

VALE OF WHITE HORSE DISTRICT COUNCIL

ASHBURY NEIGHBOURHOOD PLAN DECISION STATEMENT

Summary

- 1 Following an independent Examination, Vale of White Horse District Council's Cabinet Member for Planning confirmed on 22 May 2019 that the Ashbury 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 4 July 2019 at the following locations:

Reception Vale of White Horse District Council 135 Eastern Avenue, Milton Park, Milton, OX14 4SB	Mon - Thurs, 8.30am - 5pm and Friday, 8.30am - 4.30pm
The Rose & Crown Inn 3 High Street, Ashbury, Swindon, SN6 8NA	during normal opening times

Background

- 3 Ashbury Parish Council, as the qualifying body, successfully applied for the parish of Ashbury to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
- 4 Following the submission of the Ashbury Neighbourhood Plan Submission Version ('the Plan') to the district council, the Plan was publicised, and comments were invited from the public and stakeholders. The publicity period closed on 28 February 2019.
- 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 22 May 2019:

1. to accept all modifications recommended by the Examiner;
2. to determine that the Ashbury 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; and
3. to take all appropriate actions to progress the Ashbury Neighbourhood Development Plan to referendum.

Reasons for decision

- 7 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'.
- 8 The Ashbury 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 borne in mind in reaching this conclusion.
- 9 Ashbury Parish Council submitted the Plan to VOWHDC on 10 October 2018, 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 26 April 2019, concluding that subject to modifications proposed, the Ashbury Neighbourhood Plan should proceed to referendum.
- 10 Having considered all relevant information, including representations submitted in response to the Plan, the Examiner's considerations and recommendations, the council's view is that the Plan recognises and respects relevant constraints.
- 11 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 social and economic dimensions the Plan includes Policy 7: Community Facilities. In the social role, it includes policies for housing and other development e.g. Policy 4: Spatial Plan, policies for design and heritage e.g. Policy 1: Design and Heritage, and policies for sustainability and infrastructure e.g. Policy 5: Transport and Accessibility, Policy 7: Community Facilities and Policy 8: Infrastructure. In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment through policies for landscape e.g. Policy 2: Key Views and Vistas, Policy 3: Dark Night Skies and Policy 6: Local Green Spaces. As a whole, the council is satisfied that the policies in the Plan pursue net gains across each of the different dimensions of sustainability in a mutually supportive way.

- 12 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.
- 13 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 the European Union legislation the council prepared a Strategic Environmental Assessment (SEA) screening statement for Ashbury Neighbourhood Plan in March 2018, which confirmed that a SEA was not required on the Plan. The screening determination has been subject to consultation with the relevant statutory consultees, who confirmed the decision.
- 14 The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites. 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 14 March 2018. The HRA screening report concluded that the Plan would not have any likely significant effects on the integrity of European sites in the Vale of White Horse District from policies in the Neighbourhood Plan. The council decided to update the screening assessment in November 2018 following the publication of the HRA on the Local Plan 2031 Part 2 (June 2018) and in light of the judgment from the Court of Justice of the European Union 'People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17)'. This judgement ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment and should not be taken into account at the screening stage. The revised Screening Assessment concluded that the Plan will not have any likely

significant effects on the integrity of European sites either alone or in combination with other plans or projects.

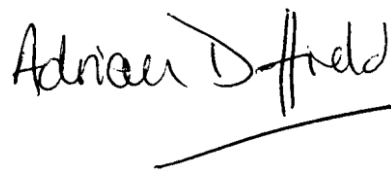
- 15 The Plan, as modified by the Examiner's recommendations, is in all respects fully compatible with Convention rights contained in the Human Rights Act 1988. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known.
- 16 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'.
- 17 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. Therefore, there is no reason to extend the referendum area beyond the boundaries of the designated plan area as they are currently defined and approved by the District Council on 16 September 2016.
- 18 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. The Examiner's Report is available in Appendix 2.
- 19 The examiner noted in his report that he has recommended a series of modifications both to policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of his recommended modifications to the policy concerned, they are highlighted in his report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. The examiner noted that it would be appropriate for VOWHDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text (see Appendix 3).
- 20 The revised National Planning Policy Framework was published in February 2019 and sets out the government's planning policies for England and how these are expected to be applied. The policies in the previous Framework (published on 27 March 2012) will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Paragraph 213 sets out that policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The council is satisfied that the policies in the Ashbury Neighbourhood Plan are consistent with the revised National Planning Policy Framework (2018).

21 The council has taken account of all the representations received.

22 The Electoral Services team advise that the referendum is planned for Thursday 4 July 2019.

SEA/ HRA SCREENING

23 The modifications set out 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.

A handwritten signature in black ink that reads "Adrian Duffield". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Adrian Duffield

Head of Planning South Oxfordshire and Vale of White Horse District Councils
Date: 30 May 2019

Appendix 1: Examiner's recommendations

In the below table, 'clarity of the policy' is cited as the justification/reason for some modifications. For the avoidance of doubt, clarity is defined in Paragraph 41 of the Planning Practice Guidance in March 2014 (41-041-20140306): "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."

Policy/Section	Examiner's recommendations	Council's Decision	Justification/Reason
Policy 1: Design and Heritage	<p>In Policy 1, criteria 1 replace 'is in keeping' with 'Respects'</p> <p>In Policy 1, criteria 5 replace 'enhances' with 'conserve or enhances'</p> <p>At the end of criteria 5 add: 'both above and below ground, including buildings, scheduled monuments, conservation areas and non-designated heritage assets'</p> <p>After criteria 1-5 add a semi-colon</p> <p>After criteria 6 add ';and'</p>	Agree	<p>The council consider a modification to criteria 1 is necessary to acknowledge that certain types of new development could come forward, that may be innovative, consistent with paragraphs 56-61 of the NPPF.</p> <p>The council consider a modification to criteria 5 is necessary to align with national policy to take account of archaeological matters. The council did suggest part of this policy wording in the response to the Regulation 16 consultation on Ashbury's Neighbourhood Plan.</p>
Supporting text to Policy 1: Design and Heritage	<p>At the end of paragraph 7.19 add: 'It requires that development proposals comply with each of the seven criteria. Plainly development proposals will have different impacts on the various criteria. They will be applied in the decision-making process insofar as they are</p>		<p>The council consider a modification to this policy reflects Ashbury Parish Council's aspiration for this policy to ensure development proposals comply with each criteria in the policy. This was set out in the Parish Council's response to the Examiner's Clarification Note.</p>

Policy/ Section	Examiner's recommendations	Council's Decision	Justification/Reason
	<i>relevant to the development proposed and its location.'</i>		
Policy 2: Key Views and Vistas	At the beginning of the policy add: 'Subject to proposals otherwise complying with Policy 4 (Spatial Plan) of this Plan'		The council consider a modification to this policy will provide clarity and consistency with national policy. Currently, the Examiner considers this policy could have unintended consequences in general terms and be read outside the context of Policy 4 (Spatial Plan).
Supporting text to Policy 2: Key Views and Vistas	At the end of paragraph 7.26 add: <i>'The policy has a very specific focus on key views and vistas. However, it needs to be read in conjunction with other policies in the development plan in general, and with Policy 4 (Spatial Plan) of this neighbourhood plan in particular. Collectively they identify where development will and will not be supported.'</i>		The council consider this additional supporting text will help to provide useful clarity. Currently, the Examiner considers this policy could have unintended consequences in general terms and be read outside the context of Policy 4 (Spatial Plan).
Policy 3: Dark Night Skies	After the technical information in brackets insert the following: 'or any equivalent replacement/updated guidance'		The council consider this additional supporting text will help to provide useful clarity and ensures this policy is endured through the plan's period.
Supporting text to Policy 3: Dark Night Skies	At the end of paragraph 7.35 add: <i>'The policy provides the necessary degree of future-proofing in the event that the Institute of Lighting technical guidance is updated within the Plan period.'</i>		The council consider this additional supporting text will help to provide useful clarity.

Policy/ Section	Examiner's recommendations	Council's Decision	Justification/Reason
<p>Policy 4: Spatial Plan</p>	<p>Replace the opening part of this policy and the first bullet point with the following: 'New development should respect the rural landscape setting of the neighbourhood area and the distinctive separation between the various spring-line settlements</p> <p>Subject to proposals complying with other policies in the development plan new residential development will be supported where:'</p> <p>Insert the second and third bullet points from the submitted policy followed by the final paragraph of the policy.</p> <p>In the submitted third bullet point (and which would be the second bullet point in the modified policy) insert 'open countryside including' between 'of' and 'Kingstone'</p>		<p>The council consider this modification will provide helpful clarity and makes an appropriate cross-reference to the wider development plan.</p>
<p>Policy 5: Transport and Accessibility</p>	<p>At the beginning of the policy insert 'As appropriate to the proposal concerned' and delete 'All'.</p> <p>At the end of the second criterion add 'and'.</p>		<p>The council consider a modification to this policy will ensure development proposals of a minor and/or domestic nature are taken into account and ensures development complies with all the criteria listed in the policy. This modification will also help to provide flexibility when deciding on planning applications.</p>

Policy/ Section	Examiner's recommendations	Council's Decision	Justification/Reason
Policy 6: Local Green Spaces	<p>Delete proposed Local Green Space v. (Chalk Springs) from the policy.</p> <p>Replace proposed LGS v. (Chalk Springs) on Figure 7.29 with 'Chalk Springs and watercourses (Policy 6A).</p> <p>Make consequential changes to paragraph 7.69.</p>		The council consider a modification to remove Local Green Space v. (Chalk Springs) from this policy is necessary, as currently it is considered by the Examiner to be difficult to implement in practice.
Policy 6: Local Green Spaces	<p>Insert an additional policy as follows: Policy 6A: Chalk Springs and watercourses</p> <p>'Development proposals within the Chalk Springs/Millstream watercourses area as shown on Figure 7.29 should take account of the character and appearance of the chalk springs and watercourses and their geological and ecological significance.</p> <p>Development which would unacceptably impact on the geological and ecological significance of the area or affect the natural flow of the watercourses will not be supported.'</p>		The council consider an additional policy relating to 'Chalk Springs and watercourses' will help to ensure the continued protection of the parish's watercourses and chalk streams.
Supporting text to Policy 6: Local Green Spaces	<p>Replace paragraph 7.77 and its title with:</p> <p>THE POLICIES</p> <p>7.78 Policy 6....Local Green Spaces (as in paragraph 7.77). Policy 6A addresses a specific range of issues for the Chalk Springs/Millstream watercourses.</p> <p>Include a new paragraph 7.77 and title to read:</p>		The council consider this additional supporting text will help to provide useful clarity and local context to this additional policy relating to chalk springs and millstream watercourses in the neighbourhood plan area.

Policy/ Section	Examiner's recommendations	Council's Decision	Justification/Reason
	<p>'CHALK SPRINGS/MILLSTREAM WATERCOURSE</p> <p>7.77 The neighbourhood area includes several springs. This reflects its position to the immediate north of the North Wessex Downs and its chalk down land environment. Policy 6A provides a policy context to safeguard the parcel of land around the Millstream watercourse between Ashbury and Kingstone Winslow. It is shown on Figure 7.29.'</p>		
<p>Policy 7: Community Facilities</p>	<p>Replace 'Other than....development plan' with 'insofar as planning permission is required'</p> <p>Replace 'will be resisted' with 'will not be supported'.</p> <p>In the second part of the policy replace 'include (this list....exhaustive) with 'are'</p>		<p>The council consider a modification to this policy will help to provide useful clarity and sufficient flexibility when deciding on planning applications, in particular relating to the safeguarding of existing community facilities in the neighbourhood area.</p> <p>The modification to remove the list of facilities from this policy will help to support new facilities, in the event that they are established in the neighbourhood plan area.</p>
<p>Supporting text to Policy 7: Community Facilities</p>	<p>At the end of paragraph 7.97 add: <i>'Policy 7 identifies community facilities that will be safeguarded throughout the Plan period. This process reflects the way in which they contribute to the sustainability of the wider neighbourhood area. In the event that a new facility is established in the neighbourhood area it could be included in the schedule as and when the Plan is reviewed.'</i></p>		<p>The council consider this additional supporting text will help to provide useful clarity and ensures that new facilities established in the area can be considered in the schedule as and when the Neighbourhood Plan is reviewed.</p>

Policy/ Section	Examiner's recommendations	Council's Decision	Justification/Reason
Policy 7: Infrastructure	<p>Re-number this policy as 'Policy 8: Infrastructure'.</p> <p>Delete the first part of the policy.</p> <p>Reposition the deleted part of the policy so that it forms the opening sentence of paragraph 7.97.</p>		The council consider a modification to this policy will help to provide useful clarity.

Appendix 2 - Examiner's Report

Ashbury Neighbourhood Development Plan 2018-2031

**A report to Vale of White Horse District Council on
the Ashbury 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 February 2019 to carry out the independent examination of the Ashbury Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 11 March 2019.
- 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 designating local green spaces. It also includes policies to manage future residential growth. The Plan is very-well written and presented. It is also distinctive to the neighbourhood area.
- 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 Ashbury 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
26 April 2019

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Ashbury Neighbourhood Plan 2018-2031 (the Plan).
- 1.2 The Plan has been submitted to Vale of White Horse District Council (VWHDC) by Ashbury 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 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 breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

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.

- 2.7 In order to comply with this requirement, the District Council prepared a screening statement. It is thorough and well-constructed. It concludes that the preparation of a strategic environmental assessment is not required.
- 2.8 VWHDC also prepared a Habitats Regulations Assessment (HRA) screening report on the Plan. This report is also thorough and comprehensive. It concluded that the Plan was not likely to have any significant effect on a European site.
- 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 Evidence Base
- the Basic Conditions Statement.
- the Consultation Statement.
- the screening reports.
- the representations made to the Plan.
- the Parish Council's responses to my Clarification Note.
- the Vale of White Horse Local Plan 2011(adopted July 2006).
- the Vale of White Horse Local Plan 2031 Part 1(adopted December 2016).
- 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 11 March 2019. 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.

3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

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 the production of the Plan. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (May to July 2018) and how the community was encouraged to get involved.
- 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. It provides details about:
- the public meeting in August 2016;
 - the initial survey and consultation events in October 2016;
 - the Business Survey in March 2017;
 - the stakeholder consultation in March 2017; and
 - the Vision and Objectives campaign in June and July 2017.
- 4.4 The Statement also comments in significant detail on 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 on the pre-submission Plan. They are supplemented by details on the comments received 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. In proceeding with the examination 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. It ended on 28 February 2019. This exercise generated comments from a range of organisations and private individuals as follows:
- R Meek
 - VWHDC Leisure Development Officer
 - Gladman Developments Ltd
 - Highways England
 - Historic England
 - National Grid
 - Natural England
 - Oxfordshire County Council
 - Rob Stewart
 - Thames Water
 - VWHDC
- 4.9 Where it is appropriate to do so I make specific reference to certain representations in this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Ashbury. Ashbury village is located approximately 5 miles to the south of Faringdon and 8 miles to the west of Wantage. Its population in 2011 was 506 persons living in 217 dwellings. It was designated as a neighbourhood area on 16 September 2016.
- 5.2 The neighbourhood area has an irregular shape. It is bisected by west/east transport-related corridors including the Wiltshire and Berkshire Canal in the north, the GWR line and the Ridgeway long distance footpath and the B4507 that connects the various spring line villages and becomes the High Street and Idstone Road as it passes through Ashbury Village. It contains four distinct settlements along the spring line. The village of Ashbury is on the escarpment spring line with Idstone to the west, and the hamlets of Kingstone Winslow and Odstone to the east. Whilst their characters are different the various settlements are dominated by vernacular chalkstone and sarsen cottages with later infill buildings. This produces an attractive built environment.
- 5.3 The landscape characteristics of the neighbourhood area fall into two distinct parts. To the north is the flat open clay farmland known locally as the 'Lowland Vale'. To the south is the elevated chalk down land of the North Wessex AONB. The boundary of the AONB follows the B4507.

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 22	Housing Mix
Core Policy 37	Design and Local Distinctiveness
Core Policy 39	The Historic Environment
Core Policy 40	Sustainable Design and Construction
Cote Policy 44	Landscape
Core Policy 45	Green Infrastructure
Core Policy 46	Conservation and Improvement of Biodiversity

- 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 Ashbury is identified as a Smaller Village within the Western Vale Sub-Area in the adopted Local Plan Part 1 (Core Policy 3). These villages are defined as settlements with a low level of services and facilities where any development should be modest and proportionate in scale and primarily be to meet local needs. None of the other settlements in the neighbourhood area are specifically identified within the settlement hierarchy. In this context Core Policy 3 comments that villages not included in any of the categories in the settlement hierarchy 'will be considered to form part of the open countryside'.
- 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. As part of the examination process Main Modifications to the Plan were published for consultation on 18 February 2019. 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-on-Thames 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.

Unaccompanied Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 11 March 2019. I was fortunate in selecting a dry and breezy day.
- 5.10 I drove into the neighbourhood area from Shrivenham to the north. This provided an introduction into the landscape as it approaches the North Wessex Downs to the south.
- 5.11 I looked initially at Idstone. I saw the distinction between the properties on the B4507 and those in the main part of the village. I saw the impressive range of character buildings in such a concentrated area including Trip the Daisey, Featherbed Cottage and Idstone Farm House. Whilst they are all different in character and appearance they contribute significantly to the character and

appearance of the village. The very distinctive walls also add dramatically to this character.

- 5.12 I then looked at Ashbury. The bright sunshine complemented the very distinctive colours of the various buildings well. The overall impression was warm and welcoming. I started at the attractive and clearly-popular village shop. I looked at the open space/playground at Wixes Piece, and then the allotments (LGSi). I walked through the smaller of the two areas and then into the Upper Mill Pond area. It was an enchanting area in general, and as it reached the Mill Pond itself. I then walked into the historic core of the village along the footpath heading to the south and west.
- 5.13 Once in the historic core of the village I walked along Chapel Road. I saw a fascinating range of well-preserved vernacular buildings, the former chapel and the Village Hall. The quality of the townscape at the junction of Chapel Road and Idstone Road was exceptional. I saw that the granite cross war memorial had pride of place in this area
- 5.14 I then walked along Church Lane and up to St Mary's Church. On my way I saw the two iron benches and the avenue of trees to celebrate the coronation of Queen Elizabeth II in 1953. Both the benches and the trees remained in perfect working order. The Church itself was fascinating and well-maintained. The Norman arch on the south aisle was particularly impressive. The churchyard contained several fine granite and iron grave crosses.
- 5.15 I looked at the remainder of the village. I saw the importance to the wider community of the school on Station Road and the imposing Rose and Crown Inn on the Idstone Road
- 5.16 I finished my visit by driving to the south along the B4000 to the National Trust car park at Ashdown House. Thereafter I drove to Kingstone Winslow. I saw the proposed local green space and the iconic Mill House. I also saw the imaginative use of the former phone box as a local book exchange.

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 Ashbury 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. It includes a series of policies that seek to ensure the character and appearance of the neighbourhood area is safeguarded. 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 a policy to guide the location of new residential development (Policy 4). In the social role, it includes a policy on community uses (Policy 7) and on infrastructure. In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy 1), views and vistas (Policy 2) and on Local Green Spaces (Policy 6). The Parish Council's assessment of this matter is set out in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the 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. 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.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. For clarity this section of the report comments on all policies regardless of whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.6 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 1-6)

- 7.7 The presentation of the Plan as a whole has been prepared to an exceptional standard. It is well-organised and includes effective maps and photographs that give real depth and purpose to the Plan. The photographs at the start of each section are particularly impressive. The Plan 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.
- 7.8 The key success of the Plan is the way in which it has a clear and sharp focus on a set of issues which are distinctive to the neighbourhood area and which add value to the strategic policies in the Local Plan. This approach is consolidated by the collection of appropriate evidence and information. There is a direct and functional relationship between the evidence collected or assembled and the resulting policies. The Evidence Base document is very well-considered.

- 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 Vale of White Horse Local Plan Part 1 and the definition of the neighbourhood area itself. It is a particularly effective introduction to a neighbourhood plan
- 7.10 Section 2 comments on the Strategic Environmental Assessment and Habitats Regulations Assessment work. It overlaps with the submitted Basic Conditions Statement. I have addressed these matters in Section 2 of this report.
- 7.11 Section 3 provides helpful information about the neighbourhood area. It includes information about its location, its wider landscape and the history of the various settlements. Figures 3.1-3.4 are particularly informative. Other proportionate information is provided on the built heritage, the socio-economic characteristics, sports and leisure facilities and transport within the neighbourhood area.
- 7.12 Section 4 comments effectively on the strategic context to the Plan's policies. In particular it provides a comprehensive schedule of relevant policies from both the adopted Vale of White Horse Local Plan 2031 Part 1 and the saved policies of the Vale of White Horse Local Plan 2011.
- 7.13 Section 5 lists the key issues that are addressed in the Plan. In general terms they have a very close relationship to the historic character and natural setting of the neighbourhood area and safeguarding community facilities and local infrastructure.
- 7.14 Section 6 sets out the Community Vision and a series of Objectives for the Plan area. Their combined effect is clear, concise and proportionate. The core vision statement is both comprehensive and distinctive in equal measure and comments as follows:

'To maintain the rural character and landscape of the Parish, while supporting sustainable development that is of an appropriate scale and design to benefit the local community'

The overall Vision is underpinned by nine objectives, all of which are distinctive to the neighbourhood area. The various objectives are referenced as appropriate to the various policies in the main body of the Plan. This is both best practice and adds integrity to the plan-making process.

- 7.15 Section 7 includes the various policies. They are set out in the following subsections: Design Heritage and Setting (Policies 1-3), Spatial Strategy (Policy 4), Transport and Accessibility (Policy 5), Open Space/Local Green Space (Policy 6), and Better Facilities for Local People (Policies 7-8).

7.16 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 and 7.6 of this report.

Policy 1: Design and Heritage

7.17 This policy appropriately appears at the beginning of the schedule of policies. It celebrates the rich heritage of the neighbourhood area and its range of vernacular buildings.

7.18 The policy is underpinned by very impressive supporting text. The text describes the work undertaken on Heritage and Setting – The Evidence Base Review (May 2017) and the Character Appraisal. The supporting text reproduces key elements of this work. Figure 7.5 shows the location of the various character areas. Figures 7.9, 7.14 and 7.20 show the details of the heritage assets in Ashbury, Idstone and Kingstone Winslow respectively.

7.19 The level and detail of this work is exemplary. In particular it provides a robust and distinctive evidence base for the resulting policy. It would be an excellent template for other qualifying bodies to follow where their plans intended to craft a policy on design and heritage matters.

7.20 The policy itself translates this research work into a practical policy. It has the ability to be applied successfully through the development management process. It is positively worded and identifies the range of factors which need to be achieved in order for development proposals to be supported. In its response to the clarification note the Parish Council confirmed its intention that a developer would need to comply with each of the seven criteria within the policy, insofar as they are relevant to the development proposed and its location. I recommend accordingly.

7.21 The range of criteria are both well-considered and distinctive to the neighbourhood area. In order to bring the clarity required by the NPPF I recommend the following detailed modifications to two of the criteria as follows:

- In criteria 1 replacing 'in keeping' with 'respects'. This acknowledges that certain types of new development could come forward which may be innovative but which would respect the scale, form, layout, appearance and density of adjacent development. This would ensure that the Policy has full regard to paragraphs 56-61 of the NPPF.
- In criterion 5 align the language used so that it has regard to national policy and to take account of archaeological matters.

In C1 replace 'Is in keeping' with 'Respects'

In C5 replace enhances with 'conserves or enhances'. At the end of the criterion add: 'both above and below ground, including buildings, scheduled monuments, conservation areas and non-designated heritage assets'

After criteria 1-5 add a semi-colon. After criterion 6 add '; and'

At the end of paragraph 7.19 add: 'It requires that development proposals comply with each of the seven criteria. Plainly development proposals will have different impacts on the various criteria. They will be applied in the decision-making process insofar as they are relevant to the development proposed and its location.'

Policy 2: Key Views and Vistas

- 7.22 This policy is similarly underpinned with detailed evidence to that used in Policy 1. In this case the views are defined in the 'Open Space and Views' survey (May 2017). Figures 7.24, 7.26 and 7.27 show the details of the key views and vistas.
- 7.23 The policy itself has two related parts. The first offers strong support to development which would maintain or enhance the identified key views and vistas. The second part identifies that reference will be made to the character appraisal in determining planning applications that affect the identified key views and vistas.
- 7.24 I am satisfied that the policy meets the basic conditions in general terms. However as submitted it could have unintended consequences in general terms, and be read outside the context of Policy 4 (Spatial Plan) in particular. I recommend a modification to both the policy and the supporting text to remedy this matter.

At the beginning of the policy add: 'Subject to proposals otherwise complying with Policy 4 (Spatial Plan) of this Plan'

At the end of paragraph 7.26 add: 'The policy has a very specific focus on key views and vistas. However, it needs to be read in conjunction with other policies in the development plan in general, and with Policy 4 (Spatial Plan) of this neighbourhood plan in particular. Collectively they identify where development will and will not be supported.'

Policy 3: Dark Night Skies

- 7.25 This policy celebrates the dark night skies in the neighbourhood area. The approach in the Plan was supported in the initial Ashbury survey in 2016. Detailed evidence for the policy has been secured from published national sources.
- 7.26 The policy meets the basic conditions in general terms. It identifies appropriate lighting standards, a lighting hierarchy and a series of matters which development proposals should incorporate.
- 7.27 The reference to the Institute of Lighting Professionals guidance demonstrates the technical integrity which has been incorporated into the policy. Nevertheless, it runs the risk that the guidance becomes out of date during the Plan period. I recommend that this matter is addressed by the inclusion of additional wording within the policy.

After the technical information in brackets insert ‘or any equivalent replacement/updated guidance’

At the end of paragraph 7.35 add: ‘The policy provides the necessary degree of future-proofing in the event that the Institute of Lighting technical guidance is updated within the Plan period’.

Policy 4: Spatial Plan

- 7.28 This policy is an important component of the Plan. It seeks to provide detailed local advice on the location of new development to supplement that which already exists in the adopted Local Plan Part 1. In particular its approach conforms with the local plan hierarchy within which Ashbury is categorised as a Smaller Village and the remainder of the neighbourhood area is considered as open countryside.
- 7.29 Paragraphs 7.39 to 7.42 comprehensively describe this strategic context. Paragraphs 7.43 to 7.45 describe the context to development within the three separate settlements and their relationships to the local spring lines at the foot of the North Wessex Downs. They describe the natural gaps between the settlements which contribute towards their character and appearance.
- 7.30 These related elements translate into the policy itself. However, the first part is supporting text which then provides a context for the more detailed second part. I recommend modifications to address this matter. Collectively they will bring the clarity required by the NPPF. They do not alter the ethos and approach of the policy itself.
- 7.31 I also recommend that the policy makes an appropriate cross-reference to the wider development plan.

Replace the opening part of the policy and the first bullet point with the following:

‘New development should respect the rural landscape setting of the neighbourhood area and the distinctive separation between the various spring-line settlements

Subject to proposals complying with other policies in the development plan new residential development will be supported where:’

Examiner’s Note: At this point insert the second and third bullet points from the submitted policy followed by the final paragraph of the policy

In the submitted third bullet point (and which would be the second bullet point in the modified policy) insert ‘open countryside including’ between ‘of’ and ‘Kingstone’

Policy 5: Transport and Accessibility

- 7.32 This policy sets out policy requirements for new development on transport and accessibility requirements. It does so to good effect. It also reflects the distinctive nature of the neighbourhood area.
- 7.33 I recommend similar modifications to those included within Policy 1 in relation to the need for developers to comply with all the listed criteria as appropriate. I also recommend that the policy should recognise that the policy will apply in different ways to development proposals. As submitted the policy refers to all development. This fails to take into account that the majority of development in the plan period will be of a minor and/or domestic nature and which would not generate the need for any or all of the factors listed in the policy.

At the beginning of the policy insert 'As appropriate to the proposal concerned' and delete 'All'.

At the end of the second criterion add 'and'.

Policy 6: Local Green Spaces

- 7.34 This policy proposes five local green spaces (LGSs) in Ashbury. I looked at them when I visited the neighbourhood area. In their different ways they are very attractive green areas within the fabric of the village.
- 7.35 The five proposed LGSs are assessed against the criteria for such designation contained within the NPPF in a separate LGS evidence document. This is best practice. It also demonstrates that the Parish Council has addressed this matter in a professional and responsible fashion.
- 7.36 I am satisfied that proposed LGSs i, ii, iii, and iv are both appropriate and meet the tests in the NPPF. As such they meet the basic conditions.
- 7.37 Proposed LGS v, the Chalk Springs/Millstream watercourses, is an equally-attractive area. However, as the LGS evidence documents describes, and as Figure 7.29 indicates, the definition of the proposed LGS is not clear. The evidence document proposes that the LGS is defined as the area five metres on either side of the chalk stream. I understand the approach taken. Nevertheless, it will be difficult to define for development management purposes. In addition, the chalk stream has the ability to change its alignment throughout the Plan period and its profile may vary on a seasonal basis.
- 7.38 In these circumstances I recommend that this LGS is deleted from the policy. The issue of the protection of the chalk stream would be more appropriately addressed within a free-standing policy. Its effect would be largely similar to the designation of the strip of land as LGS as proposed in the submitted Plan. Given that the submitted policy has been subject to the wider consultation process on the Plan, and indeed has not attracted any representations, I am satisfied that no party would be disadvantaged by such an approach. The Parish Council has responded positively to this proposition in its response to the clarification note.

Delete proposed LGS v. (Chalk Springs) from the policy

Replace proposed LGS v. (Chalk Springs) on Figure 7.29 with 'Chalk Springs and watercourses (Policy 6A).

Make consequential changes to paragraph 7.69.

Insert an additional policy as follows:

Policy 6A: Chalk Springs and watercourses

'Development proposals within the Chalk Springs/Millstream watercourses area as shown on Figure 7.29 should take account of the character and appearance of the chalk springs and watercourses and their geological and ecological significance.

Development which would unacceptably impact on the geological and ecological significance of the area or affect the natural flow of the watercourses will not be supported.'

Replace paragraph 7.77 and its title with:

THE POLICIES

7.78 Policy 6.... Local Green Spaces (as in paragraph 7.77). Policy 6A addresses a specific range of issues for the Chalk Springs/Millstream watercourses.

Include a new paragraph 7.77 and title to read:

CHALK SPRINGS/MILLSTREAM WATERCOURSE

7.77 The neighbourhood area includes several springs. This reflects its position to the immediate north of the North Wessex Downs and its chalk down land environment. Policy 6A provides a policy context to safeguard the parcel of land around the Millstream watercourse between Ashbury and Kingstone Winslow. It is shown on Figure 7.29.

Policy 7: Community Facilities

- 7.39 This policy seeks to safeguard a series of community facilities in the neighbourhood area. I looked at the identified facilities as part of my visit. I saw how they contributed towards the sustainability of the neighbourhood area in their different ways. The Village Shop and Tea Room is an attractive, innovative concept. It also serves a very pleasant cup of coffee and a piece of cake.
- 7.40 The policy is well-designed. It takes account of permitted development rights. It also provides a degree of flexibility to address viability issues. This ensures that the policy has regard to national policy. Plainly this aspect of the policy will affect the commercial facilities to a greater extent than the other facilities identified.
- 7.41 I recommend three modifications to the policy so that it has the clarity required by the NPPF for a development plan policy. The first is in relation to the opening

part of the policy which comments about permitted development rights and other policies in the development plan. I recommend that the wording is simplified. I also recommend that the cross-referencing to other development plan policies is removed. Whilst I have recommended such an approach for other policies in the Plan, I am not convinced that it is necessary in relation to this policy as it explicitly looks to safeguard community facilities in a discrete neighbourhood area.

- 7.42 The second is in relation to the prescriptive language used in the policy. I recommend that 'will be resisted' is replaced with 'will not be supported'. Plainly VWHDC will need to balance all material considerations in determining any such planning applications.
- 7.43 The third is in relation to the opening part of the second part of the policy which lists the facilities to which the policy applies. On the one hand it lists the facilities. On the other hand, it then comments that the list is not exhaustive. This approach does not have the clarity required by the NPPF. I recommend that the relevant element of the policy is deleted. In the event that a new facility is established in the neighbourhood area it could be included in the schedule as and when the Plan is reviewed.

Replace 'Other than.... development plan' with 'Insofar as planning permission is required'

Replace 'will be resisted' with 'will not be supported'.

In the second part of the policy replace 'include (this list...exhaustive) with 'are'

At the end of paragraph 7.97 add: 'Policy 7 identifies community facilities that will be safeguarded throughout the Plan period. This process reflects the way in which they contribute to the sustainability of the wider neighbourhood area. In the event that a new facility is established in the neighbourhood area it could be included in the schedule as and when the Plan is reviewed.'

Policy 8 Infrastructure

- 7.44 This policy is identified as Policy 7 in the submitted Plan. For clarity I recommend that it becomes Policy 8.
- 7.45 It comments that active support will be given to development which is consistent with other policies in the Plan and where it secures the provision of funding for infrastructure that mitigates the effect of development.
- 7.46 In general terms the policy meets the basic conditions. In particular it is a supportive and non-prescriptive policy. Nonetheless I recommend the deletion of the opening part of the policy. It is both supporting text and a scene-setter for the bulk of the policy. Given that it fulfils this role well I recommend that it is repositioned into the supporting text.

Delete the first part of the policy

Reposition the deleted part of the policy so that it forms the opening sentence of paragraph 7.97.

Other Matters

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

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

Modification of specific text

- 7.48 VOWHDC has suggested a series of amendments to the Plan in its representations. I have found its comments very helpful. I recommend modifications in the following matters. They are those required to ensure that the Plan meets the basic conditions.

Paragraph 1.1 – *replace 'significant' with full'.*

Paragraphs 3.28/3.33 – *replace the coloured text with normal text.*

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 Ashbury 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, the Ashbury 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 16 September 2016.
- 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
26 April 2019

Appendix 3 - Consequential and/or Factual Changes

Section	Agreed change	Justification/Reason
Supporting text to Introduction & Background	At paragraph 1.1 replace 'significant' with 'full'	The council consider this modification will help to provide useful clarity as once the neighbourhood plan is made it will carry full weight in decision making
Supporting text to About the Parish	At paragraphs 3.28 and 3.33 replace the coloured text with normal text.	The council consider this a presentational and formatting error.