

VALE OF WHITE HORSE DISTRICT COUNCIL

UFFINGTON AND BAULKING NEIGHBOURHOOD PLAN DECISION STATEMENT

Summary

- 1 Following an independent Examination, Vale of White Horse District Council's Cabinet Member for Planning confirmed on 24 April 2019 that the Uffington and Baulking Neighbourhood Plan will proceed to referendum.
- 2 This Decision Statement and the Examiner's Report can be viewed on the Council's website. 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
St Mary's Church, Broad St, Uffington, Faringdon, SN7 7RD	during normal opening times
St Nicholas Church, Station Rd, Baulking, Faringdon SN7 7QE	during normal opening times

Background

- 3 Uffington Parish Council, as the qualifying body, successfully applied for the Uffington and Baulking parishes to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
- 4 Following the submission of the Uffington and Baulking 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 24 January 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 24 April 2019:

1. To accept all modifications recommended by the Examiner;
2. to determine that the Uffington and Baulking 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 Uffington and Baulking 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 Uffington and Baulking 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 Uffington Parish Council submitted the Plan to VOWHDC in 25 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 10 April 2019, concluding that subject to modifications proposed, the Uffington and Baulking 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 has come to the view 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 economic dimension the Plan includes policies for housing UBNP H1-H4 and policies on economy and employment UBNP EE1-EE4. In the social role, it includes policies for housing CNP H1-H8, policies for design UBNP D1-D6 and policies for sustainability and infrastructure UBNP S3 and S4. In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment through policies for landscape UBNP L1-L3, design UBNP D3, D5 and D6, and sustainability and infrastructure policies UBNP S1 and S2. 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 has prepared a Strategic Environmental Assessment (SEA) screening statement for Uffington and Baulking Neighbourhood Plan in January 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 agree with the council's conclusion.
- 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 23 January 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)' which 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 (finalised April 2019) 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. Natural England confirmed on 4 April 2019 that they agree with the conclusions of the revised screening assessment report, that the Uffington and Baulking Neighbourhood Plan will not give rise to likely significant effects on European sites, and that an Appropriate Assessment is therefore not required.

- 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 9 March 2017.
- 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 Uffington and Baulking 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.

Authorised by: Holly Jones
On behalf of Head of Planning

Signed: 

Date: 14 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 L1 & L2 Page 18	<p>Replace the separate Policy L1 and L2 with a combined policy.</p> <p>The combined policy should take the following format:</p> <ul style="list-style-type: none"> ○ A new opening section ○ Policy L1 (as submitted) ○ Policy L2 (as submitted and with recommended modifications as set out below) ○ A new final section <p>At the beginning of the modified policy insert: ‘Development proposals should take account of the landscape within their immediate locality and its ability to accommodate the development proposed’</p> <p>At the end of the combined policy add: ‘Subject to the detailed requirements of this policy development proposals will be supported where they are located in parts of the neighbourhood area which have the capacity to accommodate the proposed development without significant effects on its character. Development proposals which would have unacceptable effects on the</p>	Agree	As originally worded the policy provided little practical advice on how a development proposal would be determined within the planning process. The council considers the modification to be necessary to simplify the wider issue and bring the clarity required by the NPPF.

	<p>landscape character of its immediate locality or the wider neighbourhood area will not be supported'</p> <p>The combined policy should sit within the Plan where Policy L2 is located in the submitted Plan and be headed Policy L1 Landscape Capacity and Assessment</p>		
Supporting text for Policy L1 Page 18	<p>At the end of the supporting text on page 18 add: <i>'Policy L1 has been designed to address the specific issue of landscape capacity. It is a particularly sensitive matter in the neighbourhood area. The policy should however be read within the wider context of the development plan. In particular policies H2A and H2B of this neighbourhood plan provide specific guidance on the scale and location of potential new residential development.'</i></p>	Agree	The council considers the modifications to be necessary to provide a spatial context for development and provide the clarity required by the NPPF.
Policy L2 Page 19	<p>In Policy L2 delete 'in order to.....in the LCS' In Policy L2 incorporate the second paragraph at the end of the modified first paragraph.</p>	Agree	The council considers the proposed modifications are necessary to ensure the policy provides the clarity required by the NPPF.
Policy L3 Page 20	<p>In the opening part of the policy replace 'will be' with 'are'. At the end of the policy add: 'Development on land designated as a Local Green Space will only be supported in very special circumstances'</p>	Agree	Currently the policy proposes the designation of a series of LGSs. It does not set out the policy implications of such designations. The council considers the modification to be necessary to ensure that the policy implications are clear to reach the clarity required by the NPPF.

Policy L3 Page 20	In proposed LGS 3 delete ' belonging to.... Gardiner '	Agree	The council considers the modification to be necessary to comply with GDPR regulations.
Policy L3 Page 20	Delete proposed LGS4 from the policy. Remove the proposed LGS4 from Figure 7.	Agree	The council considers the modification to be necessary as the Local Green Space identified does not meet the criteria included in paragraph 77 of the NPPF in that it is not demonstrably special or locally distinctive and therefore should be removed.
Policy H1 Page 31	In the policy title replace ' Number ' with ' Type ' Delete the first sentence of the policy.	Agree	As submitted the first part of the policy is not a policy. It only comments on the number of dwellings required in the neighbourhood area (based on the independent HNA). The council considers the modification to be necessary to make the policy intention clear.
Policy H1 Page 31	Reposition the second sentence of the policy so that it sits in its own right as a separate part of the policy. In doing so insert ' meet the locational requirements identified in Policy H2A of this Plan and ' between ' that ' and ' provide '. Replace ' permitted ' with ' supported '.	Agree	The council considers the modification to be necessary to provide effective policy guidance on the location of new housing.
Policy H1 Page 31	Replace the final part of the policy with: 'New residential developments which deliver one and two-bedroom houses will be particularly supported'	Agree	The council considers the modification to be necessary for the clarity of the policy. Whilst the generality of the approach is clear its details are less obvious given that neither 'smaller' nor 'primarily' are defined.
Supporting text to Policy H1 Page 30	At the end of paragraph 4.7.3 add: <i>'Policy H1 identifies the mix and type of dwellings sought for the delivery of new housing in the remainder of the Plan period. It also provides a context for other housing</i>	Agree	The council considers the modifications to be necessary to provide the context for development and provide the clarity required by the NPPF.

	<i>policies. The Plan will be monitored on these and other matters. Where appropriate measures will be taken to review the Plan in the event that delivery is not taking place as anticipated.'</i>		
Policy H2 Page 34	Replace the title of Policy H2 with ' Location of New Housing development '	Agree	The council agrees that the title of the policy should be changed to reflect the amendments made to the policy overall.
Policy H2A Page 34	Insert ' of Uffington ' between ' built area ' and ' will be supported '.	Agree	The council considers the modifications to be necessary to ensure that the policy meets the basic conditions in general, and is in general conformity with the strategic policies in the development plan in particular.
Policy H2B Page 34	Delete ' and the settlement of Baulking '. Replace ' permitted ' with ' supported '. Replace ' are supported by ' with ' accord with '. Delete ' If listed.... will be retained '.	Agree	The council considers the modifications to be necessary to ensure that it is consistent with the approach taken in the recommended modifications to Policy H2A.
Policy H2B Page 34	Replace ' Examples where.... include ' with ' The following types of new housing development will be supported where they accord with other policies in this Plan in general, and with Policy D1 in particular: '	Agree	The council considers the proposed modifications are necessary to ensure the policy provides the clarity required by the NPPF.
Policy H2B Page 34	At the end of the policy add: 'Insofar as appropriate to particular proposals for new residential development the integrity of listed buildings, their settings and any features of architectural significance should be safeguarded.'	Agree	The council considers the proposed modification is necessary as this aspect is only applicable to certain types of development.

<p>Policy H2C Page 34</p>	<p>At the beginning of the policy add: ‘Any proposals for new residential development in the North Wessex Downs AONB will be determined having regard to the purpose of conserving and enhancing the natural beauty of the designated area and within the context of Policy CP44 Landscape of the adopted Vale of White Horse Local Plan Part 1. Where proposals comply with these national and local policy tests’</p> <p>In the submitted policy thereafter: Delete ‘Any’. Delete ‘within.... AONB’. Replace ‘shall’ with ‘should’ in the both the first and second sentences. At the beginning of the second sentence add: ‘In addition’ At the end of the second sentence add: ‘as appropriate to its location’.</p>	<p>Agree</p>	<p>As submitted the policy suggests that development in the AONB is acceptable in principle and that the purpose of the policy is to influence its design and layout and how it can be incorporated within this landscape.</p> <p>The council considers the proposed modification is necessary as this approach does not meet the basic conditions in terms of reflecting the duty on decision-makers to take account of the AONB.</p>
<p>Policy H3 Page 35</p>	<p>Replace the policy and its title with: Housing Development in Baulking</p> <p>‘Proposals for new residential development in Baulking will be considered against national planning policy, policies in the development plan and policy H2B of this neighbourhood plan. Proposals for housing development in Baulking to meet local housing need will be supported subject to the following criteria:</p>	<p>Agree</p>	<p>There is a definitive statement in the adopted development plan that Baulking lies within the countryside. Therefore the council considers the modifications to be necessary to ensure that the policy meets the basic conditions in general, is in general conformity with the strategic policies in the development plan and is consistent with other recommended modifications to the submitted Plan.</p>

	<ul style="list-style-type: none"> • they provide for an evidenced local need which cannot otherwise be delivered within a location which accords with policies in the development plan; • they are of a scale and size which directly relate to the identified local need; • they would not have an unacceptable impact on the visual and landscape amenities of Baulking in general, and the gaps between the existing dwellings in particular; • they would safeguard the amenities of existing residential properties; and • they would preserve or enhance the character or appearance of the Baulking Conservation Area' 		
Page 34	<p>Insert additional supporting text at the bottom of page 34 to read:</p> <p><i>'Policy H3 is included within the Plan to address a specific set of circumstances. Whilst Baulking is a separate community it is located within the countryside. In this context the Plan addresses two potentially conflicting matters. On the one hand there is evidence of specific housing need from the HNA. On the other hand, in the adopted development plan Baulking is identified as being within the countryside. The policy seeks to set out an appropriate balance. It reflects the overarching planning policy position set out in the Vale of Horse Local Plan and Policy H2B of this Plan. At the same time, it provides the opportunity for housing proposals to address a genuine evidenced local need to be</i></p>	Agree	The council considers the modifications to be necessary to provide the context for development and provide the clarity required by the NPPF.

	<i>considered in a positive way. The series of criteria in the policy identify the circumstances that would need to be met in order for any such proposals to achieve support through the planning process. The policy has been designed, where appropriate, to support the delivery of individual dwellings to support local needs. The policy does not support large scale or speculative development proposals.'</i>		
Policy H4A Page 36	In the first part of the policy replace 'permitted' with 'supported'	Agree	The approach in the submitted Plan is very prescriptive and has the ability to detract from VOWHDC's need to assess all material planning considerations on each and every planning application on a site-by-site basis. The council considers the modification to be necessary to have the clarity required by the NPPF.
Policy H4B Page 36	Replace the policy with: 'A heritage impact assessment should be submitted in support of all applications for planning permission where there is any potential impact on heritage assets. Any such assessment should be proportionate to the size of the proposed development.'	Agree	In order to contribute to the achievement of sustainable development, the council considers the modification to be necessary in order to implement a suggestion by Historic England in its representation to the submitted Plan.
Policy D1 Page 38	Replace the title with 'Overall Design Quality' Replace the first sentence of the policy with: 'All new development should be of a high-quality design which takes account of its location and reflects its particular local identity. Where appropriate the development	Agree	The council considers the modification to be necessary to clarify the objective of the policy, that it is to ensure good design rather than to achieve compliance with another document.

	<p>concerned should take account of the principles included in the Vale Design Guide 2015'</p> <p>Delete the second sentence.</p>		
Supporting text for Policy D1 Page 37	<p>Insert the deleted second sentence of the policy as a separate paragraph of supporting text after the text on page 37. In doing so replace <i>'brought forward'</i> with <i>'being considered and developed'</i> and <i>'applicants'</i> with <i>'property owners.'</i></p> <p>At the end of the new paragraph of text add: <i>'Property owners should be encouraged to produce good design irrespective of the scale of the development proposed and/or the need for planning permission. This will help to ensure that the quality of the existing built environment is safeguarded'</i></p>	Agree	The council considers the modification to be necessary as a planning policy cannot directly attempt to control a property owner's approach towards proposals which are permitted development and therefore beyond planning control.
Policy D2 Page 41-42	<p>Replace the policy with:</p> <p>'New buildings or extensions will be supported where they are proportionate to their plot sizes, where they do not dominate neighbouring buildings and where they do not close important gaps or otherwise impede public local views. At the edge of the settlements, the sporadic nature of development will be maintained and the form and massing of any new building scaled accordingly. Where appropriate to the development concerned the design of new proposals should incorporate the following distinctive features in the neighbourhood area:</p>	Agree	The examiners recommended modifications incorporate the key design principles from the Vale Design Guide 2015. The council considers the proposed modifications are necessary to ensure the policy provides the clarity required by the NPPF.

	<p>1. A simple floor plan and pitched roof (following the Vale Design Guide 2015 principles DG52 and DG57).</p> <p>2. Ridge heights that do not exceed those of buildings in the immediate vicinity.</p> <p>3. Facades and windows details which following principles in the Vale Design Guide 2015 DG58 to 61.</p> <p>4. Materials and colour palette which follow the Vale Design Guide Section E zone 4 and Community Led Plan Section 5 Housing and Design.</p> <p>Proposals which would result in outstanding or innovative designs will be supported where they would raise the standard of design more generally in the neighbourhood area and respect the local context and scale of existing built development.'</p>		
Policy D3 Page 42	<p>In the first sentence replace 'will' with 'will be supported where they are'</p> <p>In the second sentence replace 'These boundary features will' with 'Boundary features should' and delete '(close board.... this policy)'</p>	Agree	As submitted the policy is worded as an ambition rather than a policy. The council considers the proposed modifications are necessary so that it adopts a policy approach.
Policy D3 Page 42	<p>At the end of the third paragraph of text in Section 5.4 add:</p> <p><i>'This approach is not supported by Policy D3. It supports more traditional and ecologically-sensitive approaches to this important component of the built environment in the neighbourhood area. Natural stone walls, post and rail fencing and hedges using native species will be particularly appropriate in the neighbourhood area.'</i></p>	Agree	The council considers the modifications to be necessary to provide the context for development and provide the clarity required by the NPPF.

Policy D4 Page 43	Replace the policy with: 'Proposals which include new footpaths and/or highways will be supported where these features respect the rural nature of the neighbourhood area in general terms and their local context in particular. Where appropriate to the development concerned the design of new proposals should incorporate the principles of DG31 of the Vale Design Guide 2015.'	Agree	As submitted the policy is worded as an ambition rather than a policy. The council considers the proposed modifications are necessary so that it adopts a policy approach.
Supporting text for Policy D4 Page 42	At the end of the fourth paragraph of text in Section 5.4 add: <i>'Over-engineered proposals should be avoided. All proposals should have an over-riding objective to secure a simple rural character and design with proportionate safety measures'</i>	Agree	The council considers the modifications to be necessary to provide the context for development and provide the clarity required by the NPPF.
Policy D5 Page 43	Replace the policy with: 'Proposals which require utility supplies will be supported where these features respect the rural nature of the neighbourhood area in general terms and their local context in particular. Where appropriate to the development concerned the design of new proposals should incorporate the principles of DG41 of the Vale Design Guide 2015 and be installed below ground. Proposals within conservation areas which would result in the sinking of existing utility	Agree	As submitted the policy is worded as an ambition rather than a policy. The council considers the proposed modifications are necessary so that it adopts a policy approach.

	supplies below ground will be particularly supported.'		
Policy D6 Page 45	<p>In the first part of the policy replace 'maintained' with 'safeguarded'.</p> <p>In the second part of the policy replace 'Developments.... incorporate sufficient' with 'Development proposals will be supported which incorporate appropriate'</p> <p>In the second part of the policy replace 'be discouraged' with 'will not be supported' and replace the final sentence with: 'Insofar as planning permission is required soft architectural lighting of buildings will be supported'</p>	Agree	As submitted the policy includes a mixture of policy, supporting text and other related statements. The examiner has suggested a series of recommendations that ensure that the relevant elements of the policy approach appear in the correct places. This will bring the clarity required by the NPPF
Policy D6 Page 44	<p>At the end of the supporting text at the bottom of page 44 add:</p> <p><i>'Policy D6 addresses this important local matter. It acknowledges that a degree of external lighting may be necessary for safety and legibility. However, it does not offer support to floodlighting, illuminated advertising and the harsher elements of lighting onto buildings in the neighbourhood area.'</i></p>	Agree	The council considers the modifications to be necessary to provide the context for development and provide the clarity required by the NPPF.
Policy EE1A Page 47	Replace 'permitted, dependent on.... the NPPF' with: 'supported where they would not have an unacceptable impact on the residential	Agree	The examiner recommends that the policy includes safeguards with regard to residential amenity, highway capacity and access.

	amenity of dwellings in the immediate locality of the site concerned, where there is capacity in the local highway network to accommodate the vehicular traffic generated by the proposed development and where satisfactory access and car parking arrangements can be achieved'		Otherwise it could have unintended consequences. The approach taken in the policy is not clarified in the supporting text and therefore does not have the clarity required by the NPPF.
Policy EE1B Page 47	Replace the policy with: 'Proposals for the change of use of retail or employment facilities to other uses will not be supported unless the proposal concerned demonstrates that it complies with Policy CP29: Change of Use of Existing Employment Land and Premises of the adopted Local Plan Part 1 or any successor policy on this matter'	Agree	The examiner recommended a series of modifications to ensure that the policy has the clarity required by the NPPF. This included the deletion of the initial references to permitted development rights, as the reference is unnecessary and subject to change within the Plan period. Secondly, the deletion of the reference to 'strong justification' given that it not otherwise defined either in the policy or within the supporting text. Thirdly, the recommendation that the policy makes an explicit reference to Policy CP29 of the Local Plan Part 1 to ensure that there is a strategic connection to the exceptions to the safeguarding approach towards the loss or the reduction in scale of employment uses.
Page 47	In the paragraph of text after the policy replace <i>'This policy'</i> with <i>'Policy EE1A'</i> Thereafter add: <i>'Policy EE1B seeks to safeguard existing retail and employment uses in the neighbourhood area. It reflects the importance of such uses in general, and the village shop in Uffington in particular, to the sustainability of the neighbourhood area. It makes a connection with Policy CP29: Change of</i>	Agree	The council considers the modifications to be necessary to provide a degree of context to the existing reference to Policy CP28 of the Local Plan Part 1 and provide the clarity required by the NPPF.

	<i>Use of Existing Employment Land and Premises of the Local Plan Part 1. That policy identifies circumstances where the potential for alternative uses may exist.'</i>		
Policy EE3A Page 48	Delete 'or conflict significantly with existing retail services.' Insert 'and' between 'amenity' and 'give' (and delete the current comma).	Agree	The council considers the modification to be necessary as the planning system does not directly have a role in preventing business competition between similar uses. Any proposals for a new retail unit which may arise as a result of this policy would need to be assessed on their individual merits.
Policy EE3B Page 48	Insert 'the establishment and operation of' between 'required' and 'small-scale' . Replace 'create nuisance' with 'detrimentally impact on the residential amenities of other dwellings in the immediate locality' Replace 'through the settlements' with 'in the settlement concerned' .	Agree	Some of the language used in the submitted policy is vague, therefore the council considers the proposed modifications are necessary to ensure the policy provides the clarity required by the NPPF.
Policy EE4 Page 49	Delete 'Consistent.....CP31' Replace 'the provision' with 'the development' Insert 'unacceptably' between 'not' and 'detract' . Replace 'historical' with 'heritage' .	Agree	The policy highlights its relationship with Core Policy CP31 of the Local Plan. Whilst this is the case, the neighbourhood policy is not required to establish a connection. The council also considers the modifications to be necessary to provide the context for development and provide the clarity required by the NPPF.
Policy S1A Page 53	Replace the policy with:	Agree	As submitted the policy includes a mixture of policy statements and supporting text. It does

	'Proposals for the development of new green infrastructure, either in their own right or as part of a wider development, will be supported where they are stocked with native tree, plant and grass species'		not directly use policy language to identify the type of development that would be supported. The council considers the proposed modifications are necessary so that it adopts a policy approach.
Policy S1A Page 53	Insert a new paragraph of supporting text after that at the top of page 53 to read: <i>'Policy S1 offers support for new green infrastructure provided that it is stocked with native species. Where appropriate this approach will assist in compensating for the loss of habitat that results from wider development of which the new green spaces form a part'</i>	Agree	The council considers the modifications to be necessary to provide the context for development and provide the clarity required by the NPPF.
Policy S1B Page 53	At the beginning of the policy add 'Where appropriate to their locations development proposals will be supported which include provision for' . Replace 'will be managed' with 'to be managed' . In the second part of the policy insert 'proposals which incorporate the' after 'wildlife needs' and replace 'strongly encouraged' with 'particularly supported' .	Agree	As submitted, the policy includes a mixture of policy statements and supporting text. It does not directly use policy language to identify the types of development that would be supported. The recommended modifications shift the focus to an expectation on developers to manage the network of wildlife corridors insofar as they affect any development proposals. The council considers the proposed modifications are necessary so that it adopts a policy approach.
Policy S2 Page 55	Delete the first and third parts of the policy.	Agree	There is no need for a neighbourhood plan to repeat national and/or local policies. In addition, the third element is more of a process requirement rather than a planning policy. The council considers the proposed modifications

			are necessary to ensure the policy provides the clarity required by the NPPF.
Supporting text for Policy S2 Page 54	At the end of the supporting text on page 54 add: <i>'Developers should take account of published material on flood risks when preparing proposals in the neighbourhood area. These include Reference Document L to this neighbourhood plan and information held by the Environment Agency and other statutory bodies'</i>	Agree	The examiner recommends that key elements of the local approach are captured in the supporting text to provide the context for development and provide the clarity required by the NPPF.
Policy S3 Page 56	In the first part of the policy replace ' must provide sufficient ' with ' should provide appropriate ' and ' compliant ' with ' which complies '.	Agree	The council considers the proposed modifications are necessary to ensure the policy provides the clarity required by the NPPF.
Policy S4 Page 57	Delete the policy Replace the policy as additional supporting text (without its title Policy S4- Amenities).	Agree	As currently worded, the policy is not a policy. It identifies the ways in which the Parish Council and the Parish Meeting will apply the local elements of either Section 106 agreement monies or the CIL and its general approach provides an appropriate ending for Section 7.8 of the Plan.
Other matters	Modification of the general text (where necessary) to achieve consistency with modified policies	Agree	The council agrees with the examiner that it may be necessary to amend the plan where consequential changes to the text are required directly as a result of the examiners recommended modifications.

Page iii Second paragraph point 3	Delete <i>'over most of the Plan area'</i> .	Agree	The council considers the modifications to be necessary to ensure that the Plan meets the basic conditions
Page iv Third paragraph	Delete <i>'None of the policies...Consequently the'</i> .	Agree	The council considers the modifications to be necessary to ensure that the Plan meets the basic conditions
Page 10 Paragraph 2.11	Delete <i>'because the Plan.... Sites'</i>	Agree	The council considers the modifications to be necessary to ensure that the Plan meets the basic conditions
Paragraph 4.2: Final paragraph Page 22	Replace the final sentence with <i>'Policy H3 addresses future development in Baulking'</i>	Agree	The council considers the modifications to be necessary to ensure that the wording is consistent with other recommended modifications to the submitted Plan.
Paragraph 4.3: Final paragraph Page 22	Replace <i>'established'</i> with <i>'designated'</i>	Agree	The council considers the modifications to be necessary to ensure that the wording is consistent with other recommended modifications to the submitted Plan.
Paragraph 4.7.2: Final paragraph Page 29	Delete the third point.	Agree	The council considers the modifications to be necessary to ensure that the wording is consistent with other recommended modifications to the submitted Plan.
Paragraph 4.8.2 Page 32	Delete the final paragraph (in relation to Baulking).	Agree	The council considers the modifications to be necessary to ensure that the wording is

			consistent with other recommended modifications to the submitted Plan.
Paragraph 4.8.5: Final paragraph Page 33	<p>Replace the paragraph with:</p> <p><i>‘Baulking is identified in the adopted Local Plan Part 1 as being located in the open countryside. The Neighbourhood Plan has prepared evidence to support the potential for limited new development to meet identified local needs within the context provided both by local plan policies and Policy H2B of this neighbourhood plan’</i></p> <p>Examiner’s note – this replacement paragraph would sit in the Plan immediately before the recommended new paragraph of text set out in paragraph 7.62 of this report (within the context of the supporting text to Policy H3).</p>	Agree	The council considers the modifications to be necessary to ensure that the wording is consistent with other recommended modifications to the submitted Plan.

Appendix 2 - Examiner's Report

Uffington and Baulking Neighbourhood Development Plan 2011-2031

**A report to Vale of White Horse District Council on
the Uffington and Baulking 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 Uffington Neighbourhood Plan.

2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 23 February 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.

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 Uffington and Baulking 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
10 April 2019

1 Introduction

1.1 This report sets out the findings of the independent examination of the Uffington and Baulking Neighbourhood Plan 2011-2031 (the Plan).

1.2 The Plan has been submitted to Vale of White Horse District Council (VWHDC) by Uffington 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 Uffington 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 and the Parish Meeting, to conduct the examination of the Plan and to prepare this report. I am independent of both the VWHDC and the Parish Council and the Parish Meeting. 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 VWHDC produced a screening report in January 2018. It indicates that the Plan is not likely to have any likely significant effects on the environment. The report is both comprehensive and thorough. The necessary engagement with the consultation bodies was undertaken.

2.8 VWHDC also prepared a Habitats Regulations Assessment (HRA) screening report on the Plan. This report is also thorough, comprehensive and professionally-prepared. It concluded that the Plan was not likely to have any significant effect on a European site. In reaching this conclusion the screening report took account of the Hackpen Hill SAC.

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 and its various appendices.
- the Basic Conditions Statement.
- the Consultation Statement.
- the VWHDC Screening Report.

- the representations made to the Plan.
- the Parish Council/Parish Meeting responses to my Clarification Note.
- the District 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 23 February 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 Plan production. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (May to June 2018).

4.3 The Statement sets out details of the comprehensive range of consultation techniques that were used during the preparation of the Plan. Paragraph 5 provides details about:

- the use of 'The Courier' (a local newsletter) to circulate information;
- the use of electronic newsletters;
- the use of a dedicated website;
- stakeholder meetings and correspondence;
- displays about the Plan at local events; and
- the organisation of five community events.

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 four appendices (appendices 3-6) on the comments received as a result of the pre-submission consultation and the Parish Council's/Parish Meeting'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 that ended on 24 January 2019. Comments were received from the following organisations:

- Environment Agency
- Highways England
- Sport England
- Uffington CoE School
- South West Strategic Developments et al
- Mrs V Maton
- Mr J McCullough
- Mr J Hatcher
- Mr and Mrs Henville
- Tina Monk
- VWHDC
- Mr Pakeman
- Phil Osmond et al
- Thames Water
- Historic England
- Oxfordshire County Council
- Mr T Matthews
- Natural England
- Network Rail

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

5.1 The neighbourhood area comprises the parishes of Uffington and Baulking. It is located in pleasant countryside. Uffington village is approximately 4 miles to the south of Faringdon and 6 miles to the west of Wantage. Its population in 2011 was 890 persons. It was designated as a neighbourhood area on 9 March 2017.

5.2 The neighbourhood area has an irregular shape. Baulking is located in the north-east and Uffington is in the middle. The neighbourhood area straddles the GWR main railway line to the north and the B4507 to the south. It is mainly in agricultural use and sits within a rich landscape setting. Baulking is located to the north of Baulking Lane as it runs south towards Uffington. It has a very distinctive collection of houses and farmsteads set back from the northern part of Baulking Lane and separated from the Lane by a series of attractive green areas. St Nicholas Church is an attractive gateway to the collection of dwellings. Uffington is a traditional nucleated village. It has an attractive conservation area based on its historic core around St Mary's Church, Broad Street, Chapel Lane and High Street. It is characterised by its range of interesting and well-maintained vernacular buildings.

5.3 The part of the neighbourhood area to the south of the B4507 lies within the North Wessex Area of Outstanding Natural Beauty. Its character is defined by its undeveloped and distinctive chalk downlands with nationally significant areas of semi-natural chalk grassland. Both the Uffington White Horse and Uffington Castle are located in this part of the neighbourhood area. The White Horse is believed to be about 3000 years old and is a highly-stylised figure approximately 110 metres long formed from deep trenches filled with crushed white chalk. Uffington Castle is an Iron Age hill fort on slightly higher ground beyond the White Horse. It consists of an area of approximately 3 hectares enclosed by a single, well-preserved bank and ditch. As the Plan comments it is located at the highest point in Oxfordshire at 259m. The prehistoric Ridgeway lies adjacent to Uffington Castle. It is 140km long and follows the major prehistoric route from Wiltshire along the ridge of the Berkshire Downs to the River Thames at the Goring Gap.

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 4 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 Uffington is identified as a Larger 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 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. Baulking is neither identified as a Larger Village or a Smaller Village 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 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 23 February 2019. I was fortunate in selecting a dry and pleasantly warm day for the time of year.

5.10 I drove into the neighbourhood area from Faringdon 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 Baulking. I saw St Nicholas Church, The Greens and the arrangement of the various buildings to the west of the Greens. I was able to understand its character and the ambitions which the submitted Plan has for its future. There was a sense of calm and quiet as I walked along the footpath which bisects the Green areas.

5.12 I then looked at the area around the former railway station. I saw the various traditional and modern buildings and the opportunities that they provided for a degree of local employment.

5.13 I then drove into Uffington. I parked in the village hall/village shop car park and looked at Local Green Space 1 and The Green to the immediate north. I saw that the Jubilee Field and the village shop were at the very centre of activity in the village. I saw the display of purple crocuses donated by the Faringdon and District Rotary Club. They were responding well to the unseasonably warm weather.

5.14 I then walked round the historic core of the village. I saw an extensive range of well-presented vernacular buildings. In some cases, they displayed innovative and sensitive conversions and extensions. I walked around the High Street/Woolstone Road/Broad Street loop. I then took the opportunity to walk down Chapel Lane to see the proposed Lady Walk local green space. I also looked at the other two proposed local green spaces. I saw four local residents working hard in the sunshine on their allotments off the Fernham Road.

5.15 This part of the visit reinforced the historic significance of the village. I spent some time in and around the St Mary's church. Given that it is a largely complete thirteenth century cruciform church it is not surprising that it is known as the 'Cathedral in the Vale'. I saw its rather splendid octagonal tower. Whilst it may have lost its spire in 1740 it remains a very impressive structure. Once inside I saw its associations with Thomas Hughes QC and Sir John Betjeman. Thereafter I found the impressive and well-maintained Tom Brown's School Museum, rather aptly-located in the former village school and still proudly displaying its 1617 date plaque.

5.16 I finished my visit by driving to Woolstone and then onto the National Trust car park at Uffington Hill. I joined many others in enjoying the very pleasant sunshine as I took the opportunity to walk up to Whitehorse Hill and Uffington Castle. This walk provided very good long-distance and elevated views of the bulk of the neighbourhood area to the north. St Mary's Church was particularly prominent. It also helped me to understand the inclusion of Policies L1 and L2 within the Plan.

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 Uffington and Baulking 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 includes a series of policies that seek to ensure that appropriate development can come forward. It also includes a suite of policies that seek to safeguard its rich built and natural 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 to guide new residential development (H1-H4), for commercial development (EE1A/B), small shops and businesses (EE3) and for tourism and leisure facilities (EE4). In the social role, it includes a policy on amenities (S4) and on mobility and safe movement (S3). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on landscape capacity/assessments (L1/2), on the historic environment (H4/4A/4B) and on a series of design-related matters (D1-D6). The qualifying body's assessment of this matter is set out in section 3 of the 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/Parish Meeting 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 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 1-2)

7.7 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.

7.8 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 sets out very helpful information on the neighbourhood area itself. Section 2 provides a very clear context to the preparation of the Plan, its relationship with the Vale of White Horse Local Plan and the definition of the neighbourhood area itself.

7.9 The key strength of Section 1 is the way in which it sets the scene for the remainder of the Plan. It provides a useful context to the strategic planning situation in the District and relationship of the neighbourhood area to the settlement hierarchy. It also provides some helpful background information on Uffington, Baulking, the Great Western Railway and the Wiltshire and Berkshire Canal.

7.10 Section 2 sets out a comprehensive analysis of how the Plan was produced. It overlaps to some extent with the submitted Consultation Statement. The overall plan development process at Figure 5 is both informative and impressive.

7.11 Section 2 also includes the Vision and objectives for the Plan. They capture the character and appearance of the neighbourhood area together with its future challenges in a very impressive fashion.

7.12 Sections 3-7 incorporate supporting text and policies relating to a series of topic-based issues. In each case they refer back to key objectives of the Plan. This provides both integrity and internal consistency to the wider Plan.

7.13 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 L1 Landscape Capacity

7.14 Together with Policy L2 this policy forms an important component of the Plan. An independent Landscape Capacity Study (LCS) was commissioned as part of the preparation of the Plan. It assesses the ability of different parts of the neighbourhood area to accommodate development or other change without significant effects on its character. The supporting text in Section 3.2 provides a comprehensive background to the North Wessex Downs AONB, the White Horse Hill, the Uffington Enclosure Award 1778 and the underlying geology of the neighbourhood area.

7.15 The LCS is thorough and comprehensive in its approach. As shown in Figure 6 of the Plan individual parcels of land are assessed for their ability to accommodate development or other change. They are shown as falling into one of five categories (low capacity, medium/low capacity, medium capacity, medium/high capacity and high capacity).

7.16 Policy L1 comments that proposed developments will be assessed with regard to the LCS capacity grading including the grading definitions in the categorisation table. Whilst this approach is an understandable outcome from the preparation of a capacity study the policy itself provides little practical advice on how a development proposal would be determined within the planning process.

7.17 In its response to the clarification note the Parish Council/Parish Meeting comments that Policies L1 and L2 have been prepared as a package. L1 is intended to identify the process to be followed on landscape issues and L2 is intended to identify the specific requirements that need to be met by the applicant. In this context I recommend that the two policies are combined into a single policy. This will simplify the wider issue and bring the clarity required by the NPPF. In doing so I recommend that the combined policy includes a broader policy statement about the way in which proposed development should respect and take account of both the landscape in the neighbourhood area and its capacity or otherwise to accommodate development or change.

7.18 I also recommend that the supporting text refers to housing policies in the Plan which provide a spatial context for such development.

Examiner's Note:

The combined policy should take the following format:

A new opening section

Policy L1 (as submitted)

Policy L2 (as submitted and with recommended modifications as set out below)

A new final section

The combined policy should sit within the Plan where Policy L2 is located in the submitted Plan and be headed Policy L1 Landscape Capacity and Assessment

Replace the separate Policy L1 and L2 with a combined policy.

At the beginning of the modified policy insert:

'Development proposals should take account of the landscape within their immediate locality and its ability to accommodate the development proposed'

In Policy L2 delete 'in order to.....in the LCS'

In Policy L2 incorporate the second paragraph at the end of the modified first paragraph.

At the end of the combined policy add:

'Subject to the detailed requirements of this policy development proposals will be supported where they are located in parts of the neighbourhood area which have the capacity to accommodate the proposed development without significant effects on its character. Development proposals which would have unacceptable effects on the landscape character of its immediate locality or the wider neighbourhood area will not be supported'

At the end of the supporting text on page 18 add:

'Policy L1 has been designed to address the specific issue of landscape capacity. It is a particularly sensitive matter in the neighbourhood area. The policy should however be read within the wider context of the development plan. In particular policies H2A and H2B of this neighbourhood plan provide specific guidance on the scale and location of potential new residential development.'

Policy L2 Landscape Assessments

7.19 I have addressed the overlap between policies L1 and L2 in the previous section of this report.

7.20 Paragraph 7.18 recommends that Policies L1 and L2 are combined (and modified).

Policy L3 Local Green Space

7.21 This policy proposes the designation of four local green spaces (LGSs). They are shown on Figure 7 along with other parcels of land which are Common Land. The four sites concerned have been assessed against the three criteria included in paragraph 77 of the NPPF in Appendix H of the submitted Plan. This approach is helpful and demonstrates that the Parish Council/Parish Meeting have approached this matter in a responsible fashion.

7.22 Some local residents have suggested that the Green (as Common Land) is also designated as LGS. Whilst that approach may have merit it is beyond my remit to recommend such an approach (see paragraph 1.4 of this report). In any event the site has not been assessed against the NPPF criteria in Appendix H and has not been subject to public consultation.

7.23 On the basis of the information in Appendix H and having seen the sites concerned when I visited the neighbourhood area, I am satisfied that LGS 1/2/3 meet the criteria set out in the NPPF.

7.24 I looked carefully at the parcel of land to the south of Woolstone Road as part of my visit to the neighbourhood area. I saw its equestrian uses and the longer-range views to the south towards the North Wessex Downs AONB. On the basis of the evidence I am satisfied that the proposed LGS is in close proximity to the community it serves and is local in scale and not an extensive tract of land.

7.25 In Appendix H the Parish Council/Parish Meeting comment about the extent to which they consider that the proposed LGS is 'demonstrably special to the local community and holds a particular local significance'. It advises that the site was originally a close which supported local husbandry before the Enclosure Acts. It also comments about its use as grazing land and its recreational value to those who wish to keep animals (which in recent years has included horses, ponies, donkeys and goats).

7.26 Paragraph 77 of the NPPF comments that 'LGS designation will not be appropriate for most green spaces or open areas'. My assessment of this proposed LGS is that the proposed designation is not appropriate. In particular I am not persuaded that either the individual elements in the 'locally distinctive' part of the assessment in Appendix H or indeed their cumulative effect is sufficient to warrant the designation of the site as local green space. On this basis I recommend that it is deleted from Policy L3 and Figure 7.

7.27 The policy itself does not have the clarity required by the NPPF. As submitted, it simply proposes the designation of a series of LGSs. It does not set out the policy implications of such designation. In its response to the clarification note the Parish Council/Parish Meeting advised that its intention was to devise a policy which followed the approach for LGSs as set out in paragraphs 76 and 78 of the NPPF. In this context I am satisfied that no-one has been disadvantaged by this omission. In particular Section 3.6 of the Plan is very clear that the plan-making process has sought to follow the approach on this matter in the NPPF.

7.28 I recommend a modification to the policy so that its policy implications are clear.

7.29 The policy includes ownership details. Whilst this information is appropriate to Appendix H it plays no obvious role in the policy itself. In any event the proposed LGSs have been assessed on the

basis of their various relationships to the NPPF criteria. Land ownership is not in itself a factor in this analysis. In this basis I recommend that the relevant information is removed from the policy.

7.30 Finally I recommend a modification to the opening part of the policy. As submitted, it reads as though the LGS concerned will be designated at some future point or by some other means rather than in the Plan itself. I recommend accordingly.

In the opening part of the policy replace 'will be' with 'are'.

Delete proposed LGS4 from the policy.

In proposed LGS 3 delete 'belonging to.... Gardiner'

At the end of the policy add:

'Development on land designated as a Local Green Space will only be supported in very special circumstances'

Remove the proposed LGS4 from Figure 7.

Housing Policies – General Comments

7.31 Together with Policies L1 and L2 the various housing policies form a key component of the Plan. They seek to plan positively for new residential development during the Plan period.

7.32 The Plan has sought to address several overlapping issues. The first is the way in which both Uffington and Baulking are categorised in the Vale of White Horse settlement hierarchy. Uffington is identified as a Larger 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 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. Baulking is neither identified as a Larger Village nor as a Smaller Village within the settlement hierarchy. 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'.

7.33 The second is the lack of a defined settlement boundary for Uffington. In its response to the clarification the Parish Council/Parish Meeting commented whilst the Local Plan Part 1 refers to built-up areas for some settlement categories (in Policy CP4) it does not attempt to define it for any other villages. In this context the Plan chose not to attempt to define a built-up area. The Uffington background is set out in paragraph 4.8.2 but the 1970 envelope was never formally adopted.

7.34 The third is the extent to which some housing policies should apply across the wider neighbourhood area and to which others should be specifically focused on certain parts of the neighbourhood in general terms, and on Uffington and Baulking in particular. The Plan tackles this issue by having neighbourhood area-wide policies for the numbers and mix of housing (H1), for the location of new development (H2), and for developments in conservation areas (H4). It includes an area-specific policy for Baulking (H3).

7.35 I address the various policies in turn in the following sections of this report. However, in general terms I am satisfied that the approach towards a neighbourhood area -wide policies as includes in Policies H1 and H4 properly addresses these three overlapping issues.

7.36 In contrast Policies H2 and H3 present a different series of issues. In particular the effect of Policy H2 would be to determine planning applications in Uffington and Baulking on identical policy Uffington and Baulking Neighbourhood Plan – Examiner's Report

terms. As part of the preparation of the Plan the Parish Council/Parish Meeting has prepared a Housing Needs and Assessment for Baulking. Whilst it specifically addresses Policy H3 it has overlaps with the approach taken in Policy H2. It comments specifically on the rationale for Policy H3, the issue of Baulking's location in the open countryside, the sustainability of Baulking and the issue of the general conformity with the strategic policies of the development plan. In its response to the clarification note the Parish Council/Parish Meeting provided further commentary on these relationships and overlaps. It advises that Policies H2A and H3 applies equally and separately to Uffington or Baulking respectively. H2B applies equally and separately to Uffington and Baulking – outside 'built area'. H2C applies to Uffington only as there is no AONB in Baulking parish.

7.37 The document also draws my attention to cases determined in the courts on development proposals in the countryside elsewhere in the country.

7.38 I have considered this document very carefully. I make separate commentary on policy H3 in the section below. However, I am not satisfied that the approach taken in Policy H2A meets the basic conditions to the extent that it sets out a policy approach which treats Uffington and Baulking on identical terms. To do so would not be in general conformity with Policies CP3 and 4 of the adopted Vale of White Horse Local Plan part 1. It is on this basis that I recommend modifications to Policy H2 in the relevant section of this report. This judgement has a broader impact on the structure and approach of Policy H2. I recommend that its title is modified so that it simply refers in non-specific terms to the location of housing development.

7.39 The recommended modifications to the various policies generate an overlapping need for associated modifications to the supporting text. To do so on a policy basis would be potentially-confusing. On this basis I have recommended modifications to the text on these issues at the end of this report (paragraph 7.109).

Policy H1 Number and Mix of Housing

7.40 This policy sets the scene for the delivery of new housing in the neighbourhood area. It has two related parts. The first identifies that in the remainder of the Plan period in the region of 19 dwellings are required to meet the needs identified in the independent Housing Needs Assessment (HNA). The HNA was produced as part of the plan-making process. The second identifies the types of development that would be supported in relation to housing type and sizes.

7.41 It is clear that a significant amount of work has been undertaken on the first element of the policy. The Parish Council/Parish Meeting have followed national guidance that neighbourhood plans should be underpinned with proportionate evidence. At paragraph 4.7.3 the Plan acknowledges that Local Plan Part 1 Policy CP4 proposes no numerical ceiling on housing growth. This part of the Plan then continues appropriately to comment on the range of environmental and infrastructure constraints which will naturally restrict the amount of new residential development which will come forward in the Plan period.

7.42 As submitted the first part of the policy is not a policy. It simply comments on the number of dwellings required in the neighbourhood area (based on the independent HNA). On this basis I recommend that it is deleted. The supporting text adequately provides the context to the HNA work. However, in this context I also recommend that an additional paragraph of supporting text is included in the Plan to ensure that the Plan is monitored on this and other matters and that, as appropriate, measures are taken to review the Plan in the event that delivery is not taking place as anticipated.

7.43 The second part of the policy offers support to proposals which deliver a mix of housing that would provide affordable housing, housing suitable for young families and housing suitable for older people. This approach meets the basic conditions in general terms. In particular it is non-prescriptive. However, I recommend an addition to the policy so that it cross-refers to Policy H2 that provides effective policy guidance on the location of new housing.

7.44 The final part of the policy identifies a strong preference for developments which provide primarily for smaller dwellings. Whilst the generality of the approach is clear its details are less obvious given that neither 'smaller' nor 'primarily' are defined. Taking account of the VOWHDC representation and the Parish Council/Parish Council responses to the clarification note I recommend a modification to address this uncertainty.

In the policy title replace 'Number' with 'Type'

Delete the first sentence of the policy.

Reposition the second sentence of the policy so that it sits in its own right as a separate part of the policy.

In doing so insert 'meet the locational requirements identified in Policy H2A of this Plan and' between 'that' and 'provide'.

Replace 'permitted' with 'supported'.

Replace the final part of the policy with:

'New residential developments which deliver one and two-bedroom houses will be particularly supported'

At the end of paragraph 4.7.3 add:

'Policy H1 identifies the mix and type of dwellings sought for the delivery of new housing in the remainder of the Plan period. It also provides a context for other housing policies. The Plan will be monitored on these and other matters. Where appropriate measures will be taken to review the Plan in the event that delivery is not taking place as anticipated.'

Policy H2A Housing Development Built Area

7.45 I have addressed the general issues in relation to the policy issues on the location of new housing in the neighbourhood area in paragraphs 7.31 to 7.39.

7.46 In this context I recommend modifications to ensure that the policy meets the basic conditions in general, and is in general conformity with the strategic policies in the development plan in particular.

7.47 The first is in relation to the title of the wider policy. In all the circumstances I recommend that it is replaced by 'The Location of New Housing development'

7.48 The second relates to the definition of the policy. In order to reflect the modification to the title and approach of the wider policy I recommend that its opening section identifies that it relates only to Uffington.

7.49 A representation has suggested that the reference to the built area in the policy should be extended to include 'within and adjacent to the built-up area'. I do not consider that this approach is necessary to ensure that the Plan meets the basic conditions. Policy CP4 of the adopted Local Plan refers explicitly to development within built up areas.

Replace the title of Policy H2 with 'Location of New Housing development'

Insert 'of Uffington' between 'built area' and 'will be supported'.

Policy H2B Housing Development Outside Built Area

7.50 This policy identifies the types of development which would be supported outside the built-up areas. I recommend that this policy identifies only Uffington (as a built-up area). This will ensure that it is consistent with the approach taken in the recommended modifications to Policy H2A.

7.51 I can see that the specific types of housing supported by the policy overlap with those which would be supported by national and local policy. For clarity I recommend that they are identified as specific types of housing to be supported by the policy rather than simply as examples.

7.52 This part of the policy also refers to listed buildings or other structures within the curtilage of a listed building. Whilst this is appropriate to some acceptable types of development it would not be universally applicable. As such I recommend that this aspect of the policy is modified and repositioned so that it sits at the end of the policy.

Delete 'and the settlement of Baulking'.

Replace 'permitted' with 'supported'.

Replace 'are supported by' with 'accord with'.

Delete 'If listed.... will be retained'.

Replace 'Examples where.... include' with 'The following types of new housing development will be supported where they accord with other policies in this Plan in general, and with Policy D1 in particular:'

At the end of the policy add:

'Insofar as appropriate to particular proposals for new residential development the integrity of listed buildings, their settings and any features of architectural significance should be safeguarded.'

Policy H2C Housing development in the AONB

7.53 This policy addresses proposed housing development within the North Wessex Downs AONB. It comments that any such development shall be designed to conserve the natural beauty of the AONB and that any development shall contribute towards the protection and enhancement of this landscape.

7.54 Plainly it is appropriate that the Plan addresses this important matter. Nevertheless, as submitted the policy suggests that development in the AONB is acceptable in principle and that the purpose of the policy is to influence its design and layout and how it can be incorporated within this landscape.

7.55 I am not satisfied that this approach meets the basic conditions in terms of reflecting the duty on decision-makers to take account of the AONB. I recommend a modification which provides a broader context for development within the AONB. Within this revised context the policy can influence new development which overcomes the overriding policy test. I also recommend other consequential modifications to the structure and the design of the policy and to ensure that its range of requirements apply as appropriate to any particular proposal.

At the beginning of the policy add:

‘Any proposals for new residential development in the North Wessex Downs AONB will be determined having regard to the purpose of conserving and enhancing the natural beauty of the designated area and within the context of Policy CP44 Landscape of the adopted Vale of White Horse Local Plan Part 1. Where proposals comply with these national and local policy tests’

In the submitted policy thereafter:

Delete ‘Any’.

Delete ‘within.... AONB’.

Replace ‘shall’ with ‘should’ in the both the first and second sentences.

At the beginning of the second sentence add: ‘In addition’.

At the end of the second sentence add: ‘as appropriate to its location’.

Policy H3 Housing Development: Baulking settlement only

7.56 This policy provides specific policy advice on new residential development in Baulking. It has been an important part of the plan-making process. A separate appendix has been produced on a Housing Needs and Assessment for Baulking.

7.57 As I have described more generally in Section 5 of this report Baulking has a very distinctive form and layout. It is located on the cul-de-sac part of Baulking Lane. It is approximately 800 metres in length from the southern end at the junction with Station Road to the northern end defined by the various farmsteads. It consists primarily of larger properties and/or farmsteads in substantial plots. Whilst the spaces between the individual dwellings vary, in some cases the gaps are significant. This is more pronounced at the southern end of Baulking Lane. Most of this part of Baulking is a designated conservation area.

7.58 The submitted HNA provides specific advice on local needs. It comments that: ‘Factors outlined for Baulking suggest that the mix of housing is addressed with the addition of smaller properties. As the population ages this would also make provision for younger families in the larger homes. No development is proposed for Baulking other than infill and self-build opportunities as they arise. Dwellings required should be smaller 1-2 bed and 3-4 bed homes for young couples/families and the elderly, consisting of semi/detached houses and bungalows. These should be privately marketed.’

7.59 In assessing the extent to which this policy meets the basic conditions I have considered two potentially conflicting matters. On the one hand there is evidence of specific housing need both from the HNA and directly from local residents through their representations to the Plan. On the other hand, there is the very definitive statement in the adopted development plan that Baulking lies within the countryside. The interplay between these issues is not uncommon in rural areas across the country.

In this case there is a specific issue around the interplay between these issue within a well-defined community.

7.60 In recommending modifications to other housing policies in the submitted Plan I have taken account of the position of Baulking within the settlement hierarchy in the wider Vale of White Horse District. It is on this basis that I have recommended modifications to Policies H2A and H2B. Within this context development proposals in Baulking would be determined on the basis of Policy CP4 of the Local Plan Part 1 and Policy H2B of the neighbourhood plan in the event that it is made.

7.61 I have given very careful consideration to the need or otherwise for a specific policy of this nature to address future development in Baulking. At one level Policy H2B of a made neighbourhood plan would adequately address the issue in a strategic context. At another level such a matter-of-fact approach would not provide a degree of granularity to address the specific issues that affect Baulking. Similarly, such an approach would not necessarily reflect the detailed assessments that have been undertaken for the neighbourhood area in general, and for Baulking in particular.

7.62 I have concluded that there would be merit in retaining a specific policy on Baulking in the neighbourhood plan. It will provide clarity to reflect a specific set of circumstances and to take account of the wider localism agenda which has underpinned the production of the neighbourhood plan. In this context I recommend a series of modifications to the policy to ensure that it meets the basic conditions in general, and is consistent with other recommended modifications to the submitted Plan in particular. The recommended modifications address the following matters:

- the relationship of this policy with the recommended modifications to Policy H2B of the neighbourhood plan;
- the need for the policy to take account of the need for any new development to conserve or enhance the character or appearance of the Baulking conservation area; and
- the need for the supporting text to provide clarity on the type and scale of any development which might be supported.

Replace the policy and its title with:

Housing Development in Baulking

‘Proposals for new residential development in Baulking will be considered against national planning policy, policies in the development plan and policy H2B of this neighbourhood plan.

Proposals for housing development in Baulking to meet local housing need will be supported subject to the following criteria:

- **they provide for an evidenced local need which cannot otherwise be delivered within a location which accords with policies in the development plan;**
- **they are of a scale and size which directly relate to the identified local need;**
- **they would not have an unacceptable impact on the visual and landscape amenities of Baulking in general, and the gaps between the existing dwellings in particular;**
- **they would safeguard the amenities of existing residential properties; and**
- **they would preserve or enhance the character or appearance of the Baulking Conservation Area’**

Insert additional supporting text at the bottom of page 34 to read:

'Policy H3 is included within the Plan to address a specific set of circumstances. Whilst Baulking is a separate community it is located within the countryside. In this context the Plan addresses two potentially conflicting matters. On the one hand there is evidence of specific housing need from the HNA. On the other hand, in the adopted development plan Baulking is identified as being within the countryside. The policy seeks to set out an appropriate balance. It reflects the overarching planning policy position set out in the Vale of Horse Local Plan and Policy H2B of this Plan. At the same time, it provides the opportunity for housing proposals to address a genuine evidenced local need to be considered in a positive way. The series of criteria in the policy identify the circumstances that would need to be met in order for any such proposals to achieve support through the planning process. The policy has been designed, where appropriate, to support the delivery of individual dwellings to support local needs. The policy does not support large scale or speculative development proposals.'

Policy H4A Housing Development Conservation Areas

7.63 This policy has a focus on proposed residential development in conservation areas. The first part of the policy takes a general approach to such development and accords with national policy. The second part of the policy refers to housing development maintaining established public views of listed buildings and other local features.

7.64 On the second part of the policy VWHDC suggests that details of the public views concerned would provide a degree of clarification on this policy. I agree that this would be the case. However, on balance I conclude that it is not necessary to ensure that the policy meets the basic conditions. As the Parish Council/Parish Meeting comment in its response to the clarification note this is a matter which can be identified within design and access statements submitted with planning applications. Such submissions can be assessed on their merits within the development management process.

7.65 I recommend that the first part of the policy offers 'support' rather than 'permission' to appropriate proposals. The latter is too prescriptive for a planning policy.

In the first part of the policy replace 'permitted' with 'supported'

Policy H4B Housing Development Heritage Impact

7.66 This policy is a more detailed component of Policy H4A. It refers to the need for a heritage impact assessment to be prepared in certain circumstances. It was introduced into the Plan as a result of earlier feedback from Historic England.

7.67 I recommend a modification to the policy as suggested by Historic England in its representation to the submitted Plan. In effect it is a fine-tuning of the policy in the submitted Plan.

Replace the policy with:

'A heritage impact assessment should be submitted in support of all applications for planning permission where there is any potential impact on heritage assets. Any such assessment should be proportionate to the size of the proposed development.'

Policy D1 Use of Design Guide

7.68 This policy has a strong focus on design in the built environment. This is understandable given the existing quality of the built environment in the neighbourhood area. It helpfully cross-refers to other published information on this issue, and to the Vale Design Guide 2015. The policy has two related parts. The first requires that new development should accord with the principles set out in the 2015 Guide. The second suggests that applicants will be encouraged to apply the same principles to proposals which would be 'permitted development' (and therefore beyond planning control).

7.69 The Parish Council/Parish Meeting has responded positively to my comments in the clarification note on this policy. On this basis I recommend modifications to the first part of the policy so that its objective is to ensure good design rather than to achieve compliance with another document. I also recommend that the second part of the policy is repositioned into the supporting text. Plainly property owners should be encouraged to produce good design irrespective of the scale of the development proposed and/or the need for planning permission. However, a planning policy cannot directly attempt to control a property owner's approach towards proposals which are permitted development.

Replace the title with 'Overall Design Quality'

Replace the first sentence of the policy with:

'All new development should be of a high-quality design which takes account of its location and reflects its particular local identity. Where appropriate the development concerned should take account of the principles included in the Vale Design Guide 2015'

Delete the second sentence.

Insert the deleted second sentence of the policy as a separate paragraph of supporting text after the text on page 37. In doing so replace 'brought forward' with 'being considered and developed' and 'applicants' with 'property owners.'

At the end of the new paragraph of text add:

'Property owners should be encouraged to produce good design irrespective of the scale of the development proposed and/or the need for planning permission. This will help to ensure that the quality of the existing built environment is safeguarded'

Policy D2 Scale and Design

7.70 This policy continues the approach to design in Policy D1. It has a particular focus on building scale and design. It seeks to relate its approach to sections DG76-80 of the Vale Design Guide 2015.

7.71 As with Policy D1 the Parish Council/Parish Meeting has responded positively to my comments in the clarification note on merits of the incorporation of the various components (D2A/B/C) into a single policy. On this basis I recommend modifications to the policy so that it has the clarity required by the NPPF. In particular the recommended modifications incorporate the key design principles from the Vale Design Guide 2015.

Replace the policy with:

'New buildings or extensions will be supported where they are proportionate to their plot sizes, where they do not dominate neighbouring buildings and where they do not close important gaps or otherwise impede public local views. At the edge of the settlements, the

sporadic nature of development will be maintained and the form and massing of any new building scaled accordingly.

Where appropriate to the development concerned the design of new proposals should incorporate the following distinctive features in the neighbourhood area:

1. A simple floor plan and pitched roof (following the Vale Design Guide 2015 principles DG52 and DG57).
2. Ridge heights that do not exceed those of buildings in the immediate vicinity.
3. Facades and windows details which following principles in the Vale Design Guide 2015 DG58 to 61.
4. Materials and colour palette which follow the Vale Design Guide Section E zone 4 and Community Led Plan Section 5 Housing and Design.

Proposals which would result in outstanding or innovative designs will be supported where they would raise the standard of design more generally in the neighbourhood area and respect the local context and scale of existing built development.'

Policy D3 Boundary Treatment

7.72 This policy is the first of three specific design policies. It has a sharp focus on boundary treatments. I saw how boundary treatments contributed towards the distinctive character of the neighbourhood area as part of my visit.

7.73 Its approach is entirely appropriate. However, I recommend a detailed modification to its wording so that it adopts a policy approach. As submitted the policy is worded as an ambition rather than a policy.

In the first sentence replace 'will' with 'will be supported where they are'

In the second sentence replace 'These boundary features will' with 'Boundary features should' and delete '(close board.... this policy)'

At the end of the third paragraph of text in Section 5.4 add:

'This approach is not supported by Policy D3. It supports more traditional and ecologically-sensitive approaches to this important component of the built environment in the neighbourhood area. Natural stone walls, post and rail fencing and hedges using native species will be particularly appropriate in the neighbourhood area.'

Policy D4 Highways and footpaths

7.74 This policy has a focus on highways and footpaths. I saw how the various footpaths contributed to the distinctive character of the neighbourhood area as part of my visit.

7.75 A similar set of issues arise with this policy as with Policy D3. I recommend accordingly.

Replace the policy with:

'Proposals which include new footpaths and/or highways will be supported where these features respect the rural nature of the neighbourhood area in general terms and their

local context in particular. Where appropriate to the development concerned the design of new proposals should incorporate the principles of DG31 of the Vale Design Guide 2015.'

At the end of the fourth paragraph of text in Section 5.4 add:

'Over-engineered proposals should be avoided. All proposals should have an over-riding objective to secure a simple rural character and design with proportionate safety measures'

Policy D5 Utility Supply

7.76 This policy addresses utility supplies associated with new developments. Its ambition is to ensure that such supplies avoid any potential conflict with landscape features and the wider public realm.

7.77 A similar set of issues arise with this policy as with Policies D3 and D4. I recommend accordingly.

Replace the policy with:

'Proposals which require utility supplies will be supported where these features respect the rural nature of the neighbourhood area in general terms and their local context in particular. Where appropriate to the development concerned the design of new proposals should incorporate the principles of DG41 of the Vale Design Guide 2015 and be installed below ground.

Proposals within conservation areas which would result in the sinking of existing utility supplies below ground will be particularly supported.'

Policy D6 Dark Skies

7.78 This policy seeks to safeguard the dark sky environment within the neighbourhood area. It will serve a useful purpose and will add value to the development plan. It is also a distinctive feature of the neighbourhood area.

7.79 As submitted the policy includes a mixture of policy, supporting text and other related statements. I recommend a series of recommendations that ensure that the relevant elements of the policy approach appear in the correct places. This will bring the clarity required by the NPPF. On the specific issue of the external lighting of buildings I have recommended that the modified policy also takes account of permitted development rights. In certain circumstances such works will not need planning permission.

In the first part of the policy replace 'maintained' with 'safeguarded'.

In the second part of the policy replace 'Developments.... incorporate sufficient' with 'Development proposals will be supported which incorporate appropriate'

In the second part of the policy replace 'be discouraged' with 'will not be supported' and replace the final sentence with:

'Insofar as planning permission is required soft architectural lighting of buildings will be supported'

At the end of the supporting text at the bottom of page 44 add:

'Policy D6 addresses this important local matter. It acknowledges that a degree of external lighting may be necessary for safety and legibility. However, it does not offer support to floodlighting, illuminated advertising and the harsher elements of lighting onto buildings in the neighbourhood area.'

Policy EE1A Commercial Development

7.80 This policy offers support for uses offering local employment opportunities. It specifically addresses proposals for B1, B2 and B8 uses and for tourism and leisure uses. The general approach taken has regard to national planning policy.

7.81 The policy comments that support will be dependent on location and consistency with development plan policies and the NPPF. This approach is not clarified in the supporting text and therefore does not have the clarity required by the NPPF. The Parish Council/Parish Meeting responded to the clarification note by suggesting that this aspect of the policy could be deleted without any broader impact on its effectiveness. I recommend accordingly. I also recommend that the policy includes safeguards with regard to residential amenity, highway capacity and access. Otherwise it could have unintended consequences.

Replace 'permitted, dependent on.... the NPPF' with:

'supported where they would not have an unacceptable impact on the residential amenity of dwellings in the immediate locality of the site concerned, where there is capacity in the local highway network to accommodate the vehicular traffic generated by the proposed development and where satisfactory access and car parking arrangements can be achieved'

Policy EE1B

7.82 This policy seeks to prevent a change of use from retail or other existing employment development to alternative uses. It suggests that strong justification will be needed to support any such proposals. In its response to the clarification note the Parish Council/Parish Meeting comments that the principal purpose of the policy is to safeguard the existing shop in Uffington.

7.83 I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF. In the first instance I recommend the deletion of the initial references to permitted development rights. They are both unnecessary and subject to change within the Plan period. Secondly, I recommend the deletion of the reference to 'strong justification' given that it not otherwise defined either in the policy or within the supporting text. Thirdly I recommend that the policy makes an explicit reference to Policy CP29 of the Local Plan Part 1. This will ensure that there is a strategic connection to the exceptions to the safeguarding approach towards the loss or the reduction in scale of employment uses.

7.84 I also recommend associated modifications to the supporting text on this matter and to provide a degree of context to the existing reference to Policy CP28 of the Local Plan Part 1.

Replace the policy with:

'Proposals for the change of use of retail or employment facilities to other uses will not be supported unless the proposal concerned demonstrates that it complies with Policy CP29: Change of Use of Existing Employment Land and Premises of the adopted Local Plan Part 1 or any successor policy on this matter'

In the paragraph of text after the policy replace 'This policy' with 'Policy EE1A'

Thereafter add:

'Policy EE1B seeks to safeguard existing retail and employment uses in the neighbourhood area. It reflects the importance of such uses in general, and the village shop in Uffington in particular, to the sustainability of the neighbourhood area. It makes a connection with Policy CP29: Change of Use of Existing Employment Land and Premises of the Local Plan Part 1. That policy identifies circumstances where the potential for alternative uses may exist.'

Policy EE2A Agricultural Development

7.85 This policy reflects the significance of agriculture in the neighbourhood area. It offers support to the development and diversification of agricultural and other rural land use-based businesses.

7.86 The policy meets the basic conditions.

Policy EE2B

7.87 This policy takes a similar approach to Policy EE2A. Its focus is on the reuse of farm buildings for appropriate rural business activities.

7.88 The policy meets the basic conditions.

Policy EE3A Shops and Commercial Development

7.89 This policy supports proposals for new shops and the extension of the existing village shop where such proposals do not adversely affect existing residential amenities. This is an important policy with regard to the sustainability of the neighbourhood area in general and of Uffington in particular. I saw first-hand the importance of the existing shop to the wider community when I visited the neighbourhood area.

7.90 The policy offers its support where proposals do not 'conflict significantly with existing retail services'. Whilst I have sympathy for the proposed approach the planning system does not directly have a role in preventing business competition between similar uses. Any proposals for a new retail unit which may arise as a result of this policy would need to be assessed on their individual merits. As such I recommend the deletion of this part of the policy. Otherwise it meets the basic conditions.

Delete 'or conflict significantly with existing retail services.'

Insert 'and' between 'amenity' and 'give' (and delete the current comma).

Policy EE3B

7.91 This policy addresses working from home. Paragraph 6.5 comments that the neighbourhood area has a higher percentage of home workers compared with the District. The policy correctly identifies that not all proposals for working from home will need planning permission.

7.92 I recommend a series of modifications to bring the clarity to the policy required by the NPPF. Some of the language used in the submitted policy is rather vague (such as 'creating nuisance'). Otherwise it meets the basic conditions.

Insert 'the establishment and operation of' between 'required' and 'small-scale'.

Replace 'create nuisance' with 'detrimentally impact on the residential amenities of other dwellings in the immediate locality'

Replace 'through the settlements' with 'in the settlement concerned'.

Policy EE4 Tourism and Leisure

7.93 This policy offers support to the provision and the expansion of sustainable tourist and leisure facilities where they would not detract from the rural character of the area or any heritage assets.

7.94 The policy highlights its relationship with Core Policy CP31 of the Local Plan. Whilst this is indeed the case there is no need for a neighbourhood policy itself to establish such a connection. I recommend accordingly. I also recommend detailed modifications to the language used in the policy to bring the clarity required by the NPPF.

Delete 'Consistent.....CP31'

Replace 'the provision' with 'the development'

Insert 'unacceptably' between 'not' and 'detract'.

Replace 'historical' with 'heritage'.

Policy S1A Green infrastructure and wildlife corridors

7.95 This policy sets out to ensure that open areas associated with new developments are stocked with native species.

7.96 As submitted it includes a mixture of policy statements and supporting text. It does not directly use policy language to identify the type of development that would be supported. I recommend accordingly.

Replace the policy with:

'Proposals for the development of new green infrastructure, either in their own right or as part of a wider development, will be supported where they are stocked with native tree, plant and grass species'

Insert a new paragraph of supporting text after that at the top of page 53 to read:

'Policy S1 offers support for new green infrastructure provided that it is stocked with native species. Where appropriate this approach will assist in compensating for the loss of habitat that results from wider development of which the new green spaces form a part'

Policy S1B

7.97 This policy continues the approach taken in Policy S1A. Its approach seeks to ensure that the network of wildlife corridors will be managed effectively.

7.98 As submitted, it includes a mixture of policy statements and supporting text. It does not directly use policy language to identify the types of development that would be supported. I recommend accordingly. The recommended modifications shift the focus to an expectation on developers to manage the network of wildlife corridors insofar as they affect any development proposals. Plainly ongoing maintenance work either by owners and/or the Parish Council would not be affected directly or indirectly by the policy.

At the beginning of the policy add ‘Where appropriate to their locations development proposals will be supported which include provision for’.

Replace ‘will be managed’ with ‘to be managed’.

In the second part of the policy insert ‘proposals which incorporate the’ after ‘wildlife needs’ and replace ‘strongly encouraged’ with ‘particularly supported’.

Policy S2 Flooding

7.99 This policy addresses the potential for flooding in the neighbourhood area. It sets out to make appropriate references to Policy CP42 of the Local Plan Part 1.

7.100 It has three related elements. The first requires developers to demonstrate compliance on this matter with Policy CP42 of the Local Plan and relevant elements of national policy. The second part requires that new development does not create new flooding risks or exacerbate existing circumstances. The third element requires developers to demonstrate that their proposals have adequately considered flooding evidence held by a variety of agencies.

7.101 The second element of the policy meets the basic conditions. I recommend the deletion of the other two elements. The first is unnecessary; there is no need for a neighbourhood plan to repeat national and/or local policies. The third element is more of a process requirement rather than a planning policy. Whilst the approach is well-intended there is no clarity on where a potential developer would be able to access the information specified or the means by which it would be updated during the Plan period. Nevertheless, I recommend that key elements of the local approach are captured in the supporting text.

Delete the first and third parts of the policy.

At the end of the supporting text on page 54 add:

‘Developers should take account of published material on flood risks when preparing proposals in the neighbourhood area. These include Reference Document L to this neighbourhood plan and information held by the Environment Agency and other statutory bodies’

Policy S3 Mobility and Safe Movement within Settlements

7.102 This policy seeks to ensure that there is safe and efficient mobility within the neighbourhood area. The policy has two elements: the first requires appropriate off-road car parking and the second offers support to energy-efficient transport.

7.103 In their different ways both elements of the policy meet the basic conditions. I recommend detailed wording changes to the first part of the policy so that it has the clarity required by the NPPF.

In the first part of the policy replace ‘must provide sufficient’ with ‘should provide appropriate’ and ‘compliant’ with ‘which complies’.

Policy S4 Amenities

7.104 The policy makes a strong relationship between potential new development and the health and well-being benefits which may arise from the local application of section 106 agreement and Community Infrastructure Levy (CIL) monies.

7.105 The aims set out in Section 7.8 of the Plan are both distinctive and robust. They will assist in providing improved access to local recreation facilities and wider access to the Ridgeway Trail and the North Wessex Downs.

7.106 However the policy is not a policy. It identifies the ways in which the Parish Council and the Parish Meeting will apply the local elements of either Section 106 agreement monies or the CIL. On this basis I recommend that the policy is deleted. However, its general approach provides an appropriate ending for Section 7.8 of the Plan. On this basis I recommend that the intended policy is simply replaced by using its existing wording as further supporting text (without the policy heading and its title).

Delete the policy

Replace the policy as additional supporting text (without its title Policy S4- Amenities).

Other Matters

7.107 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. This will apply to policy numbering where I have recommended the deletion or the merging of policies in the submitted Plan. It will be appropriate for VWHDC and the Parish Council/Parish Meeting 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 general text

7.108 VWHDC 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. In other cases, the comments are matters of preference rather than basic condition issues.

Page iii Second paragraph point 3 - delete ‘over most of the Plan area’.

Page iv Third paragraph – delete ‘None of the policies...Consequently the’.

Page 10 Paragraph 2.11 – delete ‘because the Plan.... Sites’

Modifications to the supporting text of Section 4 Housing

7.109 This section of the report addresses a series of recommended modifications to the supporting text in Section 4 of the Plan. They arise as a consequence of my recommended modifications to the Housing policies in the Plan. Paragraph 7.39 of this report provides background information on this point.

Paragraph 4.2: Final paragraph

Replace the final sentence with 'Policy H3 addresses future development in Baulking'

Paragraph 4.3: Final paragraph

Replace 'established' with 'designated'

Paragraph 4.7.2: Final paragraph

Delete the third point.

Paragraph 4.8.2

Delete the final paragraph (in relation to Baulking).

Paragraph 4.8.5: Final paragraph

Replace the paragraph with:

'Baulking is identified in the adopted Local Plan Part 1 as being located in the open countryside. The Neighbourhood Plan has prepared evidence to support the potential for limited new development to meet identified local needs within the context provided both by local plan policies and Policy H2B of this neighbourhood plan'

Examiner's note – this replacement paragraph would sit in the Plan immediately before the recommended new paragraph of text set out in paragraph 7.62 of this report (within the context of the supporting text to Policy H3).

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 Uffington and Baulking 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 Uffington and Baulking 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 9 March 2017.

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 responses to my Clarification Note were very helpful in preparing this report.

Andrew Ashcroft
Independent Examiner
10 April 2019

