

## **VALE OF WHITE HORSE DISTRICT COUNCIL**

### **CHILTON NEIGHBOURHOOD PLAN DECISION STATEMENT**

#### **Summary**

1. Following an independent Examination, Vale of White Horse District Council confirmed on 30 July 2021 that the Chilton Neighbourhood Plan should proceed to referendum.
2. This Decision Statement and the Examiner's Report can be viewed on the Council's website.

#### **Background**

3. Chilton Parish Council, as the qualifying body, successfully applied for Chilton Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
4. Following the submission of the Chilton Parish 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 7 April 2021.
5. Vale of White Horse 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 decided on 30 July 2021:

1. To accept all modifications recommended by the Examiner;
2. To determine that the Chilton 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 Chilton Neighbourhood Development Plan to referendum.

## Reasons for decision

7. The Chilton 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 to a significant effect. A neighbourhood plan must not constrain the delivery of important national policy objectives. The principal document in which national planning policy is contained is the National Planning Policy Framework (NPPF) and this conclusion is reached bearing this in mind. It should be noted that the NPPF was revised on 20 July 2021. The revised NPPF replaces the previous NPPF published in March 2012, revised in July 2018 and updated in February 2019. The advice within National Planning Practice Guidance ("NPPG") has also been borne in mind in reaching this conclusion.
8. Paragraph 13 of the NPPF is clear that neighbourhood plans should support the delivery of strategic policies contained in local plans and spatial development strategies. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside these strategic policies. More specifically paragraph 29 of the National Planning Policy Framework states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.
9. Beyond this, the content of a draft neighbourhood plan will determine which other aspects of national policy are or are not a relevant consideration to take into account. The basic condition allows qualifying bodies, the independent examiner and local planning authority to reach a view in those cases where different parts of national policy need to be balanced.
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. The Plan has developed a positive suite of policies that seek to bring forward positive and sustainable development in the neighbourhood area. There is a clear focus on safeguarding its local character and green spaces whilst encouraging appropriate development to come forward.
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. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for new development (Policy P1) and for sustainable business development (Policy P4). In the social role, it includes policies on green spaces (Policy P9) and on traffic noise (Policy P6). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on Flora and Fauna (Policy P5) and on light pollution (Policy P7).

12. The Plan, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the current Development Plan for the area. The Plan delivers a local dimension to the strategic context and supplements the detail already included in the adopted Local Plans.
13. Chilton is identified as a Smaller Village in Core Policy 3: Settlement Hierarchy in the adopted Local Plan. Core Policy 3 sets out how the Smaller Villages have a low level of services and facilities and any development should be modest and proportionate in scale and primarily be to meet local needs. The Chilton Neighbourhood Plan is not proposing to allocate any additional sites for housing.
14. The Plan, as modified by the Examiner's recommendation, would not breach, and be otherwise incompatible with EU obligations, as incorporated into UK law, including the following Directives: the strategic Environmental Assessment (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.
15. In order to comply with the basic conditions on the European Union legislation, the Council produced a Strategic Environmental Assessment Screening which determined that the plan is unlikely to have significant effects on the environment.
16. The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites. The Council screened the Plan for potential impact on EU Special Areas of Conservation (SACs), in line with The Conservation of Habitats and Species Regulations 2017, and this was completed in December 2020. The screening report concluded that the Plan would not have any likely significant effects on the integrity of European sites in or around Vale of White Horse, either alone or in combination with other plans or programmes.
17. 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.
18. 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.
19. The council is satisfied that it is not necessary to extend the referendum area beyond the boundaries of the designated plan area as they are currently defined.



## Appendix 1: Examiner's recommendations

Policy/Section	Examiner's recommendations	Council's Decision	Justification/Reason
Front cover	<b>On the front cover of the Plan replace 'Post S 14 Consultation December 2020' with '2021 to 2031'</b>	Agree	The council consider the proposed modification to the policy to be necessary to ensure that there is the clarity in relation to the Plan period.
Policy P1 - Location of Residential Development	<b>Replace 'Limited new residential development' with 'Development proposals'. Change Title to "Location of Development"</b>	Agree	The council consider the proposed modification to the policy to be necessary to ensure that there is the clarity that is required by national policy and guidance.
Settlement Boundaries	<ul style="list-style-type: none"> <li><i>The removal of the proposed Hill Piece Green Local Green Space from the settlement boundary, as this a green space on the edge of the settlement – the proposed local green space designation is unaffected by the modification,</i></li> <li><i>The removal of the small area to the south of Chilton school from within the settlement boundary (to achieve internal consistency within the Plan)</i></li> </ul>	Agree	The council consider the proposed modifications to settlement boundaries required to ensure consistency with the settlement boundary principles.
Policy P2 - Design Styles for Developments	<b>In the second part of the policy replace 'are required to be in keeping with' with 'should have regard to' and 'in open country locations' to 'in open countryside locations'</b>	Agree	The council consider the proposed modification to the policy to be necessary to recognise that the North Wessex Downs AONB Management Plan is not part of the Development Plan and bring the clarity required by the NPPF.

Policy P3 - Historic Environment	<b>In the first part of the policy replace ‘conserve and enhance’ with ‘conserved, and where possible enhanced’</b>	Agree	The council consider the proposed modification to the policy necessary to ensure the policy is not overly onerous and provides the clarity required by national policy.
Policy P4 - Sustainable Business Development	<b>Replace the first sentence of the policy with: ‘Development proposals which would generate new or enhanced employment opportunities will be supported, where they would not result in an unacceptable impact on nearby residential properties in terms of noise, odour or increased traffic’</b>  <b>In c) delete ‘would be welcomed’</b>	Agree	The council consider the proposed modifications to the policy necessary to ensure that there is the clarity that is required by national policy and to ensure it does not overlap with other development policies.
Policy P5 - Natural Environment – Flora and Fauna	<b>Replace the policy with: ‘Where practicable, development proposals should preserve hedgerows and verges as wildlife corridors. Development proposals should avoid areas identified as rich in flora and fauna. Where practicable, development proposals should incorporate hedges to provide linkages to established wildlife areas’</b>  <i>At the end of the supporting text add: Policy P5 addresses these important matters. The first part seeks to safeguard hedgerows and verges as wildlife corridors such as the established hedge which runs from Chilton south (the “Bargeway”)</i>	Agree	The council consider the proposed modification to the policy to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.  The Council consider the proposed modification to relocate some of the examples included in the policy text into the supporting text necessary to ensure the policy is concise and achieves the clarity that is required by national policy and guidance..

	<i>and connects to the Ridgeway. The second part seeks to ensure that new hedges are incorporated into new development to provide links to established wildlife areas. This will ensure that birds, insects and mammals will be encouraged to access new development areas</i>		
Policy P6 – Mitigation of Traffic Noise	<p><b>Replace the second part of the policy with: ‘As appropriate to their scale and nature development proposals in areas of high noise disturbance as identified in Fig.5.1 should incorporate noise-related mitigation, including where appropriate screening and planting’</b></p> <p><i>In Figure 5.1 identify any mean noise levels at 50dba or above in red and the remainder in amber</i></p>	Agree	<p>The council consider the proposed modification to the policy to be necessary to ensure that the policy has the clarity that is required by national policy and guidance. The council consider the proposed modification to figure 5.1 necessary to provide clarity. This would help achieve a visual distinction between areas with mean noise levels at 50dba and above from those below. It has not been practical to use the colours recommended by the examiner as the use of red and amber has not provided the clear visual distinction intended in the examiner’s recommendation. The council considers that using green instead of amber would address this issue as green and red would appear more distinguishable than amber and red. Consequential amendments considered necessary to ensure the necessary clarity is achieved are set out in Appendix 3.</p>
Policy P7 – Avoidance of unnecessary light	<b>In the first part of the policy replace ‘Development should avoid outside lighting when possible’ with ‘Development proposals</b>	Agree	The council consider the proposed modification to the policy to be necessary to ensure that the policy has the clarity that is

pollution	<b>should be designed without external lighting wherever practicable'</b>		required by national policy and guidance.
Policy P8 – Community Facilities	<b>Replace the second sentence of the policy with: 'Development proposals which would further enhance the village hall and community room facilities for the use of groups with varying ages and abilities, and further play facilities for children and young people will be particularly supported'</b>	Agree	The council consider the proposed modifications to the policy necessary to ensure that the policy is effective.
Policy P9 – Local Green Spaces	<b>Add a second part to the policy to read: 'Development proposals within the designated local green spaces will only be supported in very special circumstances'</b>  <i>At the end of the supporting text at the top of page 51 (before the policy itself) add: 'Policy P9 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy'</i>	Agree	The council consider the proposed modifications to the policy necessary to provide clarity about the management of local green space designations. .  The Council consider the proposed modifications to the supporting text to provide clarity for the decision maker when considering development proposals that effect Local Green Space allocations.
Other matters - General	<i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i>	Agree	The council agrees with the examiner that it is necessary to amend the plan where consequential changes to the text are required directly as a result of the examiners recommended modifications.

Other matters – modification of specific text	<i>VWHDC has suggested a series of general amendments to the Plan in its representation. I have found its comments very helpful. In addition, the Parish Council has responded positively to the various matters in its own response to the clarification note. This is best practice. Within this context I recommend that the Parish Council's proposed changes to the following schedule of points in the VWHDC representations are incorporated as modifications within the Plan.</i>	Agree	The council agrees with the examiner that changes agreed between the District and Parish Council's should be incorporated as modifications within the Plan, recognising best practice.

## Appendix 2 – Examiner's Report

The Examiner's Report is available here: <https://www.whitehorsedc.gov.uk/wp-content/uploads/sites/3/2021/07/Chilton-Neighbourhood-Development-Plan-Examiners-Report.pdf>

## Appendix 3 – Consequential and/or Factual Changes

Section	Agreed change	Justification/Reason
Whole Plan	<i>Reference to 'Post S14 Regulation Public Consultation' to be removed</i>	Factual update
Figure 5.1	<i>Amend figure to show areas of below 50dB in green rather than amber.</i>  <i>Amend figure title to state "Figure 5.1 Traffic Noise - Mean dB measured during Summer 2018 at each location." (Green – below 50 dB; Red – 50 dB and above)"</i>	Changing the colour to amber did not provide the clarity as intended by the modification, therefore green has been used to achieve a clear visual distinction.