

Chilton Neighbourhood Development Plan 2021-2031

**A report to Vale of White Horse District Council on
the Chilton 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 Chilton Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 29 April 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 local character, heritage assets 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 Chilton 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
8 July 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Chilton Neighbourhood Plan 2021-2031 ('the Plan').
- 1.2 The Plan has been submitted to Vale of White Horse District Council (VWHDC) by Chilton Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood 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 which continues to be the principal element of national planning policy.
- 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.
- 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.
- Appendices 1-4.
- the representations made to the Plan.
- the Parish Council's responses to my Clarification Note.
- The Queen (on behalf of Lochailort Investments Ltd) and Mendip District Council [2020] EWCA Civ 1259.
- 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 29 April 2021. I followed the national 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 my 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 comprehensive. It includes a very detailed assessment of the consultation undertaken as part of the various stages of the production of the Plan. The summary of the consultation processes in paragraph 2.1 of the Statement is very informative. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (September to October 2020) and how the community was encouraged to get involved.
- 4.3 Appendix A of the Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. The following events/activities were particularly important:
- the open green space survey (May 2017);
 - the business needs survey (Spring 2018);
 - the village facilities and infrastructure survey (Spring 2018)
 - the village-wide survey (August 2018);
 - the various local events;
 - updates in the Chilton Chronicle;
 - the circulation of updates on the Plan in the Chilton Broadsheet; and
 - the use of social media.
- 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 Table 1 of the Statement sets out how the submitted Plan took account of consultation feedback on the pre-submission Plan. The information includes details on the comments received and the Parish Council's responses to those comments. They do so in a very thorough and effective way. They help to describe the evolution of the Plan.
- 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:

- Vale of White Horse District Council
- NHS Oxfordshire
- S&SE Networks
- Office for Nuclear Regulation
- Historic England
- Natural England
- Oxfordshire County Council
- Thames Water
- Harwell Parish Council
- Summix (Chilton) Developments LLP

4.9 The Plan also received representations from five local residents. In many cases these representations set out general support for the Plan. In some cases, specific comments were included. I have taken all the representations into account in preparing this report.

4.10 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 part of the parish of Chilton. It specifically excludes the Harwell Campus to the immediate north west of the village. It is wholly within the North Wessex Downs AONB. Its population in 2011 was 894 persons living in 365 dwellings. It was designated as a neighbourhood area on 1 October 2017.
- 5.2 The neighbourhood area has an irregular shape. The A34 Oxford to Newbury runs through the parish in a north to south direction. As the Plan describes the village lies between the historic Ridgeway National Trail on the Berkshire Downs and the Harwell Campus Enterprise Zone founded on the former Royal Air Force (RAF) Harwell airfield. The village comprises two major residential zones, the traditional, older part of the village to the east of the A34 and the newer Chilton Field development to the west of the A34. A much smaller and separate group of houses, are situated to the west of the A34 on Newbury Road adjacent to Chilton Garden Centre.
- 5.3 The remainder of the neighbourhood area displays the open aspects and attractiveness of the North Wessex Downs AONB. It is mainly in agricultural use.

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 (see paragraph 2.5 of this report). The Vale of White Horse Local Plan (Part 2): Detailed Policies and Additional Sites was adopted in October 2019. It is this 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 13 | The Oxford Green Belt |
| Core Policy 22 | Housing Mix |
| 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 |
| Core Policy 46 | Conservation and Improvement of Biodiversity |
- 5.6 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It

provides confidence to all concerned that the submitted Plan sits within its local planning policy context.

- 5.7 Chilton is identified as a ‘Smaller Village’ within the South East Vale sub-area in the adopted Local Plan Part 1 (Core Policy 3). The identified 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.
- 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 and emerging planning policy documents in the District. 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 29 April 2021. I was fortunate in selecting a dry and breezy day. I followed the national Covid guidance in place at that time
- 5.10 I drove into the neighbourhood area from the A34 to the north. This provided a helpful context to the relationship between the neighbourhood area, Oxford and the strategic road network.
- 5.11 I looked initially at the older part of Chilton village. I walked along Townsend, Church Hill and Main Street to the Rose and Crown PH. In doing so I saw a variety of property styles and ages, including the attractive brick and tile cottages on the western side of Main Street, some of which have very interesting chimney stacks. In Townsend I saw the imposing Chilton House.
- 5.12 I then retraced my steps and looked at the three proposed local green spaces in this part of the village.
- 5.13 I then took the opportunity to look at the Church and the Village Hall to its west. I saw the scale of the recreation ground in this part of the village.
- 5.14 I then drove to the north of the A34 and looked at the Garden Centre. I saw both its size and its popularity.
- 5.15 I then looked at the Chilton Field housing development and the Primary School. I saw that the scale, nature and layout of this part of the parish was very different to that of the historic village. I also saw the proposed local green space between the School and the Garden Centre.
- 5.16 I finished my visit by driving to the north on the Newbury Road. This highlighted the scale and significance of the commercial/research park to the immediate north of Chilton Field.

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 Chilton 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 including protecting Areas of Outstanding Natural Beauty;
- 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, which is identified as a golden thread running through the planning system. 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 the 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 plan area within the context of its position in the 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 to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for residential and sustainable business development (Policies P1 and P4 respectively). In the social role, it includes policies on traffic noise (Policy P6), light pollution (Policy P7) and community infrastructure (Policy P8). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy P2), the natural environment (Policy P5) and on heritage assets (Policy P3). 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

- 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 recommended modifications included on a policy-by-policy basis 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 (December 2020) 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. It reaches this conclusion on the basis that the Plan does not allocate any sites for development and places great emphasis on conserving the character and appearance of the area.
- 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 The HRA report is both thorough and comprehensive. It takes appropriate account of the following protected sites within close proximity to the neighbourhood area:
- Cothill Fen SAC (approx. 13km);
 - Little Wittenham SAC (approx. 9km);
 - Hackpen Hill SAC (approx. 11km);
 - Hartslock Wood SAC (approx. 14km); and
 - Kennet and Lambourn Floodplain SAC (approx. 15km).

The report provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.

- 6.18 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.
- 6.19 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

- 6.20 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.
- 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

- 7.7 The presentation of the Plan as a whole has been prepared to a good standard. It is well-organised and includes very effective maps and photographs that give real depth and purpose to its format. The Plan makes an appropriate distinction between the policies and their supporting text. It also ensures that the vision and the objectives for the Plan set the scene for the various policies.
- 7.8 The initial elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the neighbourhood area and the subsequent policies. The Introduction provides a very clear context to the preparation of the Plan, its relationship with the Vale of White Horse Local Plan and the definition of the neighbourhood area itself (as shown in Figure 1.1). I recommend that the Plan period is included on the front cover of the Plan. Otherwise, it is a particularly effective introduction to a neighbourhood plan.

On the front cover of the Plan replace 'Post S 14 Consultation December 2020' with '2021 to 2031'

- 7.9 The Parish description section provides helpful information about the neighbourhood area. It includes comprehensive information on the following matters:

- Size and population;
- Footpaths;
- Community Assets and Facilities;
- Housing; and
- Employment and Business.

7.10 This element of the report also includes interesting details about the history of the parish and the importance of its location in the North Wessex Downs AONB. In their different ways these matters feed into the policies in the Plan.

7.11 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 P1 Location of New Residential Development

7.12 The policy largely sets out a spatial strategy for the parish. It identifies three settlement boundaries which reflect the different elements of the village. It then offers support for limited development in the three settlement boundaries where it would be proportionate in scale and reflect the character of the area.

7.13 In general terms I am satisfied that the policy has regard to national policy and is in general conformity with the strategic policies of the development plan. The focus of development within the three settlement boundaries will assist in achieving sustainable development in general terms, and its association with the existing community and commercial facilities in the parish.

7.14 The policy uses 'limited' as a description of the scale of new development that would be appropriate to come forward. I understand the purpose of the approach given the identification of Chilton as a smaller village within the VWHDC settlement hierarchy. However, 'limited' is not defined. In any event the moderate level of growth anticipated in Policy 3 of the Local Plan Part 1 remains unaffected by the approach in this policy. Given that the submitted policy comments about the need for development to be local in character and proportionate in scale to the village I recommend that the word 'limited' is deleted from the policy.

7.15 I also recommend that the title of the policy is modified to reflect the wider effect of the policy (to address any development) rather than simply residential development.

7.16 I looked carefully at the proposed settlement boundaries during my visit. I saw that they reflected both the existing built-up elements of the village and its rather distinctive layout in relation to the A34 roundabouts. I also saw that they generally related well to the general principles for the definition of the boundaries as set out in Section 3e of the Plan.

7.17 Within this overall context I recommend two modifications to the proposed settlement boundaries as follows:

- 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; and
- the removal of the small area to the south of Chilton school from within the settlement boundary (to achieve internal consistency within the Plan).

7.18 I have considered carefully the representation made by Summix Ltd in general, and in relation to its proposed development of land at Lower Road (outside the identified settlement boundary) in particular. The representation comments that the Plan has not been positively prepared in general, and that Policy P1 stipulates that development is to be within the settlement areas. However, this is not the case as Policy P1 simply offers support to development within the settlement boundaries. It is silent on the principle of development elsewhere. Policy P2 comments about design matters in both the settlement boundaries and elsewhere.

7.19 At the time that the representation was made a recent planning application had been refused on the Lower Road site (20/V0857/O) and an appeal was pending. The appeal was dismissed on 28 May 2021.

Replace ‘Limited new residential development’ with ‘Development proposals.’

Remove the proposed Hill Piece Green Local Green Space from within the settlement boundary.

Remove the small area to the south of Chilton school from within the settlement boundary (to achieve internal consistency within the Plan between Figures 3.7 and 3.8)

Change the policy’s title to ‘Location of Development’

Policy P2 Design

7.20 This policy comments on design. Within the settlement boundaries development proposals are expected to respond to the existing design of buildings. Outside the boundaries proposals are expected to respect the character and landscape setting of the North Wessex Downs AONB.

7.21 The policy sets out a well-considered and distinctive approach to this increasingly important matter. Appendix 1 of the Plan provides detailed guidance for the existing design of buildings within the village. This is good practice.

7.22 The second part of the policy is based on the North Wessex Downs AONB Management Plan. I can understand the approach taken given both the location of the parish and the comprehensive nature of the Management Plan. However, it is not part of the development plan. I recommend modifications to the wording of the policy to remedy this matter and bring the clarity required by the NPPF. Otherwise, the policy provides an excellent context within which to secure high-quality design in the Plan period. It will do much to deliver the environment dimension of sustainable development.

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’

Policy P3 Historic Environment

- 7.23 This policy sets out a comprehensive approach to heritage assets. It mirrors the approach taken in the NPPF.
- 7.24 Listed buildings are those defined in Section 3a. Scheduled monuments and archaeological finds are described in Section 2b and further details of non-designated historic assets are given in Appendix 1.
- 7.25 I recommend a detailed modification to the wording used to ensure that the policy is consistent with Core Policy 39 of the LPP1. Otherwise, it meets the basic conditions.

In the first part of the policy replace ‘conserve and enhance’ with ‘conserved, and where possible enhanced’

Policy P4 Sustainable Business Development

- 7.26 This policy offers general support to sustainable business development which does not have unacceptable impacts on the local environment or residential amenity. It offers particular support to the following types of business development:
- small-scale businesses run from home;
 - small-scale development and diversification of agricultural, horticultural, equine and other rural land-based businesses; and
 - the introduction of new small retail units within the Garden Centre site to serve local domestic needs.
- 7.27 The policy takes a positive approach to this matter and which has regard to national policy and as in general conformity with the strategic policies in the development plan. I recommend that the first sentence of the policy is modified so that its purpose is clear and avoids overlap with other development plan policies. I also recommend that the unnecessary text in the third specific employment use is deleted. Otherwise, the policy meets the basic conditions. It will assist in delivering the economic dimension of sustainable development.

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’

In c) delete ‘would be welcomed’

Policy P5 Natural Environment

- 7.28 This policy concentrates on the natural environment and on flora and fauna in particular. It has two related parts. The first comments about the desirability of preserving hedgerows and verges as wildlife corridors. The second comments about

the importance of new development avoiding areas rich in flora and fauna and incorporating new hedges to sustain wildlife.

- 7.29 I recommend detailed modifications to the wording of the elements of the policy to bring the clarity required by the NPPF. In doing so I recommend that some of the examples included in the policies are relocated into the supporting text.

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’

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”) 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’

Policy P6 Mitigation of Traffic Noise

- 7.30 This is a very distinctive policy. It reflects the relationship between the parish and the A34. I appreciated both the visual and the audible impact of the road during my visit.
- 7.31 The policy has two related parts. The first comments that areas of existing screening for the road should be retained unless alternative provision is made. The second requires that new development in defined locations should provide appropriate screening and planting to assist in reducing noise levels.
- 7.32 I recommend two modifications to bring the clarity required by the NPPF. The first would result in the second part of the policy being applied on a proportionate basis related to the scale and nature of the proposed development concerned. The second is to show the various noise locations in different colours. Otherwise, the policy meets the basic conditions.

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’

In Figure 5.1 identify any mean noise levels at 50dba or above in red and the remainder in amber.

Policy P7 Light Pollution

- 7.33 This policy seeks to reduce the effects of light pollution. It comments that any external lighting should incorporate measures to ensure that the effects can be kept to

minimum. It draws particular attention to the more sensitive parts of the parish to light pollution and provides advice about external lighting where such provision is required.

- 7.34 I am satisfied that the policy addresses a sensitive local issue in a positive fashion. I recommend modifications to the first part of the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions.

In the first part of the policy replace ‘Development should avoid outside lighting when possible’ with ‘Development proposals should be designed without external lighting wherever practicable’

Policy P8 Community Infrastructure

- 7.35 This policy celebrates the extensive community infrastructure in the parish. It offers support to proposals which assist with the delivery of new or enhanced facilities to the benefit of the community. In particular, it comments that 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 encouraged.
- 7.36 The policy is underpinned by the extensive supporting text and its details about the various existing facilities. I recommend a detailed modification of the wording used in the policy. This reflects the policy’s use of ‘encouraged’ has little effect in a policy context. Otherwise, it meets the basic conditions. It will play a major part in delivering the social dimension of sustainable development.

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’

Policy P9 Local Green Spaces

- 7.37 The policy proposes the designation of four parcels of land as local green space (LGS). The proposed designations are underpinned by the details about each site in Section 7b of the Plan. The approach taken is both thorough and robust.
- 7.38 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 comfortably comply with the three tests in the NPPF and therefore meet the basic conditions.
- 7.39 In addition, I am satisfied that their proposed designation 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 local green spaces would not endure beyond the end of the Plan period.

- 7.40 The policy itself simply lists the four proposed LGSs. I recommend a modification to the policy so that it sets out the policy requirements of LGS designation. The modified policy takes the matter-of-fact approach in the NPPF. It also takes account of the recent case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259).
- 7.41 In the event that development proposals affecting designated LGSs come forward within the Plan period, they can be assessed on a case-by-case basis. In particular 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. I recommend that the supporting text clarifies this matter.

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'

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'

Other Matters

- 7.42 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.

Modification of specific text

- 7.43 In addition to its comments on a policy-by-policy basis 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.

Modification of general text to reflect the Parish Council's responses to the VWHDC representation (Items 1/2/3/5/11).

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 Chilton 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 Chilton 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 1 October 2017.
- 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
8 July 2021