

**Great Coxwell Parish Council**

# **Great Coxwell Neighbourhood Development Plan 2014-2031**

A Report to Vale of White Horse District Council of the  
Independent Examination of the Great Coxwell Neighbourhood  
Development Plan

Independent Examiner Christopher Edward Collison

Christopher Edward Collison

BA (Hons) MBA MRTPI MIED MCMi IHBC

Planning and Management Ltd

[collisonchris@aol.com](mailto:collisonchris@aol.com)

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# 1. Neighbourhood Planning

The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”<sup>1</sup>

Neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood plan, unless material considerations indicate otherwise.

The Great Coxwell Neighbourhood Plan (the Neighbourhood Plan) has been prepared by Great Coxwell Parish Council (the Parish Council), a qualifying body able to lead the preparation of a neighbourhood plan.<sup>2</sup> Work on the production of the plan has been progressed through the Neighbourhood Plan Advisory Group (the Advisory Group) made up of volunteers from the community and drawing on professional support at key stages. The submission draft of the Neighbourhood Plan has been submitted to Vale of White Horse District Council (the District Council).

## 2. Independent Examination

This report sets out the findings of the independent examination into the Neighbourhood Plan.<sup>3</sup> The report includes a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.

The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission plan. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be ‘made’ by the District Council. Once ‘made’ the Neighbourhood Plan will come into force and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area.

I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the

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<sup>1</sup> Paragraph 183 National Planning Policy Framework (2012)

<sup>2</sup> Section 61F(1) Town and Country Planning Act 1990 as read with section 38C(2)(a) Planning and Compulsory Purchase Act 2004

<sup>3</sup> Paragraph 10 Schedule 4B Town and Country Planning Act 1990

Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have more than thirty-five years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

As independent examiner I am required to produce this report and must recommend either:

- (a) that the Neighbourhood Plan is submitted to a referendum, or
- (b) that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- (c) that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements

I make my recommendation in this respect and in respect to any extension to the referendum area,<sup>4</sup> in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.<sup>5</sup>

In my examination of the Neighbourhood Plan in addition to those matters already identified in this report I am also required to check whether:

- the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area,<sup>6</sup>
- the Neighbourhood Plan meets the requirement to specify the period to which it has effect;<sup>7</sup>
- the Neighbourhood Plan does not include provision about excluded development<sup>8</sup>

Subject to the contents of this report I am able to confirm that I am satisfied that each of the above requirements has been met. A comment on the status of Community Policies contained in Appendix A has been made in a representation. I have noted that policies that do not relate to the development and use of land are set out in Appendix A. That appendix does not form part of the Great Coxwell Neighbourhood Development Plan and as such has not been considered as part of this independent examination. Appendix A would not be the subject of any referendum and would not

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<sup>4</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>5</sup> Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

<sup>6</sup> Section 38A(2) Planning and Compulsory Purchase Act 2004

<sup>7</sup> Section 38B(1)(a) Planning and Compulsory Purchase Act 2004

<sup>8</sup> Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

become part of the Development Plan for the area. The approach adopted avoids those non-development and land use matters, raised as important by the local community, being lost sight of. The Guidance states, *“Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.”* The presentation of community policies in Appendix A is consistent with this guidance and represents good practice.

The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.<sup>9</sup> All parties have had opportunity to submit written representations and those representations are open to all to view.

The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case.

I am of the opinion that all parties have had full opportunity to register their views and put their case forward. The Neighbourhood Plan and the representations have been written precisely. There are no issues including those arising from representations in respect of which I require further clarification. I took the decision that a hearing was not necessary and proceeded by examination of written representations.

### 3. The Plan area

The Neighbourhood Plan relates to the area that was designated by Vale of White Horse District Council as a neighbourhood area on 2 August 2013. The submission draft of the Neighbourhood Plan includes a map which shows the plan area is coterminous with the Great Coxwell Parish Council boundary and this is further confirmed in paragraph 2.1 of Part 2 of the Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,<sup>10</sup> and no other neighbourhood development plan has been made for the neighbourhood area.<sup>11</sup> All requirements relating to the plan area have been met.

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<sup>9</sup> Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

<sup>10</sup> Section 38B(1)(c) Planning and Compulsory Purchase Act 2004

<sup>11</sup> Section 38B(2) Planning and Compulsory Purchase Act 2004

## 4. Basic conditions

An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.<sup>12</sup> A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects<sup>13</sup>

An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>14</sup> All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan (Part 1: The Plan and Part 2: Design Statement) – Taken as a whole’, and ‘The Neighbourhood Plan – Neighbourhood Plan policies’.

**Apart from the correction of minor errors (presented at Appendix 1 to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions.**

## 5. Unaccompanied visit and documents

In undertaking this examination I visited the Great Coxwell area on 8 October 2014. During this visit I was unaccompanied.

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<sup>12</sup> Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

<sup>13</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>14</sup> The Convention rights has the same meaning as in the Human Rights Act 1998

I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the basic conditions and is compatible with the Convention rights:

- Great Coxwell Neighbourhood Plan 2014-2031 Part 1 The Plan (April 2014)
- Great Coxwell Neighbourhood Plan 2014-2031 Part 2 Design Statement (February 2014)
- Great Coxwell Neighbourhood Plan 2014-2031 Basic Conditions Statement (May 2014)
- Great Coxwell Neighbourhood Plan 2014-2031 NDP Consultation Report (May 2014)
- Great Coxwell Neighbourhood Plan 2014-2031 Equality Assessment (May 2014)
- SEA Screening Statement and Screening Opinion (June 2014)
- Representations received during the publication period 25 July to 12 September 2014
- National Planning Policy Framework (27 March 2012) [ In this report referred to as the Framework]
- Technical Guidance to the National Planning Policy Framework (27 March 2012)
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [In this report referred to as the Guidance]
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 [In this report referred to as the Regulations]
- Vale of White Horse Local Plan 2011 (adopted July 2006)
- Local Plan 2029 Part 1 Strategic Sites and Policies (February 2013)
- Local Plan 2031 Part 1 Strategic Sites and Policies Housing Delivery Update (February 2014)

## 6. Consultation

It is evident that the Parish Council and the Advisory Group tasked with plan preparation have placed great emphasis on community consultation and have sought to ensure that the Neighbourhood Plan reflects the views of those living and working in the parish.

A questionnaire delivered throughout the parish in February 2013 achieved a high response rate exceeding 84%. From that point development of the plan has been publicised in the local press and in the monthly newsletter delivered manually and electronically throughout the parish. Discussion has been offered at monthly Parish meetings with reports included in minutes. Other consultation has included well-publicised events; and meetings have taken place with individuals, local groups and organisations.

Formal pre-submission consultation took place between 8 February and 22 March 2014. This far exceeded requirements comprising a broad range of consultation methods including public meetings, press, posters, personal delivery, and creation of a dedicated website including opportunity to make representations electronically. The resultant 32 local submissions and 6 material responses from statutory consultees were carefully analysed and led to plan changes.

Following submission to Vale of White Horse District Council the Submission Plan has been the subject of a Regulation 16 publication period lasting seven weeks and closing on 12 September 2014. A total of 48 representations were submitted during this publication period all of which I have taken into consideration in preparing this report even though they may not be referred to in whole or in part.

## 7. The Neighbourhood Plan (Part 1 The Plan and Part 2 Design Statement) – Taken as a whole

I note from observations submitted by Vale of White Horse District Council during the publication period that the District Council has worked to support Great Coxwell Parish Council in the preparation of the neighbourhood plan and compliments them on a very thoughtful, comprehensive and well produced plan.

The District Council states *“We have reviewed the submitted documentation and are satisfied that the Neighbourhood Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.”*

The plan period of the Great Coxwell Neighbourhood Plan is clearly stated on the front cover of both Part 1 and Part 2 of the submission draft to be 2014 to 2031,



which satisfies that legal requirement.<sup>15</sup> The introduction also concisely establishes the purpose and strategic context of the plan. The remainder of the 'About Great Coxwell' section helpfully describes the principal characteristics of the area.

This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area.

Each of the plan policies is considered in turn in the section of my report that follows this.

### EU obligations, habitats, and human rights requirements

I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).<sup>16</sup> I have seen nothing in the submission draft of the Neighbourhood Plan that indicates any breach of the Convention. The Equality Assessment report concludes the submission draft of the Neighbourhood Plan will result in positive benefits for many parts of the local community with protected characteristics. Whilst not all groups with protected characteristics are explicitly addressed I have seen nothing to suggest the plan will have negative impacts upon any of these groups.

The objective of EU Directive 2001/42 is *"to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment."* The Neighbourhood Plan falls within the definition of 'plans and programmes'<sup>17</sup> as the Local Planning Authority is obliged to adopt the plan following a positive referendum result.<sup>18</sup>

Vale of White Horse District Council has issued a Strategic Environmental Assessment Screening Statement dated June 2014. The report concludes *"It is determined that as a result of the screening undertaken by the Council a Strategic Environmental Assessment is not required for the Great Coxwell Neighbourhood Plan". The Screening Opinion published by the District Council confirms that the*

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<sup>15</sup> Section 38B(1)(a) Planning and Compulsory Purchase Act 2004

<sup>16</sup> The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

<sup>17</sup> Defined in Article 2(a) of Directive 2001/42

<sup>18</sup> Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

*determination has been made in consultation with Natural England, English Heritage and the Environment Agency.*

The Habitat Regulations Assessment Screening Opinion appended to the Strategic Environmental Assessment Screening Statement dated June 2014 concludes “*The Great Coxwell Neighbourhood Plan is unlikely to have significant environmental effects on any Natura 2000 sites and an Appropriate Assessment for the Great Coxwell Neighbourhood Plan is not required.*” I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.

I conclude that the neighbourhood plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

Regard to national policies and advice contained in guidance issued by the Secretary of State, and contribution to the achievement of sustainable development

The Neighbourhood Plan includes a vision for Great Coxwell in 20 years time. The vision establishes a context for the Neighbourhood Plan and identifies key features of the future Great Coxwell that the plan seeks to maintain or achieve.

The Neighbourhood Plan establishes 11 objectives that it seeks to achieve. These objectives are assigned to the categories of: built environment; commercial activity; transport and getting around; community life; and environment and design quality. English Heritage would welcome a specific objective to conserve and enhance the historic environment. Whilst I would have no objection to this I have not recommended a modification as this is not required in order to meet the basic conditions.

At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.<sup>19</sup> The vision and objectives are consistent with, and have regard to, national policies and advice and illustrate how the Neighbourhood Plan aims to contribute to the achievement of sustainable development. The vision and objectives sit comfortably with the Framework aims: of building a strong competitive economy and supporting a prosperous rural economy; of conserving and enhancing the historic environment; and promoting healthy communities. The Plan also makes an

<sup>19</sup> Paragraph 14 National Planning Policy Framework 2012

appropriate contribution to the Framework aim of delivering a wide choice of high quality homes. It is specifically stated that the Neighbourhood Plan, in combination with the Neighbourhood Design Statement and Conservation Area Character Appraisal establishes a policy framework to guide changes including development in the parish up to 2031.

The Design Statement seeks to ensure that further development and change is not prevented but is based on an understanding of the past and present which have contributed to the qualities of the parish, and that new schemes will add positively to its future.

Subject to my recommended modifications of the Submission Plan relating to specific policies, as set out later in this report, I find that the Neighbourhood Plan, taken as a whole, has regard to national policies and advice contained in guidance issued by the Secretary of State and contributes to the achievement of sustainable development.

#### General conformity with the strategic policies contained in the Development Plan for the area

The Framework states that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.<sup>20</sup>

Statutory weight is given to neighbourhood development plans that are in general conformity with the strategic policies of the development plan for the local area, and have appropriate regard to national policy. This ensures neighbourhood plans cannot undermine the overall planning and development strategy set out in the development plan for the local area.

The District Council has advised me that locally the Development Plan consists of<sup>21</sup>:  
Vale of White Horse Local Plan 2011 (adopted in July 2006) (Saved policies);  
Oxfordshire Minerals and Waste Local Plan (adopted in July 1996) (Saved policies)

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<sup>20</sup> Paragraph 184 National Planning Policy Framework 2012

<sup>21</sup> Oxfordshire Structure Plan 2016 Saved Policy H2 relating to the former airbase at Upper Heyford remains extant pending the adoption of the Cherwell Local Plan but this does not impact on the Great Coxwell neighbourhood area

The Minerals and Waste plan does not appear to impact in any particular way on the Neighbourhood Plan and the Neighbourhood Plan does not include matters that relate to policies of that plan. Indeed minerals and waste are excluded matters for the purposes of policy making in Neighbourhood Plans. I will take this opportunity to confirm that the Neighbourhood Plan does not relate to any excluded matters, meeting that requirement.

As the Vale of White Horse Local Plan 2011 predates the Framework; the Framework takes precedence where there is a conflict. The representation of the District Council during the consultation period includes at Appendix 1 an assessment whether or not each of the saved policies of the Vale of White Horse Local Plan 2011 is strategic for Neighbourhood Planning purposes. The Basic Conditions Statement includes at Table 4 opinion how 11 of the 13 policies of Part 1 of the Neighbourhood Plan are in *“Conformity with the Adopted Local Plan 2011 Strategic Policies.”*

The Basic Conditions require assessment whether a Neighbourhood Plan is *“in general conformity with strategic policies”* contained in the Development Plan for the area. For this purpose that plan is the Vale of White Horse Local Plan 2011 (Saved policies). I am satisfied that the Neighbourhood Plan is in general conformity with strategic policies contained in the Development Plan for the area.

An up to date Local Plan is currently being prepared by the District Council, the Vale of White Horse Local Plan 2031. The Neighbourhood Plan is designed to be in general conformity with the emerging development plan for the area. The Neighbourhood Plan acknowledges that land in Great Coxwell Parish has been designated for development by the Vale of White Horse District Council in its emerging Local Plan 2031. A representation suggests that statement should be given more prominence in the Neighbourhood Plan. As this is not necessary to meet the basic conditions I have not made a recommendation for modification of the plan in this respect.

The representation also suggests that as the Local Plan 2031 has not yet been tested at an examination it is questioned whether it is appropriate at this stage to refer to Great Coxwell being designated a ‘Smaller Village’. I note paragraph 6.5 of the Neighbourhood Plan Part 1 clearly refers to the emerging Local Plan which is an accurate description. The District Council *“is satisfied that there is no significant conflict between the two plans and there are no issues that prevent the Neighbourhood Plan being brought forward ahead of the emerging Local Plan 2031 Part 1: Strategic Sites and Policies”*. The basic conditions statement illustrates how the Neighbourhood Plan is in general conformity with the Local Plan 2031. This collaborative working in plan preparation represents good practice.

## Monitoring and review

The Neighbourhood Plan contains a statement that the planning policies and their relevance will be reviewed at the annual Parish Meeting in May. This commitment to monitoring and review also represents good practice.

## **8. The Neighbourhood Plan – Neighbourhood Development Plan policies**

The Submission Plan comprises Part 1 The Plan, and Part 2 Design Statement which together seek to establish 27 policies.

Part 1 includes 13 policies categorised as:

- Built Environment
- Commercial Activity
- Transport and Getting Around
- Community Life
- Environment and Design Quality

Part 2 includes 14 Design Statement Policies.

If to any extent a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that the policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn.

The Guidance states 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. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

*“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*

*“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”<sup>22</sup>*

## **Built Environment**

English Heritage has welcomed and support policies BE1, BE2, and BE3.

### Policy BE1: Consider a limited number of small new homes

This policy establishes conditional support for new homes in the village settlement. The policy is consistent with the Framework in terms of requiring good design, and conserving and enhancing the historic environment. The use of the term “limited number” rather than being indicative of an attempt to restrict otherwise sustainable development that would boost the supply of housing, is a realistic reflection of the restricted opportunity for new development in a constrained context.

A representation suggests preferences should be removed from policies. The expressed preference for smaller units represents an attempt to shape development in order to meet local needs however a preference does not provide clear guidance for decision makers. A modification is recommended in this respect in order to meet the basic conditions.

#### **Recommended modification 1:**

**In policy BE1 delete “Smaller units are preferred” and insert “Proposals in sub-area A should make provision for one or two bed homes”**

### Policy BE2: Support occasional new build

This policy establishes the requirement for development to recognise the Conservation Area and rural character of the settlement. Appropriate flexibility is demonstrated by the use of the phrase ‘where possible’. The policy is consistent with the Framework aims of requiring good design and conserving and enhancing the historic environment. The policy meets the basic conditions.

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<sup>22</sup> see section 38(6) of the Planning and Compulsory Purchase Act 2004.

### Policy BE3: Support appropriate redevelopment and re-use of buildings outside settlements

This policy establishes conditional support for redevelopment of brown-field sites and derelict buildings. The relevant Development Plan policies are out of date and superseded by the Framework. The policy is consistent with the Framework aims of supporting a prosperous rural economy, and if no business opportunity is achieved, could contribute to the supply of housing.

The Framework identifies development that would “*re-use redundant or disused buildings and lead to an enhancement to the immediate setting*”, as special circumstances where new isolated homes in the countryside may be acceptable. The policy is also consistent with the Framework aim of avoiding the long term protection of sites allocated for employment use where there is no reasonable prospect of a site allocated for employment use being used for that purpose. The policy heading and text should be adjusted to correspond with the objective and introductory line 6.7 to clarify the policy applies in locations outside the village. Otherwise the policy meets the basic conditions.

#### **Recommended modification 2:**

**In policy heading BE3 delete “settlements” and insert “the village”; and add as initial words to the text “Outside the village”**

### **Commercial Activity**

#### Policy CA1: Support economic prosperity

This policy conditionally supports the development of local recreation and tourism facilities in association with existing tourist sites, establishes limited circumstances whereby development over public rights of way will be permitted, and conditionally supports development that is required to support businesses and agricultural enterprises.

The policy is consistent with the Framework aims of supporting a prosperous rural economy; and the protection and enhancement of public rights of way. The expressed preference for re-use, conversion or adaptation of suitable existing buildings over the creation of new buildings does not provide sufficient clarity for decision makers. A requirement to demonstrate investigation of suitable possibilities would be consistent with the Framework aim that planning policies should encourage the effective use of land by re-using land that has been previously developed. Otherwise this policy meets the basic conditions.

### **Recommended modification 3:**

**In policy CA1 delete the final sentence and insert, “Proposals for new buildings should demonstrate exhaustive consideration of re-use, conversion or adaptation of suitable existing buildings.”**

### Policy CA2: Encourage local businesses

This policy seeks to establish that proposals for development or extension of village and other small shops designed to meet local day-to-day needs will be permitted provided they do not give rise to planning or highway problems. The term planning problems is not sufficiently precise to guide decision makers.

The policy also establishes conditional support for small-scale businesses run from home which is consistent with the Framework aim of building a strong, competitive economy. The condition “where appropriate to the character of the village” is imprecise in that it does not offer decision makers guidance, and should be deleted.

### **Recommended modification 4:**

**In policy CA2: delete “give rise to planning or” and insert “adversely affect residential or visual amenity or give rise to”; and delete “where appropriate to the character of the village”**

### Policy CA3: Support the farming community

This policy establishes support for the development and diversification of agricultural and other rural land-based businesses and for the re-use of uneconomic or former farm buildings for appropriate rural business activities. This policy is consistent with the Framework aim of building a strong competitive economy and supporting a prosperous rural economy. The policy meets the basic conditions.

## **Transport and Getting Around**

A representation objects to the basis of the statement in the Neighbourhood Plan that a request for developer funding is filed that would upgrade footpaths and cycle paths, particularly between Great Coxwell and Faringdon. Oxfordshire County Council whilst supportive of the transport and getting around objective comment that a substantial amount of development in the village would be needed to provide funding to upgrade footpaths and cycle paths between the village and Faringdon. It is further stated that development proposed on the edge of the parish to the south of Faringdon will look towards Faringdon for its services and facilities therefore it may be difficult to justify contributions for schemes elsewhere. These representations do



not require any modification of the Neighbourhood Plan in order to meet the basic conditions.

#### Policy TGA1: Maintain/upgrade transport and accessibility

This policy relates to schemes to minimize the impact of vehicles, particularly in the narrower parts of the roadway, and giving equal status to non-drivers. The policy does however not relate to the development and use of land and should be deleted from Part 1.The Plan. As the issue concerned is a matter of importance in the community, the policy should be included in the Appendix A – Community Policies document.

#### **Recommended modification 5:**

**Delete policy TGA1 and transfer the policy to Appendix A – Community Policies**

#### **Community Life**

#### Policy CL1: Maintain/upgrade current amenities

This policy seeks to establish conditional support for extension of the Reading Room if proportionate to the current building. Whilst the term “proportionate to the current building” is imprecise when read in context with the other requirements to respect the character and appearance of the building; its relationship to adjoining buildings; and the Conservation area location, it will offer sufficient guidance to decision makers to enable determination of proposals.

The policy also relates to the village park and the allotments. Preservation implies keeping them as they are and issues of management and maintenance are not matters concerned with the development and use of land. Sport England have commented that the Neighbourhood Plan should reflect the Framework and in particular paragraphs 73 and 74 relating to need and opportunity assessment, and criteria to be applied where loss of facilities is proposed.

The policy also relates to the design of new streets which meets the basic conditions but continues by referring to identification of opportunities for re-allocation of street space. This latter matter does not relate to the development and use of land.

The policy also seeks “to design and maintain” a pedestrian and cycle path. Design and maintenance are not matters that relate to the development and use of land.

I recommend modification of the policy so that it meets the basic conditions.

**Recommended modification 6:**

**In policy CL1: Delete the paragraph related to recreation space and insert, “Proposals that result in loss of part or all of the village park or the allotments will only be supported if they will result in improved provision in terms of quantity and quality in a suitable location”; and**

**Delete “, and opportunities should be identified for reallocating street space where appropriate”; and**

**Delete “Seek to design and maintain” and insert “Support proposals to introduce”**

Policy CL2: Improve accessibility in the village

This policy establishes conditional support for the creation of accommodation for an elderly or infirm person. The policy achieves a local application of policy H20 in the Development Plan which itself is not a strategic policy. The policy meets the basic conditions.

**Environment and Design Quality**

Natural England has suggested that the Wicklesham and Coxwell Pits Site of Special Scientific Interest would ideally want to be safeguarded from any development. As this is not required to ensure the plan meets the basic conditions I have not made a recommendation for modification in this respect.

Policy EDQ1: Establish a green buffer to protect the village from coalescence

This policy designates a green buffer between Great Coxwell and Faringdon and the A420. The purpose of the green buffer is to prevent Faringdon and Great Coxwell from merging and to maintain the rural setting of Great Coxwell. Part of the land included in the green buffer is identified as important open land between Faringdon and A420 (policy NE10) in the Development Plan. Policy NE10 is regarded by the District Council as non-strategic and fully compliant with the Framework. In addition all of the land included in the green buffer is included in the North Vale Corallian Ridge (policy NE7) in the Development Plan. Policy NE7 is regarded by the District Council as strategic and fully compliant with the Framework. Policy EDQ1 develops policies NE7 and NE10 seeking to shape and direct sustainable development to ensure local people get the right type of development for their community.

A representation states that national policy is clear that a neighbourhood plan must not constrain the delivery of important national policy objectives and orders and

should not promote less development than set out in the Local Plan or undermine its strategic policies. Against this context the representation questions the basis and need to seek to allocate a green buffer between Great Coxwell and Faringdon and stating there is no basis for such designation in either the Framework or the Guidance. It is contended that the green buffer should not extend to include land allocated for development in the emerging Local Plan and “*would then endure and possess some credibility*”.

The Framework identifies Green Belt and Local Green Space as designations where, subject to specific exceptions, new building should not be approved except in very special circumstances. New Green Belt designation is established as part of local plan preparation, and Local Green Space designations are not able to be used in respect of an extensive tract of land such as that the subject of policy EDQ1.

The green buffer proposed in policy EDQ1 is distinct from Green Belt and Local Green Space, not relying on either of those designations. The concept of a green buffer is not referred to in the Framework however there is a statement that “*the planning system should contribute to and enhance the natural and local environment by protecting valued landscapes.*” The openness achieved by the separation of Great Coxwell from Faringdon is clearly a landscape that is valued locally. The Framework envisages neighbourhood plans, outside strategic elements, will be able to shape and direct development in their area. Neighbourhood planning is stated to provide a powerful set of tools for local people to get the right type of development for their community.

The purpose of the green buffer designated in policy EDQ1 is stated to prevent Faringdon and Great Coxwell from merging and to maintain the rural setting of Great Coxwell. Preventing two settlements from merging and maintaining the rural setting is not the same as preventing any development between them. Instead implementation of policy EDQ1 will require careful consideration and shaping of proposals. Indeed the proposed wording of the policy establishes an approach to apply “*where developments encroach on the green buffer*”. Development is clearly being planned for. Whilst there is no requirement for a neighbourhood plan to conform to an emerging Local Plan I have already commented positively on the collaborative approach adopted by the Parish and District Councils.

The District Council has commented “*The Neighbourhood Plan also takes into account the emerging Local Plan and the proposed strategic allocations for housing in the parish, making particular reference to the sites in relation to the Green Buffer policy (EDQ1). We see the Green Buffer policy, not as preventing all development in the Green Buffer but ensuring that any development is sensitive to maintaining separation between Great Coxwell and Faringdon, particularly in light of the proposed housing allocations to the south of Faringdon, that will decrease the gap*

*between the two settlements. We are supportive of preventing the coalescence of Faringdon and Great Coxwell settlements.”*

The Framework requires policies to be clear in order to guide how the presumption in favour of sustainable development should be applied locally. The Guidance states that “*A policy in a neighbourhood plan should be clear and unambiguous.*” In order to meet the basic conditions there is a need to establish clarity regarding the hatched area shown on map 5. An agent for a company that controls land east of Coxwell Road, Faringdon (known as Fernham Fields) broadly welcomes the approach set out in the nota bene (NB) immediately below map 5 in the plan document. An alternative wording of the nota bene is suggested. Whilst I have no objection to the alternative wording the total substitution is not required for the Neighbourhood Plan to meet the basic conditions and therefore it is not appropriate that I recommend that modification. The nota bene below map 5 achieves clarity by use of the phrase “*in the event of some or all of this land*”. However I do consider that the alternative wording achieves clarity in respect of the original phrase, “*agreed for development*” and I recommend a modification in that respect.

If to any extent a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. I have already commented positively on the commitment in the Neighbourhood Plan to annual monitoring and review of the planning policies and their relevance. I recommend the policy wording should be modified in order to clarify the approach to the hatched areas of land.

Natural England supports the Green Buffer and suggests any new development in this area should ensure that it is appropriately designed and if required has the necessary mitigation to maintain the separation in views locally in that area. A representation objects to the use of the phrase “eg no tarmac” on the basis that this should be considered as part of a planning application and that the emphasis should be on the consideration of the whole landscaping scheme including both hard and soft landscaping elements.

I consider the Neighbourhood Plan includes appropriate design policies in Part 2 Design Statement. The introduction of additional design guidance in the final paragraph and associated bullet points of policy EDQ1 is counter to the achievement of clarity and represents unnecessary prescription which the Framework states should be avoided. Scottish and Southern Energy Power Distribution have commented in respect of overhead plant and equipment that cross the development areas. These are matters to be considered in the determination of planning applications.

**Recommended Modification 7:**

**In the nota bene (NB) to map 5 delete, “agreed for development” and insert, “allocated in the adopted Local Plan and/or planning consent being granted for development on the land”**

**In policy EDQ1 after “Delivery Update” insert the text (as modified above) of the nota bene below map 5; and**

**Delete the final paragraph and associated bullet points.**

Policy EDQ2: Maintain and co-ordinate the green infrastructure

This policy seeks to protect and maintain defined public access areas; ensure amenity space for homes; and maintain visual corridors and the existing relationship between the village and surrounding countryside at settlement edges. Whilst maps 3 and 4 indicate viewpoints which are afforded protection through policy NDS1 it is unclear how the term ‘visual corridors’ is to be interpreted. The maintenance of ‘the existing relationship between the village and the surrounding countryside at settlement edges’ could be interpreted as requiring refusal of proposals that represent sustainable development which would be inconsistent with the Framework. The policy requires modification in order to meet the basic conditions.

**Recommended modification 8:**

**In policy EDQ2 delete the final paragraph**

Policy EDQ3: Reinforce the character and quality of the village and parish

This policy includes a number of provisions that seek to reinforce the character and quality of the village and parish. English Heritage has welcomed and supports this policy. Oxfordshire County Council has suggested two alternative wordings relating to archaeology in line with English Heritage guidelines. I have recommended the option that least modifies the plan. The modification achieves clarity of requirements and is necessary to meet the basic conditions. Road markings and traffic calming measures do not relate to the development and use of land and should not be included.

**Recommended modification 9:**

**In policy EDQ3: Delete “an archaeological field evaluation of the site and its setting before the planning application is determined” and insert, “a predetermination archaeological field evaluation of the site to determine a suitable level of mitigation”; and delete “an increase in the number of road markings, or”; and delete the sentence commencing “Traffic calming”**

Policy EDQ4: Achieve our objectives in as 'environmentally friendly' a way as possible

This policy seeks environmentally friendly approaches to achieving the objectives of the plan. English Heritage has welcomed and supports this policy. A representation suggests alternative approaches however these are not necessary to meet the basic conditions. To "identify ways" to build greater resilience to the potential effects of climate change is not a matter relating to the development and use of land.

As the Vale of White Horse Local Plan 2031 is an emerging plan it would at this stage be premature to anticipate the final form of any policy relating to the Code for Sustainable Homes. Once the Local Plan is adopted any policy within it relating to the Code for Sustainable Homes will in any case apply to the Great Coxwell neighbourhood area.

**Recommended modification 10:**

**In policy EDQ4: delete "Identify ways" and insert "Development proposals should seek"; and delete the final paragraph**

**Design Statement Policies**

Part 2 of the Neighbourhood Plan, the Design Statement, is consistent with the aim of the Framework 'requiring good design'. The design statement adopts a positive approach recognising "*the neighbourhood will change*". It sets down the character and the qualities of the area to be retained and enhanced "*to ensure that further development and change is not prevented but is based on an understanding of the past and present which have contributed to the qualities of the parish, and that new schemes will add positively to its future.*" English Heritage has welcomed and supports policies NDS4, NDS6, NDS10, NDS11 and NDS12.

A representation requests some clarification in that the majority of the design statement policies are in the view of the writer directed at schemes within the settlement of Great Coxwell and rural buildings rather than any proposed growth south of Faringdon. This matter should be addressed at the time of adoption of future plans and the granting of any future planning permissions, neither of which should be anticipated in the making of a Neighbourhood Plan. Paragraph 2.1 clearly defines the plan area. No modification of the Neighbourhood Plan is necessary to meet the basic conditions.

NDS1: Vistas

NDS2: Green spaces

These policies seek to avoid adverse impact on important vistas and glimpses, and retain open grassed areas and strengthen their borders. These policies meet the basic conditions.

### NDS3: Wooded areas and trees and St Giles Churchyard

This policy seeks the retention and management of the wooded areas throughout the parish. Natural England has commented that a large area of Ancient Woodland in the northern part of the parish boundary (Oak Wood) should be protected from development wherever possible and a buffer zone around this should be implemented if there is to be any development proposed nearby. Retention of trees and groups of trees is achieved through use of tree preservation orders. Management of wooded areas is not a matter for planning policy. There is provision referred to in the Framework to designate Local Green Space at the time of preparation of Neighbourhood Plans or Local Plans which would rule out development other than in very special circumstances although this does not protect trees. Areas can also be designated as local wildlife sites, a designation that has to be considered in the determination of planning applications.

#### **Recommended modification 11:**

**In policy NDS3 delete “The wooded areas throughout the parish should be retained and managed” and insert, “Planning permission should be refused for development resulting in the loss or deterioration of the wooded areas throughout the parish unless the need for, and benefits of, the development in that location clearly outweigh the loss,”**

### NDS4: Linear spaces: footpaths, carriageway edges and verges

This policy relates to street environments. Matters relating to verges, street lighting, and street furniture are only capable of inclusion in a Neighbourhood Plan where they form part of development proposals. Matters affecting ancient hedges are the subject of separate legislation and should not be included in a Neighbourhood Plan.

#### **Recommended modification 12:**

**In policy NDS4: as a new first sentence insert, “Development proposals will be supported where they are in accord with the following principles:” and delete the final sentence relating to ancient hedges**

### NDS5: Roads and traffic

This policy relates to roads and traffic. Traffic speed is not a matter relating to the development and use of land. Oxfordshire County Council has made representations

requesting amendment to the descriptions of road junctions and additional text to describe the latest situation regarding proposed actions. Whilst I have no objection to the changes being made these amendments are not required to meet the basic conditions and so I am unable to recommend modifications in this respect.

**Recommended modification 13:**

**In policy NDS5 delete the first and second sentences and insert, “Proposals will be supported that improve access, with shared access where possible, to roadside businesses and domestic premises on the A420**

Settlement Pattern

NDS6: Positioning/plots

This policy relates to positioning, plots and the scale of buildings. The policy should identify “these important vistas and glimpses”. Goodwill between neighbours is not a matter relating to the development and use of land.

**Recommended modification 14:**

**In policy NDS6: define the important vistas and glimpses (this can be achieved by reference to a map), and delete “and resulting goodwill between neighbours”**

NDS7: Driveways, garages and parking plot size

This policy relates to matters concerned with vehicle parking. The first two provisions refer to “adequate” parking provision which is not sufficiently precise to guide decision makers. Reference to the Highway Authority standards would satisfy the requirement for clarity in order to meet the basic conditions.

**Recommended modification 15:**

**In policy NDS7 delete “adequate” in the first two sentences and refer to the Highway Authority standard of parking provision**

NDS8: Plot size

NDS9: Bulk of buildings

NDS10: Roofs

NDS11: Walls

NDS12: Windows

NDS13: Gardens and landscaping



These policies set out the nature and quality of development that will be expected for the plan area. They are based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. They respond to local character but do not prevent or discourage appropriate innovation. These policies are consistent with the Framework aim of requiring good design, conserving and enhancing the historic environment; conserving and enhancing the natural environment; and meeting the challenge of climate change and flooding. These policies meet the basic conditions.

#### NDS14: Drainage

A representation objects to this policy stating the policy should be limited to the first two paragraphs. I do not consider it necessary to recommend a modification on this basis to meet the basic conditions. Agents for Thames Water have expressed support for this policy and have commented that Great Coxwell drains into Faringdon Sewage Treatment Works where current capacity constraints are being addressed and further upgrades may be required in future years. The representation requests that the policy title should be amended to 'Drainage, Water and Wastewater Infrastructure'. Oxfordshire County Council has suggested inclusion of a statement that "*all new developments are to use sustainable drainage methods with any discharge from the site to be at green field run off rates or less*". Whilst I have no objection to these suggestions I do not consider any modification of this policy is necessary to meet the basic conditions.

## 9. Summary and Referendum

I have recommended the following modifications to the Submission Plan:

#### **Recommended modification 1:**

**In policy BE1 delete "Smaller units are preferred" and insert "Proposals in sub-area A should make provision for one or two bed homes"**

#### **Recommended modification 2:**

**In policy heading BE3 delete "settlements" and insert "the village"; and add as initial words to the text "Outside the village"**

#### **Recommended modification 3:**

**In policy CA1 delete the final sentence and insert, "Proposals for new buildings should demonstrate exhaustive consideration of re-use, conversion or adaptation of suitable existing buildings."**

**Recommended modification 4:**

In policy CA2: delete “give rise to planning or” and insert “adversely affect residential or visual amenity or give rise to”; and delete “where appropriate to the character of the village”

**Recommended modification 5:**

Delete policy TGA1 and transfer the policy to Appendix A – Community Policies

**Recommended modification 6:**

In policy CL1: Delete the paragraph related to recreation space and insert, “Proposals that result in loss of part or all of the village park or the allotments will only be supported if they will result in improved provision”; and

Delete “, and opportunities should be identified for reallocating street space where appropriate”; and

Delete “Seek to design and maintain” and insert “Support proposals to introduce”

**Recommended Modification 7:**

In the nota bene (NB) to map 5 delete, “agreed for development” and insert, “allocated in the adopted Local Plan and/or planning consent being granted for development on the land”

In policy EDQ1 after “Delivery Update” insert the text (as modified above) of the nota bene below map 5; and

Delete the final paragraph and associated bullet points.

**Recommended modification 8:**

In policy EDQ2 delete the final paragraph

**Recommended modification 9:**

In policy EDQ3: Delete “an archaeological field evaluation of the site and its setting before the planning application is determined” and insert, “a predetermination archaeological field evaluation of the site to determine a suitable level of mitigation”; and delete “an increase in the number of road markings, or”; and delete the sentence commencing “Traffic calming”

**Recommended modification 10:**

In policy EDQ4: delete “Identify ways” and insert “Development proposals should seek”; and delete the final paragraph

**Recommended modification 11:**

In policy NDS3 delete “The wooded areas throughout the parish should be retained and managed” and insert, “Planning permission should be refused for development resulting in the loss or deterioration of the wooded areas throughout the parish unless the need for, and benefits of, the development in that location clearly outweigh the loss,”

**Recommended modification 12:**

In policy NDS4: as a new first sentence insert, “Development proposals will be supported where they are in accord with the following principles:” and delete the final sentence relating to ancient hedges

**Recommended modification 13:**

In policy NDS5 delete the first and second sentences and insert, “Proposals will be supported that improve access, with shared access where possible, to roadside businesses and domestic premises on the A420

**Recommended modification 14:**

In policy NDS6: define the important vistas and glimpses (this can be achieved by reference to a map); and delete “and resulting goodwill between neighbours”

**Recommended modification 15:**

In policy NDS7 delete “adequate” in the first two sentences and refer to the Highway Authority standard of parking provision

I also make the following recommendation in Appendix 1 below

**Recommended modification 16:**

**Identified errors that are typographical in nature or arising from updates should be corrected**

I consider the Neighbourhood Plan establishes, subject to the modifications I have recommended, a realistic and achievable vision for development and change within the plan area. I am satisfied that the Neighbourhood Plan<sup>23</sup>:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations;
- meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified meets the basic conditions:

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<sup>23</sup> The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
- the making of the neighbourhood plan contributes to the achievement of sustainable development,
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
- the making of the neighbourhood plan is not be likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects<sup>24</sup>

**I recommend to Vale of White Horse District Council that the Great Coxwell Neighbourhood Development Plan 2014-2031 should, subject to the modifications I have put forward, be submitted to referendum.**

I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.<sup>25</sup> In all the matters I have considered I have not seen anything that suggests the referendum area should extend beyond the boundaries of the plan area as they are currently defined.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by Vale of White Horse District Council on 2 August 2013.**

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<sup>24</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>25</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

## Appendix 1: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.<sup>26</sup> The Neighbourhood Plan is produced to a high quality presentation standard but includes a very small number of errors that are typographical in nature or arise from updates. I recommend modification as follows:

In policy EDQ1 and the nota bene to map 5, as recommended to be modified, use of the terms 'shaded area' and 'hatched area' should be standardised.

The Consultation Report should be re-titled Consultation Statement to reflect the Regulations.

Paragraph 1.10 of the Part 2 Design Statement document should refer to the Development Plan not the emerging Local Plan. (This matter has been the subject of a representation).

Paragraph 5.1 of part 2 of the Neighbourhood Plan should refer to maps 3 and 4 not maps 1 and 3. For ease of reference it would be helpful to include a copy of map 4 in part 2 of the Neighbourhood Plan.

Additionally some of the recommended modifications in this report will necessitate consequential related minor adjustments to the Neighbourhood Plan documents.

**Recommended modification 16:  
Identified errors that are typographical in nature or arising from updates  
should be corrected**

Chris Collison  
Planning and Management Ltd

[collisonchris@aol.com](mailto:collisonchris@aol.com)

13 October 2014  
REPORT ENDS

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<sup>26</sup> Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990