

Drayton Neighbourhood Development Plan

Report by Independent Examiner

Alyson Linnegar BSc Hons MRTPI CIHM

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Summary

I have examined the Drayton Neighbourhood Plan as submitted to the Vale of the White Horse District Council by Drayton Parish Council. The examination was undertaken between November and December 2014 by considering all the documents submitted to me and listed in the report, together with all the representations. A public hearing to consider some of those representations was held on Friday 12 December 2014.

I conclude that the Neighbourhood Plan meets all the requirements, including those set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990. However several modifications are required to ensure the Plan meets the Basic Conditions as defined in Paragraph 8(2) of the Schedule.

Subject to making the modifications set out in my report, I recommend that the Neighbourhood Plan as amended be submitted to a referendum. I do not see any reason to alter the Plan area for the purpose of holding a referendum.

1 Introduction

- 1.1 I have been appointed by the Vale of the White Horse District Council (VOWHDC) with the consent of Drayton Parish Council to examine the Drayton Neighbourhood Plan and report my findings as an Independent Examiner.
- 1.2 The Localism Act 2011 introduced the means for local communities to produce planning policies for their local areas through the preparation of neighbourhood plans. Drayton Neighbourhood Plan has been produced by the Parish Council as the qualifying body and work has been coordinated through a partnership between Drayton Parish Council and Drayton Community Trust called Drayton 2020. Work has progressed through a Steering Group sub divided into a number of topic based working groups.
- 1.3 The Neighbourhood Plan area is coterminous with the parish boundary. The parish is bisected by the major trunk route, the A34, the main village being on the eastern side of this road. The central area is a conservation area with a number of heritage buildings. More modern development has taken place throughout the village. The message running through the Neighbourhood Plan is on the whole, new housing development is needed and welcomed. It will be an opportunity to create a more sustainable and self sufficient community by addressing some of the shortfalls in local amenities and recreational facilities.

2 Scope and Purpose of the Independent Examination

- 2.1 The independent examination of neighbourhood plans is intended to ensure that those plans meet four Basic Conditions together with a number of legal requirements.
- 2.2 In order to meet the Basic Conditions¹ a Neighbourhood 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 for the area
 - Not breach and be otherwise compatible with EU obligations

¹ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

2.3 In undertaking the examination I am also required to check whether:

- The Neighbourhood Plan policies relate to the development and use of land for the designated neighbourhood area²
- The Neighbourhood Plan meets the requirement to specify the period for which it is to have effect, not to include provision relating to 'excluded development' and not to relate to more than one neighbourhood area³
- The Neighbourhood Plan has been prepared for an area that has been properly designated⁴ and has been developed and submitted for examination by a qualifying body⁵
- Adequate arrangements for notice and publicity have been made in connection with the preparation of the Neighbourhood Plan⁶

I confirm that subject to the contents of this report, I am satisfied that each of the above requirements have been met.

2.4 As Independent Examiner, I must make one of the following recommendations:

- That the Neighbourhood Plan is submitted to referendum on the basis that it meets the Basic Conditions and other legal requirements or
- That modifications (as recommended in the report) are made to the draft Neighbourhood Plan and that the Plan as modified is submitted to referendum or
- That the Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the basic conditions and other legal requirements⁷

2.5 Modifications may only be recommended to ensure that the Neighbourhood Plan meets the Basic Conditions, that it is compatible with Convention Rights, or for the purpose of correcting errors.⁸

² Section 38A(2) Planning and Compulsory Purchase Act 2004

³ Section 38B(1) Planning and Compulsory Purchase Act 2004

⁴ Section 61G Town and Country Planning Act 1990

⁵ Section 38C Planning and Compulsory Purchase Act 2004

⁶ Section 38A(8) Planning and Compulsory Purchase Act 2004

⁷ Paragraph 10(2) Schedule 4B Town and Country Planning Act 1990

⁸ Paragraph 10(3) Schedule 4B Town and Country Planning Act 1990

- 2.6 If recommending that the Neighbourhood Plan should proceed to referendum, I am required to consider whether the Referendum Area should extend beyond the Drayton Neighbourhood Area and if so what that extended area should be.⁹
- 2.7 It is the general rule that a Neighbourhood Plan examination should be held by written representations without a public hearing. However according to the legislation, when the examiner considers it necessary to ensure adequate examination of an issue or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 2.8 After consideration of the draft Neighbourhood Plan, the supporting documents and the representations sent to me, I decided it was necessary to hold a public hearing. The hearing was advertised on the VOWHDC and the Drayton village (Drayton-near-Abingdon.org) websites. A number of parties were invited to speak and the hearing was open to the public. It took place on Friday 12th December 2014 at Drayton Village Hall. I am grateful to both the Parish Council and the District Council for their assistance in dealing with the arrangements for the hearing effectively and efficiently and to the invited participants for their assistance in answering my questions.
- 2.9 I confirm (and did so at the hearing) that all representations to the Neighbourhood Plan have been taken into account in undertaking this examination, whether or not the people or organisations took part in the hearing. A representation is not more or less valid than another simply because it has been considered in further detail at a hearing. Although all representations have been considered, they are not necessarily referred to individually in whole or in part in my report.
- 2.10 I undertook an unaccompanied site visit around the parish on Thursday 11th December.

3 Background Documents

- 3.1 As part of the examination I have reviewed the following documents:
- Drayton Neighbourhood Development Plan 2014-2031 Examination Copy (including Annexes A –G)
 - Drayton Neighbourhood Plan Consultation Statement

⁹ Paragraph 10(5) Schedule 4B Town and Country Planning Act 1990

- Drayton Neighbourhood Plan Basic Conditions Statement (including Attachment A Equality Impact Assessment)
- Sustainability Appraisal Final Report September 2014
- Sustainability Appraisal Scoping Report June 2013
- Housing Needs Survey Report May 2012
- National Planning Policy Framework
- National Planning Practice Guidance
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Plan (General) Regulations 2012
- Vale of White Horse Local Plan 2011
- Vale of White Horse Local Plan 2029 Part I Strategic Sites and Policies Consultation Draft 2013
- Vale of White Horse Local Plan 2031 Part I Strategic Sites and Policies Housing Delivery Update Consultation Draft February 2014
- Vale of White Horse Local Plan 2031 Part I Strategic Sites and Policies Publication Version November 2014
- 92 representations

4 Consultation

- 4.1 Effective consultation with the local community provides the foundation for a successful Neighbourhood Plan, creating a sense of public ownership and helps achieve consensus. The policies of the Neighbourhood Plan will become the basis for planning decisions and legislation requires that the production of those plans be supported by public consultation.
- 4.2 A Consultation Statement has been submitted in accordance with the Neighbourhood Planning Regulations (Regulation 15). This sets out who was consulted and how, together with the outcome of the consultation.

- 4.3 Beginning with an exhibition in July 2012, Drayton 2020 has carried out a wide variety of methods to engage the population of the village in the Plan preparation. There have been a number of consultation events and exhibitions with the community including one specifically for young people. Landowners and potential developers have been engaged and a developer's exhibition was held in June 2014. A key component of the community engagement was the preparation, distribution and analysis of a well presented questionnaire in July 2013 with an excellent response rate of 64%. Residents were actively encouraged to attend steering group and working group meetings to put forward their ideas. A list of interested persons was compiled and regular updates sent by e-mail. Information was also posted on the village website and on notice boards within the parish.
- 4.4 The first draft of the Neighbourhood Plan was made available from 9th January to 21st February 2014 (extended to 24th March 2014.) (Regulation 14 consultation). In order to accommodate changes required by VOWHDC to take account of new housing targets, a second draft Plan was developed and made available for consultation from 16th June to 1 August 2014. Details of the persons and bodies that were consulted are listed in the Consultation Statement. A summary of the representations received, together with responses from Drayton 2020 from both the first and second drafts are set out in Tables 2 and 3 of the Consultation Statement. More detailed representations and responses are available on the Drayton village website.
- 4.5 The Examination Copy September 2014 has been the subject of a Regulation 16 publicity period between 17 September and 29 October 2014. Representations were received to various parts of the Plan from 12 individuals and 13 organisations, and individually logged by VOWHDC making a total of 92 representations.
- 4.6 Drayton 2020 are to be congratulated on the extensive consultation that has taken place and the wide variety of methods that have been used to ensure that the local community has had an opportunity to be involved. Annex B of the Neighbourhood Plan sets out the total number of person hours involved in the consultation process (7788 in total). The consultation carried out clearly exceeds that which is required by the Regulations.

5 Basic Conditions

5.1 This section of the report considers whether the Neighbourhood Plan taken as a whole has regard to national policy, contributes to the achievement of sustainable development, is in general conformity with strategic local planning policy and addresses EU obligations.

5.1.1 National Policy

National planning policy is set out in the National Planning Policy Framework 2012(NPPF). At the heart of the NPPF is a presumption in favour of sustainable development¹⁰ which when applied to neighbourhood planning means that neighbourhoods should support the strategic development needs set out in Local Plans and which plan positively to support and shape local development. Included in the 12 Core Principles in the NPPF, is a requirement to produce neighbourhood plans which set out a positive vision for the future of the area and which provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. National Planning Practice Guidance (NPPG) reinforces this point, stating that a policy in a Neighbourhood Plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.¹¹ Subject to the recommendations made in this report the Neighbourhood Plan, taken as a whole, reflects the broad principles embedded in the NPPF.

5.1.2 The Development Plan

To meet the Basic Conditions, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan. This ensures that neighbourhood plans cannot undermine the overall development strategy set out in the development plan. The District Council has advised me that the current Development Plan comprises the saved policies of the Vale of White Horse Local Plan 2011 adopted in July 2006 and the Oxfordshire Minerals and Waste Local Plan

¹⁰ NPPF paragraph 14

¹¹ NPPG section 5

(adopted July 1996). The latter is not relevant, minerals and waste being an excluded matter in relation to neighbourhood planning.

5.1.3 The District Council has provided an assessment of each of the saved policies of the Local Plan 2011 as to whether the policy is strategic for Neighbourhood Planning purposes or not. The Basic Conditions Statement includes an assessment of the general conformity of the Neighbourhood Plan with these saved policies.

A Local Plan is currently being prepared, the VOWHDC Local Plan 2031. The publication version of this Plan Strategic Sites and Policies (Part 1) was published in November 2014, whilst I was undertaking the examination. A representation states that the Neighbourhood Plan is premature pending the adoption of the Local Plan. It is true that a Neighbourhood Plan is not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the Basic Conditions. The NPPG advises that the local planning authority should work proactively with the qualifying body to agree the relationship between policies in the neighbourhood plan, the emerging Local Plan and the adopted Development Plan sharing evidence and seeking to resolve any issues. It is clear to me that the VOWHDC have worked closely with Drayton 2020 to ensure that there is no conflict with the Neighbourhood Plan and the emerging Local Plan 2031.

5.1.4 Sustainable Development

The Neighbourhood Plan makes housing site allocations and includes land use policies to manage proposals for new housing, commercial and other forms of development. A number of modifications are recommended in the report but subject to these being made, I am satisfied that the Neighbourhood Plan is capable of supporting the provision of sustainable development.

5.1.5 EU Obligations and European Convention on Human Rights

VOWHDC issued a screening opinion on the need for a Strategic Environmental Assessment (SEA) in accordance with the Environment Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC. The initial screening opinion was sent to the 3 statutory bodies. The response from English

Heritage concluded that an SEA would be required because of the potential development sites located within or adjacent to the conservation area in which there is a concentration of listed buildings.

- 5.1.6 A Scoping Report was published in June 2013 and circulated to the statutory bodies. Although there were some minor omissions in this report, this did not affect the overall content. English Heritage and Natural England made a number of comments on the Scoping Report.
- 5.1.7 The Sustainability Appraisal was published as part of the Regulation 14 consultation between 16 June and 1 August 2014. Comments from English Heritage were received during this publicity period but I note that these were satisfactorily resolved following further discussion with the qualifying body and the District Council. No further representations were received during the Regulation 16 publicity period and I am satisfied the Sustainability Appraisal(SA) meets all requirements.
- 5.1.8 With regard to Habitat Regulations Assessment, the District Council concluded that the Neighbourhood Plan will not result in any additional effects over and above that outlined in the Local Plan 2029 part I (now amended to 2031) and an appropriate assessment is not required.
- 5.1.9 I have seen nothing in the Neighbourhood Plan that indicates any breach of the European Convention on Human Rights. The Equality Impact Statement concludes that the Neighbourhood Plan aims to create benefits for everyone in the parish with protected characteristics.
- 5.1.10 I conclude therefore that the Neighbourhood Plan does not breach and is otherwise compatible with EU regulations, and is not likely to have any environment effects on any European site.

6 The Overall Structure and Content of the Plan

- 6.1 I find the overall structure of the Plan is well presented and the document is easy to follow. The opening sections provide a background to the Neighbourhood Plan area, the Plan preparation, the issues the Plan wishes to address, the community engagement that has taken place and the evidence base. The Plan's Vision is clearly set out with a number of key themes running through it. This is followed by a number of objectives which are grouped under 5 topic areas, Look and Feel, Work and Play, Transport, Sustainability and Housing. The objectives are then linked to the key proposals in each of those topics and the relevant planning policies. In some of the topic areas, Drayton 2020 has decided to rely on the VOWHDC Local Plan policies to achieve their objectives and this is mentioned in the text.
- 6.2 The Plan also contains a section on Implementation and Maintenance. Part of this section relates to a review of the Plan which will be conducted every 5 years which I find to be an appropriate timescale.
- 6.3 The Neighbourhood Plan has also included a number of Community Policies around each topic with aspirations of the parish and not related to the development and use of land. Quite correctly, they are in a separate section of the Neighbourhood Plan and are not considered as part of this examination.
- 6.4 Whilst the Neighbourhood Plan was being prepared the VOWHDC Local Plan was progressing. Several references to the emerging Local Plan now need to be amended with the correct Local Plan title and date. In particular those references that refer to the 'strategic site' South of High St which is no longer allocated as such, need to be deleted. In some cases it is also not clear which Local Plan is being referred to, the adopted Local Plan 2011 or the emerging Local Plan. The Neighbourhood Plan needs to be checked for accuracy in this area.

Recommendation

Check references to the Local Plan are correct.

- 6.5 I do have some concerns about the legibility of some of the maps provided in the document. I am unsure if a printed version of the Plan is available. However when printed from an electronic version, the plans and particularly the key is difficult to read eg Figure 4 Existing and Potential Tree Groups

Recommendation

Review the maps provided for clarity and legibility.

7 The Planning Policies

- 7.1 The Neighbourhood Plan contains 21 policies grouped into 5 topic headings. In considering whether these policies meet the basic conditions I have been mindful of the advice in the NPPF¹². Unclear or ambiguous policies are likely to cause problems for those responsible for making decisions on planning applications and appeals. Many of my recommendations to modify policies have been based on this advice.

Policy LF1 Creation of Village Green and Manor Farm Site

- 7.2 This policy aims to provide a new area of open space in the centre of the village. One of the initial comments from the local community during the Plan preparation was that the village lacked a true centre. This policy is supported by Natural England. An indicative layout of the proposed green together with the proposed housing area which is subject to a site allocation in policy H2, is indicated on Figure 3. A representation from the developer of the Manor Farm site has indicated that the layout on this plan is not the most up to date situation following discussions on the site access. However paragraph 45 does state that the plan is for illustrative purposes only. It is the community's vision as to how they would wish to see the new green developed. At the public hearing it was clear that actual details have still not been agreed so I see no reason to alter the 'indicative' plan at Figure 3. I do recommend however that the wording of the first part of the policy is changed as the wording 'any development' is unclear.

Recommendation

Opening sentence of LF1 to read 'The proposed development of Manor Farm Site, allocated for housing in policy H2 should...'

¹² NPPF paragraph 17

Policy LF2 Bounded development

7.3 This policy aims to establish support for residential development within the existing 'built up area' of the village. Paragraph 43 (aims of the Look and Feel topic) also mentions commercial development so this policy should not just relate solely to housing. The policy is also unclear as it suggests that all development within the built up area will be supported. I recommend that this policy should be amended to include a statement that all other policies in the Neighbourhood Plan should be complied with. I also recommend a plan indicating the 'built up area' to which this policy will apply.

Recommendation

Omit the word housing, and complete the policy with 'subject to compliance with other policies in the Neighbourhood Plan.'

Provide a map to indicate the 'built up area' to which this policy applies.

Policy LF3 Building Design Guidance

7.4 This policy is confusing; it refers to 'Building for Life' without explaining exactly what that is or how that initiative would be applied to new development. It also refers to paragraph 107 which is not relevant to this policy, expects new development to be built in accordance with the VOWHDC Design Policy and the Neighbourhood Plan's own guidance contained in an Annex.

7.5 Firstly I have concerns about using Building for Life 12 in the policy wording. This initiative may change over the life time of the Neighbourhood Plan making the policy out of date. If Building for Life is to be used in assessing development sites then further explanation is required regarding the 12 principles and the scoring mechanism; for example is it the aim to secure a score of 12 out of 12 greens? I have noted that some of the principles of Building for Life are set out in paragraph (f) of the Drayton Design Guide which is an Annex to the Neighbourhood Plan.

7.6 My second concern is the reference to the VOWHDC Design Guide which is currently adopted as a Supplementary Planning Document (SPD). Once the Neighbourhood Plan is made, decisions on planning proposals must be determined in accordance with that Plan unless material considerations indicate otherwise. The VOWHDC Design Guide will remain as supplementary guidance only. It is referred to in the Drayton Design Guide.

7.7 The purpose of a Neighbourhood Plan is to plan positively reflecting the local distinctiveness of the area. The Design Guidelines that are incorporated into the Neighbourhood Plan as an Annex do just that in that local character has been assessed and guidelines set out for new development. I consider that the Drayton Design Guide as an Annex to the Plan is acceptable and contributes towards planning positively for the achievement of high quality and inclusive design at a local level as outlined in the NPPF. I recommend that the policy is amended only referring to the Drayton Design Guide and the principles contained therein.

Recommendation

Policy is re-written as follows:

‘New development will be supported where it is designed to a high standard which responds to the distinctive character of Drayton and reflects the guidelines and principles as set out within the Drayton Design Guide.’

Policy PLF4 Conservation Area

7.8 This policy merely repeats the requirement in the first part of Policy HE1 of the Local Plan 2011. This is disappointing given that a Design Guide specifically for Drayton has been prepared where there is an opportunity for a locally distinctive policy. However there is nothing in the Basic Conditions that means that it is not possible to repeat policies in the Local Plan. Therefore if Drayton 2020 considers it important to re-state this policy I am not suggesting either a modification or deletion.

Policy PLF5 The Historic Environment

7.9 This policy merely repeats advice in the NPPF, the last sentence re-iterating paragraph 135 of that document. Heritage assets are recognised for their importance and this policy, whilst not adding to existing guidance, does emphasise the crucial role of heritage assets. There is no need to refer to the NPPF in the final sentence. A list of non-designated heritage assets should be provided.

Recommendation

Delete last sentence beginning ‘as set out’.

Provide list of non designated heritage assets.

Policy PLF 6 Additional Greenery

7.10 This policy requires planting of trees and shrubs to be carried out for all new developments. Of course this is not always practical so to ensure some flexibility in the policy I recommend inserting wording 'wherever possible'. There is no need to refer to the Local Plan policies or the website link within the policy.

Recommendation

Change introduction to policy to 'Proposals for new development should wherever possible.....'

Delete last sentence.

Policy PLF7 A34 Noise Reduction

7.11 I understand that there is significant noise pollution in the village from the nearby A34 trunk road and I experienced it for myself during my site visit. An Environmental Noise Assessment Report was undertaken to support the Neighbourhood Plan policies and site allocations. The conclusion of this report states that potential residential development close to the A34 will inevitably lead to high levels of noise exposure and it is considered that development in these areas should be avoided unless there is sustainability or local development reasons for such a development. With regard to other uses such as recreational or light industrial, it is considered these are suitable use types for the area. This policy requires proposals for new development to include measures to alleviate noise and defines a geographical area where this policy must be met. I recommend therefore that this area is indicated on an accompanying plan. The policy also refers to any form of development but there may be some cases where the development proposed would not be affected by a noise.

Recommendation

Include a map to indicate where this policy will apply.

Re-word policy 'Development proposals to the.....should include where appropriate measures.....roadway.'

Policy PWP1 Additional recreational facilities

7.12 This policy requires recreational facilities to be provided on 'preferred development sites' which I understand to mean those sites allocated for housing in the Plan. However this is not entirely clear and in any event, the site requirements include the provision of recreational facilities and this is referred to later in my report. The second part of this policy is an aspirational policy that community land should be developed for recreational use. It could be linked to community policy WP7 which is to provide a play area on the Millennium Green or other appropriate locations.

Recommendation

Delete policy PWP1.

Policy PWP2 Connected Development

7.13 This policy promotes the use of footpaths and cycle ways in the parish to connect the various facilities. The policy is supported by Natural England. The approach has regard to the NPPF which recognises the importance sustainable transport policies have to play in facilitating sustainable development. It meets the basic conditions.

Policy PWP3 Business Development

7.14 This policy is unclear and repetitive. It seeks to retain existing employment facilities and also offers support to new development, especially on sites that have been assessed for housing but have not been allocated. I recommend a change in policy wording.

Recommendation

'Proposals for B1 and B2 uses offering local employment are supported particularly on sites which have been considered for residential development but have not been specifically allocated for that purpose. Proposals should ensure that there is no adverse effect on local traffic volumes, amenity of neighbouring properties, the character of the area, air quality or noise levels. Change of use of retail or employment development to alternative uses will be resisted.'

Policy PWP4 Retail Parking

- 7.15 This policy requires parking for retail and business use to be in accordance with Oxfordshire County Council parking standards. I understand that traffic is a major concern in Drayton and that it is important that the issue of car parking is highlighted. The second part of the policy supports parking outside existing retail premises. On my site visit, I was unable to ascertain where 'outside' would be other than on existing forecourts or in the street. I therefore recommend a modification of this policy for reason of clarity.

Recommendation

Amend last sentence to read '.....parking facilities to serve existingsupported'.

Policy PT1 Travel Plans

- 7.16 Traffic is obviously a major problem which concerns residents. A representation has been received which suggests that policy PT1 will not help to alleviate the situation and that major infrastructure improvements are required. Drayton 2020 has also highlighted this issue in other parts of the Plan. However requesting developers to put in place Travel Plans should go some way to improving the situation. Not all development will give rise to the need for a Travel Plan however and I suggest re-wording the policy. The final part of the policy is already included in the supporting text which is preferable. (Paragraph 95 in a different section of the Plan refers to Travel Plans but is not written in policy terms. Consideration should be given to moving this paragraph to the transport section.)

Recommendation

Change opening sentence to 'Development proposals which give rise to an increase in traffic will.....'

Delete last sentence.

Policy PS1 Local Building Materials

7.17 This policy is contained with the sustainability topic. A policy on local building materials could equally be considered within the design policy but with a different meaning. However given the introduction to this section I have concluded that the intention is to assist in reducing the Parish's carbon footprint. However I find this policy lacks clarity ie what is the meaning of local, and the word encourage is inadequate wording to result in the policy intention being achieved. Material choice seeking to reduce the carbon footprint is not only affected by the source of that material but other considerations such as the extraction method, is the material replaceable, is it recycled etc. I find this policy to be ineffective and recommend it is deleted.

Recommendation

Delete Policy P S1.

Policy PS2 Biodiversity

7.18 This policy seeks to protect and enhance biodiversity. It is supported by Natural England. There is no introduction to the policy or further explanation which I recommend is needed. If the terms 'as per regional and national planning guidelines' are to be mentioned, these need explanation in the supporting text. I recommend re-wording of the policy.

Recommendation

Reword policy as follows: 'Development proposals are required to protect and enhance biodiversity. Any loss or degradation of habitats arising from new development will need to be offset by for example, funding environmental improvements elsewhere in the parish.'

Reword supporting text.

Policy PH1 Affordable Housing

- 7.19 This policy merely refers to the policy in the Local Plan (currently Policy H17). This is disappointing as a local housing needs survey was carried out in May 2012 which revealed the local need for affordable housing and was specific about the type and tenure of such housing. As mentioned previously there is nothing in the Basic Conditions that prevents Neighbourhood Plans repeating Local Plan policies. For that reason I have not recommended deletion of this policy.

Paragraph 90

- 7.20 The opening paragraph reads like a planning policy requiring new housing development to meet the identified need.

Recommendation

Consider a further housing policy on housing mix.

Policy PH2 Scale of Development and Site Allocation

- 7.21 I find it unusual that this policy which is at the heart of the Neighbourhood Plan is not the first policy in the Housing topic section.
- 7.22 The first part of this policy relates to the scale of growth and the overall requirement set out in the District's Local Plan and emerging Local Plan. As discussed at the hearing, the references to Local Plans are unclear and need to be amended.

- 7.23 The Neighbourhood Plan has been prepared alongside the preparation of the emerging Local Plan. When the Examination Version of the Neighbourhood Plan was published, the land South of the High Street was designated as a strategic site in the Local Plan 2031. The latest version (Part 1 Strategic Sites and Policies) published in November 2014 no longer designates South of the High Street as a strategic site. The remaining housing requirement for the sub area in which Drayton lies (Abingdon and Oxford fringe), is stated to be up to 722 dwellings which will be allocated in Part 2 of the Local Plan when it is published. A note states that this figure will be reduced where dwellings are allocated in neighbourhood plans. Drayton has not been allocated a specific number of dwellings in the Local Plan. The Parish Council confirmed at the hearing that housing numbers had come about from a 'bottom up' approach from the sites selected for housing allocations. I deal with site numbers later in the report.
- 7.24 The site numbering within the policy text relates to SHLAA reference numbers and is pre-fixed by the word DRAY, incorrect Local Plan references and use of a mix of terminology eg identified and designated. I see no reason why these numbers and references need to be included in the policy and I recommend a re-wording of the policy at the end of this section.
- 7.25 The policy designates 3 sites, namely Manor Farm, South of the High Street, and North of Barrow Road for housing. The policy then goes on to state that the development of these sites must have regard to appropriate site requirements laid out in the Plan (pages 41-50 and Annex F). Pages 41 to 50 cover information about the site selection process and descriptions of only two of the allocated sites. This section actually concludes on page 54. Annex F does not include site requirements but expands on the table 5 on page 45. I recommend that the site requirement information immediately follows the policy.

- 7.26 The NPPG states that a Neighbourhood Plan should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Parish Councils can use the methodology set out in the guidance but states that any assessment should be proportionate. Drayton 2020 has carried out a thorough site option appraisal using criteria previously agreed by the local community. However I recommend that the information and tables regarding the site selection process are removed from the main body of the Plan to the Annex F on site selection. As discussed at the hearing, some of that information should be amended so that the methodology on how the preferred sites were selected is clear. All sites that have been appraised should be shown clearly on a plan and the actual site sizes (rather than the larger site areas for DRAY07 and DRAY 02) be included in the table.
- 7.27 Representations were also received on the accuracy of the plans outlining the allocated sites and larger scale plans of the individual sites are required.
- 7.28 It became apparent at the hearing that there has been extensive negotiation with the Drayton 2020 and prospective developers of the allocated sites. Indicative plans have been drawn up as part of the consultation process with the local community. As mentioned above there has been a 'bottom up' approach in agreeing numbers of proposed new dwellings on each of the sites. Part of these negotiations has been the provision of community benefits eg the new village green on the Manor Farm site, playing fields on the Barrow Road site and recreational facilities and open space on the site South of the High Street. The site description and requirements for each site should be written in a more positive matter setting out the principles of the development that the Neighbourhood Plan wishes to promote and which have the support of the local community. It was also apparent at the hearing that as well as housing numbers, housing types and tenures have been discussed and consulted on with indicative layouts being exhibited at a community consultation event. Although the Neighbourhood Plan refers to a mix of housing types in paragraph 90, this is not a policy as such. I therefore recommend that this information is included in the site requirements which will provide the necessary certainty for development to proceed in the way the community wishes.

- 7.29 A representation was received during the publicity period from the developer on the Barrow Road site who wishes to see the approximate number of dwellings increased to accommodate smaller dwellings for which a need has been identified in the VOWHDC Strategic Housing Market Assessment (SHMA) and in the Drayton 2020 survey. This site requirement currently proposes approximately 60 dwellings although I understand from discussions at the hearing that the number negotiated is now 65. The representation states that following discussions with Planning Officers at the VOWHDC, there is a requirement for more 2 and 3 bed dwellings and the latest proposal is for 73 dwellings. It was confirmed at the hearing that the developable area of the site for housing would remain exactly the same. In order to allow some flexibility in numbers it would be possible to suggest a minimum number of dwellings. However I am aware that the local community is acutely concerned about the traffic implications of new housing and would have concerns about specifying a minimum number which could potentially involve a much higher site capacity than intended. To allow some degree of flexibility and to allow for changing circumstances, I recommend that the policy is modified to state an approximate number of dwellings but will be reviewed at the planning application stage. This flexibility would have regard to national policy.
- 7.30 Representations have been received from prospective developers of 2 further sites in Drayton which have not been allocated.
- 7.31 The first representation is in respect of land West of Fisher Close and had been put forward as a potential site earlier in the Plan process. It was assessed as part of the larger SHLAA sites. However all sites to the west of the village and east of the A34 have been discounted on the grounds of excessive noise levels and the evidence from the Environmental Noise Assessment supports this. I find that the fact that this site has not been selected is based on robust evidence and its allocation would not promote sustainable development.

- 7.32 The second representation is made in respect of overall housing numbers and more specifically to the land South of Halls Close. It is stated that the overall housing provision is too low and should be increased to 350 dwellings. It is also stated that the land should be allocated for housing and objects to the allocation at Barrow Road. The site has been assessed as part of the site appraisal work and its 'score' is comparable with the Barrow Road site. The representations state that the site would be for retirement homes for which there is a need locally.
- 7.33 It is not the examiners role to consider whether a Neighbourhood Plan is 'sound', only that it meets the Basic Conditions. As mentioned in paragraph 7.23 above, there is no overall housing figure for Drayton and no adopted strategic policies upon which to base more significant growth. The Neighbourhood Plan has been prepared on the basis of planning positively for growth and promoting sustainable development as required by national policy. The site allocations have emerged through a Neighbourhood Plan that has undergone a robust process, including extensive consultation and which has significant local support. (I have noted that there are very few representations from the local community to the site allocations). The VOWHDC have worked collaboratively with Drayton 2020 and supports the level of growth and the allocated sites.
- 7.34 Whilst the Parish Council would support the phasing of a new development (see paragraph 162), this has not been included in the policy. However they are aware that within the lifetime of the Plan, proposals for additional development may come forward. However as the current proposals, when completed, will represent a 25% growth, the community wish to absorb that development and its affect on infrastructure before reviewing the housing requirement.
- 7.35 Whilst there is evidence from the community questionnaire and the VOWDC's SHMA that there is a need for retirement accommodation, I heard at the hearing that this type of accommodation has been incorporated into the site South of the High Street, based on this evidence.

7.36 I find that policy H2 and its site allocations meets the Basic Conditions with the following modifications.

Recommendation

Policy H2 to read as follows:

The Neighbourhood Plan allocates land for residential development on the following sites:

- **Manor Farm (insert site area) for approximately 50 dwellings**
- **North of Barrow Road (insert site area) for approximately 65 dwellings**
- **South of the High Street (insert site area) for approximately 140 dwellings**

All dwelling numbers are approximate and will be reviewed at the planning application stage based on the need to provide smaller homes.

Accurate plans of the sites to be provided.

Site requirements to be set out in positive terms and immediately follow the policy.

The Site Selection Process to be inserted into Annex F with accurate plans and information.

Policy PH3 Contributions

7.37 This policy establishes an expectation that housing development proposals will contribute to the provision of community infrastructure through either section 106 agreements or the Community Infrastructure Levy when introduced. The supporting information also refers to the required tests which are set out in the NPPF paragraph 204. Contributions should also be considered against paragraph 173 of the NPPF which requires that the scale of obligations should not affect the viability of a development. Who should be a party to the agreement is not a land use matter and I recommend that part of the policy is moved to explanatory text.

Recommendation

Policy modified as follows: 'All eligible development will be required to make contributions to secure improvements to existing parish infrastructure (both on and off site) through a section 106 agreement or when introduced, the Community Infrastructure Levy or by other relevant means, subject to the development remaining viable.'

Information on cooperation and agreement between the various organisations involved to be moved to explanatory text.

Policy PH4 Use of Contributions

- 7.38 This policy sets out how the Parish Council will spend any contributions and a list of potential projects is set out in Annex E of the Plan. The project costs have been estimated and possible sources of funding identified. However this is not a policy relating to the development and use of land to be used in making planning decisions. It is better placed in the Implementation and Maintenance Section of the Plan.

Recommendation

Delete policy PH4 and move the information to the Section on Implementation and Maintenance.

Policy PH5 External facilities

- 7.39 This policy contains a range of requirements for new houses. The first part of the policy uses the word 'must' in the provision for car and cycle parking. However the requirement for recycled waste and waste water is only encouraged.

Recommendation Modify 2nd line of the policy to read 'New housing development should aim to provide the following external facilities.....'

Policy PH6 Energy Standards

7.40 This policy aims to set an energy efficiency standard for all new development yet the policy is labelled as a housing policy. The policy is confusing; it requires compliance with the policies in VOWHDC Local Plan or national legislation or Building Regulations. Energy efficiency standards for housing are currently set out in the Building Regulations and the Code for Sustainable Homes. The latter is to be phased out under the Government's Housing Standards Review. Neighbourhood Plans can only relate to the development and use of land and deal with matters under the control of the Planning Acts; therefore it is not relevant to planning if the policy relates to compliance with another regulatory regime including the Building Regulations. If there is to be a national standard (being considered as part of the Housing Standards Review) then there will need to be compliant with that standard irrespective of local planning policies. I cannot find reference to compliance with an efficiency standard in the Local Plan 2011. In any event, if there is to be a policy in the emerging Local Plan, when adopted new housing development will have to take account of such a policy. I therefore recommend the policy is deleted.

Recommendation

Delete Policy PH6.

Policy PH 7 Material Choice

7.41 This policy refers to all development but is contained within the housing topic. It is also partially covered by policy PS1 Local Building Materials. Whilst the aim to reduce the levels of embedded carbon is commended and in line with national policy, I find the policy is unclear. It uses words such as 'expected to', 'encouraged to' and 'bearing in mind'. The wording 'lowest levels' is not defined. It does not provide a decision maker to apply the policy consistently and with confidence when determining planning applications.

Recommendation

Delete policy PH7

8 The Next Stage – the Referendum and its Area

- 8.1 My report contains quite a large number of recommendations, relating to the policies, text and maps. These points will now need to be considered as part of the next stage of the Neighbourhood Plan preparation.
- 8.2 I recommend that the Neighbourhood Plan as amended be submitted to a referendum. I do not see any reason to alter the Plan area for the purpose of holding a referendum.
- 8.3 If the Plan goes forward to a referendum and receives a simple majority of the votes cast, it will then proceed to be 'made' by the Vale of the White Horse District Council so that it can become part of the statutory development plan for the area, carrying the weight appropriate to such plans when planning decisions are taken.

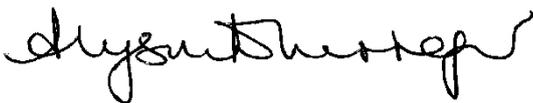
Declaration

In submitting this report I confirm that:

- I am independent of the qualifying body and the local authority
- I do not have any interest in any land that may be affected by the Plan
- I possess appropriate qualifications and 40 years experience in development management, planning policy, community planning and affordable housing gained across the private, public and voluntary sectors

Examiner

Alyson E Linnegar BSc (Hons) MRTPI CIHM



Dated 22 December 2014