

Appleton with Eaton Neighbourhood Development Plan 2020-2031

**A report to Vale of White Horse District Council on
the Appleton with Eaton Neighbourhood
Development Plan**

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Executive Summary

- 1 I was appointed by Vale of White Horse District Council in May 2021 to carry out the independent examination of the Appleton with Eaton Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 17 May 2021.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its local character and designating local green spaces. The Plan is very well-written and presented. It is also distinctive to the neighbourhood area.
- 4 The Plan has been significantly underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Appleton with Eaton Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
14 July 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Appleton with Eaton Neighbourhood Plan 2020-2031 ('the Plan').
- 1.2 The Plan has been submitted to Vale of White Horse District Council (VWHDC) by Appleton with Eaton Parish Council in its capacity as the qualifying body responsible for preparing the Plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and its subsequent updates.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the Plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a specific focus on safeguarding the character of the village and its community facilities. It also proposes the designation of three local green spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by VWHDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both VWHDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Screening Statement.
- the Village Character Assessment (Appendix 1).
- the Green Spaces Assessment (Appendix 2).
- the Village Facilities (Appendix 3).
- the Community Connectivity Assessment (Appendix 4).
- the other supporting documents (including the evidence base and the Scoping Report).
- the representations made to the Plan.
- the Parish Council's responses to the Clarification Note.
- the Vale of White Horse Local Plan 2031 Part 1 (2016).
- the Vale of White Horse Local Plan 2031 Part 2 (2019).
- the National Planning Policy Framework (2019).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 17 May 2021. I followed the national Covid guidance in place at that time. In particular I was keen to ensure that I did not have contact with any other person (or vice versa) during the visit. I looked at the overall character and appearance of the neighbourhood area in general and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised VWHDC of this decision once I had seen the Parish Council's response to the clarification note.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is very thorough and proportionate to the Plan. It is particularly effective in the way in which it summarises the main consultation events and captures the details in a series of appendices. The aims of the consultation exercises and a summary of the processes followed are set out in Section 3 of the Statement. The Statement also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (May to June 2019) and how the community was encouraged to participate in that exercise.
- 4.3 The Statement sets out details of the range of consultation events that were carried out in the initial stages of the plan-making process. It provides details about:
- the organisation of local events;
 - the use of regular updates in the Appleton Advertiser including Hattie's column;
 - the use of 'Hattie the Scarecrow' to incentivise engagement from parishioners, local groups and organisations;
 - the 2016 Survey was delivered digitally on the Parish Council Website, in the Advertiser and in hard copy format to every household in the Parish;
 - the organisation of a further survey with the Appleton Village Youth Club;
 - the use of volunteers to work on specific aspects of the Plan;
 - the delivery of hard copies of the draft Plan and the Consultation Questionnaire to all households in the Parish for the pre-Submission consultation;
 - the provision of regular updates to the Parish Council; and
 - the organisation of meetings with the District Council.
- 4.4 The Statement also comments in significant detail on how its key policies were influenced by a variety of private and public bodies.
- 4.5 Appendix K of the Statement sets out how the submitted Plan took account of consultation feedback on the pre-submission Plan. It includes details about the comments received and the Parish Council's responses. They do so in a very thorough and effective way. They help to describe the evolution of the Plan. Other appendices provide details of the various events.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.

- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. In proceeding with the examination VWHDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the District Council. It ended on 7 April 2021. This exercise generated comments from a range of organisations as follows:

- Appleton with Eaton Tennis Club
- Vale of White Horse District Council
- AH Cornish (Appleton) Limited
- S&SE Networks
- Sport England
- Natural England
- National Grid
- Oxfordshire County Council
- Historic England

- 4.9 The Plan also received representations from twelve local residents. I have taken all the representations into account in preparing this report. Where it is appropriate to do so I make specific reference to certain representations in this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Appleton with Eaton. Its population in 2011 was 915 persons living in 384 dwellings. It was designated as a neighbourhood area on 10 June 2016.
- 5.2 The neighbourhood area has an irregular shape. It lies approximately six miles to the south of Oxford. In general terms it is located between the River Thames to the west and the A420 (Oxford to Swindon) road to the east. As the Plan describes the parish is characterised by fields and woods and has an enviable range of habitats and wildlife. The geology is of Lower Corallian Beds further away from the River Thames and Oxford Clay closer to the River Thames.
- 5.3 Appleton itself occupies a central location within the parish. It is an attractive village which includes a conservation area. The village is centred around Netherton Road and Eaton Road and the attractive open areas at the junction of these roads with Oaksmere and Whites Forge. The Church, the School and the Community Shop provide the social and community heart of the village. Eaton is located to the north of Appleton and has its own character and appearance.

Development Plan Context

- 5.4 The Vale of White Horse Local Plan (Part 1): Strategic Sites and Policies was adopted in December 2016. It sets out the basis for future development in the District up to 2031. All of the policies in this part of the Local Plan are strategic policies of the development plan. The Vale of White Horse Local Plan (Part 2): Detailed Policies and Additional Sites was adopted in October 2019. It is this broader development plan context against which I am required to examine the submitted Neighbourhood Plan.
- 5.5 The following policies in the Local Plan 2031 Part 1 are particularly relevant to the submitted Plan:

Core Policy 3	Settlement Hierarchy
Core Policy 4	Meeting our Housing Needs
Core Policy 7	Providing Supporting Infrastructure and Services
Core Policy 37	Design and Local Distinctiveness
Core Policy 39	The Historic Environment
Core Policy 40	Sustainable Design and Construction
Cote Policy 44	Landscape
Core Policy 45	Green Infrastructure

In addition, the following policies in the Local Plan 2031 Part 2 are particularly relevant to the submitted Plan:

Development Policy 23	Impact of development on amenity
Development Policy 29	Settlement Character and Gaps

Development Policy 37 Conservation Areas

- 5.6 Appleton 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.
- 5.7 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.8 The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 17 May 2021. I followed the national Covid guidance in place at that time and had no social contact with other persons or vice versa.
- 5.10 I drove into the neighbourhood area from the A420 to the east. This provided a helpful context to the wider setting of the parish and its relationship with Oxford and the strategic road network in particular.
- 5.11 I parked in the centre of the village. I looked initially at its historic core, including the Church. I saw that the Plough Inn was positively planning to take advantage of the phased relaxation of the Covid restrictions. I saw the importance and the significance of the War Memorial and the Village Green. I enjoyed a few moments sat on the Bryan Hicks bench.
- 5.12 I walked along Netherton Road to the south-west. I saw the attractive concentration of timber-framed and thatched cottages.
- 5.13 I then walked along Oaksmere. I saw the attractive open space at its junction with Fettiplace Close and the very interesting display of hanging wooden fruits with lockdown thoughts (the Tree of Hope) from the local community.
- 5.14 I walked along to the School, the Community Shop and St Laurence Church. I saw the attractive way in which these important facilities were located in close proximity to each other. I took time to look at the attractive church grounds. I saw the way in which they provided access to the extensive network of footpaths to the east into the open countryside.
- 5.15 I then drove to Eaton. I saw its attractive character and layout based on the road layout and The Eight Bells PH. Its agricultural heritage was immediately evident.

- 5.16 I finished my visit by driving to the south to Fyfield and Kingston Bagpuize so that I could understand the relationship between those communities and the neighbourhood area.

6 The Neighbourhood Plan as a whole

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019.

6.5 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Appleton with Eaton Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and Parts 1 and 2 of the Vale of White Horse Local Plan 2031;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- always seeking to secure high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and recent ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the parish within the context of its position in the District's settlement hierarchy. It includes a series of policies that seek to ensure the character and appearance of the neighbourhood area is safeguarded. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving 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 a policy on employment development (Policy 6). In the social role, it includes policies on community 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 village character and design (Policy 1) and on local green spaces (Policy 2). The Parish Council's assessment of this matter is set out in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in the wider Vale of White Horse District area in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Local Plan 2031 Parts 1 and 2. Subject to the incorporation of the recommended modifications in

this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement VWHDC undertook a screening exercise (March 2018) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 The screening report also included a separate Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, 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. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It includes specific non-land use community priority projects in a separate section.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. For clarity this section of the report comments on all policies regardless of whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.6 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-5)

- 7.7 The presentation of the Plan as a whole has been prepared to an excellent standard. Its format is enhanced by the use of colour. It is well-organised and includes very effective maps and carefully-chosen photographs that give real depth and purpose to the document. The Plan makes an appropriate distinction between the policies and the associated supporting text.
- 7.8 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the policies included in the Plan. The Introduction provides a very clear setting for the wider Plan. It identifies the relevant elements of the legislation relating to neighbourhood plans and provides an outline of the basic conditions. It also identifies the Plan period (in paragraph 1.7) and defines the neighbourhood area (in Map 1).
- 7.9 The second section provides a context to the neighbourhood area. It does so to very good effect. In particular it includes details about the significance of the Oxford Green Belt in the parish, its listed buildings, its community facilities and its wildlife and biodiversity. In several cases this element of the Plan provides a very clear backcloth to the policies in the main body of the Plan. I recommend a modification to the final

sentence of paragraph 2.2 so that it more accurately reflects the way in which the Local Plan has set a context for the preparation of the neighbourhood plan.

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'

- 7.10 The third section identifies a series of local issues. Plainly they are very distinctive to the parish, provide a very helpful element of the Plan and feed directly into the policies.
- 7.11 The fourth section identifies the Vision and the objectives for the Plan. The associated table makes a direct link between the objectives and the resulting policies
- 7.12 The fifth section comments about the way in which the community was engaged in the production of the Plan. It provides a context for the more detailed Consultation Statement. It also gives a healthy introduction to the role of 'Hattie the Neighbourhood Plan scarecrow' in the wider process.
- 7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 and 7.6 of this report.

Policy 1 Design, Character and Context

- 7.14 This policy sets out the Plan's ambition for design and character. Its approach is linked to the Appleton with Eaton Village Character Assessment. Development proposals which respect the overall design and character of the parish (as expressed in the Village Character Assessment) are supported by the policy.
- 7.15 Its approach will provide a positive context within which sensitive development proposals can come forward in the Plan period. It will contribute to the delivery of the environmental dimension of sustainable development. It meets the basic conditions.

Policy 2 Local Green Spaces

- 7.16 This policy proposes the designation of three local green spaces (LGSs). Their designation is underpinned by Appendix 2 which assesses the three areas against the criteria in the NPPF. It is a very detailed and impressive study.
- 7.17 I looked carefully at the proposed LGSs during my visit. On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGSs comply with the three tests in the NPPF and therefore meet the basic conditions. In coming to this conclusion, I took account of the representation from VWHDC about the proposed Oaksmere/Fettiplace Close LGS and the Parish Council's responses to the clarification note. On the balance of the evidence, I am satisfied that it is demonstrably special to the local community and holds a particular significance.
- 7.18 In addition, I am satisfied that the proposed designation of the LGSs would accord with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested.

Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.

- 7.19 The policy itself lists the three proposed LGSs and sets out the policy requirements of LGS designation. In this context it follows the approach in paragraphs 99-101 of the NPPF and meets the basic conditions. On an administrative point the LGS numbering on Map 4 does not correspond with the numbering in the policy. I recommend a modification to remedy this matter.
- 7.20 I recommend that the supporting text comments about the way in which development proposals affecting designated LGSs will be assessed on a case-by-case basis. This will provide an opportunity to comment that VWHDC 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.

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'

Renumber the LGSs on Map 4 to correspond with the numbering sequence in the policy.

Policy 3 Village Facilities

- 7.21 This policy highlights the importance of community facilities to the well-being of the parish. It has two related parts. The first safeguards existing facilities. The second offers support to the establishment of new facilities. Paragraph 6.3.1 comments that the aim of the policy is to retain and support village facilities and amenities and to encourage the development of business enterprises provided they do not adversely impact upon the character of the Parish or the amenity of neighbours.
- 7.22 Paragraph 6.3 lists the existing facilities in the policy to which its first part would apply.
- 7.23 I saw the importance of the various facilities during the visit. The approach in the policy is both appropriate and distinctive to the parish. I recommend that the policy is replaced with one which is positively-worded and provides a criteria-based approach for its application. The format follows that suggested by VWHDC and agreed by the Parish Council in its response to the clarification note. The recommended modification has the indirect benefit of being both simpler in its format and more robust for development management purposes. Nonetheless its overall approach remains unchanged. Its implementation will assist significantly in delivering the social dimension of sustainable development.

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:

- **it would lead to the significant improvement of an existing facility, or the replacement of an existing facility with another equally convenient to the local community it serves and with equivalent or improved facilities; or**
- **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.**

Development proposals which would provide additional services, facilities and amenities will be supported subject to the following criteria:

- **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 4 Community Shop and Post Office

- 7.24 This policy consolidates the approach in Policy 3. It offers specific support to proposals which would enhance the operation of the community shop and more broadly result in its improvement.
- 7.25 I saw the importance and vibrancy of the Community Shop during the visit. The policy meets the basic conditions.

Policy 5 Public House

- 7.26 This policy sets out a very specific approach towards safeguarding public houses. I saw the importance of public houses to the two local communities during my visit.
- 7.27 VWHDC suggests that the policy wording is unduly onerous. The Parish Council provided further background to its approach in its response to the clarification note. I have considered all the information very carefully. I recommend that the two criteria are modified so that they have a more general nature. Nevertheless, I have captured some elements of the submitted policy in associated modifications to the supporting text in order to retain the Parish Council’s thinking on the matter. Otherwise, the policy meets the basic conditions.

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

b) there is no reasonable likelihood of a suitable alternative facility or service of benefit to the local community making use of the building'

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'

Policy 6 Business

- 7.28 This policy offers support to the improvement of existing businesses and for proposals to establish new businesses. It identifies two criteria which development proposals should meet.
- 7.29 The policy sets out a positive approach to this important matter. I recommend that the policy is modified to incorporate the suggested changes proposed by VWHDC and agreed by the Parish Council in its response to the clarification note. The recommended modification applies the policy approach in a proportionate way and clarifies the two criteria. Its approach will assist significantly in delivering the economic dimension of sustainable development.

Replace the policy with:

'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:

- **the amenity of neighbouring properties; and**
- **highway safety'**

Policy 7 Connectivity

- 7.30 The policy has two related parts. The first comments that all proposals for development should have regard to Appendix 4: Community Connectivity Assessment and ensure that the priorities, deficiencies and opportunities identified are addressed. The second comments that proposals to create new pedestrian and cycle links from adjoining development schemes to a public footpath or bridleway will be supported, where they avoid or minimise the loss of mature trees and hedgerows and use materials that are consistent with a rural location.
- 7.31 Appendix 4 provides a commendable level of detail about locally-distinctive proposals. However, I recommend that the first part of the policy is modified so that it will make a more direct connection between the development proposed and the types of developer contributions that would be expected. This approach would ensure that the policy has regard to national policy (in this case to the Community Infrastructure Levy

Regulations). Otherwise, it meets the basic conditions and will do much to deliver the social dimension of sustainable development.

- 7.33 The second part of the policy meets the basic conditions.

Replace the first part of the policy with:

‘As appropriate to their scale, nature and location development proposals should make provision for, or where practicable assist in the delivery of, the Aspirations listed in the Community Connectivity Assessment (Appendix 4 of the Plan).

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 it sees fit’

Community Priority Projects

- 7.34 The Plan identifies a series of community priority projects. They are important in their own right and in terms of their potential to be the focus of community infrastructure levy and Section 106 funding. The Plan follows national advice in addressing these matters in a separate part of the Plan in order to distinguish them from the land use policies.
- 7.35 The projects deal with a range of transport and access issues. I am satisfied that they are both appropriate and distinctive to the neighbourhood area.

Other Matters

- 7.36 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for VWHDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Appleton with Eaton Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended some technical modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Vale of White Horse District Council that, subject to the incorporation of the modifications set out in this report, the Appleton with Eaton Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 10 June 2016.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
14 July 2021