

# **Burcot and Clifton Hampden Neighbourhood Development Plan 2011-2035**

**A report to South Oxfordshire District Council  
on the Burcot and Clifton Hampden  
Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by South Oxfordshire District Council in April 2023 to carry out the independent examination of the Burcot and Clifton Hampden Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 8 August 2023.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its local character whilst encouraging appropriate development to come forward.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Burcot and Clifton Hampden Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum area should coincide with the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**22 May 2024**

## 1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Burcot and Clifton Hampden Neighbourhood Development Plan 2011-2035 (the 'Plan').
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Burcot and Clifton Hampden Parish Council (BCHPC) 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) 2012 and its subsequent updates. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises because 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. It has a clear focus on maintaining the character and appearance of the neighbourhood area and safeguarding its community facilities.
- 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 BCHPC, to conduct the examination of the Plan and to prepare this report. I am independent of both SODC and BCHPC. 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 41 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I 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 Service.

### *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.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

### 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 SODC SEA/HRA screening report (December 2022);
- the Parish Council's responses to the Clarification Note;
- the representations made to the Plan;
- the adopted South Oxfordshire Local Plan 2035;
- the National Planning Policy Framework (December 2023);
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 8 August 2023. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit 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 am satisfied that the Plan could be examined without the need for a public hearing.

3.4 BCHPC has also submitted a Neighbourhood Development Order for a new GP surgery, new homes, an extension to the village hall, additional parking, and a new burial ground in Clifton Hampden. I have also been appointed to examine that Order. The examination of the Order is proceeding separately and arrangements are being made for a hearing. SODC and BCHPC are content that the examination of the submitted Plan should be concluded before the examination of the Order has finished. In process terms, I am satisfied that the outcome of the examination of the Plan has no direct or indirect bearing on the outcome of the examination of the Order.

3.5 The NPPF has been updated in both September and December 2023 since the Plan was submitted. For clarity I have assessed the Plan against the December 2023 version of the NPPF.

## 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 BCHPC has prepared a Consultation Statement. It sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (August to September 2022). It captures the key issues in a proportionate way and is then underpinned by more detailed appendices. It is a good example of a Consultation Statement.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. It provides advice on specific phases of work on the Plan
- 4.4 The Statement also provides details of the way in which BCHPC engaged with statutory bodies. I am satisfied that the process has been both proportionate and robust.
- 4.5 Appendices 3 and 4 of the Statement provide details on the comments received during the consultation process associated with the pre-submission version of the Plan. They identify the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.6 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I am satisfied that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. SODC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

### *Representations Received*

- 4.8 Consultation on the submitted plan was undertaken by SODC and ended in April 2023. This exercise generated comments from the following organisations:
- Oxfordshire County Council
  - Office for the Nuclear Regulator
  - The Coal Authority
  - South Oxfordshire District Council; and

- Natural England
- CPRE

4.9 Comments were also received from several residents. In most cases, the representations commented on the parallel Neighbourhood Development Order.

4.10 I have taken account of the various representations in examining the Plan. Where it is appropriate to do so, I make specific reference to the individual representations in Section 7 of this report.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area consists of the parish of Burcot and Clifton Hampden. Its population in 2011 was 662 persons living in 255 houses. It was designated as a neighbourhood area on 26 September 2014 and amended on 18 September 2020. Clifton Hampden sits on the north bank of the River Thames, around 4 miles east of Abingdon in Oxfordshire. Burcot sits along the north bank of the River to the east of Clifton Hampden.
- 5.2 The principal settlement in the neighbourhood area is Clifton Hampden. Many of the buildings in the village were erected in the nineteenth century by the Gibbs family to designs prepared by George Gilbert Scott. Much of this character remains. The family gave many of the assets to, or for the use of, the village, including the school, bridge, village hall, recreation ground, wharf, church, and the vicarage.
- 5.3 The other settlement in the parish is Burcot. The remainder of the parish is largely rural and is in agricultural use. It is heavily influenced by the River Thames.

### *Development Plan Context*

- 5.4 The South Oxfordshire Local Plan was adopted in December 2020. It sets out the basis for future development in the District up to 2035. The following policies are particularly relevant to the Burcot and Clifton Hampden Plan:

Policy STRAT 1	The Overall Strategy
Policy H4	Housing in the Larger Villages
Policy H16	Infill Development
Policy EMP10	Development in Rural Areas
Policy ENV1	Landscape and Countryside
Policy ENV3	Biodiversity
Policy ENV4	Watercourses
Policy ENV6	Historic Environment
Policy ENV7	Listed Buildings
Policy ENV8	Conservation Areas
Policy DES1	Delivering High Quality Development
Policy CF4	Existing Open Space, Sport, and Recreation Facilities

- 5.5 The Basic Conditions Statement assesses the key policies in the Local 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 Both Burcot and Clifton Hampden are identified as Smaller Villages in the adopted Local Plan (Appendix 7).



- 5.7 Policies H8 and H16 of the Local Plan comments about development in the Smaller Villages. In this context paragraph 4.37 of the Local Plan advises that:

*Smaller Villages, as defined in the settlement hierarchy (Appendix 7), have no defined requirement to contribute towards delivering additional housing (beyond windfall and infill development) to meet the overall housing requirement of South Oxfordshire. There is a sufficient supply of housing from strategic allocations and from existing planning permissions, which means that the less sustainable settlements will not be required to offset the housing requirement. However some parishes may still wish to proceed with preparing a Neighbourhood Development Plan for example to achieve the protection afforded by allocating housing to fund projects they want to deliver or they would like to identify a specific type of housing bespoke to their village's needs. The Council's strategy therefore allows them to do so, provided that the levels of growth are commensurate to the size of the village.*

- 5.8 In process terms the timings involved have allowed the submitted neighbourhood plan directly to take account of the up-to-date local planning context. Indeed, 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 previous and existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

#### *Unaccompanied Visit*

- 5.9 I visited the neighbourhood area on 8 August 2023.
- 5.10 I drove into the neighbourhood area from the A4074 to the north. This gave me an initial impression of its setting and character in general, and the context of its wider setting to the south of Oxford and its proximity to Dorchester.
- 5.11 I looked initially at Clifton Hampden village. I saw that it was tranquil notwithstanding the regular traffic on High Street and the bridge. I appreciated the various timber-frame and thatched cottages. I saw the prominence of the Church.
- 5.12 I then walked into the triangular area between High Street and the River Thames. I saw the bridge from a very different and attractive angle.
- 5.13 I saw that the School (to the north and west of High Street) and the Post Office (to the south and east of High Street) were at the heart of the community.
- 5.14 I walked to the main road (A415) and then to the west to the Village Hall. I saw its relationship with its car parking area and the extensive area of allotments to its north and west. I walked back into the village along the footpath running to the south from the A415.
- 5.15 I then drove to Burcot. I saw that it had a different character to that of Clifton Hampden based on larger houses generally in large plots and mainly to the south of the road to

benefit from access to/views of the River Thames. I saw the significance of The Old School and The Chequers PH.

- 5.16 I left the neighbourhood area on the A4074 to understand its relationship with Dorchester and Benson.

## 6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- not breach, and otherwise be compatible with, the assimilated obligations of EU legislation (as consolidated in the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

### *National Planning Policies and Guidance*

6.4 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 December 2023.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of relevance to the Burcot and Clifton Hampden Neighbourhood Plan:

- a plan led system – in this case the relationship between the neighbourhood plan and the adopted South Oxfordshire Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 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 subject to the recommended modifications included in this report. It sets out a positive vision for the future of the neighbourhood area. It addresses design and community facilities. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. It also advises that policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.11 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. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes a policy for school improvements (Policy BCH1). In the social dimension, it includes policies on community facilities (Policies BCH2 and 5). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on design (Policy BCH3 and 4) and on the energy efficiency of buildings (Policy BCH8). BCHPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.12 I have already commented in detail on the development plan context in South Oxfordshire in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the

development plan. Subject to the recommended modification in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

#### *Strategic Environmental Assessment*

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement SODC undertook a screening exercise (December 2022) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, it concluded that the Plan is unlikely to have any significant effects on the environment and would not require a SEA.

#### *Habitats Regulations Assessment*

- 6.16 The screening report also included a separate Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.17 The HRA report is both thorough and comprehensive. It takes appropriate account of the significance of several protected sites. It provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 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. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with the appropriate regulations.

#### *Human Rights*

- 6.19 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. In addition, 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. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

### *Summary*

- 6.20 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that they 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 BCHPC 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 (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies whether I have recommended modifications 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 section of the Plan (Sections 1-7)*

- 7.8 The initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional way. It makes a very effective use of well-selected maps. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction addresses the background to neighbourhood planning. It comments about how the Plan has been prepared and how it will be used. It defines the Plan period and includes a map of the neighbourhood area (Figure 1).
- 7.10 Section 2 describes keys elements of the neighbourhood area. It does so in a very effective fashion. The Plan's presentation of these issues has been very helpful for examination purposes.
- 7.11 Section 3 comments about the planning policy context within which the Plan has been prepared.
- 7.12 Section 4 sets out a series of community views on planning matters.

- 7.13 Section 5 comments about the amenities in the parish. Section 6 comments about the GP surgery. As the Plan advises a proposal for a new surgery building is included in the parallel Neighbourhood Development Order.
- 7.14 Section 7 includes a vision and a series of objectives for the wider Plan. The vision is:  
*‘Our vision is for a single, thriving, sustainable parish formed of two distinct villages, each with its own particular identity and character, with shared facilities and amenities.’*
- 7.15 The objectives of the Plan are:
- to build a long-term sustainable community;
  - to sustain and improve local services, business, and amenities;
  - to protect and enhance the natural environment and green spaces;
  - to honour the historic character of the parish, its villages, and its setting; and
  - to improve the network of footpaths and cycle paths within the parish and to neighbouring villages.
- 7.16 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

#### BCH1 School Improvements

- 7.17 The policy is intended to encourage proposals to improve and extend the primary school. It acknowledges that the school plays a vital part in the social fabric of the community and occupies a very prominent location in the village. The policy draws attention to the details in the NPPF which allow for the extension of buildings in the Green Belt, provided the proposals are not disproportionate to the size of the original building.
- 7.18 I saw the importance of the School to the community during the visit. The policy takes a positive approach to the issue. I am also satisfied that it has regard to Green Belt policy.
- 7.19 I recommend a modification to the wording of the final sentence of the policy so that it is directly related to the development management process and overlaps with the wording used in Policy ENV6 of the Local Plan.
- 7.20 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace the final sentence of the policy with: ‘In addition, they should conserve and enhance the significance of the Clifton Hampden Conservation Area and the significance and setting of other designated heritage assets.’**

#### BCH2 Enhancing Community Facilities

- 7.21 This policy identifies several existing community facilities that may benefit from improvement or extension and supports such proposals to ensure they remain fit for modern purposes and demands. It also makes provision for proposals to reorganise the existing supply and distribution of allotment plots. The text advises that these



facilities together form an essential and integral part of the healthy and vibrant life of the village. The policy draws attention to the details in the NPPF which allow exceptions for the extension or alterations of buildings in the Green Belt, provided the proposals are not disproportionate additions to the size of the original building.

- 7.22 The different elements of the policy address the following matters:
- proposals to improve or extend or replace or increase accessibility of the pavilion and ancillary buildings at the Clifton Hampden Recreation Ground;
  - proposals to improve or extend or increase accessibility of the Village Hall;
  - proposals to deliver new cemetery space or additional off-street car parking spaces to serve the village amenities; and
  - proposals to reorganise or to relocate existing allotment plots or increase accessibility such as the raising of beds.
- 7.23 The policy takes a positive approach to these matters. It also has regard to Green Belt policies.
- 7.24 I recommend a modification to the wording of the final sentence of the policy so that it is directly related to the development management process and overlaps with the wording used in Policy ENV6 of the Local Plan.
- 7.25 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace the final sentence of the second part of the policy with: ‘In addition, they should conserve and enhance the significance of the Clifton Hampden Conservation Area and the significance and setting of other designated heritage assets.’**

#### BCH3 Design Principles for Burcot

- 7.26 This policy establishes the importance of the design of new development to maintain the essential character of Burcot. In doing so, it refines the design quality principles of Local Plan Policy DES2 by comprising a series of design principles drawn from a community character assessment of the village. It requires that development proposals demonstrate, where relevant to the nature and location of the proposal, that regard has been paid to these principles. It does not require a slavish adherence to responding to each feature and therefore allows designers flexibility to propose innovative design solutions where appropriate.
- 7.27 The policy takes a positive and non-prescriptive approach. The various design principles are well-considered and helpfully describe the character of Burcot.
- 7.28 I recommend a modification to the wording of two elements of the policy to address comments made by SODC and as supported by BCHPC. In both cases, they will bring the clarity required by the NPPF. I also recommend that the supporting text is expanded to advise on the relationship between the policy and SODC design guidance. It reflects BCHPC’s response to the clarification note.

- 7.29 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**In the opening element of the policy replace ‘respect’ with ‘reflect’**

**In the fourth criterion delete ‘generally.... but are’**

*At the end of paragraph 7.21 add:*

*‘The approach in the Plan has been prepared to supplement the Joint Design Guide Supplementary Planning Document (June 2022) produced by the District Council and the Vale of White Horse District Council. All the relevant information will be considered in determining planning applications including the guidance contained in the National Design Guide, National Model Design Code, and (when available) the Burcot and Clifton Hampden Design Code.’*

BCH4 Design Principles for Clifton Hampden

- 7.30 The policy establishes the importance of the design of new development to maintain the essential character of Clifton Hampden. In doing so, it refines the design quality principles of Local Plan Policy DES2 and policies ENV6 and ENV8 by identifying a series of design and heritage principles drawn from a community character assessment of the village.
- 7.31 As with Policy BCH3, this policy takes a positive and non-prescriptive approach. The various design principles are well-considered and helpfully describe the character of Clifton Hampden. In this case, it meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

BCH5 Protecting Community Facilities

- 7.32 The policy supplements and refines existing development plan policies on community, open space, sport, or recreation facilities to which the policies should apply and by seeking to ensure that the long-term potential value of land in community use is not lost without good reason. The supporting text advises that given the small nature of the village, the loss of any of these facilities would be significant.
- 7.33 The policy takes a very positive approach to this matter. The facilities have been sensitively identified. The approach taken celebrates the importance of community facilities in the parish. In addition, the third part of the policy acknowledges that the use and viability of the identified community facilities may alter in the Plan period.
- 7.34 I recommend that the opening element of the third part of the policy is modified to address proposals which may result in the loss of a community facility (rather than simply causing harm). In doing so I have taken account of BCHPC’s response to the clarification note.
- 7.35 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace the opening element of the third part of the policy with: ‘Proposals that would result in the loss of community facilities, or which would harm their effectiveness or amenities will not be supported, unless it can be demonstrated that:’**

#### BCH6 Local Heritage Assets

- 7.36 The policy is intended to give additional protection to designated Local Heritage Assets, in recognition of the important contribution they can make to the special character of the Parish for the application of Policy ENV6 of the Local Plan. Policy ENV6 requires a balanced judgement to take place where proposals directly or indirectly affect the significance of a local heritage asset considering the scale of any harm or loss and the significance of the asset, as advised in the NPPF. The Plan advises that this means that Policy ENV6 will apply to schemes coming forward which may affect local heritage assets.
- 7.37 In the clarification note I questioned the value of the policy beyond national and local policies on built heritage. In addition, I sought clarity from BCHPC on the conflict between the content of paragraph 7.38 (on the importance of providing additional protection to non-designated heritage assets) and paragraph 7.39 (which comments that there are no identified non-designated heritage assets in the neighbourhood area).
- 7.38 In its response BCHPC commented that:

*‘The policy was included to reflect responses to the Regulation 14 consultation from Heritage England and SODC as a mechanism for giving additional protection to assets that the community feels warrant additional protection but are not nationally designated Heritage Assets. Our reading of the Regulation 14 responses from HE and SODC was that such a policy would act as a ‘placeholder’, should the community at some point in the future identify assets to have designated as Local Heritage Assets, and to go through the designation process, at which point BCH6 would come into play.*

*We acknowledge that the Examiner may take the view that without including specifically designated, Local Heritage assets, there is little point to this policy and suggest it is removed. However, there are several assets that residents have requested be considered because they substantially contribute to the character of the area, notably in Burcot that lies outside the conservation area within the Neighbourhood plan area; these include: St Mary’s chapel/school designed by Sir George Gilbert Scott built 1869, an ornamented brick water tower and several gabled Victorian estate cottages built around the same time, The second former chapel was built in the 1930s to serve a Missionary College using stone perpendicular sections taken from other churches. Other striking houses include 1960s cubic structures and recent modernist houses.*

*The (Parish Council) recommend keeping the policy and will address the designation of assets via a plan review in the future.*

*We also note SODC’s comments around the drafting of this policy, and the use of the word ‘designated’ to describe both nationally designated and locally designated*

*heritage assets. In the event that the Examiner is content for the policy to be retained, we would welcome a recommendation on the appropriate terminology to be used.'*

- 7.39 On the balance of the evidence, I am satisfied that the policy takes an appropriate approach and has regard to Section 16 of the NPPF. Nevertheless, I recommend that the supporting text is expanded to advise on BCHPC's intentions on these matters (as expressed in its response to the clarification note). Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

*Replace paragraphs 7.38 and 7.39 with:*

*'7.38 The policy is intended to give a parish dimension to national and local planning policies*

*7.39 Currently no list of non-designated Local Heritage Assets has been prepared. The Parish Council intend to develop a list in due course, following the advice set out by Historic England [Local Heritage Listing: Identifying and Conserving Local Heritage \(historicengland.org.uk\)](https://historicengland.org.uk). Once such properties have been identified the policy will apply Policy ENV6 of the Local Plan. Policy ENV6 requires a balanced judgement to take place where proposals directly or indirectly affect the significance of a local heritage asset considering the scale of any harm or loss and the significance of the asset, in line with paragraph 209 of the NPPF.'*

BCH7 Footpaths and Cycle paths

- 7.40 This policy offers support for improvements to footpaths and cycle paths. It identifies two specific locations in the parish.
- 7.41 In general terms, the policy takes a positive approach to this matter. I recommend that the wording is modified so that the approach has a wider application. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Add 'both generally and' between 'cycle paths' and 'at'**

BCH8 Provision of well-designed energy efficient buildings and places

- 7.42 The Plan advises that this policy is intended to deliver a step change in the energy performance of all new developments, and to encourage the retrofitting of energy efficient features in existing homes. It requires developers and individual home owners to ensure they address the national climate change targets and energy performance at the very initial stages of design. The Plan comments that 'Zero Carbon Ready' by design means making spatial decisions on layout and orientation of buildings at the outset to maximise the passive design benefits of a site and avoids leaving this to technical choices and assessment at the Building Regulation stage, by which time the opportunity may have been lost.
- 7.43 In general terms, the policy takes a positive approach to this matter and has regard to Section 14 of the NPPF. Since the Plan was submitted, a Written Ministerial Statement (Planning: Local Energy Efficiency Standards, December 2023) has been published

on energy efficiency in new buildings. I am satisfied that the non-prescriptive approach taken in the policy has regard to this up-to-date element of national policy.

- 7.44 I recommend that the wording of the opening element of the policy is modified so that it can be applied on a proportionate basis by SODC. I also recommend that the detailed wording of some of the sustainability principles is modified so that it more naturally flows from the revised opening element of the policy.
- 7.45 I recommend the deletion of the seventh (Broadband) and eighth (electric vehicle charging facilities) principles as they are now controlled nationally through the Building Regulations.
- 7.46 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace the opening element of the policy with:**

**‘As appropriate to their scale, nature, and location, the design and standard of development proposals should incorporate a high level of sustainable design and construction and be optimised for energy efficiency, targeting zero carbon emissions.’**

**The provision of the following sustainable features will be supported:’**

**Replace the sixth bullet point with: ‘The use of air source heat pumps’**

**Delete the seventh (on B/B) and eighth (on EV) bullet points.**

**Replace the tenth bullet point with: ‘The incorporation of on-site energy generation from renewable sources such as solar panels, to at least the extent required by Policy STRAT 4 of the adopted Local Plan.’**

**Replace the penultimate bullet point with: ‘The retrofitting of heritage properties and assets where it safeguards the character and appearance of the building concerned.’**

**Replace the final bullet point with: ‘The alteration of existing buildings where such works comply with the sustainable design and construction standards in Policies DES8-10 of the adopted Local Plan.’**

BCH9 Green Infrastructure

- 7.47 This policy defines the presence of Green Infrastructure assets. By doing so it refines Policies ENV3 and 5 of the Local Plan. Its purpose is linked with the vision and principles of green infrastructure in South Oxfordshire by defining a network of green infrastructure assets as a means of providing environmental support for the community and wildlife.
- 7.48 The policy takes a very positive approach to this matter. In specific terms:
- the proposed green infrastructure network has been carefully identified;
  - the policy has regard to section 15 of the NPPF; and

- the policy reflects national legislation on biodiversity net gain.

7.49 I recommend that the policy clarifies where the details of the green infrastructure network can be found in the wider Plan. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**After Green Infrastructure Network add: ‘(as shown on Policies Map 3: BCH9)’**

**BCH10 Local Landscape Character**

7.50 The Plan advises that the landscape character around the villages of Burcot and Clifton Hampden has a strong degree of coherence, with the River Thames providing a unifying influence. It comments that the River Thames corridor is noted for its unspoilt peace and tranquillity, and is enjoyed both by local residents and visitors to the area using the long distance Thames Path which runs along its banks as well as the river itself for water based leisure activities.

7.51 The policy comments that the culturally and historically important local landscape character of the parish, and in particular the waterscape of the River Thames corridor and its setting, will be conserved and where possible enhanced. It continues by commenting that development will only be supported where it protects, and where possible enhances, features of the river corridor and the area’s landscapes.

7.52 In general terms, the policy responds positively to the natural environment and landscape of the parish. Within this context I recommend the following modifications to bring the clarity required by the NPPF and to allow SODC to be able to apply the policy in a consistent way through the development management process:

- the introduction of a proportionate element to the policy;
- an acknowledgement that not all proposals will be able to enhance the character of the local landscape; and
- a reconfiguration of the final element of the policy so that it sets out the implications for proposals which do not meet the requirements of the substantive part of the policy.

7.53 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace the policy with:**

**‘As appropriate to their scale, nature and location, development proposals should conserve and, where practicable, enhance the culturally and historically important local landscape character of the parish, and in particular the waterscape of the River Thames corridor and its setting.**

**Development proposals which would have an unacceptable impact on the features of the river corridor and the area’s landscapes will not be supported.’**

#### Other matters – General

- 7.54 This report has recommended a series of modifications both to the policies and to the text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. It will be appropriate for SODC and the BCHPC 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.*

#### Other matters – Specific

- 7.55 SODC has made a series of comments on the Plan. Where they relate to individual policies, I have addressed them earlier in this report.
- 7.56 SODC has also made a series of comments on other general issues. They fall into two main areas. The first is a package of suggested factual corrections and updates. The second is a package of typographical issues. I have found them very helpful during the examination process. BCHPC responded positively to the various suggestions. I recommend the following modifications to bring the clarity required by the NPPF. The numbers used below relate to those in the SODC representation.

*Revise the Plan to incorporate the SODC points 1-4, 7, 10 and 15 (in the main schedule)*

*Correct the various typographical issues (1-41)*

- 7.57 The NPPF has been updated in both September and December 2023 since the Plan was submitted. I recommend that any references to the NPPF (and/or its paragraph numbers) are updated to reflect the December 2023 version.

*Update any references to the NPPF (and/or its paragraph numbers) to reflect the December 2023 version.*

## 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 2035. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan, I have concluded that the Burcot and Clifton Hampden Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report I recommend to South Oxfordshire District Council that subject to the incorporation of the modifications set out in this report that the Burcot and Clifton Hampden Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.4 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 originally approved by South Oxfordshire District Council on 26 September 2014 and amended on 18 September 2020
- 8.5 I am grateful to everyone who has helped during the examination process.

**Andrew Ashcroft**  
**Independent Examiner**  
**22 May 2024**