

# **Sutton Courtenay Neighbourhood Development Plan 2023-2031**

**A report to the Vale of White Horse District Council  
on the Sutton Courtenay Neighbourhood  
Development Plan**

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## **Executive Summary**

- 1 I was appointed by the Vale of White Horse District Council in July 2023 to carry out the independent examination of the Sutton Courtenay Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 14 August 2023.
- 3 The Plan is a good example of a neighbourhood plan. It includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on three specific matters. The first is ensuring that development respects the historic character of the village and its relationship with the River Thames. The second is the proposed designation of a package of local green spaces. The third is the identification of proposed Green Gaps.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**18 January 2024**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Sutton Courtenay Neighbourhood Development Plan 2023-2031 ('the Plan').
- 1.2 The Plan was submitted to the Vale of White Horse District Council (VWHDC) by Sutton Courtenay Parish Council (SCPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019, 2021 and 2023. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises 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 and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan. It seeks to provide a context in which the neighbourhood area can maintain its character and its setting in the wider landscape.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 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 neighbourhood 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 VWHDC, with the consent of SCPC, to conduct the examination of the Plan and to prepare this report. I am independent of both VWHDC and SCPC. 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 40 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of undertaking 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 as submitted should proceed 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 Section 8 of this report.

### *Other examination matters*

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

### 3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the SEA/HRA screening report (November 2021).
- the Character Appraisal and Design Code.
- the Landscape Appraisal.
- the Character Assessment.
- the Landscape Study.
- the Biodiversity Report.
- The Local Green Spaces Assessment.
- The Countryside and Green Gaps Assessment.
- The Footpath Report.
- The Flooding Report.
- The Highways and Transport Update Document.
- the representations made to the Plan.
- SCPC's responses to the clarification note.
- the adopted Vale of White Horse Local Plan Parts 1 and Parts 2.
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 14 August 2023. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations and the professional way in which the Plan has been developed.

3.4 The NPPF was updated twice whilst the examination was taking place (September 2023 and December 2023). For clarity, I have examined the Plan against the contents of 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 (as amended), SCPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. Section 2 sets out the aims of the consultation process. It is a good example of a Statement of this type. It sets out key findings in a concise report which is underpinned with a series of more detailed tables and appendices. This is best practice.
- 4.3 Sections 4 and 6 of the Statement summarise the range of consultation events that were carried out in relation to the initial stages of the Plan.
- 4.4 The Statement records the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (July to August 2022). Appendix 13 provides the details of the ways in which the Plan was refined because of this process.
- 4.5 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. VWDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

### *Consultation Responses*

- 4.6 Consultation on the submitted plan was undertaken by VWHDC. It ended on 7 June 2023. This exercise generated representations from the following organisations:
- Bloor Homes (Southern)
  - Roebuck Land and Planning
  - Sports England
  - Vale of White Horse District Council
  - SSE
  - Mark Doodes Planning (obo the owner of Peewit Farm)
  - Coal Authority
  - Mark Doodes Planning (obo the owner of land north of Drayton Road)
  - Cauldwell and Sons
  - Victoria Land

- Thames Water
- National Gas
- National Grid
- Oxfordshire County Council
- MEPC Milton Park
- FCC Environmental

4.7 Representation were also received from several parishioners.

4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area is based on the village of Sutton Courtenay which is located between Didcot to the south and Abingdon to the north. However, the designated area does not follow the parish boundary to acknowledge that a Local Development Order is in place for land to the south of Sutton Courtenay at Milton Park. A further area to the south of the village which corresponds with the site of the former Didcot A power station and the current Didcot B Power Station was also excluded from the neighbourhood area. This acknowledges that this area is covered by enterprise zone and strategic employment site designations. An extension of the designated area into Milton Parish to the west is included to address the relationship between the villages of Sutton Courtenay and Milton. As a guide in 2011 the population of Sutton Courtenay parish was 2421 persons living in 1036 households. The neighbourhood area was designated on 5 July 2016.
- 5.2 The neighbourhood area is approximately 670 hectares in area. It is heavily influenced by the River Thames. The southern boundary of the parish aligns the Great Western main railway line and the parallel A4130, beyond which lies the town of Didcot. Immediately to the north of those routes and partially within the parish boundary (though not the neighbourhood plan area) are Milton Park and the site of the former Didcot A Power Station.
- 5.3 The eastern boundary of the parish runs broadly parallel with the Didcot to Oxford railway line. The land in this area has historically been used for both landfill and gravel extraction (which continues to the present time) though with some tracts being restored in recent years. The western boundary of the parish extends to Milton Road, while further north, it abuts Sutton Wick Nature Reserve, Abingdon Sewage Treatment Works, and Abingdon Rugby Club. The land to the west of Sutton Courtenay is largely agricultural with floodplain further north, adjoining the River Thames.

### *Development Plan Context*

- 5.4 The Vale of White Horse Local Plan (Part 1): Strategic Sites and Policies (LPP1) was adopted in December 2016. It sets out the basis for future development in the District up to 2031. All the policies in this part of the Local Plan are strategic policies of the development plan. The Vale of White Horse Local Plan (Part 2): Detailed Policies and Additional Sites (LPP2) was adopted in October 2019. It is this broader development plan context against which I am required to examine the submitted Neighbourhood Plan.
- 5.5 The following policies in LPP1 are particularly relevant to the submitted Plan:

Core Policy 3	Settlement Hierarchy
Core Policy 4	Meeting our Housing Needs
Core Policy 7	Providing Supporting Infrastructure and Services
Core Policy 37	Design and Local Distinctiveness



Core Policy 39	The Historic Environment
Core Policy 40	Sustainable Design and Construction
Cote Policy 44	Landscape
Core Policy 45	Green Infrastructure

In addition, the following policies in LPP2 are particularly relevant to the submitted Plan:

Core Policy 16b	Didcot Garden Town
Development Policy 23	Impact of Development on Amenity
Development Policy 29	Settlement Character and Gaps
Development Policy 37	Conservation Areas

- 5.6 Sutton Courtenay is identified as a Larger Village within the South East Vale Sub-Area in Local Plan Part 1 (Core Policy 3). Larger Villages are the third of four sets of settlements in the local hierarchy and are defined as settlements with a more limited range of employment, services, and facilities. Core Policy 3 comments that unallocated development will be limited to providing for local needs and to support employment, services, and facilities within local communities.
- 5.7 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context. The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter.
- 5.8 VWHDC is working with South Oxfordshire District Council on a Joint Local Plan for the two districts. Once adopted it will replace the existing development plans. The Local Development Scheme (September 2023) anticipates that the emerging Plan will be adopted in December 2025.

*Visit to the neighbourhood area*

- 5.9 I visited the neighbourhood area on 14 August 2023. I approached it from the A34 and Milton to the south and west. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network. Throughout the visit I took the opportunity to look at the various proposed Local Green Spaces and Green Gaps. I comment on my findings in greater detail in Section 7 of this report.
- 5.10 I looked initially at the village centre. I saw the attractive range of vernacular buildings and the importance of Halls Garage.
- 5.11 I took the opportunity to walk along Church Street up to All Saints Church. I saw the importance and popularity of The Swan and The George PH. I walked along

Churchmere Road and Church Mill Road to look at the range and significance of the proposed Local Green Spaces in this part of the parish.

- 5.12 I then walked along High Street. I saw further attractive range of vernacular buildings and took the opportunity to look at other proposed local green spaces. I saw the popularity of the Recreation Ground (on Old Wallingford Way).
- 5.13 I then walked along Frilsham Street to look at the open countryside to the south and east of the village. In doing so I saw the scale and significance of the Village Hall.
- 5.14 I walked along Mill Lane to look at the open countryside to the west of the village.
- 5.15 I then drove along Harwell Road to look at the proposed Green Gap/local green space between Sutton Courtenay and Milton.
- 5.16 I left the neighbourhood area by driving to Culham to the north. In doing so I was able to appreciate the relationship of the village with the River Thames.

## 6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan in the area;
  - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

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

### *National Planning Policies and Guidance*

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework 2023 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Sutton Courtenay Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the Vale of White Horse Local Plan Parts 1 and 2;
  - building a strong, competitive economy;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;
  - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision to safeguard the character of the neighbourhood area. It includes policies on a range of development and environmental matters. It has a focus on designating local green spaces and Green Gaps.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID: 41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for infill residential development (Policy SC8) and for commercial and business uses (Policy SC16). In the social role, it includes policies on community facilities (Policy SC13) and for the village hall (Policy SC14). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on proposed green gaps (Policy SC1), on landscape character (Policy SC2), on key views (Policy SC3) and on design (Policy SC10). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

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

- 6.11 I have already commented in detail on the development plan context in the District in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

### *Strategic Environmental Assessment*

- 6.13 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, VWHDC undertook a screening exercise in November 2021 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It concludes that the Plan is unlikely to have a significant effect on the environment and therefore does not require a Strategic Environment Assessment.

### *Habitats Regulations Assessment*

- 6.15 VWHDC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It assesses the potential impact of the Plan's policies on the following protected sites:
- Cothill Fen SAC;
  - Little Wittenham SAC;
  - Hackpen Hill SAC; and
  - Oxford Meadows SAC.
- 6.16 The HRA concludes that the neighbourhood plan will not give rise to likely significant effects on these protected sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns regarding neighbourhood plan obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

### *Human Rights*

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

### *Summary*

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

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and SCPC 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 (ID:41-004-20190509) which indicates that neighbourhood plans should address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity, this section of the report comments on all policies.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial parts of the Plan (Sections 1 to 4)*

- 7.8 The Plan is well-organised and presented. It has been prepared with much attention to detail and local pride. It makes an appropriate distinction between the policies and the supporting text.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. The Introduction comments about the way in which the Plan was prepared and when the neighbourhood area was designated. It properly identifies the neighbourhood area (Figure 1.1) and the Plan period (paragraphs 1.3.2 and 1.8.1). It also summarises the key land use issues in the designated area and the stages of a neighbourhood plan. VWHDC suggests that Figure 1.1 is revised so that it more properly highlights the difference between the parish and the neighbourhood area. I recommend accordingly.

*Revise Figure 1.1 so that it more properly highlights the difference between the parish and the neighbourhood area.*

- 7.10 Section 2 comments about national and local planning policies which influenced the work on the Plan. It refers both to the NPPF and to the adopted Local Plan.
- 7.11 Section 3 provides information about the neighbourhood area. It provides interesting and comprehensive details which help to set the scene for the resulting policies.

- 7.12 Section 4 sets out the vision and objectives for the Plan. It makes a strong functional relationship between the various issues and, in several cases, they feed directly into the resulting policies. The Vision neatly summarises the approach taken as follows:

*‘To safeguard the individual character and vitality of our historic Thames-side village whilst meeting the needs of villagers now and in the future.’*

- 7.13 Thereafter fifteen objectives are based around four themes. They provide the structure for the details of the Plan.

*General Comments on the policies*

- 7.14 The structure and organisation of the Plan is very compelling. Each policy is accompanied by:

- detailed supporting text;
- a justification from the Evidence Base;
- links to the Key Objectives of the Plan; and
- links to relevant policies in the NPPF (as existing at that time) and the adopted Local Plan.

- 7.15 A key element of the Plan is the way in which its policies are directly underpinned by detailed appendices and background assessments. This enhances the legibility of the Plan and draws attention to its evidence base. In the round the format, presentation, and level of detailed assessment work in the Plan is best practice.

- 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.

Policy SC1: Green Gaps

- 7.17 This is an important policy in the Plan. It identifies a series of Green Gaps (GGs). The supporting text includes a description of each of the Gaps.

- 7.18 This policy is underpinned by a detailed assessment of the proposed green gaps in the Countryside and Green Gap Assessment, April 2022. It describes the key features and assets of the parish, and identifies areas which SCPC considers to be critical to ensuring that sufficient physical and visual separation is maintained between the village and neighbouring settlements.

- 7.19 The Plan advises that:

*‘the starting point for determining the location of green gaps is the Didcot Garden Delivery Plan, which sets out indicative locations for green gaps between the villages that encircle the proposed Garden Town. Figure 6.1 highlights the indicative location of these green gaps. The Delivery plan prescribes that these (gaps) need to be verified on site, with a greater understanding of heritage assets of each village, extent of conservation areas and mapping the visual envelope of the settlement within the countryside. Once mapped and evaluated the extent and components of the green buffer should be included in the local neighbourhood plan of each village to ensure that this asset can be captured’*

7.20 The policy comments that development proposals will not be supported where they, either individually or cumulatively, affect the integrity of the various gaps and the physical and visual separation of settlements or the distinctive nature of settlement characters.

7.21 The policy has generated considerable interest from VWHDC and from the development industry. VWHDC raise concerns about:

*'the extent of the proposed green gaps, which in combination surround the whole village and take a strategic approach. Each gap is made up of multiple fields, in some cases up to 4/5. The proposed gaps cover large parcels and extensive tracts of land and in a lot of cases simply extend to the neighbourhood area boundary, which then continues to be open countryside beyond the neighbourhood plan boundary. This is reflected in the policy with the gaps referred to as being to the north, northwest, southwest, south, and east of Sutton Courtenay respectively, making it unclear in most cases what the gap is separating. In most of the gaps identified there is no indication that the areas concerned cannot otherwise be controlled by more general countryside policies.'*

7.22 Several landowners and developers make overlapping comments on the policy. In summary they raise the following matters:

- GGs would be an inefficient use of land;
- GGs would frustrate the District's ability to deliver new housing;
- the GGs are not necessarily meaningful;
- the approach is overly cautious and reflects Green Belt principles;
- the approach is broad brush and rigid;
- the Didcot Garden Town Delivery Plan is not a development plan document;
- adequate protection is already provided by Development Policy 29 of LPP2 on the issue of the separation of settlements;
- the policy is a misinterpretation of Development Policy 29 of LPP2;
- the policy is strategic in its nature; and
- the cumulative impact of the various proposed GGs.

7.23 Individual landowners and potential developers raised specific issues on a site-by-site basis.

7.24 I raised several matters with SCPC in the clarification note on the following matters:

The weight given to the Didcot Garden Town Delivery Plan

7.25 By way of context, Didcot was awarded Garden Town status in 2015 with the aim of creating over 15,000 new homes and 20,000 new jobs in Didcot and the surrounding area (referred to as the Area of Influence). These aims have been supported by Government Capacity Funding. The village of Sutton Courtenay is in the Didcot Garden Town Area of Influence and the southern half of the parish is in the Masterplan Area.

7.26 South Oxfordshire District Council and VWHDC approved the Didcot Garden Town Delivery Plan (DGTDP) in 2017. The Delivery Plan is clear that it is not a development



plan document. However, its development principles are embedded in the South Oxfordshire Local Plan 2011-2035 (Policy STRAT3 Didcot Garden Town and Figure 1 Didcot Garden Town Principles).

- 7.27 The main Delivery Plan document remains in place. Amendments to the Delivery Plan project list were approved by both District Councils' Cabinets in November 2022. The DGTDP now has 27 projects, which include County Council-led highways infrastructure projects, the County Council-led Didcot Central Corridor Placemaking Strategy and Science Vale, and OxLEP-led economic development projects. Formal decisions relating to DGTDP projects are made by the relevant authority, usually the County Council or the district councils. A Didcot Garden Town Advisory Board meets four times a year to provide a steer on Delivery Plan progress and comprises the Oxfordshire County Council Leader, South Oxfordshire, and Vale of White Horse Leaders, two other Cabinet Members, and representatives of OxLEP, Didcot Town Council and Homes England.
- 7.28 The principal tension on this matter is the role and status of the DGTDP. In paragraph 6.1.4 of the Plan SCPC advises that 'the starting point for determining the location of green gaps is the Didcot Garden Town Delivery Plan, which sets out indicative locations for green gaps between the villages that encircle the proposed Garden Town.' The development industry comments that the DGTDP is not a development plan document.
- 7.29 In its response to the clarification note SCPC advised that 'whilst the original plan holds no weight in planning terms, it does highlight the direction in which both District Councils are intending to develop the area and how they envisage the surrounding villages being influenced by the development. In this regard, as the Garden Town Delivery Plan covers both local authority areas, both adopted Local Plans have been reviewed in the preparation of the Neighbourhood Plan.'
- 7.30 Based on all the available evidence I have concluded that the DGTDP is not a development plan document. On this basis I will assess the contents of the policy against key strategic policies in the development plan for the VWHDC (Core Policies 4/15/16b and Development Policy 29 in the context of Core Policy 4).

#### *Core Policy 4 Meeting Our Housing Needs*

- 7.31 Core Policy 4: Meeting Our Housing Needs identifies the housing target for the Vale of White Horse and prescribes how that target will be achieved. 220 houses are allocated in Sutton Courtenay at Land East of Sutton Courtenay. Core Policy 4 also includes a presumption in favour of sustainable development within the existing built area of larger villages. In general terms, I am satisfied that the identification of GGs would be in general conformity with Core Policy 4 of LPP1. There is no evidence that their identification would prevent the level and distribution of development anticipated in the Local Plan from coming forward.

*Core Policy 15: Spatial Strategy for the South East Vale Sub-Area*

- 7.32 Core Policy 15: Spatial Strategy for the South East Vale Sub-Area reinforces the settlement hierarchy and development allocations. As with Core Policy 4 in general terms I am satisfied that the identification of GGs would be in general conformity with Core Policy 15 of LPP1. There is no evidence that their identification would prevent the level and distribution of development anticipated in the South East Vale Sub-Area in the LP from coming forward.

*Core Policy 16b: Didcot Garden Town*

- 7.33 As a context to Core Policy 16b LPP2 comments about the Didcot Garden Town. Paragraph 2.118 advises that:

*'To support the successful implementation of the Garden Town initiative, seven high level principles have been developed (Figure 2.7) to help shape how development proposals come forward. Proposals for development within the Garden Town Masterplan Area will be expected to demonstrate how they comply with these principles in accordance with Core Policy 16b: Didcot Garden Town. The Garden Town Masterplan Area does not form a development boundary for Didcot and will include substantial areas of formal and informal open space and green infrastructure. The important separation between the surrounding villages, including for example Sutton Courtenay, will continue to be protected from development.'*

- 7.34 Core Policy 16b (as included in LPP2) comments that proposals for development within the Didcot Garden Town Masterplan Area will be expected to demonstrate how they positively contribute to the achievement of the Didcot Garden Town Masterplan Principles.

- 7.35 The sixth principle focuses on Landscape and Green Infrastructure as follows:

*'New development in the Garden Town will enhance the natural environment, through enhancing green and blue infrastructure networks, creating ecological networks to support an increase (or where possible achieve a net gain) in biodiversity and supporting climate resilience through the use of adaptation and design measures. The Garden Town will also seek to make effective use of natural resources including energy and water efficiency, as well as exploring opportunities for promoting new technology within developments. Innovative habitat planting and food growing zones will characterise the Garden Town and, in turn, these measures will support quality of life and public health.'*

- 7.36 Finally, paragraph 2.119 of LPP2 comments:

*'To assist the delivery of the Garden Town, further detail, for example in respect of design, will be set out either in a future Development Planning Document (DPD) or Supplementary Planning Document (SPD). Local Development Orders (LDOs) will also be developed to support the delivery of individual sites.'*

7.37 In the round these elements of LPP2 highlight the following related matters:

- the way in which VWHDC (and South Oxfordshire District Council) is seeking to align its development plans to the existing and emerging proposals for the Didcot Garden Town;
- the development of seven high level principles with which development proposals should comply;
- that the important separation between the surrounding villages, including for example Sutton Courtenay, will continue to be protected from development;
- the focus of Core Policy 16b is on requirements for development proposals rather than for the content of neighbourhood plans; and
- the additional work which is anticipated on these matters (following the adoption of the LPP2) as described in paragraph 2.119 of LPP2.

*Development Policy 29: Settlement Character and Gaps (and its relationship with Core Policy 4)*

7.38 Development Policy 29: Settlement Character and Gaps is an important policy of the development plan. It comments that development proposals will need to demonstrate that the settlement's character is retained, and physical and visual separation is maintained between settlements. It also advises that development proposals will be considered in the context of Core Policy 4 in the Local Plan 2031: Part 1, and in addition, will only be permitted provided that the physical and visual separation between two separate settlements is not unacceptably diminished, cumulatively, with other existing or proposed development, it does not compromise the physical and visual separation between settlements, and it does not lead to a loss of environmental or historical assets that individually or collectively contribute towards their local identity

7.39 The analysis in table 4.1 of the Countryside and Green Gaps Assessment provides an assessment of the extent to which the proposed GGs provide an important gap between settlements. I address these matters in my summary of these issues later in this report.

*Green Gaps performing the same role as a Green Belt*

7.40 Several of the comments received on this policy suggest that the effect of the extensive definition of GGs is akin to the application of Green Belt policies. I sought SCPC's comments on this matter. In its response to the clarification note, SCPC advised that:

*'A Green Belt would imply a more strategic approach than is proposed here, as this is locally specific and as identified in the Local Plan (as above). The Green Gaps are specifically designed around retaining the individual character of Sutton Courtenay as a separate settlement rather than the prevention of urban sprawl or development. It is considered that the Neighbourhood Plan is the most appropriate place in which to examine the landscape and setting of the settlement area. As can be seen from the original Garden Town Masterplan, which can be seen in detail on pages 340-341 (Chapter 9) or below, the proposed green gaps, have taken the masterplan proposals as a starting point, and examined the local context in more detail, thereby proposing a*

*slightly different (smaller) area of green gap than that considered in the masterplan. This approach is compliant with Local Plan policy and is a 'Local Gap' in nature, as it does not seek to extend outside of the Plan Area or make any other reference to 'gaps' elsewhere.'*

- 7.41 On the balance of the evidence I am satisfied that SCPC has set out to prepare a parish-based policy whilst seeking to deliver elements of the DGTDP. Whilst the proposed policy affects significant parcels of land around the village the effect of the policy would be different to Green Belt policy.

*General conformity with strategic policies in the development plan*

- 7.42 Several representations from the development industry comment that the policy is not in general conformity with the strategic policies in the development plan or that the separation of settlements is already addressed more generally in Development Policy 29 of LPP2.

- 7.43 In its response to the clarification note SCPC advised (inter alia) that:

*'it is considered to be in conformity with the strategic policies of both Adopted Local Plans, and in particular Policy 16b of the Vale of White Horse Local Plan: Delivery of the Didcot Garden Town*

*It is considered from the evidence presented in the NP and the Local Plan policies, in addition to the Didcot Garden Town Delivery Plan that there is a substantive need to protect the landscape setting of Sutton Courtenay. This is also clear from previous Local Plans such as the Local Plan 2011 Policy NE9 – Lowland Vale (identifies areas of damaged landscape including all of the sand and gravel excavation land on the eastern side of Sutton Courtenay between the Village and Appleford) and Policy NE11 – Areas for landscape enhancement (policy aimed at encouraging the repair, restoration, and enhancement of this damaged landscape).*

*Work has been undertaken to highlight important views and to look at tranquillity mapping in the area, and again, the gap between Didcot and Sutton Courtenay needs to allow for a meaningful break to ensure there is no severe harm from pollution sources. It is considered that the proposed NP policies represent an appropriate landscape response including to enhance the damaged landscape areas as a result of minerals and waste working.'*

- 7.44 On the balance of the evidence I am satisfied that the principle of the policy is in general conformity with strategic policies in the development plan. Nevertheless, I comment about the number and location of the GGs later in this report.

*The extent to which the policy is strategic in nature*

- 7.45 Some developers suggest that the policy is strategic in nature and has the effect of preventing development from coming forward in the parish.

- 7.46 In its response to the clarification note SCPC advised (inter alia) that:

*'The Plan proposes a locally based approach, which only affects the Plan area. A large area of the Parish has been removed from the coverage of the Plan as this is covered by a Local Development Order (Milton Park) as well as the power station site, in addition to land covered by areas of mineral and waste operations. The Plan therefore recognises this remit and includes policies which are restricted to those appropriate areas of land qualifying for locally specific policies.'*

- 7.47 On the balance of the evidence I am satisfied that SCPC has set out to prepare a parish-based policy whilst seeking to deliver elements of the DGTDP. In addition, other NPS both locally and elsewhere in England have proposed GG type policies which seek to retain the separation of settlements.

#### *Overlaps with proposed Local Green Spaces*

- 7.48 There are several parcels of land where the proposed designation of GGs overlaps with the proposed designation of local green spaces (as addressed in Policy SC5 of the Plan).
- 7.49 In its response to a question in the clarification note on these overlaps SCPC commented:

*'These are two separate designations, and whilst the LGS designation effectively limits development to that akin to a Green Belt policy, this does not preclude all development. In such cases, any proposed development would also need to accord with the Green Gaps policy and not affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement character. For example, if the land designated LGS2, were to come forward for an outdoor recreational use, this would be appropriate under the LGS designation. However tall structures or elements which could undermine the gap between settlements would not be permissible. In this regard, it is seen that the policies could operate effectively alongside each other.'*

- 7.50 I have considered this matter very carefully. On the one hand, I agree with SCPC that the two proposed sets of designations are separate elements of the Plan and with different policies. On the other hand, I am not satisfied that the two policies can operate effectively alongside each other on the same parcel of land. I have reached this conclusion for two reasons. The first is that the two policies perform different functions. The GG policy's focus is on the separation of settlements. The local green space policy's focus is on safeguarding green spaces in accordance with the principles in Section 8 of the NPPF. The second is that if parcels of land were designated both as a GG and as a local green space VWHDC would need to assess affected planning applications against two policies with different purposes. This will not bring the clarity required by the NPPF.
- 7.51 For practical purposes, I have assessed the appropriateness of the parcels of land where there is an overlap based on an analysis of which designation (if any) is most relevant to the parcel of land concerned.

*Assessment of the various proposed Green Gaps*

- 7.52 In principle I am satisfied that the identification of specific GGs would be in general conformity with Policy 4 of LPP1. Plainly they would be providing an enhanced level of detail to that which was included in LPP1. In a local context I have also considered the appropriateness of the proposed GGs in maintaining physical separation between Sutton Courtenay and Milton/Didcot (to the south) and Drayton (to the west).
- 7.53 The analysis in table 4.1 of the Countryside and Green Gaps Analysis provides SCPC's assessment of the extent to which the proposed GG provides an important gap between settlements. The commentaries identify four main categories of GGs. The first is those which relate to the gap between Sutton Courtenay and Milton. The second is those which relate to the gaps between Sutton Courtenay and one of the other settlements to its north, west and east. The third is those which relate to the gaps between Sutton Courtenay and reclaimed minerals workings. The fourth is those which relate to what the Plan describes as 'important separation between Sutton Courtenay and potential development to the east'.
- 7.54 I have approached this matter within the approach taken in Core Policy 4 of LPP1 and Development Policy 29 of LPP2 which seek to ensure that a settlement's character is retained, and that physical and visual separation is maintained between settlements. Within this context, I am satisfied that there would be merit in identifying GGs between Sutton Courtenay and Didcot/Milton where the Gap concerned is clear and distinct and will provide a local context within which to maintain the physical and visual separation between the two settlements. Proposed GGs A4a and A3j clearly fulfil the ambitions of the policy.
- 7.55 However the other proposed GGs cover large parcels of land and many cases extend to the neighbourhood area boundary. This is reflected in the policy with the gaps referred to as being to the north, northwest, southwest, south, and east of Sutton Courtenay. These proposed GGs do not fulfil a traditional GG function in safeguarding a clear gap between two settlements. Moreover, in many cases, it is unclear which two settlements would be safeguarded by the proposed designations. In addition, the Plan provides no indication that the areas concerned cannot otherwise be controlled by the policies in LPP1 and LPP2. These various proposed GGs are the second, third and fourth categories as identified in paragraph 7.53 of this report.
- 7.56 In this context I am satisfied that proposed designation of GGs A4a and A3j would meet the basic conditions. As VWHDC describe they are single fields separating the built-up edge of Sutton Courtenay from neighbouring Milton and the industrial estate.
- 7.57 I am satisfied that the boundary of the A4a GG has been carefully drawn to exclude land to the immediate south which is included within the Milton Park Local Development Order.
- 7.58 I recommend that the policy is modified to reflect the approach which I have taken to the location of the proposed GGs. I also recommend that the wording of the policy component is modified so that it more closely responds to the specific approach towards the visual separation of Sutton Courtenay and Didcot/Milton.

- 7.59 I recommend consequential modifications to the supporting text.
- 7.60 I appreciate that this outcome will be a disappointment to SCPC both generally and given the background work undertaken on the Countryside and Green Gaps Assessment. The principal reason behind the recommended modifications relates to the circumstances whereby the DGTDP is not a development plan document and the focus of Core Policy 16b on the way in which development proposals should respond to the seven principles in that Plan for the delivery of the Garden Town. This may be a matter which can be addressed (where applicable) in a review of the Plan based on the way in which the emerging Joint Local Plan may address the relationship between its policies and the DGTDP.

**Replace the policy with:**

**‘The Plan identifies two Green Gaps between Sutton Courtenay and Didcot/Milton as shown in Figure 6.3:**

- **Green Gap 3j; and**
- **Green Gap 4a.**

**Development proposals within the identified Green Gaps which would either individually or cumulatively, affect the integrity of the gap and the physical and visual separation between Sutton Courtenay and Didcot/Milton will not be supported.’**

*Revise Figure 6.3 accordingly.*

*Delete paragraphs 6.1.4 and 6.1.6 to 6.1.15.*

*Replace paragraph 6.1.6 with:*

*‘Based on the work undertaken, the Plan proposes the identification of two Green Gaps. In both cases they are intended to maintain the physical and visual separation between Sutton Courtenay and Milton Park (to the south) and Milton (to the west). Green Gap 4a is a rectangular field to the immediate west of Sutton Courtenay Lane. Its southern boundary has been drawn to take account of the Milton Park Local Development Order. Green Gap 3j is located to the north and west of Green Gap 4a. It will safeguard the separation between Sutton Courtenay and Milton.’*

Policy SC2: Landscape Character and Value

- 7.61 The policy is based around a definition of a series of character areas. A comprehensive description of these areas is set out in the Sutton Courtenay Countryside and Green Gap Assessment, April 2022 and the Sutton Courtenay Landscape Study, June 2019.
- 7.62 The policy comments that development proposals should demonstrate how they preserve or enhance the features which positively define the character of the designated neighbourhood area, taking into consideration the landscape character areas and typologies and the recommendations of the Sutton Courtenay Neighbourhood Plan Character Appraisal and Design Code.

- 7.63 I am satisfied that the policy takes a positive and non-prescriptive approach to this important matter. I recommend a detailed modification to the policy to reflect the information included in the Plan. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace '(shown in figure 6.5)' with '(shown in figures 6.4 and 6.5)'**

Policy SC3: Key Views and Vistas

- 7.64 This policy seeks to safeguard a series of key views. They are described in the Sutton Courtenay Character Appraisal and Design Code and highlighted in figure 6.7. The views reflect both the character of the Sutton Courtenay Conservation Area and the strong connection of the village with the surrounding landscape.
- 7.65 The policy comments that development which maintains or enhances the identified key views and vistas will be supported.
- 7.66 In the round the policy has been well-developed. Nevertheless, detailed comments about specific views have been raised by VWHDC (on general matters) and by Bloor Homes (about View 25). In its response to the clarification note SCPC provided a revised View location maps which shows Key Views 2, 9, 10 and 15 that were not shown in the submitted Plan (Fig 6.7). It also commented about Key Views 1, 5, 8, 18 and 20 which marginally stray over land outside the neighbourhood area. I recommend accordingly.
- 7.67 Bloor Homes comment that proposed View 25 and its description (which refers to a view towards the Village Hall) is not available, and refers to the view being of an important physical and visual separation without justification. I attempted to look at the identified view during the visit. As Bloor Homes comment the view is inaccessible. As such I recommend its deletion.
- 7.68 I recommend that the policy is recast so that it sets out requirements for development proposals rather than anticipating the outcome of planning applications. This acknowledges that other development plan policies will have a bearing on the outcome of planning applications which may affect the various identified views. 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 opening element of the policy to read: 'Development proposals should maintain and where practicable enhance the following key views and vistas (and as shown in figure 6.7):'**

**Delete View 25 North towards The Village Hall over agricultural land lying to the east of Harwell Road.**

*Replace Figure 6.7 with the 'Key View location maps REVA' supplied by SCPC in its response to the clarification note*

*On the revised figure ensure that Key Views 1, 5, 8, 18 and 20 do not extend to land outside the neighbourhood area.*



#### Policy SC4: Green and Blue infrastructure

- 7.69 This is a wide-ranging policy. It identifies a Green and Blue Infrastructure Network in the neighbourhood area (on Figures 6.8, 6.9 and 6.11). The policy addresses:
- the provision of access for wildlife to the Green and Blue Infrastructure Network;
  - the planting of native trees or encourage biodiversity and enhance habitats of protected species;
  - the development of associated new pedestrian and cycle routes;
  - the creation of new permissive and Public Rights of Way;
  - circumstances where development affects a Public Right of Way; and
  - circumstances where public footpaths or bridleways are rerouted or realigned.
- 7.70 In the round the policy takes a very positive approach to this matter. In this broader context, I recommend that the second part of the policy is modified so that its focus is on securing improvement measures where it is practicable to do so. As submitted, this element of the policy comments rather loosely about works which the policy aims to address. The recommended modifications will 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 second section of the policy with:**

**‘Wherever practicable, development proposals should provide access for wildlife to the Green and Blue Infrastructure Network, improve pedestrian access and contribute to or improve the connectivity and maintenance of the Network.’**

#### Policy SC5: Local Green Spaces

- 7.71 This policy proposes the designation of a package of local green spaces (LGSs). It is underpinned by the submitted LGS Assessment.
- 7.72 The package includes an interesting mixture of LGSs. They range from small incidental (but visually important) green spaces (LGSs22/23/24), to formal recreation areas (LGSs4/10/12), to more informal open spaces (LGSs11/14/15).
- 7.73 There is a degree of overlap between the proposed LGSs and the proposed GGs (in Policy SC1). Paragraph 7.51 of this report has commented on how I have addressed the relevant overlaps.
- 7.74 Detailed representations were received on four of the proposed LGSs. I comment on the way in which they meet the tests for LGS designation in the NPPF in the following sections of this report.

#### *LG1: The Millennium Common, off Church Mill Road.*

- 7.75 The proposed LGS is a restored minerals and waste site which was granted use as a Millennium Common for an 80-year period from 1996. I looked at it carefully during the visit. It is an attractive and tranquil parcel of land.

- 7.76 I am satisfied that its proposed designation as a LGS meets the three criteria in paragraph 106 of the NPPF. Whilst it is at the top end of what might reasonably be considered as 'local in character' (at 10.90 ha) I am satisfied that it is not an extensive tract of land. In addition, it is a self-contained parcel of land which is not capable of being considered in separate or smaller parts.
- 7.77 In addition, I am satisfied that its proposed designation would accord with the more general elements of paragraph 105 of the NPPF. Firstly, I am satisfied that its designation is consistent with the local planning of sustainable development. It does 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 LGS is capable of enduring beyond the end of the Plan period. It is an established element of the local environment and has existed in its current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGS would not endure beyond the end of the Plan period.

*LG2: Site of Former Catholic Church, Hobbyhorse Lane.*

- 7.78 The site is located to the eastern edge of the village and adjoins Hobbyhorse Lane to the north. A former church building on the site was demolished in August 2005 and the site has remained vacant since that time. At the time of the visit the site was overgrown.
- 7.79 On the balance of the evidence, I am not satisfied that the proposed LGS meets the tests in paragraph 106 of the NPPF. It is an overgrown parcel of land with limited amenity value. As such I am not satisfied that it is 'demonstrably special and holds a particular local significance'. In these circumstances I recommend that it is deleted from the list of LGSs in the policy and from Figure 6.11.

*LG17: Kelaart's Field.*

- 7.80 The LGS Assessment advises that the site is located to the southern edge of the village and separates it from the nearby Milton Park. The Assessment also advises that the site possesses good value in terms of recreation with a network of paths including a new cycle path. Kelaart's Field is also a proposed Local Wildlife Site - a reasonably diverse, large semi-improved grassland area with some elements of lowland meadow habitat. It is considered a priority grassland habitat. I looked at the proposed LGS carefully during the visit (both as a proposed LGS and a proposed GG).
- 7.81 On the balance of the evidence I am not satisfied that the proposed LGS meets the tests in the NPPF. The LGS Assessment acknowledges that at 26 ha the site is an 'extensive tract of land' and not 'local in character' as required by paragraph 106 c) of the NPPF.
- 7.82 Given the comments about the overlap between GG and LGS earlier in this report and my comments on GG4a it would be inappropriate for this parcel of land to be designated as a LGS. In the wider context of the Plan, I am satisfied that it is a GG (separating Sutton Courtenay from Didcot/Milton to the south). As such I recommend that it is deleted from the list of LGSs in the policy and from Figure 6.11.

*LG20: Land to the south-west of the Millennium Common.*

- 7.83 The site is situated to the east of the village and is accessed via Churchmere Road. The site is accessible to many residents. Several public rights of way also lead to the site, but no formal access as it is a private fishing lake open to members. The proposed LGS is the landscaped areas around a rectangular fishing lake.
- 7.84 The objection to the proposed designation raises several detailed matters, including that the LGS does not fully justify the reasons for the proposed designation and fails to explain the removal of the lake itself from the proposed designation.
- 7.85 I looked at the proposed LGS carefully during the visit. On the balance of the evidence, I am satisfied that it meets the three criteria in paragraph 106 of the NPPF. The information provided in the LGS Assessment is proportionate to the site concerned, and the details explain that the lake itself was removed from the proposed designation following the feedback on the pre-submission version of the Plan. I am satisfied that the proposed area is a quiet and tranquil area for recreation on the edge of the village.
- 7.86 In addition, I am satisfied that its proposed designation would accord with the more general elements of paragraph 105 of the NPPF. Firstly, I am satisfied that its designation is consistent with the local planning of sustainable development. It does 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 LGS is capable of enduring beyond the end of the Plan period. It is an established element of the local environment and has existed in its current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGS would not endure beyond the end of the Plan period.

*The other proposed LGSs*

- 7.87 On the basis of all the information available to me, including my own observations, I am satisfied that the other proposed LGSs comfortably comply with the three tests in paragraph 106 of 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 Village Green (LGS3), the Churchyard (LGS7) and the Asquith Park (LGS18) are obvious examples.
- 7.88 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 on the sites concerned. 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.

*The policy itself*

- 7.89 The policy sets out to take on a similar format to paragraph 107 of the NPPF. In general terms it does so to good effect. Nevertheless, I recommend that it is modified so that it adopts the matter-of-fact approach in the NPPF. This will ensure that it has regard to national policy. I also recommend that the supporting text is consolidated so that it explains the way in which VWHDC will be able to come to judgements on planning applications on a case-by-case basis. 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 list of proposed Local Green Spaces delete LGS2 and LGS17.**

**Replace the policy wording with: ‘Development proposals on the identified Local Green Spaces will only be supported in very special circumstances.’**

*At the end of paragraph 6.4.16 add:*

*‘Policy SC5 follows the matter-of-fact approach in the NPPF. If development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. It will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy’*

*Delete LGS 2 and LGS17 from Figure 6.11.*

Policy SC6: Biodiversity

- 7.90 This is another comprehensive policy. It advises that development proposals should deliver a biodiversity net gain of at least 10% for the designated neighbourhood plan area. It also comments that new development will be supported where proposals:
- incorporate public and private green amenity spaces using high quality landscaping to balance gardens and community spaces;
  - conserve existing natural and green and blue corridors and create new ones, using landscape features and habitats;
  - introduce new or improve existing trees, wetlands, grassland, parks, woods, orchards, and allotments, where appropriate;
  - do not have a significant adverse impact on priority habitats or result in the loss of woodlands, amenity trees or hedgerows; and
  - do not have an adverse impact on priority species. Any significant adverse impact in this regard will not be permitted unless the need for, and the benefit of the development at that location clearly outweighs the loss, and suitable mitigation measures are put in place.
- 7.91 In the round this is a good policy which has regard to Section 15 of the NPPF. In this context I recommend the following modifications to the policy to bring the clarity required by the NPPF:

- replacing part of the opening element of the policy with a set of requirements rather than seeking to anticipate the outcome of planning application which may be affected by other matters or policies;
- introducing an element of proportionality into the policy; and
- recasting the final two bullet points so that they more naturally flow from the modified opening element of the policy and reflect the contents of Core Policy 46 of the Local Plan.

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

**Replace ‘New development will be supported where proposals:’ with ‘As appropriate to their scale, nature and location, development proposals should:’**

**Replace the fourth and fifth bullet points with:**

- **‘Avoid any unacceptable impacts on priority habitats or result in the loss of woodlands, amenity trees or hedgerows including those as highlighted in figures 6.13 and 6.14 in accordance with Local Plan Core Policy 46.**
- **Avoid any unacceptable impacts on priority species in accordance with Local Plan Core Policy 46.’**

Policy SC7: Flooding and drainage

7.93 This is another comprehensive policy. The extensive supporting text provides technical detail and provides local feedback on the matter.

7.93 The Environment Agency (EA) flood risk maps (Figure 7.1) show the predicted 1 in 100-year (Flood Zone 3) and 1 in 1000-year (Flood Zone 2) flood outlines, which cover a significant part of Sutton Courtenay. Figure 7.2 illustrates the flood warning areas while figure 7.3 illustrates historically recorded areas of flooding.

7.94 The resulting policy is detailed in its nature and addresses fluvial, surface water and groundwater flooding. At its heart is that development proposals should demonstrate that surface water drainage will not add to the existing site runoff or cause any adverse impact to neighbouring properties or their setting. It also comments that development will be required to incorporate a Sustainable urban Drainage Systems (SuDS) scheme, unless it is demonstrated to be inappropriate. SuDS where possible should be designed to contribute towards the landscaping and biodiversity of the sites and provision should be made for their future maintenance.

7.95 In general terms the policy takes a positive approach to this important matter and which is underpinned by local evidence. Roebuck Land and FCC comment about the overlap between the submitted policy and the approach taken in LPP1 and LPP2. I have considered this issue carefully. On the balance of the evidence, I am satisfied that the principle of the approach taken is appropriate. The submitted policy adds value to local plan policies by its detail specific to the parish.

7.96 Nevertheless, I recommend that the policy is modified to bring the clarity required by the NPPF in the following areas:

- to ensure that it sets out requirements for new development rather than anticipating the outcomes of planning applications (which will be influenced by other development plan policies);
- to ensure that the use of SuDs is applied on a proportionate basis; and
- the repositioning of explanatory parts of the policy into the supporting text.

7.97 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 demonstrate that surface water drainage will not add to the existing site runoff or cause any adverse impact to neighbouring properties or their setting. This should be achieved through a detailed flood risk assessment in respect of sites that fall within Flood Zones 2 and 3 and sites that have historical evidence of flooding as shown in figures 7.1, 7.2, 7.3, 7.6 and 7.11 (in addition to the Evidence Base Document: Flood Report).**

**As appropriate to their scale, nature and location, development proposals should incorporate Sustainable urban Drainage Systems (SuDS) principles. Such systems should be detailed within a site-specific flood risk assessment and designed to current policy and best practice, including taking account of climate change, to manage rainfall run-off rates and volumes to existing pre-development rates and mimic the natural drainage regime of the site.**

**Wherever practicable, SuDS should be designed in a way which contributes towards the landscaping and biodiversity of the site concerned and make provision for their future maintenance.’**

*Incorporate paragraph 7.1.16 into 7.1.15*

*Replace paragraph 7.1.16 with: ‘Policy SC7 addresses these various matters. For the purposes of the policy [at this point insert the second paragraph of the submitted policy].’*

Policy SC8: Residential development Within the Built-up Area Housing

7.98 This policy offers support to residential development in the built-up area. It identifies a series of design principles with which proposals should comply (on a proportionate basis). The supporting text advises about the context to the policy. The policy is partly underpinned by the Character Appraisal and Design Code.

7.99 VWHDC and developers comment that the principles included in the policy largely repeat those in the Joint Design Guide (2022). In its response to the clarification note, SCPC advised that:

*‘(the) Joint Design Guide is not locally specific, whereas the Sutton Courtenay Design Code is much more detailed, following a detailed contextual analysis. If the wording of the policy is to be altered, the aim is that it is sufficiently robust and requires that*

*proposals are in accordance with the Sutton Courtenay Design Code, which was prepared having acknowledged the content of the Joint Design Guide.'*

- 7.100 I have considered these various matters carefully. On the balance of the evidence, I recommend that the policy is recast so that it becomes more general in nature and make a clearer reference to the submitted Character Appraisal and Design Code. This acknowledges that there is no need for the submitted policy to restate the design principles which are already included in the Joint Design Guide. However, in this context I recommend that the supporting text comments in greater detail about the Joint Design Guide and the way in which the submitted policy would work complement that Guide.
- 7.101 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:**

**'Proposals for residential development within the built-up area of Sutton Courtenay will be supported where they respond positively to the special character of the village and the relevant details in the Sutton Courtenay Character Appraisal and Design Code.'**

*Incorporate paragraph 8.1.8 into paragraph 8.1.7*

*Replace paragraph 8.1.8 with: 'Policy SC8 addresses these matters. It seeks to ensure that proposals for residential development within the built-up area of Sutton Courtenay respond positively to the special character of the village and the relevant details in the Character Appraisal and Design Code. The policy has been designed so that it operates in a complementary way with the Joint Design Guide (2022) produced by the Vale of White Horse District Council and South Oxfordshire District Council. The Design Guidance is supplementary planning guidance. It sets out a series of development principles.'*

**Policy SC9: Housing Needs**

- 7.102 This a broad-based policy which seeks to address interrelated issues in the parish relating to housing tenure, house prices and affordable housing. It comments that planning applications for residential development other than extensions and the replacement of an existing single dwelling shall set out how the proposed accommodation will meet the specific local housing needs of the parish.
- 7.103 The policy has attracted detailed representations from VWHDC and the development industry. The latter comments that several elements of the policy are already addressed in the LPP1/2.
- 7.104 I sought SCPC's comments on the extent to which the policy is in general conformity with the contents of Core Policy 4 of the adopted Local Plan. In its response to the clarification note it advised:

*'The aim of this policy is generally for where it relates to schemes of 5+ new dwellings and this could be clarified. Notwithstanding the above, the Parish is also concerned*

*regarding the incremental loss of smaller dwellings. Many are being lost to large replacement dwelling scheme or cumulative infill developments, where the original small dwelling is demolished for a number of much larger properties.'*

7.105 I have considered the different views on the policy very carefully. On the balance of the evidence, I recommend that the policy is recast so that it is less restrictive and offers support for the five specific issues rather than directly requiring their delivery. I have reached this conclusion for the following related reasons:

- the combination of the various detailed matters has the potential to be very onerous;
- the effects of the different elements (individually or cumulatively) have not been tested for viability;
- in the absence of the Plan allocating sites for residential development, it is likely that most residential proposals will be modest in scale and where the various elements in the policy would have a disproportionate effect.

7.106 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 opening element of the policy with:**

**'As appropriate to their scale, nature and location, proposals for new housing should respond positively to the most up-to-date assessment of local housing needs. The following types of residential development will be supported:'**

**At the beginning of each of the criteria add: 'proposals which'**

Policy SC10: Design, Heritage, and Setting

7.107 This is an important policy in the Plan. It comments about design and heritage. It is underpinned by the submitted Character Appraisal and Design Code.

7.108 Table 9.1 describes the three identified character areas. The policy comments that development proposals should be to a high standard and reflect the character of the area (as identified in the Character Area and Design Codes).

7.109 Roebuck Land comments on the policy as follows:

*'Policy SC10 is very repetitious of Core Policy 37- Design and Local Distinctiveness, Core Policy 38- Design Strategies for Strategic and Major Development Sites and Core Policy 39- Design Strategies for Strategic and Major Development Sites of the Local Plan Part 1 and elements of the Joint Design Guide adopted by the Vale of White Horse on 22 June 2022. It is unclear what, if anything, the proposed policy adds to the development plan.'*

7.110 Roebuck Land also comment about the potential implications of the Character Appraisal and Design Code on the development of the strategic site identified in the Local Plan. I have taken account of this representation. The reference to the potential impact of identifying a GG on the eastern part of the strategic housing allocation has been overcome with my recommended modification to Policy SC1.



7.111 In the round, I am satisfied that the policy takes a positive approach to this important matter. The Character Appraisal and Design Code is an excellent document. Its detail and context provide a parish-based approach which complements the national approach and the local approach (in the Joint Design Guide). In this context the policy is a very well-developed local response to Section 12 of the NPPF.

7.112 I recommend that the policy is modified so that it can be applied on a proportionate basis. This acknowledges that the criteria in the policy will not naturally apply to all development proposals. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace ‘It should be demonstrated that proposals:’ with ‘As appropriate to their scale, nature, and location, it should be demonstrated that development proposals:’**

**Delete the final paragraph.**

Policy SC11: Mineral and Waste Restoration

7.113 The policy seeks to promote opportunities to secure sustainable longer term uses for former mineral extraction sites. It has been carefully designed to avoid commenting on excluded development.

7.114 The policy advises that land that has been the subject of mineral extraction but has been fully restored and completed its aftercare period, and would therefore no longer be a County Matter, will continue to be maintained in accordance with the agreed restoration proposals comprising a mix of agriculture, woodland, and nature conservation. It also advises that development proposals for this land which are in accordance with the objectives of the Policy SC1 (Green Gaps) and which directly promote nature conservation and/or quiet recreation will be supported subject to a series of criteria.

7.115 The policy has attracted representation from VWHDC and FCC. Taking account of these comments, and SCPC’s responses to the clarification note, I recommend the following package of modifications to bring the clarity required by the NPPF, and to ensure that the policy complies with the prescribed conditions:

- the opening element of the policy is deleted. It both strays into excluded development and requires maintenance issues which are beyond the control of a neighbourhood plan;
- greater clarity on the type of uses which would be supported by the policy; and
- the incorporation of detail in the opening element of the second part of the policy (as submitted) into the list of criteria.

7.116 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 opening element of the policy with:**

**‘Following the restoration of the site concerned, development proposals for nature conservation and/or recreation of land previously used for the extraction of minerals will be supported where they meet the following criteria:’**

**In a) replace ‘detriment’ with ‘unacceptable harm’**

**In c) replace ‘adverse impact on’ with ‘any unacceptable harm to’**

**In e) replace ‘harm’ with ‘unacceptable harm’**

**Add an additional criterion to read: ‘h) the recreation uses can be sensitively incorporated within the immediate locality without creating an unacceptable harm to the amenity of residential properties.’**

Policy SC12: Riverside Related Development

- 7.117 The policy comments that development proposals adjacent to the River Thames and its tributaries should protect and enhance the waterside character, heritage value and setting. It also comments that development proposals will promote and enhance the use of the river and the riverside by a series of matters.
- 7.118 I am satisfied that the policy takes a positive approach to this very distinctive policy. Within this context I recommend two modifications. The first removes the unnecessary reference to the neighbourhood area in the first part of the policy. The second repositions the final part of the policy into the supporting text. This approach acknowledges that it deals with a process matter rather than a land use issue. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

**Delete ‘Within the neighbourhood area’**

**Delete the final paragraph of the policy.**

*At the end of paragraph 9.4.2 add: ‘Major development within the defined riverside corridor (highlighted in blue in Figure 9.23) should be accompanied by a landscape and visual impact assessment which demonstrates the landscape and visual effects of the proposal.’*

Policy SC13: Community facilities

- 7.119 The policy identifies a series of community facilities. It comments that proposals for the redevelopment of a building or land that would result in the loss of a community existing facility will be resisted unless it can be shown that any of a series of criteria have been met. They refer to viability and need issues.
- 7.120 In general terms I am satisfied that the policy takes a positive approach to this matter. Nevertheless, I recommend that the order of the two parts of the policy is reversed to assist in the interpretation of the policy. I also recommend detailed modifications to the wording of the first part of the policy (as submitted) to bring the clarity required by the

NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

**Reverse the order of the policy.**

**In the first part of the policy (as submitted) replace ‘be resisted’ with ‘not be supported’**

**In the second part of the policy (as submitted) replace ‘The facilities this policy applies to include (this list is not exhaustive):’ with ‘The Plan identifies the following community facilities:’**

Policy SC14: Village Hall

- 7.121 This policy comments that proposals for a new or replacement community/ village hall will be supported where it would lead to a significant improvement and be located on the existing site. The second part of the policy comments about proposals for a replacement facility elsewhere in the neighbourhood area.
- 7.122 I am satisfied that this policy is consistent with the more general approach taken towards community facilities in Policy SC13. Nevertheless, I recommend modifications to elements of the policy to bring the clarity required by the NPPF and to allow VWHDC to be able to implement its approach with clarity through the development management system. In preparing the recommended modifications I have taken account of SCPC’s helpful response to the clarification note on this matter. 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 first part of the policy with: ‘Proposals for a new or replacement community/village hall on the existing site will be supported where it would result in an improvement of the facilities currently available.’**

**Replace the opening element of the second part of the policy with: ‘If a replacement village hall is proposed elsewhere in the Neighbourhood Area:’**

Policy SC15: Sustainable construction and infrastructure

- 7.123 The policy comments that measures to combat the effects of climate change should, where appropriate, be incorporated into the design of new developments and opportunities to retrofit such measures into existing housing should be taken. It also advises that a sensitive approach will need to be taken to safeguard the special character of the conservation area and to avoid harm to the setting of designated and non-designated heritage assets.
- 7.124 Bloor Homes comments on the policy as follows:

*‘Policy SC15 seeks to introduce new requirements relating to sustainable construction and infrastructure that go above and beyond those established in the extant Local Plan. Again, there is no evidence to justify those new policy requirements. Such issues are better dealt with through the Local Plan process, when the impact on development*

*viability can be considered; or arguably at the national scale, given the Government's intention to create a standardised set of sustainable construction requirements.'*

7.125 I have taken account of the representation. However, in the round I am satisfied that the policy takes a positive approach to this matter and has regard to Section 14 of the NPPF. It has a non-prescriptive approach which will allow VWHDC to assess each case on its merits. I am also satisfied that the approach taken does not conflict with the Written Ministerial Statement: Planning – Local Energy Efficient Standards Update (December 2023). This replaced the long-standing Written Ministerial Statement of March 2015 on this matter. Nevertheless, I recommend that the wording used is simplified and applied in a proportionate way and where it is practicable to do so. In combination these recommended modifications will bring the clarity required by the NPPF.

7.126 I also recommend that the final paragraph of the policy (on heritage assets) is deleted. It explains a process matter rather than a land use policy. In addition, the matter is already addressed in paragraph 11.2.4 of the supporting text. 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 opening element of the policy with: 'Where practicable, and as appropriate to their scale, nature, and location, development proposals (including the retrofitting of existing buildings) should incorporate measures to combat the effects of climate change into their designs and layouts including:'**

**Delete the final paragraph (on heritage assets).**

Policy SC16: Economy and Employment

7.127 The policy comments that development to provide workspace for existing or new small-scale businesses will be supported where it is compliant with development plan policies and would not lead to a harmful increase in traffic (particularly HGV or commercial traffic) and where any commercial or other activities that require 24-hour operation/lighting will need to demonstrate that there will be no adverse impact, particularly in relation to light and noise pollution.

7.128 The initial part of the policy takes a positive approach to this matter and has regard to Section 6 of the NPPF. Nevertheless, I recommend modifications to the criteria in the policy so that they have a positive rather than a negative focus. This will provide the necessary clarity required by the NPPF and allow VWHDC to apply the policy through the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the dimensions of sustainable development.

**Replace the policy with:**

**'Development proposals for workspace for existing or new small-scale businesses will be supported where they otherwise comply with the development plan and:**

- **can be satisfactorily accommodated in the local highway; and**
- **can be satisfactorily accommodated into the immediate locality in relation to light and noise pollution and the overall amenity of the area.'**

Policy SC17: Traffic management

- 7.129 This is a comprehensive policy on traffic and traffic management. The supporting text explains the issues which the policy intends to address.
- 7.130 In general terms this is a good policy. Nevertheless, I recommend the deletion of the second element of the policy on electric vehicle parking as this matter is now addressed nationally in Part S of the Building Regulations. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Delete the second bullet point**

*Community Aspirations*

- 7.131 The Plan includes a series of Community Aspirations. They are included on a themed basis throughout the Plan.
- 7.132 National policy comments that Aspirations should be included in a separate part of the Plan to distinguish them from the land use policies. I have considered this matter carefully. On the balance of the evidence, I am satisfied that the approach taken is appropriate. I have reached this conclusion for three related reasons. The first is that their presentation distinguishes them from the policies. The second is that in some cases the Aspirations complement the policies. The third is that the approach taken makes the Plan more legible.
- 7.133 I am satisfied that the Aspirations are locally distinctive.

Other Matters - General

- 7.134 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for VWHDC and SCPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.*

## 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 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area and its heritage assets.
- 8.2 Following the independent examination of the Plan, I have concluded that the Sutton Courtenay 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 the Vale of White Horse District Council that subject to the incorporation of the modifications set out in this report that the Sutton Courtenay Neighbourhood Development Plan should proceed to referendum.

### *Other Matters*

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 5 July 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses to the clarification note were detailed, informative and delivered in a very timely fashion.

**Andrew Ashcroft**  
**Independent Examiner**  
**18 January 2024**