satisfied that the proposed housing sites have been selected for their ability to respect the local environment. This is particularly significant in respect of the selection of the largest of the three sites (CHOL 1/7). It sits comfortably in the context of its location within and on the edge of the existing built form of the settlement. It is unaffected directly by the Cholsey Brook and would sit comfortably within the setting of the relationship between the village and the surrounding AONBs. In addition, the Plan includes a separate policy on the standard of development that is expected on this important site.
- 7.29 At the hearing other developers put forward their comments on the environmental acceptability of the potential alternative sites. However, within this context there was no conflicting evidence about the judgement that the Parish Council had reached on the acceptability of CHOL 1/7 in environmental terms.
- 7.30 The hearing also considered the matter of the viability and deliverability of the allocated sites. Given that the two smaller sites are largely of an infill nature the hearing concentrated on the viability of CHOL 1/7. This approach is continued in this part of the report.
- 7.31 At the hearing I was advised about the pro-active discussions that have taken place between the Parish Council and Archstone/Bellway Homes (the developers of CHOL 1/7). Archstone/Bellway provided assurances both on delivery in general, and the work which was currently taking place to marry up the two components of the wider site. In particular I was advised that the ambition was to achieve continuous development across the wider site. Plainly this should help with early delivery and in keeping disturbance to existing local residents to a minimum. I was also advised that there were no legal or contractual issues which would have a negative impact on the seamless delivery of the site as proposed in the submitted Plan.
- 7.32 On the basis of all the evidence before me as part of the examination I am satisfied that the delivery of the proposed housing allocations is viable.

The assessment of all the reasonable alternative housing sites.

- 7.33 This matter was discussed at the hearing. Given its significance I sought wider comments on the issue following the hearing.

- 7.34 This matter overlaps with the evolution of the Plan itself. The way in which the Plan seeks to address future housing growth has changed significantly as it has developed over time. By way of summary:
- two pre-submission versions have been prepared (2017 and 2018);
 - as the Plan has been refined over time its strategic housing delivery target has been adjusted to reflect that in the emerging Local Plan at that time (taking into account planning permissions in the neighbourhood area);
 - the first pre-submission plan included a different package of proposed housing sites including a 14-hectare portion of the CHOL2 site; and
 - that 14-hectare site was a portion of the 28-hectare option proposed by the Leavesley Group.
- 7.35 The debate on this matter during the examination has exposed the very different positions of the key parties involved. Some parties acknowledged that their sites had been considered as reasonable alternative housing sites. Their approaches centred on the basis that the various sites should have been selected and identified as allocated sites in the submitted Plan. The Leavesley Group took the view that the CHOL 2 site had been incorrectly omitted as a reasonable alternative from the final stages of the Plan in general, and the May 2018 SA in particular. On this basis it contended that the Plan did not meet the basic conditions and should not proceed to referendum. I have given this matter careful consideration given the significance of the housing element to the wider Plan.
- 7.36 In its post-hearing statement the Parish Council set out its approach to the consideration of reasonable alternatives. It comments that two related documents are relevant. The first is the steering group's site assessment document. This includes all the relevant information for each identified site. The second document is the Sustainability Appraisal and the way it tests the reasonable alternative sites against the sustainability objectives. Both sets of the documents were used to inform the two Regulation 14 stages of the Plan (2017 and 2018) and the submitted Plan.
- 7.37 Based on this process approximately half of the CHOL2 site was the preferred option in the first of the two pre-submission plans. After consultation the promoters of the site considered that the development of 14 hectares of the site was neither viable nor deliverable. On this basis the Steering group reconsidered the alternatives. As identified in the submitted SA the site was not considered to be a reasonable alternative in the submitted version of the Plan.
- 7.38 In its post-hearing statement the Parish Council continued to identify the reasons why no part of the promoted CHOL2 was considered as a reasonable alternative in the submitted plan. The larger site was considered to be unacceptable on landscape and AONB impact grounds. It is also stated that it was clear that there was extremely limited support for the development of the

larger option which would produce housing numbers in excess of the aspirations of the Plan. It also comments that at the same time the emerging local plan, together with updated evidence of housing completions and commitments, showed that 175 homes needed to be allocated in Cholsey to support the strategic needs of the District.

- 7.39 The Parish Council concludes by commenting that these factors, combined with concerns that existing infrastructure would not cope with a significantly larger scale of development, caused it to take the view that the potential development of CHOL2 would be contrary to national and local planning policies and the need to deliver sustainable development.
- 7.40 SODC takes a similar approach to this matter. In particular it points me to paragraph 4.5.3 of the SA which sets out the justification for not pursuing CHOL2 as a reasonable alternative. SODC reinforce the commentary made by the Parish Council that it was not unreasonable for the Parish Council to exclude CHOL2 from its assessment of reasonable alternatives as it was based on evidence and as the wider Plan has provided a justification for the approach taken. This contrasts with other similar cases where no justification had been offered by the qualifying body. In summary it concludes that those reading the Plan can easily tell why it was not pursued as a reasonable alternative.
- 7.41 The Leavesley Group (LG) takes a different position on this matter. In the first instance it sets out why it regards the CHOL2 site is demonstrably sustainable. In doing so it comments that it would be a logical extension to the village, that it is well-related to public transport connections, that it can deliver housing to meet identified local needs, that it is of a scale to meet infrastructure needs on and off site and that it would play an economic, an environmental and a social role in the neighbourhood area.
- 7.42 The LG also comments that the submitted Plan has failed to respond to the sustainability credentials of the site and acknowledge that CHOL2 is a reasonable alternative. It concludes that this is the result of two related factors – a failed site selection process and a weak and flawed evidence base. In the first case it points to its view of the inconsistency of the process given that part of the site was earlier identified as the preferred option in the first pre-submission plan but was not considered as a reasonable alternative thereafter. In the second case it disputes the various findings as set out in the May 2018 SA that dismisses the site as a reasonable alternative.
- 7.43 Having considered all the evidence from the examination, including the original representations, the hearing statements, the discussions at the hearing and the post-hearing statements I am satisfied that the Plan has properly assessed the reasonable alternatives for the delivery of strategic housing in the neighbourhood area. On this basis the policy meets the basic conditions. I have reached this conclusion for the reasons set out in paragraphs 7.44 to 7.49.

- 7.44 In the first instance I am satisfied that the approach adopted by the Plan has been iterative and that the SA process has informed the production of the various versions of the Plan. Plainly the plan-making process has been extensive and time-consuming. This is a factual statement rather than a criticism. It has considered the environmental implications of various sites together with the feedback from the developers concerned and the public at each key stage. The Plan has been refined and updated accordingly. In particular it has sought to run in parallel with the emerging Local Plan. Whilst it is unusual for an emerging neighbourhood plan to revise its package of housing allocations in such a significant fashion in my view this serves simply to demonstrate the iterative nature of the process undertaken. In this context I am satisfied that the production of the Plan has followed the advice in Planning Practice Guidance. In particular the SA/SEA process started at the outset of the Plan so that the evidence gathering for the Plan and the SA were integrated and allowed the assessment process to inform the choices in the Plan (PPG 11-029-20150209). In addition, the development and appraisal of proposals in the neighbourhood plan have been an iterative process as the proposals have been informed by the appraisal findings (PPG 11-038-20150209).
- 7.45 In the second instance I am satisfied that the proposed CHOL2 site has been properly considered as a reasonable alternative. It was assessed at the start of the process and part of the site was identified as the preferred option in the first pre-submission Plan. For the reasons set out earlier in this report it was assessed further as the Plan progressed. On this basis I am satisfied that the evidence suggests that the site was properly considered as a reasonable alternative and was not included as an allocated site in the submitted plan for sound reasons.
- 7.46 In the third instance I am satisfied that the evidence base and research that has underpinned the process has been thorough, impartial and appropriate to the task in hand. The SA is well prepared and includes an appropriate amount of detail on the sites that were considered as reasonable alternatives. It also includes appropriate information to justify why it had decided not to consider CHOL 2 as a reasonable alternative. In this context I am satisfied that the production of the Plan has followed the advice in Planning Practice Guidance. In particular the SA/SEA process has focused on what is needed to assess the likely significant effects of the neighbourhood plan proposal (PPG 11-030-20150209). In doing so it has focused on the environmental effects which were likely to be significant. As such it has taken a proportionate approach to the identification and selection of housing allocations in the emerging and the submitted plan.
- 7.47 In the fourth instance I am satisfied that the Plan's decision not to consider CHOL2 as a reasonable alternative is not an unreasonable approach. It is based on clear evidence. In addition, the casual reader would understand the thinking behind the decision of the plan-making body. This is reinforced by the potential scale of development that would either naturally come forward on a site of that scale or the stated intent of the LG. The later involved 350 dwellings, 130 older persons homes and a 64-bed care home. In my view this

level of development is significantly and materially greater than the 189 dwelling packages proposed in the submitted Plan, and the 175 strategic housing requirements for Cholsey in the emerging Local Plan. I am not convinced that the potential social and community benefits that may arise from the development of specialist housing for older persons are sufficiently important to cause me to take a different view.

- 7.48 Finally I am satisfied that the weight that the Parish Council has apportioned to the community's views about the scale of new residential development is well-considered and based on a correct interpretation of national legislation and court cases. In the first instance neighbourhood plans provide communities with the direct ability to develop a shared vision for their neighbourhood and to shape the development and growth of their local area (PPG 41-001-20140306). This is a continuing key plank of the government's localism agenda. In addition, the neighbourhood planning process provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10,15,20 years in a way that meets identified needs and makes sense for local people (PPG 41-003-20140306). Within this context it is entirely appropriate that the community is engaged and feels comfortable with the preparation of a neighbourhood plan. Plainly this is inherently important given that the plan-making process is underpinned by a referendum.
- 7.49 This role and importance of community involvement in the plan making process has been supported by the courts in recent years. As SODC highlight this matter was addressed in the Winslow neighbourhood plan (*Gladman Developments Limited v Aylesbury Vale District Council and Winslow Town Council* 2014 EWHC 4323). In the circumstances of the challenge to the making of that Plan Mr Justice Lewis found nothing wrong with the approach around a lack of public support for potential housing sites outside the development boundary.
- 7.50 Two other post-hearing statements have been submitted. In addition, I have received answers to specific questions raised at the hearing. I have considered the contents of these documents in detail. I am satisfied that the basis for the inclusion of the package of the housing sites in Policy H1 is supported by correct evidence. In particular I am satisfied that the Parish Council has made an appropriate series of technical judgements on the geographic extent of CHOL5 and CHOL6.

Policy CNP H1a

- 7.51 This policy consolidates Policy CNP H1 in respect of the allocated site at east End Farm (CHOL1/CHOL7). It requires that proposals on the site shall be in accordance with a series of design and/or layout principles. The various principles are wide-ranging and include:
- access arrangements to the Wallingford Road;
 - footpath and cycle links through the site;

- buffer planting and green infrastructure along the northern, eastern and south western boundaries of the site;
 - contributions towards community facilities; and
 - recreation facilities.
- 7.52 SODC has expressed reservations about the level of detail set out in the policy in general, and the requirements for buffer planting, new fencing and the minimum separation distances in particular. It considers that the policy has the potential to be overly restrictive and unduly onerous.
- 7.53 I sought clarification from the Parish Council on the purpose of the policy in the Plan. I was advised that it was considered essential to provide a degree of clarity to the local community about its expectations for the development of the site. This approach has reflected the close association of the local community in formulating the approach to the development of the site. It is also the Parish Council's view that the approach being adopted will ensure the speedy determination of eventual planning applications (and therefore early delivery) on the site.
- 7.54 Having considered all the evidence before me I am satisfied that the preparation of a masterplan required by the policy meets the basic conditions in general terms. It reflects the importance of the matter to the local community and the centrality of the proposed allocation of the site to the integrity of the Plan itself. As the Parish Council comments in its response to the clarification note Planning Practice Guidance comments that '...neighbourhood plans give communities direct powers to develop a shared vision for their neighbourhoods and to shape the development and growth of their local area' (PPG 41-001-20140306). In addition, the same paragraph highlights the practical outcomes of the neighbourhood plan process and comments that communities '.... are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided'.
- 7.55 In addition I am satisfied that the PC has appropriately sought to engage the potential developers of the site within this process rather than simply to impose their ideas about a masterplan for the site. This is reflected in the positive support from Archstone Developments/Bloor Homes to the development of the site.
- 7.56 Nevertheless within this context I recommend a series of modifications to the policy and to the supporting text to ensure that they meet the basic conditions. In the first instance I recommend that the supporting text at paragraph 92 refers to work that is likely to take place before the site is developed in the event that the Plan is made. In my experience large development sites tend to change and refine as they are worked out in detail. In addition, financial and viability circumstances may change. The combination of these and other factors may cause the policy to be interpreted in a prescriptive way and to become dated very quickly. I also recommend that the word 'general' is inserted into the policy so that proposals should be in 'general accordance' with the masterplan.

- 7.57 In the second instance I recommend the deletion of the criterion that relates to minimum separation distances between the new dwellings. This overlaps with my separate comments on Policy CHP H6 (in effect the parent policy to this criterion). The approach is very prescriptive and has the ability to hinder good design on the site and its appropriate delivery of new houses. Whilst many elements of the policy are flexible and will help to deliver high quality outcomes, this component fails to meet the requirements of paragraph 59 of the NPPF. In my judgement it includes unnecessary prescription and detail.
- 7.58 In recommending the deletion of this criterion I am conscious nevertheless of the need for the policy to provide a degree of guidance on the layout and design of what will be an important and significant site within the fabric of the village. As such I recommend a replacement criterion that provides a level of detail whilst concentrating on guiding the overall scale, density and massing of new development in relation to neighbouring buildings and the local area in a more general way.
- 7.59 I also recommend an additional criterion in relation to the need for a range and mix of new homes. This is a repositioning of an element of Policy CNP H3 (see paragraphs 7.71 to 7.73 of this report).
- 7.60 Finally I recommend that the reference to the need for a travel and cycle plan is repositioned into the supporting text. It is a procedural requirement rather than a policy as such. I also recommend other consequential modifications to paragraph 92 to take account of the recommended modifications to the policy itself.

In the opening part of the policy insert ‘general’ before ‘accordance’

Replace the sixth criterion (minimum separation distances) with the following:

‘The design, layout, orientation and massing of the new houses has regard to the character and appearance of the dwellings to the north-west and south of the site and to the setting of the village within the wider rural landscape.’

Insert an additional criterion (after the one above) to read:

‘a range and mix of new homes to meet the housing needs set out in the Neighbourhood Plan Housing Mix Strategy’

Delete the final criterion (travel plan)

In paragraph 92 (fifth sentence) replace ‘Whilst the proposed...the homes’ with: ‘The sixth criterion of Policy CNP H1a addresses the design and layout of the site. In addition,’

At the end of paragraph 92 add:

‘Policy H1a sets out the need for proposals on the site to be in general accordance with the masterplan in Map 5. This process will need to be

applied flexibly. Large development sites tend to change and refine as they are worked out in detail. In addition, financial and viability circumstances may change. On this basis the planning process may need to be applied flexibly throughout the Plan period to allow the development to come forward and to deliver the required strategic housing for the village. This flexibility should not undermine the intentions for high quality development on the site that sits well both within the village itself and its wider landscape setting. Development proposals should demonstrate how they can be satisfactorily incorporated into the local highway network through the preparation of a travel and cycle plan.'

Policy CNP H1b

- 7.61 This policy addresses the density of housing sites in the context of making effective use of natural resources. For developments with more than 10 dwelling it requires a density of at least 25 dwellings per hectare. For smaller developments the Plan requires that densities should take account of local character.
- 7.62 SODC comment that the minimum density for larger sites should be 30 dwellings per hectare to align with its proposals in the emerging Local Plan. I have some sympathy for the approach suggested by SODC. Plainly it would help in future-proofing the submitted Plan. Nevertheless, the basic conditions test is against the adopted development plan. In this case that is the Core Strategy. Policy CSH2 of that Plan includes a minimum density of 25 dwellings per hectare unless it would have an adverse effect on the character of the area. In the circumstances presented by the neighbourhood area I am therefore satisfied the policy meets the basic conditions.

Policy CNP H2

- 7.63 This policy is based on the spatial approach to development as envisaged in the submitted Plan. It defines a village Built Up Area boundary. In general terms development is supported within the boundary and is not supported outside the boundary. In both cases that approach is refined by the details in the policy. In the former case criteria are included in the policy to safeguard environmental issues in the village. In the latter case the policy acknowledges that there are a limited range of opportunities for residential development in the countryside in national and local policy.
- 7.64 The policy has attracted several representations. SODC draws my attention to the detail of the wording in its development plan policies and to the NPPF. Roxylight Holdings makes specific comments on the definition and the detailed extent of the built-up area boundary. Oxfordshire County Council raises similar issues. John Pardey Architects suggest that the second component of the policy should be more explicit on the type of development that would be supported outside the built-up area boundary.
- 7.65 The Parish Council has based the production of a built-up area boundary on several points captured in paragraph 103 of the Plan as follows:

- it is compact with well-defined boundaries;
- new housing allocations have been designed/planned to provide a soft edge to the village; and
- the planned new development will maintain the compactness and allow its residents to access the village facilities and the surrounding countryside.

7.66 I am satisfied that the policy has regard to national policy. The operation of Policy CNP H2 through a village boundary does not prevent the development of a strong prosperous rural economy and it actively includes three housing allocations. There was common agreement at the hearing that the approach adopted by the Parish Council was positive in its approach to the identification of new residential development. Its promotion of three housing sites (together yielding a potential 189 dwellings) is in line with the provisions expected to be made by larger villages in policies CHS1 and CSR1 of the adopted Core Strategy. In addition, the three sites would contribute significantly to the expected minimum total of 1041 dwellings for larger villages in the emerging local plan. The Plan will boost significantly the supply of housing in the neighbourhood area. In particular I am satisfied that the Parish Council has adopted a pragmatic and locally-distinctive approach to this policy both in general, and in relation to the likely direction of the emerging Plan in particular.

7.67 I am also satisfied that the proposed built-up area boundary is in general conformity with the strategic policies in the development plan. Neither the adopted core strategy nor the emerging local plan relies on the concept of built-up area boundaries. The various policies provide flexibility around a looser definition of a built-up area. However, I am satisfied that the submitted Plan has addressed a very specific series of issues in a positive way. In doing so it has actively identified a series of housing sites which are currently in or on the edge of the existing built-up area. In addition, the policy itself does not directly rule out new residential development outside the built-up area boundary where it would meet national and local strategic policies.

7.68 I am also satisfied that the combination of the policies will provide the 'practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency' as set out in the NPPF (paragraph 17). The importance of the development plan is safeguarded and reflected in the NPPF. The District Council will be able to rely on the contents of paragraphs 185 and 198 of the NPPF in its decision-making processes.

7.69 Whilst I am satisfied that the approach adopted meets the basic conditions in general terms, I recommend a series of modifications to the details of the policy so that it has the clarity required by the NPPF. In the first instance I recommend that the reference to proposals being 'granted' is replaced with 'supported'. The approach in the submitted Plan is very prescriptive and has the ability to detract from SODC's need to assess all material planning considerations on each and every planning application and on a site-by-site

basis. In the second instance I recommend modifications to the various criteria in the first part of the policy. In particular the modifications refer to unacceptable harm rather than simply harm.

- 7.70 I also recommend modifications to the part of the policy that applies outside the built-up area boundary so that it has proper regard to national policy. In doing so I have considered the various representations made to this part of the policy. My recommended modification is inevitably of a general nature. It would be inappropriate for me to attempt to provide a definitive list of the types of residential development that would be acceptable. This will be a matter of judgement for SODC in applying its development management function throughout the Plan period.

In the initial part of the policy replace ‘granted’ with ‘supported’.

In the first criterion replace ‘spoil’ with ‘have an unacceptable impact on’.

In the second criterion replace ‘is not lost’ with ‘is not unacceptably harmed’ and insert ‘unacceptably’ before harmed. Insert ‘; and’ at the end of the second criterion.

In the third criterion replace ‘problems of’ with ‘produce an unacceptable impact on’ and insert ‘in the neighbourhood area’ after ‘access’.

Replace the final part of the policy with:

‘Proposals for development outside the built-up area boundary will only be supported if they are appropriate to a countryside location and are otherwise consistent with development plan policies.’

Policy CNP H3

- 7.71 This policy addresses the mix and type of new housing to come forward in the Plan period. It has two component parts. The first sets out an expectation that the housing mix on the allocated sites meets the needs set out in the Plan’s Housing Mix Strategy. The second supports the development of self-build and custom build homes. In its response to my clarification note the Parish Council has confirmed that its intention was that the two elements of the policy should be seen as overlapping. Nevertheless, it has indicated that it would be content if the two elements were separated.
- 7.72 I recommend that the two components of the policy are separated. This approach will provide the clarity required by the NPPF. In addition, it will focus the range and mix element of the policy on the allocated sites and will naturally allow self-build and custom build homes to come forward on other sites in the neighbourhood area. In this context I recommend that the first part of the policy is deleted and incorporated into Policy H1a. This reflects that it only applies to allocated sites.
- 7.73 The second part of the policy has regards to national policy. The element of the policy that offers support to self-build and custom build homes ‘where they

meet policies in the development plan' will ensure that the policy meets the basic conditions.

**Delete the first sentence of the policy.
Incorporate it into Policy H1**

At the end of paragraph 114 add:

'Policy H1a addresses the need for the allocated housing site (CHOL 1/7) to deliver a range and mix of housing types. Policy CNP H3 has a specific focus on custom and self-build houses. It applies across the neighbourhood area.'

Policy CNP H4

- 7.74 This policy addresses affordable housing. Its first part requires compliance with the development plan. The second part requires priority letting to people with a strong local connection to the neighbourhood area.
- 7.75 The first component meets the basic conditions. The second component is more about the administration of a process rather than the application of policy. It relates to the role of SODC as the housing authority rather than its role as the planning authority (in the application of the first part of the policy).
- 7.76 As such I recommend the deletion of the second sentence of the policy. However, given its importance to the Parish Council I can see that the matter has already been captured in the supporting text (127). I am satisfied that this can remain notwithstanding the deletion of the policy element. It sends out a clear expectation about how the Parish Council expects the affordable housing allocation to be delivered outside the planning system.

Delete the second sentence of the policy.

Policy CNP H5

- 7.77 This policy (in association with H6) provides general commentary on how new residential should proceed in the neighbourhood area.
- 7.78 Policy H5 takes a general approach. It does so to good effect. Its range of issues includes:
- connections to the existing village;
 - the provision of well-designed houses
 - development should be in keeping with local character, materials and colour palette;
 - landscaping; and
 - the provision of recreation facilities.

- 7.79 The policy meets the basic conditions.

Policy CNP H6

7.80 This policy seeks to supplement the previous policy with specific guidance on distances between existing and new homes as follows:

- back to back distances between habitable rooms;
- back to side distances between habitable rooms and a side gable in an adjacent home;
- front to front distances between habitable rooms; and
- back to boundary distances between habitable rooms and a side boundary onto existing landscape space.

7.81 Plainly the approach taken is both detailed and comprehensive. I sought advice from the Parish Council on the extent to which the policy would be prescriptive in general terms, and the extent to which it has regard to paragraph 56-61 of the NPPF in particular. I have considered this matter carefully, including the comments received from the Parish Council. I can appreciate how it wishes to balance new growth with environmental concerns and to safeguard the rural character and appearance of the village. Nevertheless, I have concluded that its approach is unduly restrictive and as such does not have regard to national policy. This is particularly the case with regard to paragraph 59 of the NPPF. Whilst Policy CNP H5 takes an overall and guiding approach, Policy CNP H6 is unnecessarily prescriptive. It also has the ability to conflict with Policy H1b on density. On this basis I recommend the deletion of the policy. Given the strong functional relationship between the policy and the supporting text I also recommend the deletion of the associated information in the supporting text.

Delete the policy

Delete paragraph 140 and Table 1

Policy CNP H7

7.82 This policy addresses car parking requirements for new residential developments. It seeks compliance with the County Council's Residential Car Parking Policy 27 except on specific car parking requirements which are set out in the policy.

7.83 I am satisfied that there is local evidence to justify the slightly higher requirements than those set out in the County Council's guidance. As such the policy meets the basic conditions.

Policy CNP H8

7.84 This policy provides policy guidance on extensions to dwellings. It does so on a criteria basis. It addresses a comprehensive range of matters.

7.85 I recommend the following modifications to the policy so that it has the clarity required by the NPPF:

In the opening part replace ‘permitted’ with ‘supported’.

In the fourth paragraph replace ‘compatible’ with ‘in keeping’.

In the fifth paragraph replace ‘daylight, sunlight and outlook of’ with ‘daylight and sunlight of’.

Policy CNP E1

- 7.86 This policy sets a context for development proposals within the countryside outside the built-up area boundary. At its heart is that these areas will be protected against inappropriate development and, where possible, enhanced.
- 7.87 Part of the challenge of a wide-ranging policy of this type is that different parts of the neighbourhood area have different designations. In particular the southern part of the area is within the Wessex Downs AONB. In addition, the latter part of the policy provides very specific policy details in respect of development along the River Thames, and with particular reference to mooring stages. The detail and the structure of the policy has attracted a representation from SODC.
- 7.88 I am satisfied that a policy of this nature should feature in the Plan. It reflects the strong landscape context of the neighbourhood area that is well-described in earlier sections of the Plan. I saw this context first-hand when I visited the neighbourhood area. However, I recommend that the policy is effectively subdivided. This will have regard to the different national policy contexts that affect the neighbourhood area. I also recommend that the part of the policy on riverside moorings is addressed as a separate policy.
- 7.89 I recommend associated modifications to the supporting text. In particular:
- the insertion of an explanation to the different components of the principal policy;
 - the removal of unnecessary text from paragraph 173 given that neither of the two sites are proposed for development in the Plan; and
 - the insertion of supporting text for the proposed new policy.

In the first part of the policy replace the comma after ‘enhanced’ with a full stop and then delete the remainder of the sentence.

Thereafter replace the remainder of the policy with the following: ‘Within the AONB (as shown on Map 2) great weight will be given to conserving landscape and scenic beauty. Development proposals for major development will not be supported in this area except in exceptional circumstances and where they can be demonstrated to be in the public interest.’

Elsewhere in the neighbourhood area development proposals will only be supported where it would promote small scale economic growth which promotes the conservation and enhancement of the countryside’.

In paragraph 173 delete ‘(CHOL 5 and 6)’.

At the end of paragraph 177 add:

Policy CNP E1 sets out a policy to address these important issues. It makes a distinction between the parts of the neighbourhood area that are affected by AONB status and those which are not. This will ensure that the policy has regard to national policy. In relation to proposals outside the AONB development proposals should address the following matters as appropriate to their location:

- *how it would safeguard key views of importance in the Cholsey Views Assessment; and*
- *how it would impact on local landscape features such as trees, hedgerows, watercourses and bodies of water.’*

Insert a new policy as follows:

Policy CNP [E Insert Number]

‘Development proposals should respect the landscape, waterscape, cultural heritage and the user enjoyment of the River Thames, its tributaries and floodplains, the Ridgeway and the Thames Path. Insofar as planning permission is required proposals for mooring stages, posts, earthworks or river-facing banks with piles and planking outside the built-up area boundary will not be supported’

Include new supporting text to read:

‘A key part of the attractiveness of the rural parts of the neighbourhood area arise from its association with the River Thames. Policy [insert number] addresses this important matter. At its heart is safeguarding the tranquillity of this part of the neighbourhood area in general, and that of the River Thames in particular’.

Policy CNP E2

- 7.90 This policy offers support for proposals which improve opportunities for residents and visitors to enjoy Cholsey’s riverside location. The supporting text highlights the water access and parking issues by the River Thames at Ferry Lane. I saw several cars parked in that location when I visited the neighbourhood area. In this regard the Plan directly supports facilities for river-based sport or recreation.
- 7.91 At the same time the supporting text identifies how large-scale proposals would be harmful to the tranquil riverside environment.
- 7.92 I am satisfied that the policy is robust and well-constructed. It meets the basic conditions.

Policy CNP E3

- 7.93 This policy relates to heritage assets in the neighbourhood area. In particular its approach has a focus on the conservation area and on designated heritage assets. The policy is underpinned by impressive supporting text in paragraphs 197 to 206.
- 7.94 I sought advice from the Parish Council on the coverage of the policy and the extent to which it adds any distinctive value to national and local planning policies. Having considered all the information I am satisfied that with appropriate modifications that the policy meets the basic conditions and adds distinctive local value. I recommend that the second sentence of the policy reflects the particular features of the neighbourhood area. I also recommend the deletion of the example of advice involved in the policy. This is not in any way to detract from the quality of that advice. Indeed, it is very thorough and helpful. Nevertheless, there may be other such guidance (or indeed updates of that guidance) which emerge within the Plan period. I recommend that the current advice is relocated into the supporting text.

In the first sentence:

- **replace ‘must’ with ‘should’.**
- **delete ‘for example.... advice’.**

In the second sentence after ‘attributes’ add ‘particularly those features of the historic environment identified in this Plan’.

At the end of paragraph 206 add:

‘Policy E3 sets out the Plan’s approach towards the relationship between heritage assets in the neighbourhood area and development proposals. Its first part indicates that development proposals should assess the historic environment and how the proposal concerned contributes towards their settings. A good example of how this process could be achieved is set out in Historic England’s publication ‘Managing Significance in Decision Taking’. (Reposition link to footnote 36 to this revised text).

Policy CNP I1

- 7.95 This policy relates to the potential need for new development to contribute towards community facilities. It establishes a clear link between the growing population of the neighbourhood area (and that which will arise from policies in the Plan) and the capacity of existing facilities. It properly establishes that some contributions should better be provided on development sites and that others should be delivered off-site.
- 7.96 I recommend a series of modifications to ensure that the policy meets the basic conditions. They take account of the representation from SODC and the Parish Council’s response to the clarification note.

At the start of the policy insert ‘Where appropriate’.

**Insert ‘housing’ between ‘New’ and ‘developments’
In the first two sentences replace ‘must’ with ‘should’**

In paragraph 214 insert ‘housing’ between ‘new’ and ‘developments’

Policy CNP I2

- 7.97 This policy offers support to the development of a doctor’s surgery in the village. It is underpinned by commentary in the supporting text about the current levels of access to the surgery in Wallingford.
- 7.98 The policy includes an appropriate series of environmental and access criteria. This is particularly important as no site has yet been identified for this purpose. The policy meets the basic conditions.

Policy CNP I3

- 7.99 This policy addresses water and wastewater. It has two primary areas of focus. The first is on the need for a water and waste water impact assessment for all development other than minor development. The second is a restriction on water consumption. Thames Water has provided a helpful series of technical comments on the Plan. They highlight the legislative changes that came into effect in April 2018 on this important matter. In particular since that time developers can no longer be expected to submit wastewater assessments.
- 7.100 In these circumstances the first aspect of the policy has now been overtaken by events. Nevertheless, I recommend that it is modified so that it addresses the outputs of development process rather than the technical process that previously used to underpin making planning decisions. I am satisfied that the second aspect of the policy meets the basic conditions.

In the first part of the policy (237) delete the first sentence. After the retained sentence add a new sentence to read:

‘New developments should also be designed in a way which will neither exacerbate existing water supply or wastewater issues nor create water supply or disposal issues for properties elsewhere in the neighbourhood area’.

Replace the final bullet point in paragraph 236 with ‘the desirability of developers engaging in pre-application discussions with Thames Water’

Replace paragraph 234 with the revised statement from Thames Water in its representation to the Plan.

Policy CNP I4

- 7.101 This policy addresses surface and groundwater drainage. It does so to good effect. It provides a supporting context for the incorporation of sustainable drainage systems.

- 7.102 I recommend some minor modifications to the wording of the policy. I also recommend the deletion of the example of advice involved in the policy. This is not in any way to detract from the quality of that advice. Indeed, it is very thorough and helpful. Nevertheless, there may be other such guidance (or indeed updates of that guidance) which emerge within the Plan period. I recommend that the current advice is relocated into the supporting text.

**Throughout the policy replace ‘must’ with ‘should’.
Delete the final sentence.**

Reposition the delete final sentence (and the link to footnote 46) to the end of paragraph 234 (as recommended to be modified).

Policy CNP I5

- 7.103 This policy offers support to proposals which would improve parking, delivery and operational arrangements around the Forty.
- 7.104 The implementation of this policy will have general benefit in the village. It meets the basic conditions.

Policy CNP I6

- 7.105 This policy sets out to safeguard a series of essential community facilities and services. They are described in Graphic 1.
- 7.106 The policy would not support the change of use or redevelopment of the named facilities unless it would bring about a significant improvement of an existing facility or a replacement facility, it has been determined that the facility is no longer needed or, in the case of commercial services, the facility is no longer viable. The policy is well-constructed. In particular it has regards to viability issues both in general, and for the commercial properties in particular.
- 7.107 I recommend that the second paragraph of the policy is deleted and reproduced within the supporting text. It describes the basis on which the marketing assessment should be carried out rather than being a matter of policy itself.
- 7.108 The Parish Council clarified that research had been carried out for the one-year marketing period and that a realistic market price is that which reflects the existing (community) use of the premises. The latter matter is reflected in a recommended modification to the supporting text.

**In the first part of the policy replace ‘permitted’ with ‘supported’.
After i. add ‘; or’
Delete the second paragraph of the policy.**

Replace the deleted element of the policy at the end of paragraph 240. In doing so replace ‘realistic price’ with ‘realistic market price that reflects the existing (community) use of the premises’.

Policy CNP I7

- 7.109 This policy offers support for proposals which would improve facilities at the recreation ground. It meets the basic conditions

Policy CNP I8

- 7.110 The proposal offers support to proposals that would enable local residents to work from home. It reflects the current buoyancy of the local employment market and the existing ability of local residents to do so.
- 7.111 The policy has regard to national policy. I recommend a modification to take account of circumstances where planning permission would not be required for persons to work from home. Plainly SODC will need to assess the need or otherwise for planning permission and/or the acceptability of such proposals on a case-by-case basis.

Insert ‘Insofar as planning permission is required’ at the beginning of the policy

At the end of paragraph 252 add: ‘In some cases planning permission may not be required for people to work for such businesses. Policy I8 will apply only to proposals which requires planning permission’.

Policy CNP I9

- 7.112 This policy offers support to ‘small scale’ business uses in or adjacent to the village. I sought advice from the Parish Council on the scale of development it had in mind in devising the policy. SODC suggests that the policy threshold is ill-defined and has the ability to conflict with national policy.
- 7.113 The Parish Council provided helpful advice in its response to my clarification note. It proposes a threshold of 0.5 hectares. This figure is of the order of the smallest employment allocation in the emerging Local Plan.
- 7.114 The Plan takes an appropriate approach to this important matter. I am not convinced however that there is a need to define a threshold within the policy itself. As SODC comment this would not have regard to national policy and may prevent otherwise acceptable schemes from coming forward. I recommend that the matter is addressed in a more general fashion. Nevertheless, I recommend that an indicative size threshold is incorporated into the supporting text.

Delete ‘small scale’.

After ‘village’ add ‘which respect the scale of the village and its wider landscape setting’.

After the first sentence of Paragraph 255 insert:

'Policy I9 addresses the issue of new business development. It supports new enterprises which would respect the scale of the village and its wider landscape setting. Plainly each proposal would need to be considered on its own merits. However, the Plan anticipates that any such new developments would be of 0.5 hectares or less in site area.'

Policy CNP I10

- 7.115 This policy addresses both the safeguarding of existing allotments and the cemetery and the requirement for new allotments to be provided in association with new residential development.
- 7.116 The Parish Council clarified that the purpose of the first part of the policy is to safeguard the existing allotments and the cemetery from other forms of development. I recommend a modification accordingly.
- 7.117 On the second aspect of the policy I am satisfied that the Parish Council has provided appropriate evidence on the supply and demand of allotments in the neighbourhood area. Nevertheless, I recommend the deletion of reference to an undefined national standard.

Replace the first sentence with:

'Proposals that would involve the loss of the existing allotments and the cemetery will not be supported'.

In the second sentence replace 'in accordance with the National' with 'to a'.

Policy CNP I11

- 7.118 This policy offers support for small scale proposals for local tourism. It particularly highlights the importance of the Dame Agatha Christie Trail to the village economy.
- 7.119 The policy is well-considered. Plainly it is distinctive to the neighbourhood area. I recommend that the final part of the policy is reconfigured so that it adopts a policy format.

Replace 'is particularly encouraged' with 'will be particularly supported'.

Policy CNP T1

- 7.120 This policy comments that new developments should connect to the existing walking and cycling network and that where appropriate traffic calming and new junction arrangements should be provided. It also requires that proposals for 10 homes or more should be within 500 metres of a bus or rail stop.
- 7.121 I am satisfied that the more general parts of the policy meet the basic conditions. However, in this context I recommend that the first sentence also

identifies that not all developments may offer the opportunity to establish connections. Plainly not all schemes will provide a direct opportunity to connect to the walking and cycling network.

- 7.122 The Parish Council provided advice on the 500metre criteria in the latter part of the policy. I can see its connection to the County Council's standards. However, in the circumstances provided by the submitted Plan I am not satisfied that this part of the policy is necessary to ensure that the Plan meets the basic conditions. The Plan offers a context within which its three allocated housing sites and other infill sites can proceed. The village has a railway station and a selection of bus stops. On this basis I recommend that this part of the policy is deleted.

**At the beginning of the policy insert 'Where appropriate'.
Delete the final sentence.**

Policy CNP T2

- 7.123 This policy offers support to proposals which would improve facilities at the railway station. They include public transport facilities, disabled provision and secure car parking. The second part of the policy comments that proposals should be designed to minimise their impact on the AONB.
- 7.124 The policy is entirely appropriate. I recommend that the application of the AONB element of the policy is clarified. I saw the relationship of the village and the AONB when I visited the neighbourhood area. Plainly the relationship between the two is an important consideration. Nevertheless, different proposals which may come forward as a result of this policy will have the potential to have very different impacts on the AONB. On this basis I recommend the insertion of 'Where appropriate' at the beginning of the second sentence of the policy.

Insert 'Where appropriate' at the beginning of the second sentence of the policy.

Policy ED1

- 7.125 This policy addresses proposals to expand the Cholsey Primary School. Plainly its ability to cater for the educational needs of the village within the Plan period is an important local matter. It is one which affects the wider sustainability of the neighbourhood area.
- 7.126 The County Council comment that the expansion of the School is now underway. The school site can accommodate 24 car parking spaces and this is considered to be adequate for a school of this size. As such the County Council is not proposing to increase the size of the car park. On this basis I recommend that this element of the policy is deleted.

7.127 In a wider sense I recommend that the policy is reshaped so that it can fully address any potential expansion needs which may arise within the Plan period.

Replace the policy with:

‘Proposals for the expansion and/or consolidation of the existing educational facilities on the Cholsey Primary School site will be supported subject to the following criteria:

- **they provide appropriate levels of staff car parking; and**
- **the meet the minimum requirements for playing field and outdoor play space.’**

Policy ED2

7.128 This policy offers support for an expanded pre-school facility on the school site. This part of the policy is entirely appropriate and meets the basic conditions.

7.129 The second part of the policy indicates that new housing sites should contribute to this facility. I sought clarification from the Parish Council on how this proposal would work in practical terms and whether it anticipated a threshold for the size of housing sites that would be required to contribute. I was advised about the relationship between earlier proposals and contributions to this facility and that the Parish Council had a deliberate open and flexible approach.

7.130 I can understand the Parish Council's approach. Plainly there is the potential for a direct link to exist between new housing development and the capacity and efficiency of the pre-school facility. Nevertheless, I am not satisfied that there is sufficient evidence to justify this component of the policy. Equally the policy is not sufficiently detailed for inclusion within the development plan. On this basis I recommend the deletion of the second sentence of the policy. However, I recommend that a modified version of the sentence is relocated into the supporting text. There could well be circumstances where, as a wider package, a residential development contributes towards an expanded pre-school facility. This approach would retain the flexible approach anticipated by the Parish Council.

Delete the second sentence of the policy

At the end of paragraph 317 add:

‘Policy CNP ED2 supports proposals for an expanded pre-school facility. In certain circumstances it may be appropriate for wider developer contribution packages associated with new residential proposals to include the expansion of the pre-school.’

Monitoring

- 7.131 Paragraphs 334 and 335 address the monitoring and the potential review of any 'made' neighbourhood plan. It adopts a responsible approach to this matter and recognises that the emerging Local Plan has the ability to provide a revised context to that which has been used progressively to shape the emerging neighbourhood plan.
- 7.132 Paragraph 335 comments that if local strategic policies change (and in any event two years before the expiry of the Plan) a full review of the Plan will take place. I recommend that this element of the Plan should be more explicitly related to the adoption of the emerging Local Plan, and its strategic housing requirements in particular. I recommend that the Parish Council should approach this important matter in a phased way. The first phase would be to assess the implications of the adoption of the Local Plan 2033 on any made neighbourhood plan within six months of the adoption of the Local Plan. The second phase would be to begin a review of the neighbourhood plan within twelve months of the adoption of the Local Plan where it was considered that any made neighbourhood plan had effectively been superseded by the adoption of the Local Plan.

Replace the final sentence of paragraph 335 with the following:

'The neighbourhood plan will be assessed against the emerging South Oxfordshire Local Plan 2033 when that Plan is eventually adopted. This will be done in two phases. The first phase would assess the implications of the adoption of the Local Plan 2033 on the neighbourhood plan within six months of the adoption of the Local Plan. The second phase would be to begin a review of the neighbourhood plan within twelve months of the adoption of the Local Plan where it was considered that the neighbourhood plan had effectively been superseded by the adoption of the Local Plan'.

Pledges

- 7.133 The Plan includes a series of Pledges. They are non-land use matters which have naturally arisen as a result of the Plan's preparation. In most cases they have a natural relationship with the associated land use policies. I comment on them in turn below. Where necessary I recommend modifications to their content.

I1

This pledge concerns the ambition of the Plan to work with the Clinical Commissioning Group and the Wallingford Medical Practice to provide a satellite or separate surgery in Cholsey. This is entirely appropriate and distinctive.

I2

This pledge refers to joint work with retail owners and operators to explore opportunities for improvements around the Forty. As with I1 this is entirely appropriate,

T1

At the heart of this pledge is that consideration is given to installing a pedestrian crossing on the Reading Road close to its junction with Papist Way and Ferry Lane. I crossed the road in this location when I visited the neighbourhood area. Plainly a crossing of this nature would assist residents on the Fairmile Hospital developments to access village facilities. It would also assist residents in securing access to the River Thames along Ferry Road. The pledge refers as much to process as outcome. In effect the neighbourhood plan steering group is suggesting to the Parish Council that a pedestrian crossing should be funded through the local element of the SODC Community Infrastructure Levy. I recommend that the Pledge is modified so that it refers simply to outcomes. By definition the qualifying body for the neighbourhood plan is the Parish Council.

Replace 'The neighbourhood.... consider' with 'The Parish Council will explore the feasibility of'.

ED1

This pledge relates to work between the Parish Council, the County Council and Wallingford School to ensure that there is continuing capacity for all Cholsey young people who wish to attend that School. This is entirely appropriate. It reflects the potential for Cholsey to continue to grow throughout the Plan period.

ED2

This pledge relates to work with relevant organisations to provide opportunities for adult education in the village. It is appropriate and distinctive to the neighbourhood area.

ED3

This pledge relates to proposals to investigate opportunities for a school bus service for the primary school. It is appropriate and distinctive to the neighbourhood area.

Other Matters

- 7.134 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. It will be appropriate for SODC and the Parish Council 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.

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 2033. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character of the village and its community facilities.
- 8.2 Following my independent examination of the Plan I have concluded that the Cholsey Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a variety of modifications to the policies in the Plan. Nevertheless, the Plan remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 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 Cholsey Neighbourhood Development Plan should proceed to referendum.
- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan 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 4 August 2016.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. I am particularly grateful to all who participated in the hearing for their thorough and courteous approach to the discussions on strategic growth and the identification of reasonable alternatives.

Andrew Ashcroft
Independent Examiner
19 December 2018