

# **Chilton Neighbourhood Plan**

## **Response to Examiner's Clarification Note dated 17 May**

### **Initial Comments**

The Chilton Neighbourhood Plan Steering Group and Chilton Parish Council thank the examiner and welcomes the positive statements made regarding the format and content of the submitted Plan.

### **Points for Clarification**

The following clarification is provided for each of the individual points raised by the examiner.

#### **Policy P1**

The word 'limited' was added to provide consistency and reinforce the VWHDC Local Plan designation and associated policies of Chilton as 'smaller village', and the NPPF guidance on development in Areas of Outstanding Natural Beauty. In particular, Policy CP3 of the VWHDC Local Plan says development in a smaller village should be modest in scale and primarily to meet local needs.

The Plan further refines the VWHDC policies to limit support for new residential development to be within existing settlement areas as defined in Figure 3.7. This follows from evidence gained from the housing needs survey (Section 3c of the Plan) where support for the need for further development was largely absent and when expressed was limited to infill or backfill and to avoid new housing on paddocks or open spaces.

It was felt important that the nature of any development should be in keeping with the local character which is further defined by the Character Assessment (Appendix 1) and Policy P2.

The wording of Policy P1 has also been challenged in the representation provided by VWHDC. A proposed change to the wording of Policy P1 is given below in the section addressing representations from the examiner and the District Council (Ref. Point 6). The title is proposed to be changed to "Location of Development" and reference to "Limited new residential development" to become "Limited infill development".

#### **Policy P2**

We note that the examiner has confirmed the first part of the policy to be underpinned by the Character Assessment (Appendix 1) and that no further clarification has been requested.

We note that the examiner understands the reference to the North Wessex Downs AONB and details of its Management Plan.

The AONB Management Plan fulfills a number of objectives relating to ensuring the protection and enhancement of the North Wessex Downs AONB which includes the designated area of the Chilton Neighbourhood Plan. In particular, it provides characterisations of the economic, social, environmental, geological and landscape features in each of the sub-regions within the AONB as a background to both the principles of acceptable new development and its detailed design.

Reference is made to the AONB Management Plan within Policy P2 to emphasise the formalised accreditation of 'open countryside' within the Chilton Plan designated area as having a 'downland character' landscape and that any development in the open countryside should be in keeping with this landscape characterisation.

It is accepted by the Parish Council that the AONB Management plan is not a development plan as such. It does however provide guidance for principles that underpin how the AONB should be protected. The Chilton Neighbourhood Plan development principles are constructed within those underlying parameters.

The wording of Policy P2 has also been challenged in the representation provided by VWHDC. A proposed change to the wording of Policy P2 is given below in the section addressing representations from the examiner and the District Council (Ref. Point 7).

## Policy P6

The Parish Council would accept a modification to the second part of the policy to the effect that measures taken for the mitigation of noise should be proportionate to the scale and nature of the proposed development.

The wording of Policy P6 has also been challenged in the representation provided by VWHDC. A proposed change to the wording of Policy P6 is given below in the section addressing representations from the examiner and the District Council (Ref. Point 9)

## Policy P9

We note the examiner's comment that the Policy P9 is suitably underpinned by the analysis included in Appendix 3. We understand that no further clarification is sought by the examiner. Further comments are provided below in response to a representation from the District Council (Ref. Point 10).

To ensure the areas designated as Local Green Spaces have regard to national policy and can be effectively managed, it is suggested that the wording of Policy P9 be amended to 'Development will not be supported on land designated as a Local Green Space *except in very special circumstances*'.

## Representations

The Parish Council welcomes the opportunity to comment on representations made to the VWHDC in response to the Regulation 16 consultation.

## Summix (Chilton) Developments LLP

There are several previous planning applications and/or requests for pre-application planning advice for housing on this plot of land. P16/V0660/O and P15/V0969/O are referenced within section 3e of the Neighbourhood Plan. P15/V0969/O was an application for 50 dwellings and P16/V0660/O for up to 40 new dwellings. Both applications were refused planning permission by VWHDC. An application for appeal for refusal of planning consent for P15/V0969/O was withdrawn and the decision not to grant planning approval for P16/V0660/O was upheld on appeal and by judicial review.

Framptons later requested pre-submission advice (P19/V1106/PEJ) for up to 10 self and custom build dwellings with the response from the VWHDC that such an application would be recommended for refusal as the proposal would represent major development in the AONB and is outside of the

built-up area of Chilton village and is therefore not compliant with the Council's adopted spatial strategy

The latest application for planning approval on this land by Summix (P20/V0857/O) is for 6 serviced plots for self and custom build dwellings. This latest application was refused planning approval by VWHDC on 13 August 2020 with reasons including:

- 1) The proposal is considered to be outside of the built area of the settlement and as such the proposal would be unacceptable in principle and fail to accord with the development plan contrary to policies CP3 and CP4 of the Local Plan 2031 Part 1.
- 2) That the development would extend the built form into what is considered 'open countryside', creating a sprawl of urban development to the detriment of the established settlement pattern found in the area, as well as harming the character of the wider landscape contrary to policies CP37 and CP44 of the Local Plan 2031 Part 1 and para 172 of the NPPF.

The applicant appealed against the decision and an open hearing was held on 8 April 2021. The decision of appeal inspector, given in the decision notice of 28 May 2021, is that the appeal is dismissed.

Throughout these various planning applications, appeals and public inquiries Chilton Parish Council has provided its recommendation for refusal of planning permission, supporting the above reasoning given by VWHDC in the refusal of P20/V0857/O.

The Parish Council concludes that the owner clearly has intentions for development of the site as a whole and has successively reduced the number of dwellings in each successive application with the objective of obtaining approval of an initial limited number of dwellings in open countryside outside of the existing settlement boundary that could be extended in future applications.

The Parish Council continues to support the VWHDC decision for refusal of the application P20/V0857/O and rejects the submission by Summix to the Regulation 16 consultation that the Chilton Neighbourhood Plan is not consistent with national and local planning guidance.

There is no obligation to provide an allocation in the Neighbourhood Plan. This is consistent with the VWHDC Local Plan Parts 1 and 2. The Neighbourhood Plan gives further details and justification on page 25 paras 3d and 3e.

### Detailed Changes suggested by District Council (VWHDC)

The Parish Council welcomes the general support of the submitted Chilton Neighbourhood Plan as provided by VWHDC in response to the Regulation 16 consultation and thanks VWHDC officers for their assistance in preparing and assessing earlier drafts of the Plan. The following table lists the detailed representations provided by VWHDC and proposes appropriate changes to the draft plan for the examiner to consider.

Ref.	Section/Policy	VWHDC Comment/ Recommendation	Change Proposed by Parish Council
1	General Comment	We suggest taking a consistent approach when referring to the Vale of White Horse Local Plan 2031. Perhaps referring to it as the 'Vale of White Horse Local Plan 2031' initially, and 'Local Plan' subsequently.	Agreed. Make the changes as suggested by VWHDC
2	Page 25- 3d. Settlement Boundary	<p>We consider it important to refine the explanation of the purpose of the settlement boundary in the first paragraph of 3d, so that it has regard to national policy and is flexible enough to accommodate the forms of development which are appropriate in countryside locations.</p> <p>We recommend replacing 'and to prevent the unregulated encroachment of development into the open countryside or otherwise inappropriate locations' with 'and to prevent inappropriate development in open countryside'.</p> <p>As regards the second paragraph in 3d, the VoWH Local Plan 2031 is not the primary means of demonstrating that the district has a sufficient housing to meet the district's housing requirement.</p> <p>The VoWH Local Plan 2031 sets out the district's housing requirement for the period 2011-2031 and also allocates housing supply to meet the identified housing requirement. Annual Monitoring Report's (AMR's) provide an annual update on housing delivery which evidences whether the district has been meeting the housing requirement. The Housing Land Supply Statement, which is published annually, evidences the district 5-year housing land supply position.</p> <p>To ensure accuracy, we would recommend changing the wording of the second paragraph to:</p>	<p>Agreed.</p> <p>Replace 'and to prevent the unregulated encroachment of development into the open countryside or otherwise inappropriate locations' with 'and to prevent inappropriate development in open countryside'.</p> <p>Changing the wording of the second paragraph to: "The VoWH Local Plan 2031 sets out the housing requirement for the district up to 2031 and also identifies sufficient housing supply through site allocations and windfall to meet this requirement. The District Council update the housing land supply position annually through the Housing Land Supply Statement. If in the future the District is unable to demonstrate a sufficient housing land supply or there has been significant under-delivery of housing as identified by the Housing Delivery Test, then the settlement boundary may be considered out of date in accordance with footnote 7 of the NPPF."</p>

Ref.	Section/Policy	VWHDC Comment/ Recommendation	Change Proposed by Parish Council
		<p>“The VoWH Local Plan 2031 sets out the housing requirement for the district up to 2031 and also identifies sufficient housing supply through site allocations and windfall to meet this requirement. The District Council update the housing land supply position annually through the Housing Land Supply Statement. If in the future the District is unable to demonstrate a sufficient housing land supply or there has been significant under-delivery of housing as identified by the Housing Delivery Test, then the settlement boundary may be considered out of date in accordance with footnote 7 of the NPPF.”</p>	
	<p>Page 25- 3e Settlement Boundary Principles</p>	<p>We would suggest that the principles are reworded to acknowledge that they were used in informing the final settlement boundary, rather than as aspirations.</p>	<p>Agreed.</p> <p>Edit the Settlement Boundary Principles as follows:</p> <p>Principle 1: Given the status of Chilton as a smaller village in the VWHDC Local Plan the boundary <del>should be</del> <b>has been</b> drawn fairly tightly around the existing built-up area and no new allocations for housing or other land uses incorporated until built out.</p> <p>Principle 2: <del>Where possible the</del> <b>The</b> boundary <del>should follow</del> <b>follows</b> clearly defined features e.g. field boundaries, roads, ditches, walls, fences, etc.</p> <p>Principle 3: The boundary <del>should generally</del> <b>follows</b> the curtilage of properties except where there are large gardens or other open areas, which would be inappropriately drawn into the built-up area.</p> <p>Principle 4: Isolated dwellings and agricultural buildings which are clearly detached from or peripheral to the main built-up area of the village <del>should be</del> <b>are</b> excluded.</p> <p>Principle 5: Existing areas of employment and business that are detached from or peripheral to the village <del>should are</del></p>

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			<p>not <del>be</del> included but instead they <del>should</del> <b>will</b> be clearly identified for that purpose.</p> <p>Principle 6: Important amenity areas and large public open spaces that contribute to the character of the village and that are already subject to restrictions on future development <del>should</del> <b>will</b> not be included.</p> <p>Principle 7: The settlement boundary does not need to be continuous. It may be appropriate given the nature and form of the village to define two or more separate elements. Chilton Neighbourhood Development Plan 26 Plan V1.4 Post Regulation 14 Consultation November 2020</p> <p>Principle 8: The boundary <del>should</del> <b>will</b> be drawn consistent with existing planning permissions and appeal decisions <b>to include those developments that have been approved and are built out, and to exclude recent refusals.</b></p>
3	Page 26- Principle 8	<p>This principle requires clarification in what has been included or excluded in creating the settlement boundaries. If built out permissions</p> <p>have been included within the settlement boundary, and refused applications excluded, then this should be stated.</p>	Agreed. Principle 8 to be amended as shown above in response to previous comment.
4	Page 26- Figure 3.7 Settlement Boundaries	The Examiner may wish to consider removing the proposed Hill Piece Green Local Green Space allocation from within the settlement boundary, as this a green space on the edge of the settlement. This would accord with principle 3 and 6 of the settlement boundary principles.	Agreed. The Parish Council is content for this area to be removed from the settlement boundary to be shown in Figure 3.7 and Figure 3.8.

Ref.	Section/Policy	VWHDC Comment/ Recommendation	Change Proposed by Parish Council
5	Page 28- Figure 3.8	The settlement boundary in figure 3.8 is not consistent with that in 3.7, with a difference arising near the Chilton County Primary School. This will require correcting.	Agreed.  This is an editorial error. Figure 3.8 will be corrected to be consistent with Figure 3.7 removing the small area to the south of Chilton school from within the settlement boundary. This is to provide consistency with Fig 3.7 and settlement boundary principle 8.
6	Page 29- Policy P1	The Policy is focused on residential development, but also sets out how employment, services and facilities development applications will be taken into account. We consider the title of Policy P1 should be amended, to take account of this, as follows "Location of Development".  In order to recognise the amended focus of the policy and to be in accordance with Core Policy 4 of the VoWH Local Plan 2031 the first part of the policy should state "Limited infill development" instead of "Limited new residential development".	Agreed.  Change Title to "Location of Development" and change "Limited new residential development" to "Limited infill development".
7	Page 29- Policy P2	In the second paragraph of the policy replace 'are required to be in keeping with' with 'have regard to'.  The documents referred to do not form part of the development plan and have not been examined, therefore proposals can only be expected to have regard to them.  In addition, where the policy states "in open country locations" this should be amended to "in open countryside locations".	Point Accepted.  Change 'are required to be in keeping with' with 'have regard to'.  And change "in open country locations" to "in open countryside locations"
8	Page 29 – Policy P3	Core Policy 39: The Historic Environment in the Local Plan Part One states: 'ensure that new development conserves, and where possible enhances, designated heritage assets and nondesignated heritage assets and their setting in accordance with national guidance and legislation'.	Accepted.  Replace 'conserve and enhance' with 'conserved, and where possible enhanced'.

Ref.	Section/Policy	VWHDC Comment/ Recommendation	Change Proposed by Parish Council
		To be in conformity with the Local Plan policy, replace 'conserve and enhance' with 'conserved, and where possible enhanced'.	
9	Page 35- Policy P6	<p>Development Policy 25 in the VoWH Local Plan 2031 sets out the district wide approach to taking account of noise pollution, providing greater detail. The policy could be reworded as follows:</p> <p>In addition to the requirements in Development Policy 25, development proposals in areas of high noise disturbances identified in Fig.5.1 should incorporate adequate mitigation, including noise screening and planting.</p> <p>It may be helpful to more clearly set out in Figure 5.1 the areas of high noise levels by colour coding numbers. For example, areas above 50/55 red, with areas below in amber.</p>	<p>Accepted. Noting also the clarification requested by examiner the following change is proposed to the point 2 of policy P6 with point 1 unchanged.</p> <p>"2. In addition to the requirements in Development Policy 25, development proposals in areas of high noise disturbances identified in Fig.5.1 should incorporate adequate mitigation, consistent with the scale and nature of the development, including noise screening and planting."</p> <p>Figure 5.1 will be amended to show high noise locations highlighted in red.</p>
10	Page 51 – Policy P9	To ensure the designations have regard to national policy and can be effectively managed, after the list of Local Green Spaces add, 'Development will not be supported on land designated as a Local Green Space except in very special circumstances'.	<p>Agreed.</p> <p>Add 'Development will not be supported on land designated as a Local Green Space except in very special circumstances'.</p>
11	Glossary	<p>Affordable Housing- Remove the final sentence. This is because what constitutes affordable housing is set out in the Annex 2 of the NPPF and further detail provided by Core Policy 24 of the Local Plan.</p> <p>Rural Exception Site- It is recommended that 'Social rented' should be removed from this sentence and simply revised to "Affordable housing on a site where housing would not normally be permitted, providing the development meets a</p>	<p>Agreed.</p> <p>Make proposed changes to definitions of Affordable Housing, Rural Exception Site, Curtilage, Listed Buildings, Local Plan.</p>



Ref.	Section/Policy	VWHDC Comment/ Recommendation	Change Proposed by Parish Council
		<p>proven local need and is supported or initiated by the Parish Council”.</p> <p>Curtilage- Amend to “An area of land attached to a house and forming one enclosure with it”</p> <p>Employment Zones- This should be updated to note that employment zones in the Chilton Neighbourhood Plan have been identified in the Neighbourhood Plan, and not by the Vale of White Horse Local Plan.</p> <p>Listed buildings- After the first sentence amend to state:  “Listing covers a whole building, including the interior, unless parts of it are specifically excluded in the list description. It can also cover:</p> <ul style="list-style-type: none"> <li>• Other attached structures and fixtures</li> </ul> <p>Later extensions or additions</p> <ul style="list-style-type: none"> <li>• Pre-1948 buildings on land attached to the building. (In the planning system, the term ‘curtilage’ is used to describe this attached land.)”</li> </ul> <p>Local Plan - Amend naming term to Vale of White Horse Local Plan 2031 (Local Plan), if suggestion above regarding naming is acted on.</p> <p>Then amend definition to state “Development Plan forming part of the Vale of White Horse</p> <p>Development Framework. It sets out a vision for how the district should develop and grow until the year 2031.”</p>	<p>Clarify that it is the Strategic Employment Site defined in Figure 1.1 that is defined by VWHDC in the designated area map of the Chilton Neighbourhood Plan.</p> <p>The terminology used in relation to employment allocations should be aligned with that used by VWHDC</p>

## Representations from Members of the Public

The Parish Council notes a number of representations (Reponses 1,2,3,4,13,15) relate to the potential for provision of an additional cycle route to the south of the village. It is noted that no such representations were received in response to the Regulation 14 consultation undertaken by the Neighbourhood Plan steering group.

The Neighbourhood Plan is for the benefit all users of the Chilton area, which will include residents, businesses and those simply passing through.

The perceived need for a cycle route to the south passing through Chilton may well be driven by those cycling from the south of the area to the Harwell Campus, and beyond, for both employment and pleasure purposes. Chilton residents would also benefit from improved access to the Ridgeway or other recreational purposes, as access for off-road cycling is already available.

Providing a new cycle route to the south, with convenient access to the Harwell Campus and beyond, with a surface suitable for road cycles, would be a major undertaking and probably require new public rights of way over existing farming land.

Any proposal for such a new cycle way, its route, and funding may be appropriate for consideration within the wider transport policy for the area. This is not seen as being part of the Neighbourhood Plan, however should any future proposals be forthcoming the Parish Council will be pleased to consider them through the normal planning consultation process.

Chilton Neighbourhood Plan Steering Group

Chilton Parish Council

11/06/2021