

VALE OF WHITE HORSE DISTRICT COUNCIL

RADLEY NEIGHBOURHOOD PLAN DECISION STATEMENT

Summary

- 1 Following an independent Examination, Vale of White Horse District Council's Cabinet Member for Planning confirmed on 9 July 2018 that the Radley Neighbourhood Plan will proceed to referendum.
- 2 This Decision Statement and the Examiner's Report can be viewed on the Council's website. Hard copies of these documents can be inspected until 13 September 2018 in the following locations:

<p>Reception Vale of White Horse District Council 135 Eastern Avenue, Milton Park, Milton, OX14 4SB</p>	<p>Opening Times: Mon - Thurs, 8.30am - 5pm and Friday, 8.30am - 4.30pm</p>
<p>St. James the Great Church (porch area) Kennington Road, Radley, Abingdon, OX14 2JN</p>	<p>Opening Times: Mon to Friday - 8.00am to 6.00pm Saturdays - 8.00am to 2.00pm Sundays - 8.00am to 6.30pm</p>

Background

- 3 Radley Parish Council, as the qualifying body, successfully applied for Radley parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
- 4 Following the submission of the Radley Neighbourhood Plan Submission Version ('the Plan') to the district council, the Plan was publicised and comments were invited from the public and stakeholders for a period of a minimum of six weeks.
- 5 Vale of White Horse District Council appointed an independent examiner, Andrew Ashcroft, to review whether the plan meets the basic conditions required by legislation and should proceed to referendum.
- 6 The examiner concluded that the plan meets the basic conditions, and that subject to the modifications proposed in his report, the plan should proceed to referendum.

Decision

Having considered the examiner's recommendations and reasons for them, Vale of White Horse District Council's Cabinet Member for Planning decided on 9 July 2018:

1. To accept all modifications recommended by the Examiner;
2. To determine that the Radley Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP;
3. To take all appropriate actions to progress the Radley Neighbourhood Development Plan to referendum.
4. The referendum area should not extend beyond the neighbourhood area as designated by the District Council on 17 June 2015.

Reasons for decision

1. The council has committed to supporting neighbourhood planning in its Strategic Objective on facilitating sustainable communities, and more specifically through the commitment in the Corporate Plan 2016-2020 of 'Supporting and resourcing the development of neighbourhood plans for our towns and villages'.
2. The Radley Neighbourhood Development Plan (the Plan), as modified by the Examiner's recommendations, has had regard to national policies and advice contained in guidance issued by the Secretary of State. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but it is intended to have and does have a significant effect. The principal document in which national planning policy is contained is the National Planning Policy Framework (March 2012) (NPPF) and this conclusion is reached bearing this in mind. The advice within National Planning Practice Guidance (NPPG) has also been considered in reaching this conclusion.
3. Radley Parish Council submitted the Plan to VOWHDC in December 2017, and after an assessment that the plan met the Basic Conditions as stipulated in the legislation, the council appointed Mr Andrew Ashcroft as independent Examiner to examine the Plan. The Plan has been successful at examination, with the Examiner's report, received on 21 May 2018, concluding that subject to the modifications proposed, the Radley Neighbourhood Plan should proceed to referendum.

4. The Plan, as modified by the Examiner's recommendations, contributes to the achievement of sustainable development. This condition relates to the making of the plan as a whole. It does not require that each policy in it must contribute to sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. In the economic dimension the Plan includes policies for new residential development (PP1/PP2/PP5/PP6/PP7). In the social role, it includes a policy on community uses (PP8), healthcare (PP9) and on cycling and walking (PP12). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on Radley Lakes (PP10) and on the historic environment (PP17).
5. The Plan, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the Development Plan for the area. The Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. It contains policies to aid the delivery of the Local Plan Part 1 strategic housing allocation sites and to guide future development in the Radley Lakes area. The Plan also contains a suite of policies that will help to shape future development and ensure that measures to support transport, accessibility and infrastructure improvements are delivered.
6. The Plan, as modified by the Examiner's recommendations, would not breach, and be otherwise incompatible with EU obligations, including the following Directives: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). In addition, no issue arises in respect of equality under general principles of EU law or any EU equality directive. In order to comply with the basic condition on European Union legislation the Parish Council has commissioned a Strategic Environmental Assessment (SEA) that identifies, describes and evaluates' the likely significant effects of implementing the Plan, and reasonable alternatives. Sections 1-4 of the SEA consider the background to the process of SEA, the Plan's objectives and the scope of the SEA. The following sections (5-7) deal with the identification and appraisal of reasonable alternatives. The preferred approach is identified in section 8, whilst sections 9 and 10 of the Plan identify and evaluate the 'likely significant effects' on the baseline, drawing on the sustainability objectives identified through scoping. The final sections (11-13) address the remaining stages in the process of producing, and subsequently monitoring, the Plan.
7. The Plan, as modified by the Examiner's recommendations, is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). The Council produced a Habitat Regulations Assessment (HRA) screening report on the impact of development

proposed in the Plan on European sites which was completed on the 29th January 2018. The Screening Statement concluded that likely significant effects on the integrity of European sites in the Vale of White Horse District and adjacent Planning Authority areas from policies in the Neighbourhood Plan will not occur, and that an HRA would therefore not be required. This conclusion was endorsed by Natural England.

8. Subsequent to that Screening Statement on the 12th April 2018 the European Court of Justice issued a judgment in *People Over Wind and Sweetman v Coillte Teoranta* (Case C-323/17). That judgment made clear that it was no longer appropriate to take mitigation measures into consideration when screening a Neighbourhood Plan under the HRA procedure. Any mitigation should only be taken into consideration at the Appropriate Assessment stage.
9. As a consequence the District Council commissioned a new HRA of the Radley Neighbourhood Plan in June 2018. That report, produced by AECOM, concluded:

“7.1 A previous HRA screening report was undertaken of the Radley Parish Council Neighbourhood Plan, and found the Plan would not result in likely significant effects on European sites. However, as this relied upon mitigation in drawings its conclusions as to likely significant effects on the Oxford Meadows SAC, this report was prepared and included a likely significant effects analysis covering all relevant European sites, and then an appropriate assessment of effects on Oxford Meadows SAC. The mitigation measures were taken into account during the appropriate assessment.

7.2 The initial screening exercise found there would be no likely impacts on Cothill Fen SAC, Hackpen Hill SAC or Little Wittenham SAC.

7.3 The appropriate assessment found that the existing policies within the Vale of White Horse Local Plan Part 1 and 2, the mitigation measures within the Local Plan Part 1 and Policy PP.10 within the Neighbourhood Plan were sufficient to conclude that there would be no likely significant effect on the Oxford Meadows SAC.

7.4 Therefore it is possible to conclude that no adverse effects on the integrity of European sites will arise from the Radley Parish Council Neighbourhood Plan, alone or in-combination with other plans and projects.”

10. Natural England were consulted on the HRA on 25th June 2018. They responded on 4th July stating that they were satisfied with the outcomes of the new HRA.

11. The Plan, as modified by the Examiner's recommendations, is in all respects fully compatible with Convention rights contained in the Human Rights Act 1988. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known.
12. The Plan, as modified by the Examiner's recommendations, complies with the definition of an NDP and the provisions that can be made by a NDP. The Plan sets out policies in relation to the development and use of land in the whole of the neighbourhood area; it specifies the period for which it is to have effect and it does not include provision about development that is 'excluded development'.
13. The council cannot make a decision that differs from the Examiner's recommendations about the referendum area. The Examiner notes that the neighbourhood area is entirely appropriate and no evidence has been submitted to suggest that this is not the case. He recommends that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 15 June 2015.
14. The individual modifications proposed by the Examiner are set out in Appendix 1 alongside the council's decision in response to each recommendation and the reasons for them.
15. The council has taken account of all the representations received.

SEA/ HRA SCREENING

16. The modifications set in Appendix 1, both separately and combined, produce no likely significant environmental affects and are unlikely to have any significant effects on European Designated Sites.

Councillor Roger Cox

Leader of the Council and Cabinet Member for Planning
Vale of White Horse District Council

Date: 01 August 2018

Appendix 1 – Examiner’s modifications

Policy/ Section	Examiner’s recommendations	Council’s Decision	Justification/Reason
Policy PP.1	<p>Delete policy</p> <p><i>Delete reference to the site in Section 4.2.2 and on Map 3.</i></p> <p><i>Make consequential changes to the first two sentences of the section on ‘Smaller housing opportunities.’</i></p>	Agree	<p>The National Planning Policy Framework (NPPF) makes clear that the purpose of the planning system is the achievement of sustainable development in the three dimensions: economic, social and environmental (paragraphs 6-7). The role of Neighbourhood Plans in delivering sustainable development is further emphasised at paragraph 185 of the NPPF.</p> <p>Paragraphs 83-85 of the NPPF make clear that Local Plans are the vehicle through which alterations to the Green Belt should be made.</p> <p>The Council considers the modifications proposed by the examiner necessary to ensure that the Plan has regard to national policy.</p>
Policy PP.2	<p>Replace ‘Smaller housing opportunities’ with ‘Smaller development opportunities’ on page 17.</p> <p>Replace ‘Development’ with ‘The residential development’.</p> <p>In the second bullet point delete ‘by the Parish Council’.</p> <p>Delete the third bullet point.</p>	Agree	<p>The National Planning Policy Framework (NPPF) indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted</p>

	<p>Insert the deleted third bullet point at the end of the section entitled 'The central allotments' on page 17.</p>		<p>with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications.</p> <p>Policies should also be concise, precise and supported by appropriate evidence.</p> <p>The Council considers the modifications proposed by the examiner necessary to ensure that the Plan achieves the clarity required by the NPPF.</p>
Policy PP.3	<p>Insert 'the' between 'in' and 'very'</p> <p>After 'circumstances' add 'as identified in the National Planning Policy Framework and Policy CP13 of the Vale of White Horse Local Plan 2031 (Part 1)</p>	Agree	<p>The Council considers the modifications proposed by the examiner necessary to ensure that the Plan achieves the clarity required by the NPPF.</p>
Policy PP.4	<p>Replace the policy with the following: 'Housing on large development sites will be supported where the mix of dwelling size and type takes account of the needs of the local housing market both in general terms and as expressed in Strategic Housing Market Assessments. Where appropriate the range of dwellings to be provided should take account of the nature of the site concerned in general terms, and its topography in particular.'</p> <p>In the second paragraph on p21 replace 'need' with 'should'.</p>	Agree	<p>The Council considers the modifications proposed by the examiner necessary to ensure that the Plan achieves the clarity required by the NPPF and that the supporting text is factually correct.</p>
Policy PP.5	<p>Insert 'on the identified strategic housing sites or within the Central Radley inset area (as identified on Map 3) between 'self-build' and 'will'.</p>	Agree	<p>The Council considers the modifications proposed by the examiner necessary to ensure that the Plan achieves the clarity required by the NPPF.</p>

	In the final sentence of the supporting text headed 'Self Build' on page 21 replace 'elsewhere...area' with 'within the Central Radley inset area'.		
Policy PP.7	Replace 'and' with 'and/or'	Agree	The Council considers the modifications proposed by the examiner necessary to ensure that the Plan achieves the clarity required by the NPPF.
Policy PP.8	Replace the policy with the following: 'The replacement of sites or buildings currently being used for community facilities with other and/or expanded community facilities will be supported where the new facilities are available for use before the old facilities are removed unless the physical on-site relationship between the two facilities makes this impracticable.	Agree	The Council considers the modifications proposed by the examiner necessary to ensure that the Plan achieves the clarity required by the NPPF.
Policy PP.9	Delete policy. Replace the policy with an additional Community Action to read: 'The Parish Council will press for and support the expansion of primary health care facilities to meet the extra demand generated by the development of large scale housing development.'	Agree	This matter is more appropriately addressed through a Community Action, because the subject matter is not expressed as a land use policy matter.
Policy PP.10	Restructure the policy as follows: Its opening component becomes Policy 10c) as included in the submitted plan and with the replacement of 'subject to the criteria at b' with 'subject to the following criteria'. Thereafter the submitted 10b) follows on from the opening part of the policy (as set out above) with the deletion of 'For any development area to be supported in the area it must'.	Agree	The Council considers the modifications proposed by the examiner necessary to ensure that the Plan achieves the clarity required by the NPPF and to respond to the representations made by Natural England.

	<p>Within the list of bullet points replace the fourth of the five criteria with the following: ‘Avoid detriment to the integrity of the local ecology by incorporating appropriate measures in development proposals. Where appropriate these will include avoidance measures, mitigation measures and compensation measures’.</p> <p>Insert ‘and’ at the end of the fourth criterion.</p> <p>Thereafter reproduce policies 10 d) and e) as free-standing parts of the policy with the following modifications: In 10 d) and e) replace ‘the criteria at b)’ with ‘the five criteria above’.</p> <p>In the modified policy overall delete the use of letters ‘a/b/c/d/e’ as component parts of the policy.</p> <p>At the end of the supporting text on page 35 insert the following: ‘Policy PP.11 applies to the Radley Lakes area as defined in Map 7. Minerals and waste matters fall outside the scope of this Plan. On this basis the policy refers to long term uses for the site. It does not directly address issues which might prejudice general minerals and waste matters or compliance with planning conditions affecting this particular site’.</p>		
Policy PP.11	<p>Introduce a new paragraph at the start of the policy to read: ‘New development will be supported where it complies with other development plan policies and</p>	Agree	The Council considers the modifications proposed by the examiner necessary to ensure that the Plan achieves the clarity required by the NPPF.

	<p>can be satisfactorily accommodated within the existing highways network’.</p> <p>In the submitted policy replace ‘New’ with ‘Where appropriate new’.</p>		
Policy PP.12	Replace ‘New’ with ‘Where appropriate new’	Agree	The Council considers the modifications proposed by the examiner necessary to ensure that the Plan achieves the clarity required by the NPPF.
Policy PP.14	<p>Replace ‘contribute’ with ‘make appropriate contributions’</p> <p>At the end of the top paragraph of page 46 add: ‘Significant progress has already been made with the County Council’s assistance in securing measures to ensure that developers of the strategic sites contribute towards the provision of additional rack cycle stores. The North West Radley site is already well-advanced on this matter’.</p> <p>Replace the second paragraph of 4.10.2 with: ‘One way to improve accessibility to the station would be to create a step free access to the upline. There are various land ownership and technical issues that would need to be overcome to achieve this objective’.</p>	Agree	The Council considers the modifications proposed by the examiner necessary to ensure that the Plan achieves the clarity required by the NPPF.
Policy PP.15	Replace ‘permitted’ with ‘supported’	Agree	The Council considers the modifications proposed by the examiner necessary to ensure that the Plan achieves the clarity required by the NPPF.
Policy PP.16	Replace ‘permitted’ with ‘supported’	Agree	The Council considers the modifications proposed by the examiner necessary to ensure that the Plan achieves the clarity required by the NPPF.
Policy PP.17	As a separate component at the beginning of the policy add:	Agree	The Council considers the modifications proposed by the examiner necessary to ensure that the Plan

	'Subject to other development plan policies new development proposals will be supported where they include appropriate measures to safeguard the heritage assets of the neighbourhood area.'		achieves the clarity required by the NPPF.
CA.1 Central allotments site	Delete CA1	Agree	The Council is satisfied that the deletion of this Community Action will not adversely affect the overall approach to the way in which the allotments are dealt with in the Neighbourhood Plan.
CA.3 Location of Radley village hall and playing field	Replace the Action with 'The Parish Council will support the preparation of a plan for the reconfiguration/replacement of the existing village hall, playing fields, playground and sports pavilion on the existing site at Gooseacre.'	Agree	The Council is satisfied that the amendment to this Community Action will add clarity to the text.
CA.12 Cycling and Walking	Replace 'should' with 'will'	Agree	The Council is satisfied that the amendment to this Community Action will add clarity to the text.
CA.16 Natural Environment	Replace the Community Action with: 'RPC will work with local partners to ensure that key landscape features are safeguarded and that biodiversity is protected and where possible enhanced especially in the two Conservation Target areas. In doing so RPC will press for Local Plan policies CP 13/44/45/46 to be fully respected in the development management process in all developments within the neighbourhood area'	Agree	The Council is satisfied that the amendments to this Community Action will add clarity to the text whilst broadening the scope so that it addresses the wider range of issues addressed in Section 4.13 of the Plan.

Appendix 2

Radley Neighbourhood Development Plan 2018-2031

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

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Vale of White Horse District Council in March 2018 to carry out the independent examination of the Radley Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 26 March 2018.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and the Green Belt. At the same time the Plan seeks to ensure that planned strategic housing development in the Local Plan is sensitively incorporated into the existing community. It also includes a very distinctive policy on Radley Lakes.
- 4 The Plan has been significantly underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Radley Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
21 May 2018

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Radley Neighbourhood Plan 2018-2031 (the Plan).
- 1.2 The Plan has been submitted to Vale of White Horse District Council (VWHDC) by Radley Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Radley plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by VWHDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the VWHDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of

Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - 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.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.10 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. In order to comply with this requirement, the Parish Council commissioned the preparation of a Strategic Environmental Assessment. It properly assesses the environmental impacts of the implementation of the Plan's policies. It also addresses reasonable alternatives
- 2.7 I am satisfied that the SEA report complies with the basic conditions.
- 2.8 VWHDC prepared a Habitats Regulations Assessment (HRA) screening report on the Plan. This report is thorough, comprehensive and professionally-prepared. It concluded that the Plan was not likely to have any significant effect on a European site. Natural England agreed with the outcome of the screening opinion.

- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan.
 - the Basic Conditions Statement.
 - the Consultation Statement.
 - the Strategic Environmental Assessment report.
 - the representations made to the Plan.
 - the Parish Council's responses to my Clarification Note.
 - the Vale of White Horse Local Plan 2011
 - the Vale of White Horse Local Plan 2031 Part 1
 - the Vale of White Horse Local Plan 2031 Part 2 (as submitted for examination).
 - the National Planning Policy Framework (March 2012).
 - Planning Practice Guidance (March 2014 and subsequent updates).

- relevant Ministerial Statements.

- 3.2 I carried out an unaccompanied visit to the Plan area on 26 March 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised VWHDC of this decision early in the examination process.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is very thorough and comprehensive. It includes a very detailed assessment of the consultation undertaken as part of the various stages of Plan production. It also provides specific details on the consultation processes that took place on the pre-submission versions of the Plan (2016 and 2017).
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. Paragraph 5 provides details about:

- the production of monthly reports in the Radley News, the parish magazine;
 - e-mail updates to 450 persons/organisations;
 - the setting up and maintenance of a neighbourhood plan website;
 - the establishment of a Web Forum; and
 - the arrangement of a variety of stakeholder meetings.
- 4.4 The Statement also comments in significant detail about how its key policies were influenced by a variety of private and public bodies.
- 4.5 The latter parts of the Statement set out how the submitted Plan took account of consultation feedback. They are supplemented by two appendices on the comments received as a result of the two pre-submission consultations and the Parish Council's responses to those comments. They do so in a very thorough and effective way. They help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. VWHDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 14 March 2018. This exercise generated 41 comments from a range of organisations and private individuals. Comments were received from the following organisations:
- Oxfordshire Clinical Commissioning Group
 - Kennington Parish Council
 - Radley Primary School
 - Friends of Radley Lake
 - Scottish and Southern Electricity
 - Health and Safety Executive
 - National Grid
 - Gardner Planning
 - Radley Village Shop
 - GEC
 - Natural England
 - Ministry of Defence

- Radley College
- Thames Water
- Network Rail
- Oxfordshire County Council
- Abingdon-on-Thames Town Council

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Radley with the exception of an area in the west of the parish to the immediate north of Abingdon. The excluded area is part of the North Abingdon strategic site allocated in part 1 of the Local Plan. The neighbourhood area sits to the immediate north and east of Abingdon in pleasant countryside. The village itself is located on slightly higher ground to the west of the floodplain of the River Thames. Its population in 2011 was 2835 persons. It was designated as a neighbourhood area on 15 June 2015.
- 5.2 The neighbourhood area is mainly in agricultural use and sits within a rich landscape setting. With the exception of the village and the strategic housing sites allocated in the Local Plan 2031 (Part 1) the neighbourhood area is within the Oxford Green Belt. These important factors have been properly assessed in plan-making and the associated environmental assessments. Radley village is the principal focus of built development and sits within the middle of the neighbourhood area. There are some 300 residential mobile homes in the north of the area. Radley Lakes sits in the southern part of the area.
- 5.3 Radley village is based on Foxborough Road, Church Road and Whites Lane. It has two different centres that reflect the evolution of the village. One of these centres is based on St James the Great CoE church and its vicarage. The second centre is the more modern part of the village around the railway station, the village shop and the Bowyer Arms P.H. The area to the immediate north of the village is dominated by Radley College which is the major employer in the neighbourhood area.

Development Plan Context

- 5.4 The Vale of White Horse Local Plan (Part 1): Strategic Sites and Policies was adopted in December 2016. It sets out the basis for future development in the District up to 2031. All of the policies in this part of the Local Plan are strategic policies of the development plan (see paragraph 2.5 of this report). A number of policies in the Vale of White Horse Local Plan 2011 will remain as saved policies until such time as Part 2 of the Local Plan 2031 has been adopted. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan. The following policies in the Local Plan 2031 Part 1 are particularly relevant to the submitted Plan:

Core Policy 3	Settlement Hierarchy
Core Policy 4	Meeting our Housing Needs
Core Policy 8	Spatial Strategy for Abingdon and Oxford Fringe Sub area
Core Policy 13	The Oxford Green Belt
Core Policy 37	Design and Local Distinctiveness

Core Policy 38 Development Sites	Design Strategies for Strategic /Major
Cote Policy 42	Flood Risk

- 5.5 Section 3 of the Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.6 Radley is identified as a Larger Village in the adopted Local Plan Part 1 (Core Policy 3). These villages are defined as settlements with a more limited range of employment, services and facilities. Unallocated development will be limited to providing for local needs and to support employment, services and facilities within local communities.
- 5.7 The emerging Local Plan 2031 Part 2 was submitted for its own examination on 23 February 2018. It adds to the detail already set out in Part 1 of the Plan. It has a specific focus on policies and locations for housing to meet the District's proportion of Oxford's housing needs up to 2031 which cannot be met within the City boundaries. The submitted Plan proposes additional housing allocations in the Abingdon and Oxford Fringe Sub area. However, none of these proposed allocations fall within the neighbourhood area. Plainly the timings involved have not permitted the submitted neighbourhood plan directly to take account of this emerging local planning context. Nevertheless, the fundamental approach of Part 2 of the Local Plan does not directly affect the approach taken in Part 1 of the Plan insofar as the emerging neighbourhood plan is concerned.
- 5.8 The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 26 March 2018. I was fortunate in selecting a dry and pleasant day.
- 5.10 I drove into the Plan area from Kennington to the north. In doing so I saw the various mobile home sites mentioned in the Plan. I also saw the scale and significance of Radley College in the context of the village and its setting.
- 5.11 I looked initially at the northern end of the village based around the junction of White's Lane, Kennington Road and Church Road. I saw St James the Great Church, its impressive vicarage and the school buildings.
- 5.12 I then looked at the area around the railway station. I saw that it was providing a very popular, well-used facility for local people. I saw its connections with the Bowyer Arms and the Village Shop.

- 5.13 I walked over the railway bridge and looked at Lower Radley and Shaw's Copse.
- 5.14 I then walked round the residential loop of Foxborough Road, St James Road and Church Road so that I could understand the scale and nature of the existing residential development in the neighbourhood area.
- 5.15 I then drove down Thrupp Lane to see the area around the Lakes and the proposed housing site at the Old Coal Yard (PP2)
- 5.16 I finished my visit by driving into Abingdon. This gave me an opportunity to see the Plan area in its wider landscape setting. It also helped me to understand the nature of the relationship between the two settlements.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Radley Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and Part 1 of the Local Plan 2031 and the saved elements of the 2011 Local Plan;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas including protecting Green Belts;
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to

national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its position in the settlement hierarchy and the scale of planned development set out in the development plan. It includes a series of policies that seek to ensure that the forthcoming strategic developments deliver the appropriate range and size of houses and that they are well-connected to existing development and facilities. In addition, it proposes a detailed policy for the Radley Lakes area and seeks to safeguard the Green Belt, and its historic environment. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.
- Contributing to sustainable development*
- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for new residential development (PP1/PP2/PP5/PP6/PP7). In the social role, it includes a policy on community uses (PP8), healthcare (PP9) and on cycling and walking (PP12). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on Radley Lakes (PP10) and on the historic environment (PP17). The Parish Council's assessment of this matter is set out in section 2 of the submitted Basic Conditions Statement.
- General conformity with the strategic policies in the development plan*
- 6.11 I have already commented in detail on the development plan context in the wider Vale of White Horse District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. Section 4 of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the Local Plan 2031 Part 1. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It also identifies a series of proposals which are addressed separately.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Its proposals are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.
- The initial sections of the Plan (Sections 1-3)*
- 7.8 The presentation of Plan as a whole has been prepared to a high standard. It is well-organised and includes effective maps and photographs that give real depth and purpose to the Plan. It makes an appropriate distinction between the policies and their supporting text. It also ensures that the vision and the objectives for the Plan set the scene for the various policies.
- 7.9 The initial elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and the subsequent policies. Section 1 provides a very clear context to the preparation of the Plan, its relationship with the emergence of the Vale of White Horse Local Plan and the definition of the neighbourhood area itself.
- 7.10 Section 2 sets out the Community Vision for the Plan area. It is clear, concise and proportionate. Its overall aim is underpinned by six objectives, all of which are distinctive to the neighbourhood area.
- 7.11 Section 3 sets out the timetable and the challenges addressed in the Plan. Its commentary on the timetable overlaps with the Consultation Statement. Section 3.9 addresses the cross-boundary issues in relation to the strategic housing sites included in the Local Plan 2031 Part 1.
- 7.12 Section 4 includes the various policies and community actions. It incorporates a very helpful table that maps the various policy sections with the six objectives of the Plan.
- 7.13 The policies are then set out in the main body of section 4. Section 5 addresses funding and Section 6 comments on the implementation of both the policies and the Community Actions.

- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.
Policy PP.1 Old Coal yard site
- 7.15 Section 4.2.2 of the Plan identifies two areas appropriate for limited housing development. This policy supports the development of the Old Coal Yard to the west of Thrupp Lane. It is located to the immediate north and west of Goose Acre Farm by the right-angle bend in Thrupp Lane. The Plan suggests that ‘small scale housing development should result in this land being better cared for’. I looked at the site when I visited the Plan area.
- 7.16 The policy sets out a series of criteria that any development would need to meet. One addresses traffic matters. Another identifies the need for a master plan which, amongst other things would minimise any intrusion on the Green Belt.
- 7.17 I can understand the Plan’s intention to resolve issues around the nature and appearance of this site. Nevertheless, I recommend that the policy is deleted from the Plan for two reasons. The first is that I am not satisfied that the residential use of the site would contribute towards the achievement of sustainable development in the neighbourhood area. It is in an isolated location approximately 250 metres from the junction of White’s Lane and Foxborough Road. The railway station and other facilities in the village are even farther away. On this basis it is likely that the overwhelming majority of trips to and from any from the houses would be carried out by private transport. This is reinforced by the criteria that requires mitigation for the additional traffic movements that would arise on Thrupp Lane which is well-below current safety standards. Whilst it could be argued that the development of the site would achieve some economic benefits, there are significant environmental and social disadvantages to its development for residential purposes.
- 7.18 The second reason is that it is not the role of a neighbourhood plan to allocate or to identify sites for residential development in a Green Belt. Paragraphs 83-85 of the NPPF are clear that the identification and modification of green belt boundaries are matters for the local planning authority to determine. In this case that authority is VWHDC. Furthermore, these paragraphs identify that these processes should be undertaken as part of the preparation or review of a local plan. In any event the Plan’s suggestion that the residential development of the sites would introduce a better visual appearance for the site fails to take into account that the principal component of any Green Belt is its inherent openness.
- 7.19 I reaching this conclusion I recognise that the limited infilling or the partial or complete redevelopment of previously developed sites is one of the few exceptions identified in national planning policy where the construction of new buildings in a Green Belt could be considered to be exceptions to the usual approach towards inappropriate development. However, the relevant bullet point in paragraph 89 of the NPPF comments that this exception only arises where the proposed redevelopment ‘would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development’. In my view this would not be the case.

Delete policy

Delete reference to the site in Section 4.2.2 and on Map 3.

Make consequential changes to the first two sentences of the section on 'Smaller housing opportunities.'

Policy PP.2 Central allotments site

- 7.20 The second site promoted for residential development is the Central allotments site. For both PP1 and PP2 I sought clarification from the Parish Council about their definition in the Plan. On the one hand they are addressed directly in free-standing policies. On the other hand, the supporting text is very clear that it 'does not formally allocate these sites for development but sets out conditions.... for development'. The Parish Council has responded by indicating that the two sites have been specifically identified to allow the Plan to assess alternative uses for them in the longer term. This explanation is helpful and I recommend modifications to bring clarity on this matter to the Plan
- 7.21 In relation to the central allotments site itself I saw that it was in a sustainable location and offers the opportunity to consolidate further the functional heart of the village. Within this context I recommend a series of modifications. The first is that the policy makes an explicit comment about its residential development. As submitted the policy is silent on this detail. The second is the removal of the reference to the Parish Council in the second criterion of the policy. It may well be that the Council provides a suitable replacement site for the allotments. However, the prescriptive language prevents it from being secured through different ways which may naturally arise from discussions with developers. The third is the relocation of the Village Shop criterion into the supporting text. This will be a matter of commercial judgements rather than the application of planning policy.

Replace 'Smaller housing opportunities' with 'Smaller development opportunities' on page 17

**Replace 'Development' with 'The residential development'
In the second bullet point delete 'by the Parish Council'
Delete the third bullet point**

Insert the deleted third bullet point at the end of the section entitled 'The central allotments' on page 17

Policy PP.3 Green Belt

- 7.22 This policy largely restates national policy on Green Belts and its local interpretation in the development plan (Local Plan Part 1 Core Policy 13). This is reinforced in the supporting text which comments that 'PP.3 reinforces the general protection to the Green Belt given by CP13'.
- 7.23 There is no need for a neighbourhood plan to repeat national or local policies. In its response to my Clarification Note the Parish Council highlighted the importance of the Green Belt to the local community. It also drew my attention

to its desire to have a clear policy context on Green Belt issues in the wider hierarchy of national, local and neighbourhood policies. On balance and given the clear importance of this matter in the neighbourhood area I am content that the retention of the policy in the Plan meets the basic conditions. Plainly it has regard to national policy and is in general conformity with the strategic policies in the development plan.

- 7.24 Nevertheless I recommend a modification to the policy so that it has the clarity required by the NPPF. As submitted it refers to very special circumstances without identifying the nature of those circumstances. As such I recommend that the policy makes direct reference to national and local policies which identify the nature of Green Belt policy in general terms and identify the limited circumstances in which development can take place in particular.

Insert ‘the’ between ‘in’ and ‘very’

After ‘circumstances’ add ‘as identified in the National Planning Policy Framework and Policy CP13 of the Vale of White Horse Local Plan 2031 (Part 1)’

Policy PP.4 Housing size and type at largescale sites

- 7.25 The policy is based on detailed research and uses published material. It seeks to meet the identified housing needs of a wide range of people in general terms, and of local residents in particular.
- 7.26 The generality of its approach meets the basic conditions. However, I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF and to ensure that its supporting text is factually correct. In the supporting text I recommend that elements of prescriptive language are moderated. In the policy I recommend the adoption of a more nuanced approach that would allow VWHDC to take account of both housing need and the characteristics of the sites concerned when determining planning applications. I also recommend that the policy should take on a policy format. As submitted it simply sets out what issues VWHDC should take into account in determining planning applications.

Replace the policy with the following:

‘Housing on large development sites will be supported where the mix of dwelling size and type takes account of the needs of the local housing market both in general terms and as expressed in Strategic Housing Market Assessments.

Where appropriate the range of dwellings to be provided should take account of the nature of the site concerned in general terms, and its topography in particular.’

In the second paragraph on p21 replace ‘need’ with ‘should’.

Policy PP.5 Self build

- 7.27 This policy supports the provision of self-build residential development. The supporting text comments that such proposals will be supported on the strategic sites or elsewhere in the neighbourhood area.
- 7.28 In principle the approach has regard to national policy (NPPF paragraph 50). Nevertheless, as submitted the policy is silent on locations that would be appropriate for self-build housing, especially as significant parts of the neighbourhood area fall within the Green Belt. As such I recommend a modification to the policy and the supporting text that clarifies this matter

Insert 'on the identified strategic housing sites or within the Central Radley inset area (as identified on Map 3) between 'self-build' and 'will'.

In the final sentence of the supporting text headed 'Self Build' on page 21 replace 'elsewhere...area' with 'within the Central Radley inset area'.

Policy PP.6 Facilities on North-West Radley Housing site

- 7.29 This policy identifies that the north west Radley housing site should include a playground to complement existing provision in the village.
- 7.30 The Parish Council identified in its response to my clarification note how this policy adds value to the strategic policy context for the development of this important site. This was confirmed in one of the representations to the Plan. On this basis I am satisfied that the policy meets the basic conditions. It will make a significant contribution towards the achievement of the social dimension of sustainable development in the neighbourhood area.

Policy PP.7 Facilities on South Kennington housing site

- 7.31 This policy identifies that the south Kennington housing site should include a playground and reserve a space for a shop and a community room.
- 7.32 The Parish Council identified in its response to my clarification note how this policy added value to the strategic policy context to the development of this important site. On this basis I am satisfied that the principle of the policy meets the basic conditions. I was also advised that discussions with the developer of the site had advised that either a shop or a community room would be viable. I recommend a modification to the policy to reflect this matter. As with the previous policy it will make a significant contribution towards the achievement of the social dimension of sustainable development in the neighbourhood area.

Replace 'and' with 'and/or'

Policy PP.8 Replacement sites and buildings

- 7.33 The policy seeks to ensure that any replacement community facilities are available before the existing facilities are removed, unless in situ construction makes this impractical.

- 7.34 The proposed approach is entirely appropriate. However as submitted the policy does not adopt a policy wording approach. I recommend accordingly.

Replace the policy with the following:

‘The replacement of sites or buildings currently being used for community facilities with other and/or expanded community facilities will be supported where the new facilities are available for use before the old facilities are removed unless the physical on-site relationship between the two facilities makes this impracticable.’

Policy PP.9 Primary Healthcare

- 7.35 The submitted Plan aims to ensure that adequate premises are provided for the primary healthcare of the residents of the proposed new developments in both the neighbourhood area and its surroundings. In this context the policy sets out an expectation that the developers of large scale housing should explore opportunities to provide new or expanded primary health care facilities.
- 7.36 The proposed approach is entirely appropriate. However as submitted the policy does not adopt a policy wording approach. In particular its language simply requires that developers should explore opportunities with the Clinical Commissioning Group to provide new or expanded facilities. It does not require the incorporation of any facilities that are demonstrated to be necessary. In its helpful response to my clarification note the Parish Council has explained the work that it has been pursuing with the District Council and the potential mechanisms for the delivery of any facilities which may be required. On this basis I recommend that the policy becomes a Community Action.

Delete policy

Replace the policy with an additional Community Action to read:

‘The Parish Council will press for and support the expansion of primary health care facilities to meet the extra demand generated by the development of large scale housing development.’

Policy PP.10 Radley Lakes

- 7.37 This is an important policy in the wider context of the Plan. Radley Lakes occupies a significant component of the southern part of the neighbourhood area. By its very nature it contributes towards the openness of the Green Belt.
- 7.38 The Plan identifies that the policy does not seek to address minerals development and which is ‘excluded development’ within the context of a neighbourhood plan. I agree with the Parish Council’s approach to this matter.

The policy focuses on the potential for future recreational uses in the area. It does not affect any minerals-related development issues.

- 7.39 As submitted the policy is lengthy and includes elements of explanatory, supporting text. I reflect this in my recommended modifications. The Parish Council responded positively to my Clarification Note and agreed that the policy would have greater clarity if its component parts were rearranged. In effect the third component of the policy is its fundamental element. Its ambition is to support development that directly supports nature conservation and/or quiet recreation in the area. Its first component is explanatory text which I recommend is repositioned into the supporting text.
- 7.40 I also recommend two other modifications. The first is a detailed modification to take account of the representation made by Natural England. It will ensure that the policy has regard to national policy. The second is to provide clarity that any development would be expected to meet all five criteria where appropriate.

Restructure the policy as follows:

Its opening component becomes Policy 10c) as included in the submitted plan and with the replacement of ‘subject to the criteria at b’ with ‘subject to the following criteria’.

Thereafter the submitted 10b) follows on from the opening part of the policy (as set out above) with the deletion of ‘For any development area to be supported in the area it must’.

Within the list of bullet points replace the fourth of the five criteria with the following:

‘Avoid detriment to the integrity of the local ecology by incorporating appropriate measures in development proposals. Where appropriate these will include avoidance measures, mitigation measures and compensation measures’.

Insert ‘and’ at the end of the fourth criterion.

Thereafter reproduce policies 10 d) and e) as free-standing parts of the policy with the following modifications:

In 10 d) and e) replace ‘the criteria at b)’ with ‘the five criteria above’.

In the modified policy overall delete the use of letters ‘a/b/c/d/e’ as component parts of the policy.

At the end of the supporting text on page 35 insert the following:

‘Policy PP.11 applies to the Radley Lakes area as defined in Map 7. Minerals and waste matters fall outside the scope of this Plan. On this basis the policy refers to long term uses for the site. It does not directly address issues which might prejudice general minerals and waste matters or compliance with planning conditions affecting this particular site’.

Policy PP.11 Roads

- 7.41 This policy identifies that new development should support the achievement of the Radley Roads Strategy and provide financially or in kind to mitigate the effects of development on the road network. The Roads Strategy is comprehensively addressed in Section 4.7.2 of the Plan.
- 7.42 I tested with the Parish Council the extent to which the policy has regard to national policy. This is primarily set out in paragraphs 29-41 of the NPPF. In particular paragraph 32 identifies that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Plainly the policy's requirement for developments to support the achievement of a separate Radley Roads Strategy has the ability to introduce additional costs for developers beyond those required in national policy.
- 7.43 In response the Parish Council set out a compelling case that goes beyond a simple assessment of highways capacity. It seeks to create a network of roads based on an orderly route hierarchy. The Strategy sets out to ensure that the required highways improvements arising from the development of the strategic sites are delivered within the concept of a locally-agreed and structured approach. I am satisfied that in principle the ambitions of the policy meet the basic conditions. However, I recommend two modifications to ensure that the policy has the required clarity to operate effectively during the Plan period. The first inserts an opening sentence to dovetail the policy more closely into national policy. The second ensures that the policy is explicit that it only has effect where the development concerned cannot be satisfactorily incorporated into the existing highways network. As submitted the policy could be interpreted to apply to any development of any scale.

Introduce a new paragraph at the start of the policy to read:

'New development will be supported where it complies with other development plan policies and can be satisfactorily accommodated within the existing highways network'.

In the submitted policy replace 'New' with 'Where appropriate new'

Policy PP.12 Cycling and Walking

- 7.44 This policy identifies that new development should support the achievement of the Radley Cycling and Walking Strategy. The Strategy is comprehensively addressed in Section 4.8.2 of the Plan.
- 7.45 I raised similar points with the Parish Council as those in relation to Policy PP.11 and received a similar response. I recommend that the policy is modified so that it is explicit that it only has effect where the development concerned cannot be satisfactorily incorporated into the existing highways network. As submitted the policy could be interpreted to apply to any development of any scale.
- 7.46 Natural England raise helpful comments in respect of the ability of footpaths and cycleways to provide habitat corridors. However, the incorporation of

these comments is not necessary to ensure that the Plan meets the basic conditions.

Replace ‘New’ with ‘Where appropriate new’

Policy PP.13 Connectivity

- 7.47 This policy sets out a series of requirements for the connectivity of large scale housing development. They are entirely appropriate and will help to ensure that these developments proceed to the highest possible standards of design.
- 7.48 The policy will make a significant contribution towards the achievement of the environmental dimension of sustainable development in the neighbourhood area. It meets the basic conditions.

Policy PP.14 Radley Station

- 7.49 This policy requires that developers of large scale housing proposals should contribute towards the costs of improving facilities at the Radley railway station. The Parish Council provided me with detailed information on the work that has taken place with the County Council and developers to secure pro-rata contributions towards the installation of cycle racks at the station. The nature of this work provides the appropriate assurances that the policy is both realistic and deliverable.
- 7.50 I recommend modifications to both the policy and its supporting text to reflect the clarity and assurance within the Parish Council’s response to the clarification note. In relation to the policy I recommend that it reflects that appropriate contributions are made to the costs of the works. In relation to the supporting policy I recommend that elements of the Parish Council’s response are included.
- 7.51 I also recommend the deletion of elements of the supporting text in section 4.10.2 of the Plan that relate to the creation of step free access to the up line. The second paragraph of the supporting text sets out a series of options to do so. However, none of these options has been tested in any detail. In any event the Plan proposes one particular option and them immediately dismisses it as undeliverable on land ownership grounds. Whilst I can understand why the Plan has chosen to address this issue the various options are insufficiently detailed to be effectively included in a neighbourhood plan. On this basis I recommend that the paragraph concerned is replaced with more neutral language

Replace ‘contribute’ with ‘make appropriate contributions’

At the end of the top paragraph of page 46 add:

‘Significant progress has already been made with the County Council’s assistance in securing measures to ensure that developers of the strategic sites contribute towards the provision of additional rack cycle stores. The North West Radley site is already well-advanced on this matter’.

Replace the second paragraph of 4.10.2 with:

‘One way to improve accessibility to the station would be to create a step free access to the upline. There are various land ownership and technical issues that would need to be overcome to achieve this objective.’

Policy PP.15 Surface drainage

- 7.52 This policy addresses surface drainage. It does so to good effect and provides a proportionate approach to the issues in the neighbourhood area.
- 7.53 I recommend that ‘permitted is replaced’ with ‘supported’. As submitted the language used is absolute. It has the potential to detract from VWHDC’s ability to address all material planning considerations that may affect any planning application.

Replace ‘permitted’ with ‘supported’

Policy PP.16 Sewerage

- 7.54 This policy addresses surface sewerage. It does so to good effect and provides a proportionate approach to the issues in the neighbourhood area.
- 7.55 I recommend that ‘permitted is replaced’ with ‘supported’. As submitted the language used is absolute. It has the potential to detract from VWHDC’s ability to address all material planning considerations that may affect any planning application.

Replace ‘permitted’ with ‘supported’.

Policy PP.17 Historic Environment

- 7.56 This policy addresses the historic environment in the neighbourhood area. It sets out the processes that an applicant would need to follow in submitting planning applications that affect its heritage assets.
- 7.57 Much of the policy is process based rather than directly policy-based. Nevertheless, I acknowledge that the approach adopted has regard to national policy. To address this matter, I recommend the insertion of an opening part of the policy which establishes a policy context within which sensitive development proposals can be assessed and supported.

As a separate component at the beginning of the policy add:

‘Subject to other development plan policies new development proposals will be supported where they include appropriate measures to safeguard the heritage assets of the neighbourhood area.’

Community Actions

- 7.58 The Plan proposes an extensive series of community actions. In some cases, they supplement the detail set out in equivalent policies elsewhere in the Plan. It is anticipated that non-land use community actions will arise out of the process of preparing a land use-based neighbourhood plan. National guidance recommends that community actions of this nature are included in a separate part of the Plan. This approach has not been adopted in the submitted Plan. The various actions sit adjacent to the policies in the component parts of the Plan. On balance I am satisfied that the approach adopted is acceptable for two reasons. Firstly, the distinction between a policy and a community action in the submitted Plan is very clear through colour coding. Secondly, the policies and the community actions rely on the same supporting text. On this basis the task of disassembling the Plan to achieve the desired outcome in national guidance would be of a disproportionate nature.
- 7.59 In general terms I am satisfied that the Community Actions are appropriate within the context of the Plan and that they are distinctive to the neighbourhood area. They properly reflect the broader range of issues that have arisen as the Plan has been developed. I comment below on the Community Actions where I recommend modifications.

CA.1 Central allotments site

- 7.60 I recognise that the proposed development of the allotment site will impact both on planning and land ownership issues. However, CA1 introduces additional issues associated with the development of the site beyond those set out in Policy PP1. In effect it merely sets out discussions that the Parish Council (as landowner) will have with potential developers. In any event the contents of the Community Action are already addressed in the supporting text on page 17. On this basis I recommend its deletion. In coming to this recommendation, I have taken account of the Parish Council's response to my clarification note.

Delete CA1

CA.3 Location of Radley village hall and playing field

- 7.61 This Action is heavily supported by explanatory text. The Parish Council clarified that the action is to 'support the preparation of a plan for the reconfiguration/replacement of the existing village hall, playing fields, playground and sports pavilion on the existing site at Gooseacre'. I recommend accordingly. In any event the deleted part of the Community Action is already addressed in the section on this issue on page 27 of the Plan.

Replace the Action with 'The Parish Council will support the preparation of a plan for the reconfiguration/replacement of the existing village hall, playing fields, playground and sports pavilion on the existing site at Gooseacre.'

CA.12 Cycling and Walking

- 7.62 I recommend that 'should' is replaced by 'will'. This will bring a sense of purpose to the Action rather than an academic approach.

Replace 'should' with 'will'.

CA.16 Natural Environment

- 7.63 This action sets out the Parish Council's wish to ensure that a series of Local Plan core policies are respected in all developments in the neighbourhood area. Whilst this is an important matter there is no need for a neighbourhood plan to seek to add value to or to seek the implementation of local policies by the local planning authority (here VWHDC). Nevertheless, I accept the assurance that the Parish Council has provided on the importance of this matter to the local community. As such I recommend that the Community Action is broadened in scope so that it addresses the wider range of issues addressed in Section 4.13 of the Plan.

Replace the Community Action with:

'RPC will work with local partners to ensure that key landscape features are safeguarded and that biodiversity is protected and where possible enhanced especially in the two Conservation Target areas. In doing so RPC will press for Local Plan policies CP 13/44/45/46 to be fully respected in the development management process in all developments within the neighbourhood area'.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Radley Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended some technical modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Vale of White Horse District Council that subject to the incorporation of the modifications set out in this report that the Radley Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 15 June 2015.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The Parish Council's responses to my Clarification Note were very helpful in preparing this report.

Andrew Ashcroft
Independent Examiner
21 May 2018