

Binfield Heath Neighbourhood Development Plan 2011-2035

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

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Executive Summary

- 1 I was appointed by South Oxfordshire District Council in February 2024 to carry out the independent examination of the Binfield Heath Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 19 March 2024.
- 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, safeguarding its community facilities, and designating local green spaces. It has been prepared in short order.
- 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 Binfield Heath 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
25 June 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Binfield Heath Neighbourhood Development Plan 2011-2035 (the 'Plan').
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Binfield Heath Parish Council (BHPC) 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, safeguarding its community facilities and designating local green spaces.
- 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 BHPC, to conduct the examination of the Plan and to prepare this report. I am independent of both SODC and BHPC. 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;
- appendices A-H;
- the Basic Conditions Statement;
- the Consultation Statement;
- the SODC SEA/HRA screening report (May 2022);
- BHPC'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 19 March 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The 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 The NPPF was updated in December 2023 after 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 BHPC 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 (May to June 2023). 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 Sections 3.2 to 3.4 of the Statement (together with Appendix 5) set out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They comment about specific phases of work on the Plan.
- 4.4 The Statement also provides details of the way in which BHPC engaged with statutory bodies (Appendix 6). I am satisfied that the process has been both proportionate and robust.
- 4.5 Appendix 7 of the Statement provides details about the comments received during the consultation process on the pre-submission version of the Plan. It also identifies 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 on 25 January 2024. This exercise generated comments from the following organisations:
- South Oxfordshire District Council
 - Thames Water
 - Historic England
 - Oxfordshire County Council
 - Coppid Farming Enterprises

- Natural England

4.9 Comments were also received from three residents.

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 Binfield Heath. Its population in 2011 was 709 persons living in 294 houses. It was designated as a neighbourhood area on 20 July 2021. The parish is rural in character and covers around five square miles on the southern edge of the Chilterns. It lies approximately four miles to the south of Henley-on-Thames and five miles north of Reading. Sonning Common is three miles to the west. A significant part of the parish is within the Chiltern Hills National Landscape.
- 5.2 There are three concentrations of development in the parish. The settlements at the Shop, Gravel Road and the Bottle & Glass grew up around the ancient Heath.
- 5.3 As the Plan comments, fields and woodland reach right to the centre of the village - in large part a legacy of the old Heath. This rural setting gives the area its very distinctive character.

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 Binfield Heath Plan:

Policy STRAT 1	The Overall Strategy
Policy H8	Housing in the Smaller 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 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 Binfield Heath is identified as a Smaller Village in the adopted Local Plan (Appendix 7).
- 5.7 Policies H8 and H16 of the Local Plan comment 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 19 March 2024.
- 5.10 I drove into the neighbourhood area from Sonning Common. This gave me an initial impression of its setting and character in general, and the context of its relationship to other settlements in this part of South Oxfordshire
- 5.11 I looked initially at Binfield Heath village. I saw the importance of the shop and the Recreation Ground. I also saw its relationship with the surrounding countryside as described in the Plan.
- 5.12 I then walked to the Bottle and Glass Inn along Common Lane. I saw the significance of the Inn itself and the various houses along Common Lane and Harpsden Road. This part of the visit highlighted the distinctive nature of the landscape in the parish and the relationship between the different settlements.
- 5.13 I walked back to Binfield Heath and then drove to the Gravel Road settlement. I saw the importance of the Binfield Heath Chapel. As with the earlier phase of the visit, this part highlighted the distinctive nature of the landscape in the parish and the relationship between the different settlements.
- 5.14 Throughout the visit I looked at the various proposed Local Green Spaces and the identified community facilities.
- 5.15 I left the neighbourhood area and drove to Shiplake. This helped me to understand the relationship between the two settlements.

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 Binfield Heath 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. It also proposes the designation of local green spaces. 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 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 policies for infill development (Policy BH9), and for extensions (Policy BH10). In the social dimension, it includes policies on local green spaces (Policy BH4), community assets (Policy BH12), and dark night skies (Policy BH17). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on landscape character (Policy BH1), important views (Policy BH5), and on design (Policy BH7). BHPC 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 (May 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 the following protected sites:
- Chiltern Beechwoods SAC - approximately 13km;
 - Hartslock Wood SAC - approximately 12km;
 - Aston Rowant SAC - approximately 17km; and
 - Thames Basin Heaths SPA – approximately 15km.

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 BHPC 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 or not 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 1-4)

- 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 Preface addresses the background to the neighbourhood planning agenda. It comments about how the Plan has been prepared and how it will be used. It defines the Plan period (paragraph 1.5) and includes a map of the neighbourhood area (Figure 1).
- 7.10 Section 2 describes key elements of the neighbourhood area. It does so in a very effective fashion and makes good use of photographs. The Plan's presentation of these issues has been very helpful for examination purposes. It has also underpinned certain policies.
- 7.11 Section 3 comments about the way in which the community was engaged as the Plan was prepared. It overlaps with the submitted Consultation Statement.

7.12 Section 4 includes a vision and a series of objectives for the wider Plan. The vision is:

'Our vision is to:

- *Protect and enhance the rural character of Binfield Heath while ensuring that the parish has a sustainable future*
- *Preserve the open spaces between the parish's individual settlements as well as the green gaps that separate us from neighbouring parishes*
- *Protect what remains of the historic Heath that gave the parish its name*
- *Identify and protect buildings considered to be of heritage value to the community*
- *Support local businesses*
- *Maintain the parish's strong community spirit*
- *Play our part in addressing the climate emergency by caring for our natural environment*
- *Continue to push for the entire parish to be included in the Chilterns Area of Outstanding Natural Beauty,'*

7.13 The Vision is supported by an extensive range of theme-based Aims and associated Objectives.

7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

General Comments on the policies

7.15 The presentation of the various policies has been well-considered. Two matters are noteworthy. The first is the way in which the Plan makes a direct linkage between each policy, relevant Local Plan policies and the Core Objectives of the Plan. This provides a clear context for each policy.

7.16 The second is the way in which several of the policies are directly underpinned by the technical detail in a relevant appendix of the Plan (Appendices A-H). In both instances, the approach taken is best practice.

7.17 Several of the policies and the supporting text refer to the Chilterns Area of Outstanding Natural Beauty (AONB). In September 2023 AONBs were retitled as National Landscapes. Within the context of this report, I will refer to The Chilterns National Landscape as CNL. In Section 7 of the report, I recommend that any general references to the former AONB are updated accordingly.

BH1 Landscape character

7.18 This policy is underpinned by the information in the submitted Landscape Character Assessment (LCA). It identifies specific Character Areas in the parish. They are set out in Table 5 of the Plan.

7.19 The policy comments that development proposals should meet a series of criteria. The overarching approach is that they should preserve or enhance the relevant Parish Landscape Character Area (PLCA) and take into consideration specifically the general

recommendations of the Binfield Heath Design Guidance and Codes, Landscape Character Assessment and Landscape Value Assessment.

7.20 In its representation, Coppid Farming Enterprises comment that:

‘The Plan explains that the PLCA5 is identified as an important part of the area’s history as it includes the major part of the historic ‘Binfield Heath’. Despite this, the South Oxfordshire Landscape Character Assessment does not consider this to be any different to the surrounding landscape, thus combining it with Landscape Character Area 23.

Significant concerns are raised in respect of PLCA5 in Table 5 for the following reasons:

- *PLCA5 is no longer a heath. This site is now a mix of a private polo field and woodland. There is no public access to the site.*
- *PLCA5 should not be identified as a bespoke landscape character area due to the history of this field. The Landscape Character Areas should be identified on the basis of the current landscape.*
- *It is inappropriate to identify PLCA5 separately as it is in conflict with the South Oxfordshire Landscape Character Assessment.’*

7.21 In its representation SODC comments that:

‘As the National Landscape (formally known as AONB) does not fully cover the parish, we therefore recommend the addition of ‘where relevant’ is added to the bullet points 2 and 4 so the policy can be applied when appropriate.’

7.22 I have considered these comments carefully. I looked at the PLCAs during the visit. In general terms the policy takes a positive approach to the matter. The LCA provides a well-considered and accurate description of the landscape of the parish. I have noted the inconsistencies between the South Oxfordshire Landscape Character Assessment and the submitted LCA. Plainly there are degrees of judgement involved, and it is appropriate for a parish-based assessment to provide more detailed comments within its area than may be possible at a district level.

7.23 In the round, I am satisfied that the LCA’s assessment of PLCA5 is appropriate. Nevertheless, I agree with Coppid Farming Enterprises that several of the comments about future development in this part of the parish do not have the clarity required by the NPPF and will be impractical for SODC to apply through the development management process. I recommend modifications to remedy the matter.

7.24 I recommend a modification to the opening element of the policy so that it can be applied on a proportionate basis. I also recommend modifications to two of the bullet points in the second part of the policy to address the points raised by SODC. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

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

Replace the second and fourth bullet points with:

‘Where relevant, maintain the role the PLCAs play in enhancing the character and special qualities of the Chilterns National Landscape and its setting’

Where relevant, reflect the features that define the character of the wider landscape in the Chilterns National Landscape or within its setting.’

In the final bullet point delete ‘as shown in this Plan’

BH2 Setting of settlements and coalescence

- 7.25 The context to the policy is that the Plan’s comment that the ancient Heath gave Binfield Heath not only its name but also its shape and character. In this context the Plan comments that:

‘While many other villages are settlements surrounded by countryside, Binfield Heath is countryside surrounded by settlements – because they grew up at the entrances to the Heath. That pattern, which over time developed into today’s separate settlements and individual houses in open countryside, gives the village a distinct identity that residents feel it is important to retain.’

- 7.26 The policy advises that new development must respect the open countryside and rural landscape setting of the neighbourhood area and the distinctive physical separation between settlements which contributes to their identity.

- 7.27 SODC comments that changes are necessary to refine the gaps identified so they cover a smaller area of land. This reflects the approach taken by examiners elsewhere in the District advising that gaps should be the smallest areas of land possible to sustain the separation required.

- 7.28 I raised issues with BHPC about the way in which the gaps had been determined, the extent to which gaps were needed to be defined given the nature of the parish, and if the policy could be applied without specific gaps being defined. In its response it advised as follows:

‘The Parish Council believes that given the erosion of the character of the loosely knit groups of housing interspersed with fields that it was necessary to define both the settlement boundaries and gaps.

There has been a clear pattern of development problems over time, where the current Local Plan policies have not been used effectively by officers to prevent development which is not in keeping nor enhances the character of the area.

This Neighbourhood Plan is.... the most appropriate place to examine the setting of each identified settlement area and its landscape. It is considered that this policy provides necessary local context to Local Plan Policy ENV1 and will help with creating an essential visual and physical gap between the identified settlements in Binfield Heath.’

- 7.29 I have considered the various matters very carefully including BHPC's responses to the clarification note. On the one hand, I am satisfied that the character and nature of the parish is such that it justifies the inclusion of a policy about the setting of the settlements and to avoid coalescence. On the other hand, I am not satisfied that the identification of the gaps proposed in the policy is proportionate to the ambitions of the policy. I have reached this conclusion for three principal reasons. The first is that the proposed gaps are of a scale which is strategic in importance, and is far greater than is required to safeguard the separation of settlements. The second is that major development is not anticipated in the parish in the Local Plan. The third is that the character of the parish is largely defined by the relationship between the three settlements and the identification of specific gaps brings little or no added value. In this context I recommend the deletion of Figure 36.
- 7.30 In these circumstances I recommend that the policy is recast so that it has a more general approach to the physical separation between the settlements rather than defining specific geographic areas. The recasting of the first part of the policy requires consequential modifications to the second part of the policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

'Development proposals should respect the open countryside and rural landscape setting of the parish and the distinctive physical separation between settlements which contributes to their separate identities.'

Proposals for appropriate rural development beyond the three settlements should be non-intrusive and preserve the physical and visual separation between the settlements.'

Delete Figure 36

BH3 Areas of Special Character

- 7.31 This is another important policy of the Plan. It advises that Crowsley Park and hamlet and The Heath have been found to have distinctive special character. The approach taken is underpinned by Appendix 5 of the Plan. The policy advises that where planning permission is required, all development (including extensions, alterations, and redevelopment) within the Areas of Special Local Character will only be acceptable if the size, scale, layout, type, siting, detailed design, and appearance of the development are compatible with the special character of that Area in terms of the features, characteristics or elements which are particularly distinctive to the area as set out for each PLCA and in Table 5.
- 7.32 In its representation Coppid Farming Enterprises comment that:

'Given that part of the Parish is covered by the AONB, it is inappropriate to further identify landscape designations in the Parish. No other special landscape designations are afforded to the Parish in the South Oxfordshire Local Plan. If the land was of such

specific natural beauty, it would have been designated as part of the Area of Outstanding Natural Beauty at the time parts of the Parish were designated.

The abandonment of the Areas of Great Landscape Value designation supports the point made previously that this land does not need any additional landscape related designation. If the landscape is of National Landscape quality it would have been designated as such.'

- 7.33 In its response BHPC provided further information about the two proposed Areas of Special Character and reinforced its view that they were suitable for such a designation.
- 7.34 I have considered the policy carefully in the light of the comments from Coppid Farming Enterprises and BHPC's response to the clarification note. I have taken account of the additional detail provided in the response to the clarification note about the character of the two proposed areas. The combination of the information in the Appendix and the response to the clarification note largely describes their character. However, the Plan does not include a detailed assessment of the extent to which the landscapes are special in their character (as described in paragraph 180a of the NPPF). On this basis I recommend the deletion of the policy and the associated supporting text.
- 7.35 I appreciate that this recommendation will be a disappointment to BHPC. However, in reaching this judgement I am aware that there is a high degree of overlap between the two proposed Areas of Special Character and the landscape character areas (throughout in the parish) as described in Section 5 of the LCA. In this context Policy BH1 of the Plan provides an appropriate requirement for development proposals to respond positively to the character of the areas in which they are located (and which includes the two proposed Areas of Special Character).

Delete the policy

Delete Section 5.3.4 and Figure 37.

BH4 Local Green Spaces

- 7.36 This policy proposes a package of local green spaces (LGSs). It is underpinned by a detailed assessment (Appendix F) of each proposed LGS against the three criteria in paragraph 106 of the NPPF. It also addresses other related matters (whether the green space is allocated for another use and the degree of access).
- 7.37 In its representation on the policy Coppid Farming Enterprises suggest that several of the proposed LGSs are deleted. In addition to advising that the spaces do not meet the criteria in paragraph 106 of the NPPF it comments that:

'We disagree that the presence of footpaths in the proximity of an open space makes it demonstrably special to the local community. Paragraph 106 of the NPPF is clear that LGS should only be designated in certain circumstances, which does not include having a footpath around it as set out in our previous assessment of the LGS designations.'

- 7.38 I raised the size of several LGSs with BHPC in the clarification note. In its response it advised that:

'The size of LGS 3, 17, 23 and 24 is dictated by the fact that they are remains of the old heath and, as such, are considered essential to the character of the area.'

LGS 18 The field behind Dunsden Way is bordered on two sides by footpaths that are well used by locals and visitors. These lead to the footpath through LGS 20, which covers the full extent of Shiplake Copse or Bluebell Wood. This ancient woodland borders the Holmwood estate and the walk through it is particularly popular during bluebell season.

LGS 30 covers the full extent of Woodwax Woods, ancient woodland that is popular with walkers and is of historic and cultural interest. Woodwax Woods was the site of the tree felling accident that killed the owner of nearby Holmwood in 1839. This in turn gave rise to Binfield Heath's most famous ghost story: that nearby Keeps Lane is haunted by the ghost of a servant who was killed when his horse collided with another rider while dashing to summon a doctor to the scene of the accident.

LGS 36.1 and 36.2 covers the parkland of Crowsley Park, one of Oxfordshire's 11 old deer parks (see Special Character Areas, Appendix E). 36.1 is crossed by the Chilterns Way and is much used by walkers.

LGS 42 covers the field on the edge of the Gravel Road settlement that extends to Emmer Green Road and the old Coach & Horses pub (now Highfield House) which was situated at one of the entrance gates onto the heath. The field was part of the original Common before enclosure and is crossed by footpaths on two sides.'

- 7.39 I have considered these various comments very carefully. Planning practice guidance (ID:37-015-20140306) advises that:

'there are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.'

- 7.40 I have approached the matter taking account of the rural character of the parish and the importance of the historic Heath. I also acknowledge that judgements will be required on a case-by-case basis. On the balance of the evidence, I am satisfied that many of the questioned areas can reasonably be considered as being local in character. However, I am not satisfied that this is the case with proposed LGSs 3 (32.8ha), 23 (7.21ha), 36 (1&2) (information not provided) and 42 (11.04ha). In each case, I have concluded that they are extensive tracts of land and I recommend their deletion from the policy. I also recommend consequential modifications to Figure 41 which shows the location of the various LGSs.

7.41 Coppid Farming Enterprises also question the extent to which certain proposed LGSs meet the other criteria in paragraph 106 of the NPPF. They are proposed LGS1, 17, 18,20, 24 and 30. I looked at the proposed LGSs as best as I could during the visit and assessed the information in Appendix F alongside the representation made by Coppid Farming Enterprises. On the balance of the evidence, I am satisfied that they are ‘in reasonably close proximity to the community they serve’ (NPPF106a) and are ‘demonstrably special to a local community and hold a particular local significance’ (NPPF106b).

The other proposed LGSs (LGS 2,4,5,7,8,10,11,13,15 and 16)

7.42 On the basis of all the information available to me, including my own observations, I am satisfied that these proposed LGSs comfortably comply with the three tests in the NPPF. In several cases they are precisely the type of green space which the authors of the NPPF would have had in mind in preparing national policy. The allotments (LGS2) and the Recreation Ground (LGS5) are obvious examples.

7.43 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 105 of the NPPF. Firstly, I am satisfied that the designations are consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. They are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.

7.44 The policy itself takes the matter-of-fact approach used in paragraph 107 of the NPPF. Other than the recommended deletion of the identified proposed LGSs I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Delete LGSs 3, 23, 36 (1&2) and 42

Revise Figure 41 accordingly

BH5 Important Views

7.45 This policy identifies 30 important views in the parish. The approach taken is underpinned by the LCA.

7.46 The policy advises that development proposals should preserve or enhance the local character of the landscape and through their design, height and massing should recognise and respond positively to the various Important Views. It goes on to comment that development proposals should allow for spaces between buildings to preserve views of countryside beyond and maintain the perceived openness of the settlement. Finally, it comments that development proposals within the parish which would have an adverse impact on an identified Important View will not be supported.

7.47 In its representation, Coppid Farming Enterprises comment that the policy:

‘is contrary to both draft Policy BH13 of the Neighbourhood Plan and Policy H16 from the South Oxfordshire Local Plan, which support infill development in Small Villages. Within these policies, infill is defined as the filling of a small gap in an otherwise continuous built-up frontage, therefore spaces between buildings do not have to be retained in accordance with this. Therefore, as currently worded (the policy) is in conflict with strategic policies in the adopted Development Plan. This would fail to meet the basic conditions. It is recommended that Policy BH4 is amended to reflect that in some circumstances, spaces between buildings may be developed in accordance with Policy BH13 of the Neighbourhood Plan and Policy H16.’

7.48 In its representation, SODC comments that:

‘the view triangles for important views 9, 10, 11, 25, 29, and 30 appear to extend over, or originate from, land outside of the neighbourhood plan boundary. Neighbourhood plan policies can only apply within the plan area, therefore views and areas outside of the neighbourhood area will not be subject to policies and should be amended or deleted. Views 6, 7, and 17 are also very small and difficult to identify on this map. We recommend the addition of an insert which shows these in greater detail.’

7.49 I have considered these comments very carefully in the wider context of the policy. In general terms I am satisfied that the approach taken is appropriate to the parish and is supported by the details in the LCA. Neither SODC nor Coppid Farming Enterprises comment directly on either the selection or the integrity of specific views identified in the policy.

7.50 However within this broader context I recommend the following modifications to the policy to bring the clarity required by the NPPF, to allow appropriate development anticipated in the Local Plan to come forward; and to allow SODC to be able to apply the policy in a practical and proportionate way:

- the inclusion of a proportionate element within the first part of the policy;
- an acknowledgement that the ambitions of the second part of the policy will not always be practicable, especially within the three settlements; and
- a detailed revision to the wording used in the third part of the policy.

7.51 I also recommend that the cones of the views (as shown on Figure 42) are shown only within the neighbourhood area. Whilst views do not respect administrative boundaries, a neighbourhood plan can only apply policies within its designated area.

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

Replace the policy with:

‘As appropriate to their scale, nature and location, development proposals should preserve, or where practicable enhance, the local character of the landscape and through their design, height and massing should recognise and respond positively to the identified Important Views (as shown in Figure 42).

Wherever practicable, development proposals should allow for spaces between buildings to preserve views of the countryside beyond and maintain the perceived openness of the settlement concerned.

Development proposals which would have an unacceptable impact on an identified Important View will not be supported.'

In Figure 42 restrict the cones of the views to within the neighbourhood area.

BH6 Non-Designated Heritage Assets

- 7.53 This policy proposes the designation of a range of non-designated heritage assets. It is underpinned by the details of the buildings concerned in Appendix D. The policy comments that proposals for development that affect non-designated heritage assets will be considered, taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF.
- 7.54 In general terms I am satisfied that the policy takes a positive approach to this matter and has regard to section 16 of the NPPF. The selection of the proposed non-designated heritage assets has been underpinned by the details in Appendix D. The policy follows the approach taken in paragraph 209 of the NPPF. Nevertheless, it is repetitive, and does not directly comment that the Plan has identified the buildings concerned as non-designated heritage assets. I recommend modifications both to the policy and to the supporting text to remedy these matters and to bring the clarity required by the NPPF.
- 7.55 In its representation Coppid Farming Enterprises comment:
- 'The previous comment that it is not clear whether the non-designated heritage assets have been identified and analysed by a heritage specialist still stands as Appendix D states that they have been suggested by parishioners. Coppid Farming Enterprises strongly object to the designation of Coppid Hall and Comp Cottage, and consider that there is still not sufficient evidence-based justification.'*
- 7.56 I have considered the comments made by Coppid Farming Enterprises very carefully. On the balance of the information, I am satisfied that Coppid Hall (NDHA 26) is appropriate to be identified as a non-designated heritage asset. It is properly described in Appendix D of the Plan and the background work has been in a professional organisation. I recommend the deletion of the proposed designation of Comp Cottage. It had been included in the Plan by BHPC in error.
- 7.57 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

'The Plan identifies a series of non-designated heritage assets in Appendix D.

Development proposals affecting an identified non-designated heritage asset should demonstrate how the proposal will preserve or enhance the significance of the asset. Where a proposal would demonstrably harm a non-designated

heritage asset, the damage caused to the identity and character of the asset will be weighed against the overall benefits that would arise from the proposed development.'

Delete Comp Cottage from the schedule of non-designated heritage assets.

At the end of the third paragraph of supporting text add: 'Policy BH6 addresses this matter. It follows the approach taken in paragraph 209 of the NPPF (December 2023).'

BH7 Design Code

- 7.58 This is a key policy in the Plan. It seeks to ensure that well-designed and locally-distinctive development comes forward. It is underpinned by the submitted Design Guidance and Codes (Appendix 1).
- 7.59 The policy comments that development proposals which take account of the Binfield Heath Design Guidance and Codes (Appendix A) will be supported where they comply with other policies in the development plan. It also advises that proposals for new development will need to demonstrate within the Design and Access Statement or other submitted documentation, how the proposal accords with each matter set out in the Design Code as appropriate.
- 7.60 In general terms the policy takes a very positive approach to this matter. The Design Guidance and Codes is well-prepared and sets out distinctive principles to guide new development. It is a very positive local approach to Section 12 of the NPPF.
- 7.61 Within this broader context the policy is repetitive in places. I recommend that it is recast to remedy the issue. In doing so I recommend that the details required in Design and Access Statements should be proportionate to the development concerned. This will prevent the imposition of a significant demand on minor and domestic proposals.
- 7.62 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

'Development proposals should respond positively to the relevant sections of the Binfield Heath Design Guidance and Codes (Appendix A), taking account of the details about the following locations:

- **Shop Settlement (Figure 45);**
- **Gravel Road Settlement (Figure 46);**
- **Bottle & Glass Settlement (Figure 47);**
- **Open Countryside (Figure 48);**

As appropriate to their scale, nature and location, development proposals should demonstrate within their Design and Access Statement, or other submitted documentation, how they accord with each relevant matter set out in the Design Code.'

BH8 Re-use & Conversion of Rural Buildings

- 7.63 This policy comments that the conversion of rural buildings will be accepted only where they accord with the development plan and the design has been informed by the Binfield Heath Design Guidance and Codes and reflects the character of the local area. It goes on to advise that proposals which will result in the inappropriate alteration of the existing form, scale and appearance of the building will not be supported.
- 7.64 In general terms the policy takes an appropriate approach to this matter and has regard to Section 6 of the NPPF. In this broader context, I recommend that the policy is recast so that it has a more positive tone
- 7.65 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with:

‘Proposals for the conversion of rural buildings will be supported where they otherwise accord with the development plan and their design has been informed by the Binfield Heath Design Guidance and Codes and reflects the character of the local area.

Proposals which will result in the inappropriate alteration of the existing form, scale and appearance of the building concerned will not be supported.’

BH9 Infill and Redevelopment

- 7.66 Development should be limited to infill and the redevelopment of previously developed land or buildings. Sustainable development is supported where it is within the designated settlements (see Figure 50) and complies with the other policies in this Neighbourhood Plan. Infill development is defined as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. The scale of infill should be appropriate to its location.
- 7.67 In its representation, Coppid Farming Enterprises comment that it:
- ‘objects to Policy BH9 due to the retention of the three tightly drawn individual settlement boundaries at Figure 50 which indicate that Binfield Heath is three separate settlements which is contrary to the single Small Village category given to all of Binfield Heath in the Local Plan. There are also key areas of the village excluded from these settlement boundaries. The settlement boundaries remain overly restrictive and conflicts with Policy H16 of the Local Plan. The wording of Policy BH9 continues to be in conflict with the adopted Development Plan, which would fail to meet the basic conditions test.’*
- 7.68 SODC also suggests a series of revisions to the policy.
- 7.69 I have considered the policy and the representations very carefully. In combination the details highlight that the submitted policy restates important elements of Policy H16 of the Local Plan. Importantly Policy H16 of the Local Plan does not restrict infill and

redevelopment proposals to within defined settlements. As submitted, the policy does not have the clarity required by the NPPF and would generate confusion within the development management system.

- 7.70 In this broader context I recommend that the policy focuses on the added value elements beyond those already included in the Local Plan policy. I am satisfied that they are distinctive to the parish and they have not been challenged as part of the consultation process. In doing so I have removed the element of the policy about gaps between buildings as this matter is already addressed in Policy BH5. I also recommend that the highways criterion is modified so that it has a more straightforward format and to allow it to be applied through the development management process.
- 7.71 I recommend consequential modifications to the supporting text. I also recommend the deletion of two paragraphs of the text which comment about the way in which SODC has applied planning policies in the CNL. It is not the role of a neighbourhood plan to make such comments.
- 7.72 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with:

‘Within the settlement boundaries of Gravel Road, Shop and Bottle & Glass (as identified on Figure 50), infill development, the redevelopment of previously developed land or buildings and backfill development will be supported where such proposals accord with relevant policies in the development plan.

In addition to the approach taken in Policy H16 of the Local Plan, proposals for infilling or redevelopment should respond positively to the following principles:

- **The proposal is in accordance with and respects the local character of the area, as highlighted in the Landscape Character Assessment;**
- **The proposed development is of appropriate and proportionate scale, bulk, height, density, plot coverage, siting, layout, and mass in keeping with the immediate locality and reflects the characteristics highlighted in the Design Code;**
- **The proposal provides suitably sized front and rear gardens together with adequate soft and hard landscaping works, as highlighted in the Design Code;**
- **The proposal can be safely accommodated within the local highways network; and**
- **Any natural landscape features including trees and hedgerows are retained, integrated, and enhanced.’**

Replace ‘This policy should be read in conjunction with Policy BH1 – Landscape Character and Value and Policy BH13 – Accessibility, Highways and Sustainable Transport.’ with ‘Policy BH9 has been designed to be supplementary to the contents of Policy H16 of the Local Plan. It should be read in conjunction with Policy BH1 –

Landscape Character and Value and Policy BH13 – Accessibility, Highways and Sustainable Transport.'

Delete the first two paragraphs of supporting text on page 91 of the Plan (starting with 'The Plan area' and 'There have')

BH10 Dwelling Extensions

- 7.73 This policy comments that development proposals for residential extensions will be supported where they comply with the Binfield Heath Design Code. It also advises that they should not result in over-development of the site and instead should allow for sufficient gaps including space for landscaping between buildings in keeping with the overall character of the area.
- 7.74 In general terms I am satisfied that the policy takes an appropriate approach to this matter. Nevertheless, I recommend that the policy is recast in two areas. The first weaves reference to the Joint Design Guide into the first part of the policy. The second brings added value to the approach taken in the Joint Design Guide rather than repeating that guidance. In both cases this will allow the policy to be applied by SODC through the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with:

'Development proposals for residential extensions will be supported where they comply with the relevant policies in the development plan and take account of the Joint Design Guide and the Binfield Heath Design Guidance and Codes.

The scale and nature of the extension should retain sufficient gaps between buildings (including space for landscaping) which is in keeping with the overall character of the area.'

BH11 Replacement dwellings

- 7.75 This policy offers support to proposals for replacement dwellings where they meet a series of criteria.
- 7.76 In general terms I am satisfied that the policy takes an appropriate approach to this matter. Nevertheless, I recommend specific modifications to two of the criteria to bring the clarity required by the NPPF and allow them to be applied by SODC through the development management process. They also address the points made by SODC in its representation on the policy. I also recommend a modification to the opening element of the policy for the same reasons. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the opening element of the policy with: 'Proposals for the replacement of a dwelling will be supported where they comply with the relevant policies in the development plan and meet the following conditions:'

Replace the first bullet point with: ‘The replacement dwelling will be in keeping with the character of the area and take account of the District Council's Joint Design Guide and the Binfield Heath Design Guidance and Codes.’

Replace the penultimate bullet point with: ‘The new dwelling is positioned within the same location as the original property unless environmental and amenity factors justify an alternative approach.’

BH12 Community Assets and Economy

- 7.77 This is a comprehensive policy on community uses. I saw the range and importance of community facilities in the parish during the visit and the way in which they related to the three settlements.
- 7.78 In the round I am satisfied that the policy takes a positive approach to this matter and has regard to Section 8 of the NPPF.
- 7.79 Throughout the policy I recommend that the reference to community assets is replaced with community facilities. This acknowledges that community assets have a particular legal definition and not all community facilities are community assets.
- 7.80 I also recommend the following package of modifications to bring the clarity required by the NPPF and to allow SODC to apply its contents in a consistent way:
- a simplification of the opening element of the policy and associated consolidation of the supporting text;
 - specific changes to the wording used;
 - a recasting of the final part of the policy so that it has a positive rather than a negative approach.
- 7.81 SODC comment that the policy falls under two topics (community facilities and the economy). It suggests that the policy is split into two individual policies so that it can be applied with clarity and consistency. I have considered this matter carefully. Such an approach would have merit. However, it is not required to ensure that the Plan meets the basic conditions. In addition, it is not unusual for community uses identified in a neighbourhood plan to include commercial uses (such as public houses) given their inherent value to the wider community. Nevertheless, I recommend modifications to the supporting text on viability and marketing issues raised in the Plan and to achieve consistency with the policy approach in the adopted Local Plan.
- 7.82 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the opening element of the first part of the policy with: ‘The Plan identifies the following community and associated facilities.’

Replace ‘These assets are important to the sustainability of the Neighbourhood Plan area’ with ‘These facilities are important to the sustainability of the parish’

In the third part of the policy replace ‘assets’ with ‘community facilities’

Replace the final part of the policy with: ‘Proposals for new rural businesses and tourist uses should be designed so that they respond positively to character of the area and wider landscape views, neighbouring residential amenity, and highway safety.’

At the end of the text in Section 5.3.13 add: ‘Policy BH12 sets out an approach to safeguard important facilities in the parish. In the case of proposals which are submitted with a viability assessment the information provided should be consistent with that required by Policy CF1 of the Local Plan’

Change the title of the policy to ‘Community facilities and associated commercial uses’

BH13 Accessibility, Highways and Sustainable Transport

- 7.83 This is another comprehensive policy. In this case it sets out the way in which development proposals should relate to the highways network and be accessible.
- 7.84 In the round I am satisfied that the policy takes an appropriate approach and has regard to Section 13 of the NPPF.
- 7.85 I recommend a modification to the wording of the penultimate part of the policy to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the penultimate paragraph of the policy with: ‘Insofar as planning permission is required traffic calming measures should be designed so as not to increase noise, urbanise the area concerned, or have an unacceptable impact on residents or users of the route.’

BH14 Flooding and Drainage

- 7.86 This is another comprehensive policy. It includes the following related elements
- development proposals must incorporate a sustainable and integrated approach to the management of flood risk, surface water (including run off) and foul drainage which should be robust to the expected impacts of climate change;
 - development proposals involving the loss of permeable surfaces, loss of trees, loss of soft landscaping or loss of any other feature that reduces flood risk is required to use appropriate mitigation measures to prevent an increase in flood risk within the site or elsewhere. This should be proportionate to the scale of the proposal, with small interventions (such as planting or use of permeable surfaces) acceptable for minor developments in areas of low flood risk; and
 - Sustainable Drainage Systems (SuDS) should be used proportionately to mitigate any predicted increase in flood risk.
- 7.87 In general terms I am satisfied that the policy takes a positive approach to flooding and drainage and has regard to Section 14 of the NPPF.

- 7.88 Coppid Farming Enterprises suggest that the policy replicates Policy EP4 of the Local Plan. Plainly there are overlaps between the two policies. Nevertheless, I am satisfied that the combination of the details in the supporting text and the final part of the policy ensure that the proposed policy is supplementary to the approach in Policy EP4 of the Local Plan.
- 7.89 Whilst other elements of the policy have a proportionate element, I recommend that this approach is extended to the opening element. This will allow SODC to apply the policy in a way which relates to the scale and nature of the development proposed.
- 7.90 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the first part of the policy replace ‘Proposals must’ with: ‘As appropriate to their scale, nature and location, development proposals should’

BH15 Trees and Woodland

- 7.91 The policy seeks to ensure that trees and woodland are incorporated into development proposals.
- 7.92 The policy comments that development proposals which damage or result in the loss of ancient trees or trees of good arboricultural and amenity value including areas of woodland listed below and shown in Figure 55, should not be permitted. It goes on to advise that proposals should be designed to retain ancient trees or trees of arboricultural and amenity value.
- 7.93 SODC raise a series of technical matters about the wording of the policy. In addition, I have concluded that the policy takes a negative rather than a positive approach. I recommend modifications to address these matters.
- 7.94 Otherwise I am satisfied that the policy has regard to Section 15 of the NPPF and meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘Development proposals should incorporate existing native trees and shrubs where possible and should avoid unnecessary loss of flora. Any trees or woodland lost to new development should be replaced in line with the Woodland Trust Guidance.

Development proposals should seek to ensure no loss or significant harm is caused to sites of biodiversity value with attention to any effect on those areas of ancient woodland as detailed in figure 55 and listed below: [at this point reproduce the list from the policy]’

BH16 Biodiversity

- 7.95 The policy comments that development proposals should maintain and enhance the local biodiversity of the Plan area as shown in Figure 56 including Ancient Woodlands

and other identified local habitats. It also advises that the development of wildlife corridors between these assets as well as the maintenance and creation of wildlife corridors to and from Harpsden Wood/SSSI and Highlands Farm SSSI will be supported.

- 7.96 A neighbourhood plan cannot address development outside its designated area. As such I recommend a modification to the wording of the third part of the policy. In doing so I have taken account of BHPC's response to the clarification note.
- 7.97 The policy's ambition to raise the target for biodiversity net gain is positive. However, it is unrealistic to expect this from all development proposals. SODC comments that the emerging Joint Local Plan for SODC and the Vale of White Horse is seeking to achieve at least 11- 25% biodiversity net gain. Its emerging policies acknowledge that exemptions will be set out in forthcoming regulations and are expected to include development impacting habitat of an area below a 'de minimis' threshold of 25 metres squared (or 5m for linear habitats such as hedgerows), householder development, biodiversity gain sites (where habitats are being enhanced for wildlife), and small-scale self-build and custom housebuilding. In these circumstances I recommend that this element of the policy is recast and simplified.
- 7.98 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the third and fourth paragraphs of the policy with:

'New wildlife corridors that connect to existing corridors in neighbouring parishes bordering the plan area will be supported.

Development proposals should achieve a biodiversity net gain of 20% where appropriate and no less than the 10% minimum required level.'

BH17 Dark Night Skies

- 7.99 The policy seeks to safeguard the dark skies environment in the parish as identified by the CPRE Night Blight website.
- 7.100 It comments that development proposals should conserve and enhance relative tranquillity in relation to light pollution and dark night skies. It also advises that development proposals should demonstrate that they meet or exceed the Institute of Lighting Professionals guidance and other relevant standards or guidance, or any equivalent replacement/updated guidance for lighting within environmental zones. Finally, it comments that development proposals which include lighting should ensure that a series of criteria are met.
- 7.101 In the round the policy takes a very positive approach to this matter. I am satisfied that the criteria are appropriate and locally-distinctive. In this broader context I recommend that the first criterion is modified so that it acknowledges the content of the third part of the policy.
- 7.102 Otherwise it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the first bullet point with: ‘adverse effects from the installed lighting should be avoided.’

Other Matters - General

- 7.103 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 BHPC 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

- 7.104 The NPPF was updated in December 2023 after 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.

- 7.105 The Chilterns Area of Outstanding Natural Beauty has now been retitled to the Chilterns National Landscape. I recommend that any references to the former AONB are modified to reflect the new title

Update any references to the ‘Chilterns Area of Outstanding Natural Beauty’ to ‘the Chilterns National Landscape’

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 Binfield Heath 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 Binfield Heath 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 20 July 2021
- 8.5 I am grateful to everyone who has helped during the examination process.

Andrew Ashcroft
Independent Examiner
25 June 2024