

VALE OF WHITE HORSE DISTRICT COUNCIL

WEST HANNEY NEIGHBOURHOOD PLAN DECISION STATEMENT

Summary

1. Following an independent Examination, Vale of White Horse District Council confirmed on 22 July 2021 that the West Hanney 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. West Hanney Parish Council, as the qualifying body, successfully applied for West Hanney Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
4. Following the submission of the West Hanney 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 15 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 22 July 2021:

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

Reasons for decision

7. The West Hanney 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 maintaining the distinction between West Hanney and East Hanney.
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 to that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes a policy on the location of new development (Policy RS3). In the social role, it includes a policy on infrastructure and community facilities (Policy INF1). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on village character and design (Policy RS1), and on The Hanney Gap (Policies RS2). As a whole, the council is satisfied that the policies in the Plan pursue net gain 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 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. West Hanney is identified as a Smaller Village within the Abingdon-on-Thames and Oxford Fringe sub-area in the adopted Local Plan Part 1 (Core Policy 3). Smaller Villages have a low level of services and facilities, where any development should be modest and proportionate in scale and primarily be to meet local needs. West Hanney Neighbourhood Plan does not allocate any sites for development, however it does support development in the built up area of the village in line with the policies from the Local Plan 2031.
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 March 2018. 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
Page 4	Replace the map on page 4 with that supplied by VWHDC	Agree	The council consider this proposed modification to be necessary to ensure there is visual clarity of the neighbourhood area on the map.
Page 4 – Para 2.2	At the end of paragraph 2.2 add: 'The Plan period is 2016 to 2031'	Agree	The council consider this proposed modification to be necessary to supplement the details on the front cover and to ensure the plan period is clearly set out.
Policy RS1 – Village Character and Design	<p>Replace criterion b with: 'They minimise impacts on the natural environment of the parish and provide net gains for biodiversity'</p> <p>Replace the initial part of criterion c with: 'They do not result in the unnecessary loss of trees that'</p> <p>In criterion d replace 'significant' with 'unacceptable'</p> <p>In criterion e replace 'adverse' with 'unacceptable'</p>	Agree	The council consider the proposed modifications to the policy to be necessary to ensure that there is the clarity that is required by national policy and guidance
Policy RS2 – The Hanney Gap	Modify the extent of the West Hanney Gap to that shown in Appendix 4	Agree	The council considers the modification to reduce the size of the Hanney Gap is necessary. The original size of the gap was excessive and encroaches into the open countryside. The approach for development in the open countryside is already determined through national policy and through the local plan.

			The revised gap will ensure that the area where the risk of coalescence between the two villages is most likely to occur is protected. Therefore, the council considers the change to the Hanney gap is necessary to ensure the policy can be applied effectively without it being overly restrictive or unduly onerous.
Page 9 – seventh paragraph	Replace the seventh paragraph of the supporting text with: ‘The physical separation of the two communities has been vital to retaining the established distinctiveness of the two communities. West and East Hanney have always been physically separated by the open fields of the Gap, which is shown on Map 2’	Agree	The council considers this proposed modification to be necessary to reflect the change to Hanney Gap.
Page 9 – eighth paragraph	At the end of the eighth paragraph of supporting text add: ‘The West Hanney Gap as defined for planning purpose in the Plan is not as extensive as that identified in the Character Assessment. The Gap identified in the Plan is that part of the wider Gap where the potential for built development to erode the gap between West Hanney and East Hanney is at its greatest’	Agree	The council considers this proposed modification to be necessary to reflect the change to Hanney Gap.
Page 12 – Second Paragraph	Replace the second paragraph of text on page 12 with: ‘West Hanney benefits from its proximity to the Didcot Parkway mainline station, as many residents commute. However, with no access to bus services car usage has continued to increase. Parking within the village, particularly close to village assets such as the school/pub/church, is limited and on street parking can cause local congestion’	Agree	The council considers this proposed modification to be necessary in order to improve clarity.
Policy INF1 – Community Infrastructure and Facilities	Replace the policy with: ‘Where it is necessary to do so, residential development proposals should contribute towards the improvement and/or enhancement of existing community	Agree	The council considers this proposed modification to be necessary to provide clarity and to direct the reader to the list of infrastructures important to the community.

	infrastructures as detailed in Table 2 of the Plan'		
Page 22 – First paragraph	At the end of the first paragraph of supporting text add: 'Developers and decision makers should pay due regard to the priorities set out in this Report and in negotiating any contributions to existing facilities which may arise from new development'	Agree	The council considers this proposed modification to be necessary as it is better suited as supporting text. It is more descriptive than policy wording and so the council agrees that this sentence should be moved to supporting text.
Page 23 – after the last paragraph in supporting text	After the supporting text add a further paragraph to read: 'The approach taken in Policy INF1 has been designed to take account of national policy (as currently set out in the Community Infrastructure Levy Regulations) on the relationship between a proposed development and the need or otherwise for it to make contributions to community or other local facilities'	Agree	The council considers this proposed modification to be necessary to ensure that it follows the approach set within the Community Infrastructure Levy Regulations on the relationship between a proposed development and the need or otherwise for it to make contributions to community or other local facilities.

Appendix 2 – Examiner's Report

The Examiner's Report is available here: <https://www.whitehorsedc.gov.uk/wp-content/uploads/sites/3/2021/06/West-Hanney-Neighbourhood-Development-Plan-Examiners-report.pdf>

Appendix 3 – Consequential and/or Factual Changes

Section	Agreed change	Justification/Reason
Front Cover	Replace 'Submission Version 01.02.21' with ' <i>Referendum Version July 2021</i> '.	Factual correction.
Content Page and page numbers within document	Update page numbers to reflect the changes in the plan.	Grammatical correction.
Footnotes	Replace 'Submission Version v01.02.21' with ' <i>Referendum Version July 2021</i> '	Factual correction.
Introduction – fifth	Remove 'The Parish Council is now submitting the final	Factual correction

paragraph	<p>WHNDP to the District Council, together with the mandatory supporting documentation:</p> <ol style="list-style-type: none"> 1- A Basic Conditions Statement, demonstrating how the WHNDP meets the statutory requirements set out within the Town and County Planning Act 1990 (as amended by the Localism Act 2011 and the Neighbourhood Planning Regulations 2012). 2- A Consultation Statement, setting out who has been consulted, how the consultation has been undertaken and how the representations have informed the WHNDP. 3- A screening statement confirming a Strategic Environmental Assessment (SEA) is not required. 	
Page 4, Paragraph 2.2	Replace the wording 'blue line and shading' with the word 'red'	Grammatical correction.
Page 4, Map 1	Add the label 'Figure 1: West Hanney Parish Boundary'	Grammatical correction.
Section 2.6 – Page 5	<p>Reword section 2.6 as follows;</p> <p>“This document is the referendum version of the WHNDP. West Hanney Parish Council submitted the pre-submission version for comment to the District Council and other statutory consultees, the community and other interested stakeholders for statutory consultation. That consultation period ran from Friday November 1 2019 to Friday December 20 2019 for a period of seven weeks.</p> <p>Following the pre-submission consultation process, comments were analysed and used to refine the document. The final submission version of the WHNDP was submitted to the District Council in February 2021, together with all the supporting documentation, including a Basic Conditions Statement and Consultation Statement setting out who had been consulted, how the consultation had been undertaken and how the representations have informed the Plan.</p>	Factual correction.

	<p>Vale of White Horse District Council then consulted for a further minimum period of six weeks, before the plan was subjected to an Examination by an Independent Examiner. The examiner recommended in June 2021 that, subject to specified amendments, the Plan meets the 'basic conditions' and should proceed to a local referendum. If the plan is supported by a majority vote at the referendum the Plan will be 'made' by the District Council. This means that the policies of the WHNDP will have full material weight (like the policies of the District-wide Local Plan 2031) when Vale of White Horse District Council determines planning applications in the NDP area."</p>	
<p>Page 10, Vale of White Horse District Local Plan 2031 Part 2</p>	<p>Replace the lowercase 'd' in the word 'development' with an uppercase 'D'</p>	<p>Typographical correction.</p>

Appendix 4 – Amended map showing the Hanney gap



