

**Uffington and Baulking Neighbourhood Development Plan Clarification Note -  
with UB Responses appended**

Uffington/and Baulking responses in boxed text - as this is.

**Examiner's Clarification Note**

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

***Initial Comments***

The Plan provides a distinctive vision for the neighbourhood area. In particular it addresses a series of key issues in a positive fashion.

The layout and presentation of the Plan is good. The difference between the policies and the supporting text is very clear. The maps are very effective. The use of colour and photographs is very helpful. The production of the Plan has been underpinned by detailed evidence and specific studies.

***Points for Clarification***

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise issues for clarification with both Uffington Parish Council/Baulking Parish Meeting and the District Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions. I set out specific policy clarification points below in the order in which they appear in the submitted Plan.

*Questions for the Parish Council/Parish Meeting*

*Policy L1/L2*

As I read the policy its focus is more about how a planning application would be assessed rather than its operation as a policy itself. Is its intention that development proposals should take account of the landscape in general, and of the AONB in particular and its ability (or otherwise) to accept change? If this is the case does then the submitted policy describe how this might be achieved through the planning process?

- Producing an LCS, from which this policy was derived, was strongly advised by VWHDC and we see it as one of the key policies on the Plan.
  - The policy intention of L1 is to guide applicants towards areas with least adverse visual impact so as to minimise the impact on the landscape. The policy states that **all applications (in coloured area – noting that the white areas approximate to a village built area envelope) will be assessed against the key criteria** (abbreviated from Table 3) as follows:
    - Red - cannot accommodate development without adverse impact.
    - Amber - could accommodate a low amount of development.
    - Yellow - could accommodate areas of new development
- We would be content to include this clarification wording if so recommended.

- In order to show that the application meets these criteria, L2 then states that it should be accompanied by an appropriate impact assessment. The comment about granularity is to allow for the fact that some parcels assessed in the LCS are considerably larger than potential building plots and that the assessment of that specific area may be different from that of the whole parcel.
- See also Response 13.
- The policy is not about the AONB in particular – it applies the same assessment criteria, including the impact on the AONB, to each parcel irrespective of its location. Where parcels are in the AONB, this is given due weighting and is reflected in the overall categorisation of those parcels.

In this context I am minded to recommend a modification which would provide a broader context for both policies (based on local and national policy) within which the submitted policies would provide further detail. Do you have any comments on this proposition?

We would be content with this approach and would welcome any rewording which clarifies the intention provided that it does not undermine the original, independent, LCS parcel assessments and policy intention. It might also be possible to combine these 2 policies (L1/L2) into one if it was to be reworded. We have kept the two separate as L1 is stating the process that is to be followed and L2 is what an applicant is required to do.

### *Policy L3*

The policy designates Local Green Spaces (LGS) but does not identify the implications of doing so. Is it the intention to apply the approach set out in paragraph 78 of the NPPF to the designated areas?

- We assume that this is Paragraph 78 of the previous version of the NPPF (Paragraph 101 of the latest version). Due to the timing of the writing of the Plan and subsequent issue date of the revised NPPF we have used the original version as stated in the Basic Conditions Statement (Paragraph 2.2).
- The intention is as per Paragraph 78: ie “Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

In general terms the assessment of the proposed LGSs is very thorough.

On Site 4 (annex d) and in the second of the three NPPF criteria I can understand the various points made and relate them to the characteristics of the site which I saw on my visit. However apart from the initial point on its history in what way is this parcel of land specifically different and/or demonstrably special in comparison with other parcels of land on the edge of the village in agricultural and/or equestrian use?

- We consulted the village numerous times about the list of proposed LGS sites with broad agreement to the approach taken. Several other of the sites did not gain owner agreement for designation; we subsequently decided only to designate sites as LGS which had owners’ agreement. As a result, the residual list seems less coherent than it would have been had it included all the proposed sites, several of which adjoin, or are close to, Site 4.

- We consider Site 4 to be demonstrably special because of its location on the western approach to the village, where it is very visible, and where it currently protects the rural feel of the village entrance, the view on approach across the fields to the AONB and the White Horse, and the demarcation between open countryside and the built area of the village.
- Note: this point is also brought up in Response 13.

### *Policy H1*

I can see the evidence from the HNA. However, to what extent does the policy add any value to the delivery of new housing in the neighbourhood area over and above the general policy approach taken in Policies H2 and H3?

- H1 is about the number of dwellings needed; it does not relate to any specific location or type of location. H2/H3 are about the acceptable location, irrespective of the number.
- In the absence of a quota from the District Plan, which we were originally led to understand would be imposed, the VWHDC strongly recommended we carry out our own, independent, HNA in order to establish this figure.
- The aim of policy H1 is to establish a target figure for new housing based on the methodology in the HNA rather than simply one based on a consensus figure which could not be evidenced. There was considerable debate at some of our public consultations as to whether this was a 'minimum' (as worded in the pre-submission draft) or a target. Due to comments from the pre-submission consultation the NPSG changed this to say 'in the region of'. Some villagers still felt that this should be a maximum but we were advised by our SME consultant that setting a maximum was not permissible. There are some comments about this in the Submitted Version (Reg 16) Consultation responses.

How are 'smaller dwellings' defined?

- We do not define these in the Plan – we could if recommended to do so.
- 'smaller dwellings' in this context means houses with **1-2** bedrooms as referred to in the HNA. Family homes are those with 3-4 bedrooms.

How would the Parish Council/Parish Meeting expect the District Council to interpret and implement the second part of the policy (for a strong preference for smaller dwellings)?

Would the approach mean that proposals which delivered only 'larger dwellings' (however defined) would not be supported?

- The aim of this policy is to reflect the needs identified by the Housing Needs Survey and Community Led Plan to encourage developments of smaller properties. We would much rather see 2 or more smaller properties on a large site rather than fewer larger houses (which are usually more profitable for developers).

- Smaller properties are more likely to comply with the Design Guide and Design policies in this Plan.
- Smaller properties are more likely to be possible on infill sites.
- Interpretation: in the event of an application for a small number of large houses on a plot that could accommodate a larger number of smaller houses we would expect this to be a negative factor in the overall assessment. (eg P17/V0485/O (Outline)) although not the sole deciding factor if there were no other reasons to object. Proposals for a single larger dwelling where smaller ones could not be accommodated would be acceptable. Where additional smaller dwelling(s) were included this would be more acceptable (eg current application P18/V2990/FUL – rejected by VWHDC in Feb 2019).

### *Policies H2/3*

I have read the Baulking Evidence Paper and understand the ambitions set out in the Plan.

However:

- Why is a policy approach for Baulking included in both policies?

- Our aim was to have policies that cover the built area of Uffington (H2A as a larger village) and an equivalent policy (H3) for Baulking, even though the whole of Baulking parish is categorised 'open countryside' according to CP3/4. This policy then includes the generic points about size, style, visual impact etc.
- The aim was then to cover special cases (rural exception, brownfield etc) in H2B and this will apply wherever the development lies within the 'open countryside' of the Plan area.
- H2C applies to Uffington only as there is no AONB in Baulking parish.
- H3 (complementary to H2A) covers the special situation of Baulking only and hinges on the need to create a complementary policy to CP4 in order to meet the needs, as laid out in Ref Doc K.

- Which one would take precedence in the decision-making process?

There is no precedence as the conditions are mutually exclusive:

- H2A or 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 – outside built area but in AONB.

- In H2A how would the built-up area of Baulking be defined?

- The lack of a definition of the built-up areas for Uffington (and Baulking) has been a thorny issue throughout the Plan development. VWHDC LPP1 refers to built-up areas for some settlement categories in CP4 but does not attempt to define it for any larger

villages. We are aware of the difficulties of defining such an area and did investigate this but were dissuaded from defining one (for either parish) by the VWHDC. The (Uffington) background is in 4.8.2 but the 1970 envelope was never formally adopted. We feel that without such a definition, the VWHDC is unable to apply consistent planning decisions as to exactly what is within, or adjacent to, this undefined boundary. We are already seeing some confusion about this in planning applications and apparent inconsistencies in some planning decisions.

- H2A applies only to Uffington and H3 does not attempt to define a 'built area' for Baulking for the same reason that one has not been defined for Uffington, as explained above.

- Is the Uffington/Baulking common approach in policy H2 in general conformity with strategic policies in the development plan in general, and with Core Policies 3/4 in the Local Plan 2031 Part 1 particular?

- We believe it is: H2A is about building within the built area and the size, style, visual impact etc of buildings; H2B, whilst in open countryside, is about permitted 'rural exceptions'. Neither of these contradicts CP 3/4. Our intention with this is to remain within 'general conformity' whilst adding our own complementary policy requirements (for Baulking) in H3 in order to comply better with NPPF Para 78 – which is exactly what we are seeking to achieve. We believe it is important to have policies such as H3, which cover our local distinctiveness, a key tenet of neighbourhood plans; if not we may as well have no policies and just stick with Local Plan policies.

- Through the supporting evidence of Reference Document K to Policy H3, it is hoped that the determination of the Inspector of the LPP1 in his modifications, namely that policies within the Development Plan and National Policy should be considered, will enable the adoption of policy H3 as part of the NP, which will therefore become part of the Development Plan. This would meet general conformity, as shown in both case law and the decision of other inspectors.

- We also note, and agree, the comment from Historic England suggesting the inclusion of the word 'only' into H2B (see also Response 15 below to the representations)

### *Policy H2C*

As submitted this part of the wider needs to relate to Policy H2B. Otherwise read in isolation it would suggest that development would be acceptable in principle in the AONB where it meets design criteria. This has the potential to generate unanticipated consequences.

I am proposing to recommend a modification to remedy this matter. Do you have any comments on this proposition?

- We would welcome any re-wording that clarifies such issues. H2C is really just a special case of H2B.
- It is assumed that all policies are taken together and not used in isolation, hence including it as part of H2 rather than separately (as was the case in an earlier draft). Perhaps the Plan should explicitly state in the main text that policies need to be read in

combination and each does not stand alone (any more than other considerations of planning applications).

#### *Policy H4B*

As submitted the policy is supporting text rather than policy.

I am proposing to recommend that it becomes supporting text to Policy H4A. Do you have any comments on this proposition?

- H4B was added at a late stage following specific comments from Historic England (HE) that a 'heritage impact assessment' should be carried out. As one of the impact factors, the LCS assessment considered the visual impact of historic assets but we added the condition at the end of the policy to ensure an assessment is also carried out when factors other than visual impact (eg buried historic assets) are included.
- As a result of the HE advice, we believe that this should remain part of a policy and not become supporting text.
- See Response 15 from Historic England.

#### *Policy D1*

I am proposing to recommend that the policy should refer to good design rather than simply to reference a Design Guide

Does the Parish Council/Parish Meeting have any comments?

The reference to permitted development needs to be in supporting text. A planning policy cannot attempt to exercise control over permitted development. By definition such development is removed from planning control.

The main points are described below under the specific questions.

If parts of Section D are recommended for rewording, Appendix 1 shows a full redrafted version of Design sections 5.1 to 5.3 with our proposed changes to policy wording and minor changes to the supporting text.

If recommended, our suggested amendment to policy D1 with supporting text is as follows:

**“Policy D1 – Overall Design Quality  
All new development will be of high quality design reflecting local identity and will accord with the principles in the Vale Design Guide 2015.”**

‘Residents carrying out permitted development will be strongly encouraged to have regard to the Guide and local design policies.’

#### *Policy D2B*

As submitted the policy is supporting text rather than policy.

Is it your intention that support will be given to new dwellings which are proportionate to their plot sizes?

- Yes that is the intention.
- D2A and D2C modified as follows. D2B deleted, as concerns about over-large houses are addressed sufficiently in H1 and H2A. (So D2C becomes D2B)
- If recommended, our suggested reworded policy is as follows:

**“Policy D2 – Building Scale and Design**

**D2A: New buildings or extensions will be permitted where they are proportionate to their plot sizes, where they do not dominate neighbouring buildings, close important gaps or impede 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. DG77-81 are relevant here and will be followed.**

**D2B: In a conventional design the following will be expected:**

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

**Alternatively, weight will be given to outstanding or innovative designs which help raise the standard of design more generally in the area, while respecting local context and scale.”**

*Policy D2C*

As acknowledged in the Plan this is a summary not a policy in its own right.

In effect is D2C a detailed part of either D1 or D2A?

We agree with this comment and suggest that D2C becomes the new D2B (see above).

*Policies D3/4/5*

As submitted the policies are worded as ambitions rather than as policies. The use of the word ‘will’ does not identify what is required of a development and how the local planning authority will respond to such proposals.

Subject to your comments I am proposing to recommend modifications so that the policies take on a traditional policy format.

We would welcome any modifications which improve policy format whilst retaining the overall intentions.

*Policy EE1A*

The use of 'dependent on location' does not have the clarity required by the NPPF.

On what basis would either a potential developer or the District Council be able to interpret this policy consistently throughout the Plan period?

Does the policy have specific location in mind where employment uses would or would not be supported?

- We would be content to remove this phrase – which effectively precludes the second point so could also remove 'dependent on location and consistency with Development Plan Policies and the NPPF'.
- Taken in context with Response 12, it should be pointed out that there is only one current location in the NP area which is a specific employment centre: Uffington Trading Estate. This, through both the CLP and subsequent public consultation, was clearly identified as the obvious place to develop further possible employment opportunities – even though none of the employees is currently resident in the Plan area.
- See also fuller reply at Response 12.

*Policy EE1B*

As submitted the policy is more about justification rather than being a policy in its own right. Is the intention that it is a safeguarding policy for existing retail and employment uses?

If so what types of 'strong justification' does the Parish Council/Parish Meeting have in mind in order to support proposals for changes of use?

We agree that the 'strong justification' could be dropped. The reason it was put in was to protect any possible change of use of the shop in Uffington. Likewise, aligning with VWHDC LP policies, a change of use of land from industrial to say, possible housebuilding, has to be justified by a process of proven 'on sale/to rent' for a period of a year or so, before a change can be considered. Accordingly there is no conflict with Response 12.

*Question for the District Council*

I have seen the details set out in Comment 5. Is there any timescale for the determination of the current planning application for residential development on the land off Fernham Road, Uffington (P/18/V2199/O)?

Your comments on the representation made by Natural England in respect of the HRA screening report would be appreciated.

**Representations**

Does the Parish Council/Parish Meeting have comments on any of the representations made to the Plan?

<b>General comments on the representations</b>
<ul style="list-style-type: none"> <li>• Most of the individual respondents have been involved in previous discussions and/or commented on the pre-submission version. We have already, to a greater or lesser extent, incorporated as many of those comments as possible consistent with our original aims.</li> <li>• All the agents are involved in current or recent planning applications on behalf of their clients.</li> <li>• Most of the clients of the agents played little or no part in the public consultation opportunities prior to the pre-submission version. It would have been in everyone's interest if they had been involved earlier.</li> </ul>

<b>Response 1 - Environment Agency</b>
No comment
<b>Response 2 – Highways England</b>
No comment
<b>Response 3 – Sport England</b>
No comment
<b>Response 4 – School – Lisa Bradbury</b>
No comment
<b>Response 5 – Grassroots Planning – Fernham Road site</b>
<ul style="list-style-type: none"> <li>• This is about a long-running planning application. We welcomed the initial engagement and, whilst recognising certain limited benefits to the community, pointed out the relevant conflicts with LPP1 CP3/4 and the emergent NP, particularly the number of houses proposed.</li> <li>• Uffington Parish Council objected to the initial and current, revised, application.</li> <li>• The Parish Council's detailed objections on the latest resubmission are on the VWHDC website.</li> <li>• <b>Since the original decision to adopt a non-allocating approach following the HNA outcome (May 2017), the Parish Council and Meeting have confirmed that they do not wish to change the plan to an allocating one – as requested during the pre-submission consultation, in this representation (and others).</b></li> <li>• Section 4.7.2 of the Plan lists where we believe the necessary 19 homes could be sited.</li> </ul>
<b>Response 6 &amp; 7– Baulking Residents</b>
These give a clear indication from two Baulking residents as to why an opportunity to retain the vitality of Baulking is necessary. Written from the heart, so not material, but unwittingly indicating that sustainability is the real driver of the H3 policy; they would not wish to stay if there was nothing to stay for.
<b>Response 8 – Common Land (The Green)</b>
We disagree with the request in this response. As far as we are aware, The Green is not governed by a Trust Deed so it would be incorrect to use the same form of words in Paragraph 3.7 as in 3.8.
<b>Responses 9 and 10 – Common Land (The Green)</b>
<ul style="list-style-type: none"> <li>• Both comments are from neighbours of The Green concerned about possible building on the site, for which the current owners have stated they intend to apply.</li> <li>• The Green was one of the sites proposed as Local Green Space (LGS) by the NPSG but it was rejected by the current land owner so not put forward for consideration.</li> <li>• During the pre-submission consultation there was strong feedback (from one of the current respondents) that this land should be designated LGS. This was rejected by the NPSG which stuck to its original policy of only proposing LGS for sites with owners' agreement.</li> </ul>

- The recent announcement that the current owner is planning to try and remove the Common Land designation is acknowledged but there has been no development so far. A public hearing/consultation on this is expected in due course.

Response 11 – VWHDC

See separate document – Appendix 2

Response 12 – Agent - Paul Butt (UTE)

- **Comment 1**
  - The Plan was drafted before the issue of the PPG section on neighbourhood planning on 13 September 2018 so the revision quoted was not known at the time.
  - The Plan was amended after the pre-submission circulation due to comments received and the 'adjacent to' phrase was removed and the 'non-allocating' status confirmed by the NPSG.
  - Given the considerable feedback reinforcing 'in the region of 19' H1 policy wording and the need to remain within the built area, the NPSG accepted that it was unlikely that any affordable housing would be built.
- **Comment 2** – The Plan is non-allocating but this does not discourage sustainable development. See previous comments.
- **Comment 3**
  - (a) Trivial, but content to amend 1.4.3 if deemed necessary.
  - (b) Not disputed but no changes necessary.
- **Comment 4**
  - (a) In EE1A we have attempted to consolidate the previous objections into a single policy in order to encourage wider use of the Uffington Trading Estate (UTE) and guide future applications. Whilst encouraging the use of the UTE we do not want this to be at the expense of the tranquillity of the rural location or damage to the unclassified rural access roads. There is no change from the line taken previously. As stated in our response to Policy EE1A above, we would be content to remove the words 'dependent on location'.
  - (b) We believe EE1B is in general conformity, but we would be content to align the wording better with CP29 or take advice on wording from the Inspector.
  - Please also see response to Policy EE1B above.

Response 13 – Agent - Rob Stewart (Osmond)

- **L1** - should stand. L1 presents and uses the LCS findings. It does not attempt to over-restrict planning officer decision-making (and Parish Council comments) but rather to inform them as they go through the assessment process.
- **L2** – is flexible enough to allow an applicant to tailor his/her assessment to the scale and sensitivity of the site. The policy supports L1, eg allows an attempt to justify a site in an LCS red or amber area to attempt to be justified. This was reworded at the agent's request after the pre-submission circulation.
- **L1-3** – See comments on Policy L1/L2/L3' above.
- **H2** – Following the pre-submission consultation, the NPSG confirmed that it wished to adhere to VWHDC and consultant SME advice **not to include provision for applications on sites adjacent to the built area.**
- **Comments about the Vale Design Guide** - the Guide is 'a Supplementary Planning Document (SPD) and as such will be a material consideration in determining planning applications submitted to the Council. It carries considerable weight in decision making, having been subject to scrutiny and amendment through the public consultation process'.

Response 14 – Thames Water

- We would be content to incorporate the gist of the suggested wording from Thames Water into a slightly revised and expanded Section 7.6 if supported by the Inspector.

**Response 15 – Historic England**

- Please note that we made some of the suggested changes following HE’s comments on the re-submission version (added H4B and some of the references). Whilst we do not disagree with HE’s assessment we felt that incorporating all their points would be disproportionate in a plan for a comparatively small rural area.

Please note that the following comments were not raised on the pre-submission version but we would be content to incorporate them if so recommended:

- H2B – addition of word ‘only’ – agreed see earlier comment on H2B.
- Core policies 25, 31 and 39. CP25 is already referred to in the supporting text (Paragraph 4.8.5) and we could expand the supporting text to include reference to CP 31 and 39 but we are reluctant to change the wording in H2B (except as discussed earlier).
- H4B – We could accept amending the policy to read ‘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.
- EE1A – noted but we felt that the comments on EE1A relating to B8 use are not directly related to the historic environment. Any historic environment impact would be assessed under (the revised) Policy H4B.
- EE2 – Any impact of agricultural development would be assessed under (the revised) Policy H4B.
- S3B – noted. No change proposed.

**Response 16 – OCC**

- **Heritage – Archaeology.** We do not consider including a separate policy as suggested is necessary or really appropriate. Following the pre-submission consultation we added extra wording to Section 4.8.6 and added policy H4B which we believe now covers the key issues. We could reword further if deemed essential.
- **Education** – we can reword as suggested noting that the policy referred to was issued after the NP was drafted. The quoted policy was extant at the date of drafting.
- **Public Transport** – The service was provided by a commercial company (ie not public sector), albeit subsidised, hence our wording.

**Response 17 – Green & Co (for T Matthews)**

- **Background.** There are several background issues to this response. Following the completion of Jacksmeadow (originally called Jack’s Lea) the same landowner then made a subsequent planning application (P16/V3185/O) for up to 44 homes on the field to the east of Station Road. This was objected to by the Parish Council and Planning permission was **not** granted.
- **Proposed Sites.** The same landowner had a planning application for the smaller site to the west of Lower Common which was refused on 28 Feb 2019. The main reason given by VWHDC was that it was in ‘open countryside’. This application had the support of the Parish Council subject to changed access arrangements. The site to the east of station road is part of the larger site (44 houses) application previously objected to. No planning application for this smaller site exists.
- **Allocation Sites.** As with Response 5, **we do not intend to change to an allocating plan.**
- **Error - Built-Area.** The Plan does **not** state that sites will be confined to the 1970

Village Envelope as the response states.
Response 18 – HRA Screening
Covered by response to VWHDC Comment 2.
Response 19 – Network Rail
No comment

### ***Protocol for responses***

I would be grateful for responses and the information requested by 12 March 2019. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please could it all come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Uffington and Baulking Neighbourhood Development Plan.

25 February 2019

### Appendices

1. Draft revised text for Design Policies.
2. Comments on VWHDC Response 11.