

VALE OF WHITE HORSE DISTRICT COUNCIL

APPLETON WITH EATON NEIGHBOURHOOD PLAN DECISION STATEMENT

Summary

1. Following an independent Examination, Vale of White Horse District Council confirmed on 29 July 2021 that the Appleton with Eaton 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. Appleton with Eaton Parish Council, as the qualifying body, successfully applied for Appleton with Eaton Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning Regulations.
4. Following the submission of the Appleton with Eaton 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 29 July 2021:

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

Reasons for decision

7. The Appleton with Eaton 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 business (Policy 6). In the social role, it includes policies on green spaces (Policy 2) and on protecting and enhancing village facilities (Policies 3,4 and 5). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on Design, Character and Context (Policy 1).

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. Appleton with Eaton 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 Appleton with Eaton 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 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
Initial sections of the plan, paragraph 2.2	<i>Replace the final sentence of paragraph 2.2 with: 'The Vale of White Horse Local Plan 2031 has not designated any sites, nor has it made any changes to the Green Belt boundaries, for development in the Parish of Appleton with Eaton'</i>	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.
Policy 2: Local Green Spaces	<i>At the end of paragraph 6.2.4 add: 'Policy 2 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> <i>Renumber the LGSs on Map 4 to correspond with the numbering sequence in the policy.</i>	Agree	The council consider the proposed modification to the policy to be necessary to ensure there is the clarity that is required by national policy and guidance.
Policy 3: Village Facilities	Replace the policy with: 'Development proposals which will result in the loss of, or cause unacceptable harm to, a village facility or amenity will not be supported unless: <ul style="list-style-type: none"> it would lead to the significant improvement of an existing facility, or the replacement of an existing facility with another 	Agree	The council consider the proposed modification to the policy to be necessary to ensure that that it is positively prepared and there is the clarity that is required by national policy and guidance.

	<p>equally convenient to the local community it serves and with equivalent or improved facilities; or</p> <ul style="list-style-type: none"> • the facility is no longer economically viable for the established use, or there is a suitable and sustainable alternative that is located nearby; or • the facility is no longer required. <p>Development proposals which would provide additional services, facilities and amenities will be supported subject to the following criteria:</p> <ul style="list-style-type: none"> • they will not have unacceptable impacts on the amenity of neighbouring uses, in accordance with Development Policy 23 in the Vale of White Horse Local Plan 2031; • they will not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network will be acceptable; • access arrangements and off-street parking can be provided in accordance with adopted standards; and • their design has regard to the Village Character Assessment’. 		
Policy 5: Public Houses	<p>Replace the criterion in the policy with: ‘a) the retention of the public house is not economically viable and it can be demonstrated that all reasonable efforts have been made to sell or let the property as a public house on the open market at a realistic price; and</p>	Agree	The council consider the proposed modification to the policy necessary to ensure that it is not overly restrictive and there is the clarity that is required by national policy and guidance.

	<p>b) there is no reasonable likelihood of a suitable alternative facility or service of benefit to the local community making use of the building'</p> <p><i>At the end of paragraph 6.4.6 add: 'Policy 5 sets out the Plan's approach to this matter. Ideally any marketing exercise should be organised as a public house free of tie and restrictive covenant and for an alternative use as another type of community facility. Similarly, the marketing exercise should be undertaken by an agency with experience and expertise of property values for public houses and associated community uses. There are several means of undertaking a viability appraisal. The CAMRA Public House Viability Test is one which is favoured by the Parish Council'</i></p>		
Policy 6: Business	<p>Replace the policy with:</p> <p>'As appropriate to their scale and nature, development proposals to improve existing businesses and encourage new businesses will be supported where they are in accordance with the development plan and where they would not cause unacceptable harm to:</p> <ul style="list-style-type: none"> • the amenity of neighbouring properties; and • highway safety' 	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 that it is proportionate.
Policy 7: Connectivity	<p>'As appropriate to their scale, nature and location development proposals should make provision for, or where</p>	Agree	The council consider the proposed modification to the policy to be necessary to ensure that the policy provides a direct

	<p>practicable assist in the delivery of, the Aspirations listed in the Community Connectivity Assessment (Appendix 4 of the Plan).</p> <p><i>At the end of paragraph 6.6.3 add: 'Policy 7 has been designed to have regard to the Community Infrastructure Levy Regulations. In particular Regulation 122 requires that any developer contributions should be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The Parish Council will have the ability to use its local element of Community Infrastructure Levy funding towards the costs of the projects listed in Appendix 4 of the Plan as its sees fit'</i></p>		<p>connection between the development proposed and the types of developer contributions that would be expected.</p>
Other matters - General	<p><i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i></p>	Agree	<p>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.</p>

Appendix 2 – Examiner’s Report

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

Appendix 3 – Consequential and/or Factual Changes

Section	Agreed change	Justification/Reason
Whole Plan	<i>Change 'Consultation Phase' to 'Referendum Version'</i>	Factual change to recognise the stage of the Plan.