

Milton-under-Wychwood Neighbourhood Development Plan 2022-2031

**A report to West Oxfordshire District Council
on the Milton-under-Wychwood
Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) M.A. DMS M.R.T.P.I.**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by West Oxfordshire District Council in August 2022 to carry out the independent examination of the Milton-under-Wychwood Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 18 November 2022.
- 3 The Plan has an effective focus on safeguarding the separation of Milton-under-Wychwood from adjacent settlements and the designation of local green spaces.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Milton-under-Wychwood Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
2 February 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Milton-under-Wychwood Neighbourhood Development Plan 2020-2031 (the 'Plan').
- 1.2 The Plan has been submitted to West Oxfordshire District Council (WODC) by Milton-under-Wychwood Parish Council (MWPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018, 2019 and 2021. 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 as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan. It has a focus on the maintaining the separation of the village from surrounding communities and settlements.
- 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 the policy and the 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 form 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 WODC, with the consent of MWPC, to conduct the examination of the Plan and to prepare this report. I am independent of both WODC and MWPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral 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 proceeds to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

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

3 Procedural Matters

3.1 I have considered the following documents during the examination:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the SEA/HRA Screening Report;
- the twelve appendices
- MWPC's response to the clarification note;
- the representations made to the Plan;
- the adopted West Oxfordshire Local Plan 2031;
- the National Planning Policy Framework (July 2021);
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 18 November 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the Plan could be examined without the need for a public hearing.

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 MWPC has prepared a Consultation Statement. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (December 2021 to January 2022). It captures the key issues in a proportionate way and is then underpinned by more detailed appendices. This is best practice.
- 4.3 The Statement sets out details of the range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- a series of public meetings;
 - a community survey questionnaire
 - visits to schools;
 - a survey of young people;
 - quarterly parish newsletters;
 - the use of posters and notifications in well-used places; and
 - individual communication with key village groups.
- 4.4 The Statement also provides details of the way in which MWPC engaged with statutory bodies. I am satisfied that the process has been proportionate and robust.
- 4.5 Appendix L of the Statement provides specific details on the comments received during the consultation process associated with the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submitted Plan. This process helps to describe the evolution of the Plan.
- 4.6 I am satisfied that consultation has been an important element of the Plan's production. In addition, it has been based around the very specific focus of the Plan. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I am satisfied that MWPC has sought to engage with residents, statutory bodies and the development industry as the Plan has been prepared. Indeed, the way in which this was achieved (and is captured in the Consultation Statement) is exemplary.

Representations Received

4.8 Consultation on the submitted plan was undertaken by WODC and ended on 1 November 2022. This exercise generated comments from the following organisations:

- West Oxfordshire District Council
- Oxfordshire County Council
- Historic England
- Natural England
- Thames Water

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

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Milton-under-Wychwood in West Oxfordshire. It sits in the centre of a triangle formed by the nearby townships of Stow-on-the-Wold (7 miles), Charlbury (7 miles), and Burford (5 miles). The parish also abuts the south bank of the River Evenlode which flows into the neighbouring settlement of Shipton-under-Wychwood. Its population in 2011 was 1648 persons living in 768 houses. It was designated as a neighbourhood area on 1 March 2017.
- 5.2 The village has an attractive character and is based around High Street and Shipton Road. The Groves Business Centre in the village centre provides a natural concentration of business and service activity. St Simon and St Jude Church is located to the north of the village centre on Church Road.
- 5.3 The whole of the Parish is contained within the Cotswolds Area of Outstanding Natural Beauty (AONB). This provides an attractive natural setting for the village.

Development Plan

- 5.4 The West Oxfordshire Local Plan was adopted in September 2018. It sets out the basis for future development in West Oxfordshire up to 2031.
- 5.5 The neighbourhood area is within the Burford-Charlbury Sub-Area. The strategy for the sub-area comments that Burford and Charlbury are relatively constrained by their location in the AONB and are suitable for a modest level of development. Development elsewhere will be limited to meeting local housing, community and business needs and will be steered towards the larger villages. In this context Milton-under-Wychwood is one of a series of villages in the settlement hierarchy of the Plan (Table 4b) which supports Policy OS2 Locating Development in the Right Places
- 5.6 In addition to this specific component of the Local Plan, the following general policies are relevant to the submitted Plan:
- OS4 High quality design
 - E4 Sustainable Tourism
 - E5 Local services and Community facilities
 - EH1 Cotswold AONB
 - EH2 Landscape Character
 - EH8 Environmental Protection
- 5.7 The Basic Conditions Statement usefully assesses the policies in the submitted Plan against the policies in the Local Plan. This process provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.8 The submitted neighbourhood plan has been prepared within its wider development plan context. In doing so, it has relied on up-to-date information and research that has

underpinned previous and existing planning policy documents in West Oxfordshire. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 18 November 2022. I drove into the neighbourhood area from the A361 from the north. It allowed me to understand its landscape in general, and the relationship between Milton-under-Wychwood and Shipton-under-Wychwood. Throughout the visit I took the opportunity to look at important components of the Plan including the areas proposed to be designated as local green spaces (LGSs).
- 5.10 I looked initially at the gap between Milton and Shipton. I saw its sensitivity, its limited nature, and its relationship with the watercourse adjacent to the service station.
- 5.11 I parked in Green Lane. I looked at the proposed LGS5 to the north of The Paddocks Retirement village. I walked along the footpath running along the southern edge of the proposed designation.
- 5.12 I then walked into the village centre. I looked at the range of business and commercial premises in the Groves Business Centre and elsewhere in the village.
- 5.13 I walked to the northern end of Church Lane up to St Simon and St Jude Church. The trio of buildings as described by Pevsner remained unaffected.
- 5.14 I then walked along High Street to the south and west. I saw an interesting collection of vernacular buildings and their continuing attractiveness to the local community.
- 5.15 I continued to the new housing estate at the western end of High Street. I saw that it was well-arranged and included some good local detailing. I also saw the internal footpaths leading out into the surrounding countryside.
- 5.16 I then drove to Upper Milton. I saw its scale and character and the way in which it is distinctive from Milton-under-Wychwood. I then left the neighbourhood area heading to the south towards Burford. This part of the visit reinforced the location of the parish in the AONB.

6 The Neighbourhood Plan and the Basic Conditions

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

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

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- 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.

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

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are relevant to the Milton-under-Wychwood Neighbourhood Plan:

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

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

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

- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms subject to the recommended modifications included in this report. It proposes policies to ensure that Milton-under-Wychwood remains separate from Upper Milton and from Shipton and a policy to designate a series of local green spaces. The Basic Conditions Statement maps the Plan's policy against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This matter is reinforced in 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.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the way in which the submitted Plan contributes towards 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 a policy for employment development (Policy F1) and for retail and local services (Policy F2). In the social role, it includes policies on recreation (Policy F3), and on rights of way (Policy TM1). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It incorporates policies on village character (Policy CH1), the separation of settlements (Policies CH3/CH4), on blue-green corridors (Policy E1) and on local green spaces (Policy E2). 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

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

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

Strategic Environmental Assessment

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement WODC commissioned a screening exercise on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The resulting report (October 2021) is thorough and well-constructed. As a result of this process, it concluded that the Plan is unlikely to have any significant effects on the environment and accordingly would not require a SEA.

Habitat Regulations Assessment

- 6.16 The screening report also included a separate Habitats Regulations Assessment (HRA) of the Plan. It comments that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such, it concludes that Appropriate Assessment is not required.
- 6.17 The HRA report is both thorough and comprehensive. It comments that there are no Special Protection Areas (SPAs), Special Areas of Conservation (SACs) or Ramsar sites within or nearby to the neighbourhood area - the nearest European designated site Oxford Meadows SAC is some 25km to the south-east of the village and there are no environmental pathways indicated. The HRA report that accompanied the West Oxfordshire Local Plan to 2031 concluded that the development proposed in the Local Plan will not lead to likely significant effects either alone or in-combination with other plans or programmes. The HRA studies were updated in line with EU Court Judgments in 2018 and confirmed that the development proposed through the WODC Local Plan in the Burford-Charlbury sub-area and through implementation of the Local plan as a whole would not lead likely significant effects either alone or in-combination with other plans or programmes. The updated HRA Report concluded that there will be no adverse effects on the integrity of any European site.
- 6.18 The wider process provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters. It also includes the responses received from the consultation bodies. Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

Human Rights

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

Summary

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

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policy in the Plan. It makes a series of recommended modifications to ensure that it has the necessary precision to meet the basic conditions.
- 7.2 The modifications focus on the policy given that the basic conditions relate primarily to this aspect of neighbourhood plans. I have also recommended modifications 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 neighbourhood area. The wider community and MWPC 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. In this context the Plan is an excellent example of an approach which seeks to add a very distinctive element to the existing adopted Local Plan insofar as it affects the parish. This is best practice.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 Where modifications are recommended to the policy they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-5)

- 7.6 The initial parts of the Plan set the scene for the policy approach. They do so in a proportionate way. The Plan is presented in a professional way. It makes very effective use of well-selected maps and photographs. A very clear distinction is made between the policy and the supporting text.
- 7.7 The Introduction (Section 1) and Section 2 collectively addresses the background to neighbourhood planning. They comment about how the Plan has been prepared and how it will be used within the Plan period. Paragraph 2.3 defines the Plan period. It includes a map of the neighbourhood area (Figure 1). In the round it is a very effective introduction to a neighbourhood plan.
- 7.8 Section 3 describes the key elements of the neighbourhood area. It does so in a very effective fashion. It includes a brief description of built development in the parish and reproduces several historic maps.
- 7.9 Section 4 comments generally about the context within which the Plan has been prepared. It draws particular attention to the West Oxfordshire Local Plan.
- 7.10 Section 5 comments about a series of sustainability challenges. It identifies the following key areas:

- conserving and enhancing the natural environment and village character;
- retail, services, and the local economy;

- social and community infrastructure;
- traffic and parking; and
- footpaths and green space.

7.11 Section 6 sets out the Vision and objectives for the Plan. The Vision is as follows:

‘To retain our separate identity as a rural parish set in open countryside, protect and enhance the rural environment and provide an outstanding quality of life for current and future generations, while retaining and developing the facilities that make the Parish of Milton-under-Wychwood an attractive place to live and work.’

The objectives are grouped under four themes:

- Character and Heritage;
- Environment;
- Facilities and Infrastructure; and
- Transport and Movement.

7.12 The remainder of this section of the report addresses the policy in the context set out in paragraph 7.5 of this report.

Policy CH1 - Village Character and Environmentally Sensitive Design

7.13 This is a key policy in the Plan. It comments that development proposals should contribute positively to the character of the parish. The approach taken is underpinned by the submitted Character Assessment. It describes the character and appearance of six character areas in the parish.

7.14 The wider exercise is an excellent local response to Section 12 of the NPPF. The Character Assessment is a very well-considered document. The policy itself identifies a series of nine criteria against which proposals will be assessed.

7.15 The policy takes a very positive approach to this important matter. It will do much to ensure that the village retains its distinctive character. I recommend two modifications to ensure that the policy has the clarity required by the NPPF. The first deletes the second part of the policy as it simply describes the ambitions of the policy. The second refines the final bullet point so that it can operate as a land use policy. 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 paragraph.

Replace the final bullet point with: ‘The design and nature of development proposals should not unacceptably detract either from the preservation of the Village Green as an open and public green space within the heart of the village or its seamless visual connection to the wider Wychwood landscape.’

Policy CH2 - Key Views

- 7.16 The Plan identifies a series of key views. The policy seeks to ensure that development proposals should make a positive contribution to protecting and where possible enhancing the key views.
- 7.17 The associated supporting text comments that the aim of the policy is to prevent the loss or significant diminution of these key views firstly from within the built area of the village out into the rural hinterland, secondly towards the village from the surrounding Cotswolds AONB and thirdly views across open countryside so that they can continue to be enjoyed by residents and visitors, present and future.
- 7.18 In the round I am satisfied that the identified key views have been carefully chosen and highlight key elements of the aim of the policy. Their selection is based on earlier work and more recent work commissioned specifically as part of the production of the Plan.
- 7.19 I recommend a package of modifications to the policy so that it has the clarity required by the NPPF. Whilst the modifications do not change the purpose or the extent of the policy their wording will allow them to be more readily applied through the development management process. In particular they ensure that the policy will apply in a positive fashion and provide an acknowledgement that enhancement of the views will not always be practicable. The modifications also relocate elements of supporting text into the existing 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 policy with:

‘Development proposals should protect and where practicable enhance the key views identified at Figure 11. In particular, the design of new development should respond positively to the landscape and architecture along the sight lines and ensure that the key historic features within the area’s landscape character and heritage are safeguarded.’

After Figure 11 add: ‘Policy CH2 sets out the Plan’s approach to this matter. The second sentence of the policy comments that the design of new development should respond positively to the landscape and architecture along the sight lines and ensure that the key historic features within the area’s landscape character and heritage are safeguarded. Such features may include hedgerows, watercourses, and woodlands.’

Policy CH3 - Non-coalescence of Milton-under-Wychwood with Upper Milton

- 7.20 This is another key policy in the Plan. It is based on safeguarding the distinction between the village of Milton-under-Wychwood and the small hamlet of Upper Milton to the south and west. The Plan and Figure 12 highlights that the separation between the two settlements has been reduced following the recent construction of the houses to the south and west of High Street. I looked at the new houses and the gap between them carefully on the visit. The purpose of the policy is very clear. As the Plan helpfully comments Upper Milton is a distinct place which retains the character and beauty of a

traditional Cotswold farming community. It is enjoyed for its unique character, and the splendour of the unspoilt countryside that surrounds it, by numerous walkers who use the public right of way that runs through it.

- 7.21 The policy reflects the approach in commenting that proposals which would result in the coalescence and the loss of the separate identity of the two settlements will not be supported. The policy also draws attention to the biodiversity corridor stretching across the parish.
- 7.22 I sought clarity from MWPC on the detailed wording of the policy and its supporting text. I recommend modifications based on the helpful response received. The recommended policy addresses proposals which would either reduce the size of the existing gap or result in the coalescence between the two settlements. Plainly the latter is the extreme version of the former.
- 7.23 I also recommend the deletion of the second, third and fourth parts of the policy. As included in the submitted policy they are supporting text and matters already addressed in this part of the Plan.
- 7.24 Finally I recommend that the title of the policy is modified so that it more accurately describes its purpose. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the first part of the policy with:

‘Development proposals should respect the existing gap between the village of Milton-under-Wychwood and the hamlet of Upper Milton.

Development proposals which would unacceptably reduce the existing gap between the two settlements or result in their coalescence will not be supported.’

Delete the second, third and fourth parts of the policy

Change policy title to ‘Separation of the village of Milton-under-Wychwood from the hamlet of Upper Milton’

Policy CH4 -Separation of Milton-under Wychwood and Shipton-under-Wychwood

- 7.25 This policy acknowledges the separate communities of Milton-under Wychwood and Shipton-under-Wychwood and comments that proposals between the two settlements will not be supported. It makes specific reference to the Environment Agency maps on the risk of flooding in this part of the parish and the land in the blue-green corridor between the two settlements.
- 7.26 As with Policy CH3 the purpose of the policy is clear. The Plan comments the village of Milton-under Wychwood with its Village Green/Recreation Ground at its centre, and the village of Shipton-under-Wychwood with Church Green and the Conservation Area at its centre are two separate and distinct settlements. It also comments that they are

also separated physically by open countryside to the north and to the south of the Shipton/Milton Road that runs through them and where the separation of the two communities is less obvious.

- 7.27 In a similar fashion to Policy CH3, I recommend that the policy is modified so that it has the clarity required by the NPPF and can be applied consistently through the development management process. The recommended modification highlights the significance of the identified blue-green corridor. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the policy with: ‘Development proposals that would result in an unacceptable erosion of the distinct and separate historic character, landscape character, and identity of the settlements of Milton-under-Wychwood and Shipton-under-Wychwood will not be supported. In particular, development proposals on the land identified by the Environment Agency as having a high risk of flooding or on the land identified as a Blue-Green Corridor between the two settlements will not be supported.’

Policy E1- Blue-Green Corridors for Biodiversity and Wildlife Movement

- 7.28 This policy builds on extensive work undertaken on Blue-Green corridors in the parish (Appendix 5). It identifies four corridors which are comprehensively described in the supporting text.
- 7.29 The policy comments that land use changes which would threaten aquatic buffer margins, the conservation of biodiversity and the free movement of wildlife will not be supported unless satisfactory mitigation is in place. The policy also incorporates elements which describe the purpose and the intent of the approach taken.
- 7.30 The supporting text on this matter is very comprehensive. At a broad level, it comments that in order to maintain the long-term health of the Parish’s rural setting and the richness of its wildlife it will be vital to ensure that the connections are conserved and enhanced. It comments that the identified corridors are broadly defined to protecting these areas from land use change and/or development which would threaten the vital role they play in protecting and promoting biodiversity and thus, the rural setting of the Parish.
- 7.31 At a more detailed level the text also explains that MWPC, in consultation with adjacent parish councils and parish meetings, has embarked on a programme compatible with a Defra project to encourage local farmers and other landowners to implement additional measures to conserve the natural environment, facilitate biodiversity gain and wildlife movement and contribute to combating climate change.
- 7.32 The approach taken in the Plan is underpinned by Appendix 5. It has been compiled to offer mapping that shows how adjacent parishes are important to free movement of

wildlife. The Plan comments that the appendix also serves as a document to facilitate the respective dialogue with adjacent parishes.

- 7.33 The approach has been well considered and I am satisfied that it is based on robust local evidence and research. I recommend that the policy is modified so that it identifies the four corridors and then set out a policy approach for their future use which acknowledges that some development may be acceptable in the identified corridors. I am satisfied that the other components of the submitted policy are already addressed in the extensive supporting text and can therefore be deleted. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the policy with:

'The Plan identifies the following Blue-Green Corridors (BGCs):

- **BGC1: in the North of the parish along the River Evenlode and abutting Bruern Wood;**
- **BGC2: along the Simmonds Brook and its tributaries;**
- **BGC3: along the Littlestock Brook and its tributaries; and**
- **BGC4: in the West of the parish along the Coombe Brook and part of Taynton Bushes.**

Development proposals within the Blue-Green Corridors (including changes in the use of land) which would have an unacceptable impact on aquatic buffer margins, conservation of biodiversity and free movement of wildlife that cannot be satisfactorily mitigated will not be supported.'

Policy E2 - Local Green Spaces

- 7.34 This policy proposes the designation of a series of local green spaces (LGSs). They are described in Table 3 (in general) and in Appendix 6 (in detail). The proposed LGSs reflect the rural character and the nature of the neighbourhood area.
- 7.35 The supporting text comments about the tests in the NPPF for the designation of LGSs. It also indicates that the proposed LGSs came forward as a result of a detail audit of green spaces. Appendix 6 provides detailed commentary on the way in which the Parish Council considers that the various proposed LGSs meet the criteria for such designation in the NPPF. I looked carefully at the proposed LGSs when I visited the neighbourhood area.
- 7.36 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGSs 1, 2 and 4 comfortably comply with the three tests in the NPPF and therefore meet the basic conditions. They are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy. Manor Farm Wetland (LGS1) is a particularly good example of an informal and natural LGS.

- 7.37 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the three proposed LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, 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 local green spaces would not endure beyond the end of the Plan period.
- 7.38 The proposed designation of LGS5 (paddocks and footpath) has attracted representations from Oxfordshire County Council (OCC) in its capacity as the landowner. In general, it is contended that the proposed area does not meet the criteria in the NPPF.
- 7.39 I looked at the proposed LGS carefully during my visit to the neighbourhood area. I saw that it consisted of an open paddock on the northern edge of the village. A footpath runs along its southern edge.
- 7.40 I am satisfied that the proposed LGS is in close proximity to the community that it serves. It is immediately to the north of the village and is readily accessible from Green Lane to the east and from the Recreation Ground to the west.
- 7.41 I am also satisfied that at 1.01 hectares in size the proposed LGS is local in character and not an extensive tract of land.
- 7.42 I have considered carefully the extent to which the proposed LGS is demonstrably special to the community and holds a particular local significance. In Appendix 6 MWPC comments that the proposed designation would be demonstrably special to the community and holds a particular local significance for a range of reasons including:
- the local support for its designation;
 - the views which it affords to the surrounding countryside;
 - its location within the AONB;
 - its important role as open space on the edge of the village;
 - its extensive use for roaming by the local community;
 - its tranquillity; and
 - its wildlife.
- 7.43 In its representation (and in the observations from its advisors) OCC comments that:
- the land is not accessible to the community and is let out on a private basis for grazing;
 - the footpaths around the site are the only areas to which the public have access;
 - the County Council holds land for public benefit in situations where it may need to provide facilities to support the local community at some point in the future.

The designation of this land as a LGS would prevent the provision of such facilities;

- the village is within the AONB; and
- it appears that it is the rights of way themselves and not the site, which are of most value to the local community. If this is the case (and bearing in mind the justification for designating the land as a LGS appears to be mainly to do with protecting views across the land) then there are better policies available to the Steering Group which are either already in the Local Plan, at a national level (AONB designation) or which could be included in the Plan to protect views within the Plan area, and the character and utility of rights of way.

7.44 I sought MWPC's further comments on the extent to which it considered that the proposed area was demonstrably special to the community and holds a particular local significance. In its response to the clarification note it commented that that:

'We consider the extent to which the site is special to the local community is best substantiated by the results of our 2018 Community Survey, where, out of 449 responding users of public footpaths, our Appendix 11 reports that our public declared regular use of the footpaths in and around the site as follows as to number of users (and percentage of respondents): Public footpath 301/6 on the southern edge: 294 (65%) Public footpath 301/7 on the north-eastern fringe: 303 (67%) Public footpath 301/10 within LGS5 on the north-western side: 308 (69%). By a narrow margin the footpath 301/10 within the site had the greatest use but all three paths have heavy use. Footpath 301/6 is historically important since it was already defined in 1846. Our Appendix 5 Figure 21 (page 31) demonstrates the part played by LGS5 in a Blue-Green Corridor 3 and its importance in contributing to uninterrupted Key Views 1, 3 and 11 across the rural landscape to and from the village centre and as described in Appendix 8.'

7.45 I have considered this matter very carefully. Based on all the evidence available to me, including my own observations, I am not satisfied that the proposed LGS meets the exacting tests for designation as set out in the NPPF. Whilst I have taken account of the various matter raised by MWPC I have concluded that the proposed LGS is little different to other similar parcels of land on the edge of the village and does not hold a particular significance.

7.46 In addition, several of the important features of the site as highlighted by MWPC are already addressed by national and local planning policies (such as safeguarding the Cotswolds AONB) or other policies in the submitted Plan (such as Policy CH2 on views). I have also taken account of the significance which MWPC attach to the use of footpaths around the site and the way in which they contribute to accessibility in the village. On the one hand this is an important consideration. However, on the other hand, the safeguarding of footpaths is a separate matter which is controlled under highways legislation.

7.47 In reaching this conclusion I have considered only the Plan's proposal to designate the parcel of land as LGS. No other conclusions should be drawn from this report. In this context I note that OCC has promoted the site as a potential housing site in the

Strategic Housing Land Availability Assessment consultation processes in of 2016 and 2018. Any longer-term decision about a potential future use of the site will be a matter for either WODC (as part of the review of the Local Plan) or for MWPC (in any review of a made neighbourhood plan).

- 7.48 In summary I recommend that the proposed LGS5 is deleted from the Plan. I also recommend consequential modifications to the mapping associated with this part of the Plan.
- 7.49 The policy itself has two related parts. The first lists the proposed LGSs. The second sets out the implications for LGS designation. The second part seeks to follow the approach as set out in paragraph 103 of the NPPF. However, it goes beyond that approach in several respects relating to ecology and the free movement of wildlife through the proposed LGSs and adjoining land.
- 7.50 Given the nature of the proposed LGSs I can understand the circumstances which have caused MWPC to design the policy in this way. Nevertheless, I recommend a modification so that the policy takes the matter-of-fact approach in the NPPF. The recommended modification also takes account of the recent case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259).
- 7.51 In the event that development proposals affecting designated LGSs come forward within the Plan period, they can be assessed on a case-by-case basis by WODC. 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. I recommend that the supporting text clarifies this matter.

In the first part of the policy delete LGS5.

**Replace the second part of the policy with:
‘Development proposals within the designated local green spaces will only be supported in very special circumstances’**

At the end of paragraph 9.3 add: ‘Policy E2 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 Figure 23.

Policy F1 - Facilities for Small Businesses and Healthy Workplaces

- 7.52 This policy seeks to consolidate business prosperity and diversity in the parish. It addresses a range of related issues including:
- proposals for the loss of business units;

- uses at the Groves Business Park;
- the use of under-utilised farm buildings for employment use; and
- proposals for working from home.

7.53 The policy takes a general positive approach to this matter. Nevertheless, in some cases it goes beyond the role of the planning function. The second paragraph does not serve any specific purpose given that the retention of the Groves Business Park will not need planning permission and WODC's approach towards an Article 4 direction is not matter for the neighbourhood plan to address. The fourth paragraph of the policy does not have the clarity for a development plan policy required by the NPPF as a policy cannot set out a 'priority' for one type of development over another type of development

7.54 I sought advice from MWPC about the way in which it had determined the remit of the policy and I recommend that the policy is modified based on its helpful response. In doing so, I have made an appropriate distinction between policy and supporting text. In this context the explanation for the policy is already captured in the supporting text. The recommended modifications also acknowledge that not all changes in business uses at Groves Business Park will need planning permission. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the economic dimension of sustainable development.

Replace the policy with:

'Development proposals for shared workspaces will be supported.

Proposals to adapt under-utilised existing farm buildings into premises suitable for small businesses, shared workspaces, or other community shared spaces in a manner consistent with their heritage and the surrounding buildings will be particularly supported.

Where planning permission is required, the change of use or loss of buildings and areas currently occupied by small businesses and/or shared workspaces, including the village's central area (Groves Business Park) will not be supported.'

Policy F2 - Retail and Local Services

7.55 This policy recognises the importance of retail and local services to the community. It offers support to proposals which would help to retain and where possible enhance retail and other local service provision. The policy takes a positive approach to this matter. I saw first-hand the importance of local services during the visit.

7.56 I recommend modifications to the policy so that it has the clarity required by the NPPF and can be applied consistently through the development management process. The recommended modification removes the element of the policy which refers to the potential for development proposals (initially) to prevent services uses from being lost to other uses (in the longer term). Whilst this is a commendable approach, it involves

a degree of speculation into the future. In any event, any such future proposals would be for WODC to determine on a case-by-case basis taking account of development plan policies at that time. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the economic and social dimensions of sustainable development.

Replace the policy with: ‘Development proposals which would help to retain and where possible enhance existing retail and other local service provision (including the longer-term viability of such services) will be supported.’

Policy F3 - Recreation and Play

7.57 As with the format of Policy F1 this policy addresses a range of related issues in relation to recreational uses including:

- the improvement of facilities used by those with a disability;
- resisting proposals for a change of use of facilities in recreational uses;
- supporting proposals for new recreational uses; and
- commenting about stewardship arrangements for new areas of open space.

7.58 The policy takes a very positive approach to this matter. It acknowledges the importance of recreational facilities to the local community. It also responds to specific age-related issues faced by the community

7.59 I recommend that the policy is modified based on the comments made by MWPC in its helpful response to the clarification note. In the section on the creation of new facilities the wording used on the support for new facilities in existing buildings has been designed to allow its consistent application through the development management process without excluding other proposals which did not make use of existing buildings. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Replace the policy with:

‘Insofar as planning permission is required, proposals for the maintenance and improvement of existing clubs and facilities including changes designed to facilitate use by people with a disability will be supported.’

Proposals to create additional and new recreational facilities that are compatible with the existing village character and form, and support a more inclusive community, will be supported. Development proposals for additional or new recreational facilities which would involve the re-use of suitable, existing buildings will be particularly supported.

Changes of use or loss of buildings and areas currently designated for recreation and play will not be supported unless the change of use is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current use.’

Policy TM1 Public Rights of Way and Wellbeing

- 7.60 This policy celebrates the importance of the rights of way network in the parish. Its approach is that new development should safeguard existing rights of way and where possible provide connectivity/accessibility to this important part of the parish.
- 7.61 The policy takes a positive approach to this matter. I saw first-hand the importance and significance of the network during the visit for both social and accessibility purposes.
- 7.62 I recommend that the policy is modified so that it has a simpler format which can be implemented clearly and consistently through the development management process. This includes an element so that it can be applied in a proportionate way. Plainly individual proposals will have different abilities to impact on the implementation of the policy. I also recommend that the practicability of the policy's approach is clarified. In some cases, development proposals will simply be able to safeguard the network. In other cases, proposals will be able to improve and/or extend the network. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Replace the policy with: 'As appropriate to their scale, nature and location development proposals should preserve, and where practicable improve and extend the circular interconnection, accessibility and appeal of public rights of way and unadopted and/or permissive paths and respond positively to the needs of all groups in the community including wheelchair users and others with disabilities, and parents/carers with child buggies.'

Implementation/Monitoring/Review

- 7.63 Section 8 of the Plan successfully addressed how the Plan would be implemented, monitored, and reviewed. Section 8.1 helpfully identifies delivery partners for the various policies and how progress will be monitored. Section 8.2 comments about monitoring and review. It helpfully comments about review periods after one year and five years and then at the end of the Plan period. This is best practice.

Other matters - General

- 7.64 This report has recommended a series of modifications both to the policies and to the text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for WODC and MWPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination of the Plan, I have concluded that the Milton-under-Wychwood 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 West Oxfordshire District Council that subject to the incorporation of the modifications set out in this report the Milton-under-Wychwood Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the designated neighbourhood area. In my view, that area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by West Oxfordshire District Council 1 March 2017.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
2 February 2023