

Faringdon Town Council

Faringdon Neighbourhood Development Plan 2014-2031

A Report to Vale of White Horse District Council of the
Independent Examination of the Faringdon Neighbourhood
Development Plan

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1. Neighbourhood Planning

The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹

Neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood plan, unless material considerations indicate otherwise.

The Faringdon Neighbourhood Plan (the Neighbourhood Plan) has been prepared by Faringdon Town Council (the Town Council), a qualifying body able to lead the preparation of a neighbourhood plan.² Work on the production of the plan has been progressed through the Neighbourhood Plan Steering Group (the Steering Group), comprising local residents (some also representing organisations within the town), members of the Town Council, support staff from Vale of White Horse District Council (the District Council), and the part-time Administrator. The Steering Group established a number of sub-groups dealing with a series of themes, and drew on professional support at key stages. The submission draft of the Neighbourhood Plan has been submitted to the District Council.

2. Independent Examination

This report sets out the findings of the independent examination into the Neighbourhood Plan.³ The report includes a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.

The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission plan. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be ‘made’ by the District Council. Once ‘made’ the Neighbourhood Plan will come into force and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area.

¹ Paragraph 183 National Planning Policy Framework (2012)

² Section 61F(1) Town and Country Planning Act 1990 as read with section 38C(2)(a) Planning and Compulsory Purchase Act 2004

³ Paragraph 10 Schedule 4B Town and Country Planning Act 1990

I have been appointed by the District Council with the consent of the Town Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Town Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have more than thirty-five years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

As independent examiner I am required to produce this report and must recommend either:

- (a) that the Neighbourhood Plan is submitted to a referendum, or
- (b) that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- (c) that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements

I make my recommendation in this respect and in respect to any extension to the referendum area,⁴ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁵

In my examination of the Neighbourhood Plan in addition to those matters already identified in this report I am also required to check whether:

- the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;⁶
- the Neighbourhood Plan meets the requirement to specify the period to which it has effect;⁷
- the Neighbourhood Plan does not include provision about excluded development⁸

Subject to the contents of this report I am able to confirm that I am satisfied that each of the above requirements has been met.

⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁶ Section 38A(2) Planning and Compulsory Purchase Act 2004

⁷ Section 38B(1)(a) Planning and Compulsory Purchase Act 2004

⁸ Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁹ All parties have had opportunity to submit written representations and those representations are open to all to view.

The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case.

I am of the opinion that all parties have had full opportunity to register their views and put their case forward. The Neighbourhood Plan and the representations have been written precisely. There are no issues including those arising from representations in respect of which I require further clarification. I took the decision that a hearing was not necessary and proceeded by examination of written representations.

3. The Plan area

The Neighbourhood Plan relates to the area that was designated by Vale of White Horse District Council as a neighbourhood area on 12 July 2012 and confirmed on 19 July 2014. The submission draft of the Neighbourhood Plan includes a map which shows the plan area is coterminous with the Parish of Great Faringdon boundary and this is further confirmed in paragraph 1.2. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹⁰ and no other neighbourhood development plan has been made for the neighbourhood area.¹¹ A representation states the exclusion of land at Fernham Fields in an adjoining parish, from the neighbourhood area, will severely prejudice consideration of this area for future development. This is not a matter for my consideration. All requirements relating to the plan area have been met.

4. Basic conditions

An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.¹² A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
- the making of the neighbourhood plan contributes to the achievement of sustainable development,

⁹ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

¹⁰ Section 38B(1)(c) Planning and Compulsory Purchase Act 2004

¹¹ Section 38B(2) Planning and Compulsory Purchase Act 2004

¹² Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects¹³

An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.¹⁴ All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan – Taken as a whole'; 'The Neighbourhood Plan – Neighbourhood Plan policies'; and 'The Neighbourhood Plan – Local Green Space Designations'.

I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions.

5. Unaccompanied visit and documents

In undertaking this examination I visited the Faringdon area on 9 October 2014. During this visit I was unaccompanied.

I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the basic conditions and is compatible with the Convention rights:

- Faringdon Neighbourhood Plan 2014-2031 Submission Version (July 2014)
- The Neighbourhood Plan for the Parish of Great Faringdon 2014-2031 Basic Conditions Statement and Appendices (June 2014)
- The Neighbourhood Plan for the Parish of Great Faringdon 2014-2031 Consultation Statement (July 2014) and Appendices (Various dates)
- Sustainability Appraisal (SA) for the Faringdon Neighbourhood Plan - Scoping Report (March 2014)

¹³ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

¹⁴ The Convention rights has the same meaning as in the Human Rights Act 1998

- Sustainability Appraisal (SA) for the Faringdon Neighbourhood Plan – SA Report to accompany the Submission Version of the Faringdon Neighbourhood Plan (July 2014)
- Faringdon Neighbourhood Plan Evidence Base Review (Revised July 2014) and Appendices (Various dates)
- Faringdon Proposed Neighbourhood Plan Area Publication Report (Including minutes of the Vale of White Horse District Council Cabinet meeting 12 July 2014)
- Representations received during the publicity period
- National Planning Policy Framework (27 March 2012) [In this report referred to as the Framework]
- Technical Guidance to the National Planning Policy Framework (27 March 2012)
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [In this report referred to as the Guidance]
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 [In this report referred to as the Regulations]
- Vale of White Horse Local Plan 2011 (adopted July 2006)
- Local Plan 2029 Part 1 Strategic Sites and Policies (February 2013)
- Local Plan 2031 Part 1 Strategic Sites and Policies Housing Delivery Update (February 2014)

6. Consultation

It is evident that the Town Council and the Steering Group tasked with plan preparation have placed great emphasis on community consultation and have clearly taken great effort to ensure that the Neighbourhood Plan reflects the views of those living and working in the Town. Consultation has been extensive and thorough. Working through themed sub-groups, involvement of Faringdon Academy of

Schools, and collaborative working with the District Council have been particular strengths of the approach adopted.

The first public meeting took place on 12 June 2012 followed by a drop-in market stall consultation, a community workshop, and another public meeting. A six week period of public consultation on the first draft of the Neighbourhood Plan was launched at a public meeting and exhibition held on 28 March 2013. A total of 54 comments were received on the Neighbourhood Plan and one comment on the Sustainability Appraisal. The comments were analysed and led to plan changes.

Formal pre-submission consultation commenced 17 May 2014 and closed on 28 June 2014. Local publicity for the consultation was extensive including use of direct emails, website, posters and banners, public meeting, exhibition, stakeholder meetings, and newspaper announcement. Hard copies of plan documents were made available for inspection and purchase and statutory consultations undertaken. A total of 116 comments were received on the Neighbourhood Plan and one comment on the Sustainability Appraisal. These comments were analysed and changes to the plan agreed by the Steering Group. On 9 July 2014 Faringdon Town Council approved the Neighbourhood Plan for submission to Vale of White Horse District Council.

The Submission Plan has been the subject of a Regulation 16 publicity period between 25 July and 12 September 2014. A total of 60 representations were submitted during this publicity period all of which I have taken into consideration in preparing this report even though they may not be referred to in whole or in part.

7. The Neighbourhood Plan – Taken as a whole

I note from observations submitted by Vale of White Horse District Council during the consultation period that the District Council has worked to support Faringdon Town Council in the preparation of the neighbourhood plan and compliments them on a very thoughtful, comprehensive and well produced plan.

The District Council states *“We have reviewed the submitted documentation and are satisfied that the Neighbourhood Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.”*

The plan period of the Faringdon Neighbourhood Plan is clearly stated on the front cover of the submission draft to be 2014 to 2031, and the contents page and introduction confirm the plan period. This satisfies that legal requirement.¹⁵

This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to

¹⁵ Section 38B(1)(a) Planning and Compulsory Purchase Act 2004

national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area.

Each of the plan policies and the intention to designate Local Green Spaces are considered in the sections of my report that follows this.

EU obligations, habitats, and human rights requirements

I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).¹⁶ I have seen nothing in the submission draft of the Neighbourhood Plan that indicates any breach of the Convention. The Equality Impact Statement dated July 2014 concludes the submission draft of the Neighbourhood Plan will result in positive benefits for many parts of the local community with protected characteristics: older people, young people and young children, disabled people and those with limited mobility, and maternity and pregnancy. Whilst not all groups with protected characteristics are explicitly addressed I have seen nothing to suggest the plan will have negative impacts upon any of these groups.

The objective of the EU Strategic Environmental Assessment (SEA) Directive¹⁷ is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’¹⁸ as the Local Planning Authority is obliged to adopt the plan following a positive referendum result.¹⁹

A Sustainability Appraisal (SA) for the Faringdon Neighbourhood Plan Scoping Report was produced in March 2014. A Sustainability Appraisal Report to accompany the Submission Version of the Neighbourhood Plan has subsequently been produced in July 2014. SA is in line with the SEA regulations and also widens the scope of the assessment from a focus on environmental issues to also consider social and economic issues. The SA report satisfies all requirements.

¹⁶ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

¹⁷ Directive 2001/42/EC transposed into UK national law by the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations).

¹⁸ Defined in Article 2(a) of Directive 2001/42/EC

¹⁹ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

The Basic Conditions Statement reports that in terms of Habitat Regulations Assessment the closest European designated site to the plan area is the Hackpen Hill Special Area of Conservation (SAC) located 11km away. It is stated that in the context of assessment undertaken in respect of Local Plan preparation the Neighbourhood Plan is unlikely to lead to additional pressures on the Hackpen Hill SAC. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.

I conclude that the neighbourhood plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

Regard to national policies and advice contained in guidance issued by the Secretary of State, and contribution to the achievement of sustainable development

The Neighbourhood Plan includes at paragraph 3.1 a vision for Faringdon. This identifies the key features of the future Faringdon that the plan seeks to maintain or achieve.

The Neighbourhood Plan then examines in depth twelve key themes that have been developed for the Neighbourhood Plan to reflect the issues and opportunities identified through the consultation. The key themes are:

- A Well-Proportioned Town
- Connections
- Town Centre Shopping and Services
- Local Jobs
- Family Housing
- Design
- Appropriate Infrastructure
- School Provision
- Sport and Leisure
- A Caring Community
- Landscape
- Tourism

At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and

decision-taking.²⁰ The vision and key themes as described in sections 3.1 and 4.1 of the Plan are consistent with, and have regard to, national policies and advice and illustrate how the Plan aims to contribute to the achievement of sustainable development. The vision and key themes sit comfortably with the Framework aims: of building a strong competitive economy and supporting a prosperous rural economy; of delivering a wide choice of high quality homes; of conserving and enhancing the historic environment; and promoting healthy communities.

Subject to my recommended modifications of the Submission Plan relating to specific policies and the intention to designate Local Green Spaces, as set out later in this report, I find that the Neighbourhood Plan, taken as a whole, has regard to national policies and advice contained in guidance issued by the Secretary of State and contributes to the achievement of sustainable development.

General conformity with the strategic policies contained in the Development Plan for the area

The Framework states that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.²¹

Statutory weight is given to neighbourhood development plans that are in general conformity with the strategic policies of the development plan for the local area, and have appropriate regard to national policy. This ensures neighbourhood plans cannot undermine the overall planning and development strategy set out in the development plan for the local area.

The District Council has advised me that locally the Development Plan consists of²²:
Vale of White Horse Local Plan 2011 (adopted in July 2006) (Saved policies)
Oxfordshire Minerals and Waste Local Plan (adopted in July 1996) (Saved policies)

The Minerals and Waste plan does not appear to impact in any particular way on the Neighbourhood Plan and the Neighbourhood Plan does not include matters that

²⁰ Paragraph 14 National Planning Policy Framework 2012

²¹ Paragraph 184 National Planning Policy Framework 2012

²² Oxfordshire Structure Plan 2016 Saved Policy H2 relating to the former airbase at Upper Heyford remains extant pending the adoption of the Cherwell Local Plan but this does not impact on the Faringdon neighbourhood area

relate to policies of that plan. Indeed minerals and waste are excluded matters for the purposes of policy making in Neighbourhood Plans. I will take this opportunity to confirm that the Neighbourhood Plan does not relate to any excluded matters, meeting that requirement.

The Basic Conditions require assessment whether a Neighbourhood Plan is “*in general conformity with strategic policies*” contained in the Development Plan for the area. For this purpose that plan is the Vale of White Horse Local Plan 2011(Saved policies). As the Vale of White Horse Local Plan 2011 predates the Framework; the Framework takes precedence where there is a conflict. The representation of the District Council during the consultation period includes at Appendix1 an assessment whether or not each of the saved policies of the Vale of White Horse Local Plan 2011 is strategic for Neighbourhood Planning purposes. The Basic Conditions Statement includes at Section 3 an assessment of the general conformity of the Neighbourhood Plan with the relevant strategic policies of the Vale of White Horse Local Plan 2011. I am satisfied that the Neighbourhood Plan is in general conformity with strategic policies contained in the Development Plan for the area.

An up to date Local Plan is currently being prepared by the District Council, the Vale of White Horse Local Plan 2031. A representation states that, “*there is no sound or up-to-date local development plan against which the Faringdon Neighbourhood Plan could be prepared. The Vale of White Horse Local Plan 2031 is in its early stages. A regulation 19 consultation on Part 1 of the Local Plan (Strategic Sites and policies) is expected shortly, however it is unlikely that it will be adopted and in force until the Summer 2015 at the very earliest. Part 2 of the Local Plan (detailed policies and local sites) has not yet started and is not scheduled to be adopted until the Summer of 2017. Production of the neighbourhood plan with policies which intend to restrict development ahead of the examination and adoption of the Vale of White Horse Local Plan (other than strategic sites) predetermines the content of Local Plan policy. This is a fundamental error of law, and for as long as the plan seeks to constrain housing in circumstances where there are no up-to-date local plan housing policies, the Neighbourhood Plan cannot be examined with a recommendation that it proceed to referendum.*”

The representation also states, “*Although the Neighbourhood Plan PPG indicates that Neighbourhood Plans can be advanced before an up-to-date Local Plan, GDL strongly submits that it would be appropriate for Faringdon to postpone work on the Neighbourhood Plan until the Vale of White Horse Local Plan Part 1 has been tested at Examination. If the Neighbourhood Plan is advanced in its current form and the strategic policies and development requirements for the village change, then the work on the Neighbourhood Plan is likely to be abortive. The Neighbourhood Plan cannot be consistent with the requirements of the NPPF or meet the Neighbourhood*

Plan Basic Conditions if it is progressed in the context of a development plan that is out-of-date.”

Vale of White Horse District Council has made a representation, “Whilst we acknowledge that there is no basic condition testing the conformity of the Neighbourhood Plan with the emerging Local Plan, the council consider that Policy 4.2C is too restrictive and does not allow for future expansion of the settlement as indicated by the emerging Local Plan 2031 Part 1: Strategic Sites and Policies. The emerging plan allows for development outside the existing built area of Faringdon where it is allocated by the Local Plan 2031 Part 1 or Part 2, or has been allocated within an adopted Neighbourhood Development Plan. As the Neighbourhood Plan has not chosen to make any housing allocations, it must remain flexible to allowing such allocations to be made in the Local Plan 2031.”

In answer to the question “can a Neighbourhood Plan come forward before an up-to-date Local Plan is in place?” the Guidance sets out the following:

“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan.

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. A draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- *the emerging neighbourhood plan*
- *the emerging Local Plan*
- *the adopted development plan*

with appropriate regard to national policy and guidance.

The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan. This is because section 38(5) of the Planning and Compulsory Purchase

Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan (Revision date: 06 03 2014)."

From the representation of the District Council it is evident that the emerging Local Plan and the Neighbourhood Plan are considered by that Council to be currently not fully complimentary.

I have recommended modifications in respect of the section of the plan titled "A well proportioned town" containing policies 4.2A, 4.2B, 4.2C and 4.2D. These are presented in the following section of my report.

8. The Neighbourhood Plan – Neighbourhood Development Plan policies

The Submission Plan seeks to establish 40 policies categorised under the 12 key themes of the Neighbourhood Plan:

- A Well-Proportioned Town
- Connections
- Town Centre Shopping and Services
- Local Jobs
- Family Housing
- Design
- Appropriate Infrastructure
- School Provision
- Sport and Leisure
- A Caring Community
- Landscape
- Tourism

The Neighbourhood Plan also states in the Sport and Leisure section that it intends to designate "*green spaces*" at 7 locations. I consider this matter in the later section of my report titled 'The Neighbourhood Plan – Local Green Space Designations'.

If to any extent a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that the policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn.

The Guidance states that "*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It*

should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.

“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”²³

Where I have found policies or parts of policies do not relate to the development and use of land I have recommended modification of the plan by deletion of those policies or parts of policies. In recognition that the matters concerned are considered to be of importance within the local community and should not be lost sight of, I have recommended that the text should be converted to a supporting statement or transferred to a non-statutory appendix to the plan as appropriate.

The topic based approach of the Neighbourhood Plan has resulted in a dispersed treatment of the cross-cutting issue of developer contributions. My role does not extend to recommending modifications on document structure.

A Well-Proportioned Town

Policy 4.2A: Residential Development

This policy seeks to establish a housing target by reference to the emerging Local Plan. The policy would have the effect of giving the target status as part of the Development Plan. This is inappropriate as there are steps to complete in the Local Plan preparation process. The policy transgresses the processes for Local Plan preparation and examination set out in the Framework and therefore does not meet the basic conditions.

The District Council has made representation *“Policy 4.2A: Residential Development could be made more clear by amending to the following wording: ‘The housing target and sites for the Plan period will be set out in the Vale of White Horse Local Plan*

²³ see section 38(6) of the Planning and Compulsory Purchase Act 2004.

2031 (parts 1 and 2) or its successor document(s).’ The suggested amendments would ensure the plan has regard to paragraph 16 of the NPPF.”

The wording put forward by the District Council is in effect a point of information. The wording does not in itself offer guidance to decision makers and cannot be included as a policy of the Neighbourhood Plan. There is no requirement for a Neighbourhood Plan to include policies relating to any topics, including establishing a housing target. I recommend a statement should be included in the Neighbourhood Plan, made in general text, signposting the reader to the future adopted Local Plan as a reference point where housing targets and sites can be seen.

A representation states it is assumed the Neighbourhood Plan is not seeking to impede the potential allocation of growth to the south of Faringdon within Great Coxwell Parish. To avoid uncertainty it is requested the plan clarifies the point that it cannot apply to emerging Local Plan proposals for growth south of Faringdon but within Great Coxwell Parish. Modification of the Neighbourhood Plan in this respect is unnecessary as the plan area is clearly defined.

Recommended modification 1:

Delete policy 4.2A. The plan should include in supporting text as a point of information, “The housing target and sites for the Plan period will be set out in the adopted Vale of White Horse Local Plan 2031 (parts 1 and 2) or its successor document(s).”

Policy 4.2B: Residential Development within the Development Boundary

This policy seeks to establish conditional support for residential development within the existing development boundary. The policy does not meet the basic conditions as it is imprecise in that the term ‘small scale’ is not defined, and the final sentence is incomplete and has unclear meaning. A representation makes reference to this latter point. The Basic Conditions statement assists in this respect by including the complete wording of the policy which I recommend should be utilised. English Heritage has supported the sentiment of the completed sentence.

Recommended modification 2:

In policy 4.2B delete, “Small scale” and complete the final sentence with, “respect the special character of the town.”

Policy 4.2C: Residential Development beyond the Development Boundary

This policy seeks to establish residential development beyond the development boundary will only be permitted where consistent with the exception policy set out in the Development Plan. The policy establishes resistance to any additional

development within the Parish that adversely affects the setting of the town or the green corridors leading to nearby villages. The final sentence relates to development in Faringdon and is supported in representations made by English Heritage.

A representation by the District Council states, *“In the main, we are satisfied that the Neighbourhood Plan has regard to national policy. However, paragraph 16 of the NPPF states that Neighbourhood Plans should “plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.” The council is concerned that Policy 4.2C: Residential development beyond the Development Boundary does not plan positively for development as it is too restrictive and therefore does not accord with paragraph 16 of the NPPF. Further to this, it does not ‘support the strategic development needs set out in Local Plans (NPPF, paragraph 16 bullet point 1).*

Whilst we acknowledge that there is no basic condition testing the conformity of the Neighbourhood Plan with the emerging Local Plan, the Council consider that Policy 4.2C is too restrictive and does not allow for future expansion of the settlement as indicated by the emerging Local Plan 2031 Part 1: Strategic Sites and Policies. The emerging plan allows for development outside the existing built area of Faringdon where it is allocated by the Local Plan 2031 Part 1 or Part 2, or has been allocated within an adopted Neighbourhood Development Plan.

As the Neighbourhood Plan has not chosen to make any housing allocations, it must remain flexible to allowing such allocations to be made in the Local Plan 2031. The Faringdon Development Boundary as shown in Figure 4 is the current boundary as found in the adopted Local Plan 2011. The development boundary will need to be altered as part of the Local Plan 2031 to take account of any sites allocated. The Neighbourhood Plan therefore needs to retain some flexibility to allow for the District Council to make future allocations and should be clear that the Development Boundary in Figure 4 will be altered. The Council suggest that Policy 4.2C: Residential Development beyond the Development Boundary could be made more positive by amending the wording to: ‘Residential development beyond the development boundary will only be permitted where it has been allocated in the Local Plan 2031 or where it is consistent with the exception policies set out in the Development Plan’.

A representation states Policy 4.2C actively seeks to constrain housing development on the edge of the town and is contrary to the express terms of the Framework. It is further stated that the introduction to policies section is contrary to one of the Core Planning Principles, of the Framework which states *“Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth”*. The representation objects to the definition of Settlement Boundaries as provided for in

Policy 4.2C *“as this could preclude appropriately sited and sustainable development coming forward to meet the borough’s housing needs, in accordance with the NPPF presumption in favour of sustainable development. Proposals that are sustainable should go ahead without delay. An overly restrictive approach could result in a plan that is not positively prepared and therefore contrary to NPPF and Basic Condition 8 (2) (a).”* The representation also makes reference to a Neighbourhood Plan and related High Court case in another part of the country.

Natural England has made representation that, *“The inclusion of policy which looks to control the amount of development that will be needed to meet the allocation for this area should hopefully allow the town to expand only where absolutely necessary and that as much as possible of the future development would be encouraged within the built-up area.”*

There is no requirement for a neighbourhood plan to conform to an emerging local plan however the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Policy 4.2C is in conflict with this presumption and also in conflict with the aspect of national policy seeking to boost significantly the supply of housing. The Neighbourhood Plan has not demonstrated that housing needs can be met within the development boundary. The policy does not meet the basic conditions.

Recommended modification 3:
Delete policy 4.2C

Policy 4.2D: Planning Gain

This policy establishes an expectation that qualifying development proposals will contribute to achieving the objectives of the Neighbourhood Plan. The policy is sufficiently clear in acknowledging the emerging status of local contribution strategy but as the Neighbourhood Plan policy precedes the latter it should acknowledge the approach to obligations set out in paragraphs 204 and 173 of the Framework. The policy also states the Town Council will seek to have full representation in negotiations between developers and the District and County Councils with regard to any planning gain. The matter of representation in negotiations is not a matter relating to the development and use of land and should not form part of the policy. The matter is however one of community importance and should be retained in supporting text. As modified the policy meets the basic conditions.

Recommended modification 4:

In policy 4.2D after “tests” add “and total impact requirement in the National Planning Policy Framework paragraphs 204 and 173. For developments that are capable of being charged the levy the tests are put on a statutory basis”; and transfer the sentence commencing “The Town Council” to supporting text

Connections

Policy 4.3A: Connections

This policy seeks to ensure that new developments create attractive street connections into the town centre that encourage cycling and walking; and maximises opportunities to create or improve routes between existing parts of the town. Connections 'towards' rather than 'into' the town centre may in some instances be more achievable but I have not recommended a modification as this is not required to meet the basic conditions.

The policy also states walking and cycling should be encouraged through campaigns. The deployment of campaigns is not a matter relating to the development and use of land. The policy is consistent with the component of the Framework concerned with promoting sustainable transport. With modification this policy meets the basic conditions.

Recommended modification 5:

In policy 4.3A delete the final sentence which should be included in a non-statutory appendix to the Neighbourhood Plan

Policy 4.3B: Streets and Spaces

This policy seeks to influence the quality of design of works to streets and spaces in and around the town centre. The policy is consistent with the component of the Framework requiring good design. This policy meets the basic conditions.

Policy 4.3C: Shared Surfaces

This policy seeks to influence the design of any shared surfaces in new developments. The policy is consistent with the components of the Framework requiring good design and promoting sustainable transport. This policy meets the basic conditions.

Policy 4.3D: Parking

This policy establishes support for the delivery of additional off-street parking in the town centre together with a coach park outside the town centre where they accord with other policies in the Neighbourhood Plan. The policy is consistent with the components of the Framework seeking to improve the quality of parking in town centres and ensuring the vitality of town centres. This policy meets the basic conditions.

Policy 4.3E: Footpaths and Cycleways

This policy seeks to establish that new developments should contribute: to the delivery of improvements to the quality and extent of the pedestrian and cycle network in and around Faringdon and connecting with the adjoining parishes, and towards the provision of new lockable cycle parking facilities close to local amenities. The policy states these will be sought through developer contributions. Whilst the Neighbourhood element of Community Infrastructure Levy is likely to be the relevant funding mechanism this is not certain. It is therefore necessary to consider that the Framework states that planning obligations should only be sought where they meet all of the three tests set out in paragraph 204 of the Framework. The Framework also indicates in paragraph 173 that the cost of requirements should be such that they enable the development to be deliverable. In recommending modification of policy 4.2D relating to planning gain those limitations are acknowledged. On this basis the policy meets the basic conditions.

Town Centre Shopping and Services

Policy 4.4A: Minimising the Loss of Retail Space

This policy seeks to resist the loss of retail space in the defined town centre except under specific circumstances. The policy is consistent with the Framework component of ensuring the vitality of town centres. This policy meets the basic conditions.

Policy 4.4B: Extending the Town Centre Retail Offer

This policy seeks to approve changes of use or redevelopment of sites not in retail use to retail use. Uses that support the retail function are encouraged. The policy is consistent with the Framework component of ensuring the vitality of town centres. This policy meets the basic conditions.

Policy 4.4C: Extending the Wider Retail Offer

This policy relates to sites on the edge of the town centre or on the main routes between the town centre and the Tesco Park Road site. In these locations favourable consideration will be given to redevelopment or change of use to retail, or uses that support the retail function of the town centre, providing more suitable sites are not available in the town centre. The policy is consistent with the Framework approach to edge of centre sites. This policy meets the basic conditions.

Policy 4.4D: Improving Pedestrian and Cycle Links

This policy states new development between the town centre and the Tesco Park Road site will be expected to contribute to an enhanced pedestrian and cycle environment. Additionally any development of the land north west of the Gloucester Street car park should contribute towards providing a high quality pedestrian link between the site and the town centre. This policy is consistent with the component of the Framework relating to promoting sustainable transport. The Framework states that planning obligations should only be sought where they meet all of the three tests set out in paragraph 204 of the Framework. The Framework also indicates in paragraph 173 that the cost of requirements should be such that they enable the development to be deliverable. In recommending modification of policy 4.2D relating to planning gain those limitations are acknowledged. On this basis the policy meets the basic conditions.

Policy 4.4E: Public Houses

This policy seeks the retention of public houses except in certain circumstances. The policy is consistent with the component of the Framework concerned with promoting healthy communities and in particular guarding against the unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day-to-day needs. Only redevelopment for other uses would result in loss of the facility. Subject to this clarification this policy meets the basic conditions.

Recommended modification 6:

In policy 4.4E on lines 3 and 11 after redevelopment add "for other uses"

Local Jobs

Policy 4.5A: Existing Employment Sites

This policy establishes conditional support for intensification or redevelopment of existing industrial areas along Park Road for employment purposes. A representation proposes that land at the north-east end of Park Road site 1A should be removed from the allocation in Figure 8 of the Neighbourhood Plan in that the policy wording is unnecessarily restrictive by seeking to encourage Class B1 uses and trade counter employment uses only in any intensification or redevelopment of the site, and does not contribute to the achievement of sustainable development as defined in the Framework. It is also stated that the policy is not in harmony with the emerging Local Plan. The representation proposes as an alternative that the wording of policy 4.5A should be changed to be less restrictive and more aligned with policy

4.4C to allow a redevelopment or change of use to retail and other uses that support the retail function of the town centre.

There is no requirement for the policy to be in harmony with the emerging Local Plan. The premises subject of the representation do not have frontage to the route referred to in policy 4.4C. The policy is consistent with the component of the Framework concerned with building a strong, competitive economy and contributes to the achievement of sustainable development. The modification requested in the representation is not required in order to meet the basic conditions. This policy meets the basic conditions.

Policy 4.5B: Wicklesham Quarry

This policy safeguards Wicklesham Quarry for employment uses, subject to conditions, following completion of quarrying activities. It is stated employment development will be supported subject to demonstrable need, and specific criteria being addressed, and no other suitable sites are available closer to the town centre. Natural England has made representation the policy should highlight the Site of Special Scientific Interest (SSSI) designation of the site. This would be consistent with the conserving and enhancing the natural environment component of the Framework. I recommend modification of the policy in this respect in order to meet the basic conditions.

A representation “strongly supports the principle of allocating Wicklesham Quarry for employment uses but expresses strong reservations about limiting the use to B2 and B8 uses, insofar as it excludes B1 uses and uses which do not fall neatly within these categories i.e. Sui Generis use but which, nevertheless, contribute to the economy.” The representation also states “It is not appropriate to sequentially require alternative sites to be examined before this site is developed for all uses, other than B1 (large scale) offices. Business investment requires certainty and forcing any would be investor to examine and investigate alternative sites will damage investor confidence and make it less likely for the site to come on stream. There is no requirement for the other sites to be sequentially developed and nor does the NPPF require it, other than for town centre type uses such as a large scale offices. It therefore should be deleted from the policy or if the event B1 uses were accepted here require it for large scale office only.”

Matters of ancillary uses, and sui generis uses are appropriately considered as part of development management processes. The specification of types of employment uses to be developed on a site and introduction of sequential prioritising of development for sites are matters that amount to the shaping and directing of sustainable development and are appropriate for inclusion in a Neighbourhood Plan. They help to ensure that local people get the right type of development for their

community. The modifications requested in the representation are not required in order to meet the basic conditions.

Recommended modification 7:

In policy 4.5B: insert at the start of paragraph iv) “given its Site of Special Scientific Interest (SSSI) designation”

Policy 4.5C: Land North West of Gloucester Street Car Park

This policy seeks to establish land north-west of Gloucester Street car park may conditionally be appropriate for mixed employment and retail uses. The policy is consistent with the component of the Framework concerned with building a strong competitive economy. The policy requires modification to be consistent with the Framework approach to main town centre uses on edge of centre sites. English Heritage has reservations about development of this site and would like the policy to limit the loss of woodland but supports criterion i) avoiding harm to the character and quality of the Conservation Area. Natural England has commented on potential negative impact on biodiversity although I consider the policy has regard to national policy requiring demonstration of appropriate ecological mitigation measures and compensation.

Recommended modification 8:

In policy 4.5C after the first sentence insert, “Proposals that include retail use must demonstrate no suitable and viable town centre site is available.”

Policy 4.5D: Wicklesham Farm

This policy establishes the acceptability of limited expansion of B1 use at Wicklesham farm site. The limitation on development is consistent with the component of the Framework concerned with conserving and enhancing the historic environment. English Heritage has made representation that heritage assets should be explicitly protected. I recommend this policy is modified to meet the basic conditions.

Recommended modification 9:

In policy 4.5D after permitted, insert “to”, and insert a final sentence, “Proposals should incorporate retention of the grade II listed barn and granary and conserve or enhance their setting.”

Policy 4.5E: Land behind Pioneer Road

This policy establishes conditional support for new B1 employment development on land behind Pioneer Road. The policy is consistent with the component of the

Framework building a strong, competitive economy. This policy meets the basic conditions.

Policy 4.5F: Town Centre Employment

This policy encourages B1 employment development in the town centre subject to conditions. The policy is consistent with the component of the Framework concerned with ensuring the vitality of town centres. The Framework states that planning obligations should only be sought where they meet all of the three tests set out in paragraph 204 of the Framework. The Framework also indicates in paragraph 173 that the cost of requirements should be such that they enable the development to be deliverable. In recommending modification of policy 4.2D relating to planning gain those limitations are acknowledged. On this basis the policy meets the basic conditions.

Policy 4.5G: Rural Diversification

This policy seeks to support farm diversification subject to conditions. The policy is consistent with the component of the Framework concerned with supporting a prosperous rural economy. This policy meets the basic conditions.

Policy 4.5H: Supporting Additional Employment

This policy states that large housing proposals will be encouraged to facilitate the delivery of land for employment and other non residential land uses.

A representation, “strongly objects to this policy. Firstly what constitutes a ‘large housing proposal’ is not defined and consequently there is no certainty as to which development proposals it would apply. Secondly and more importantly, there is no justification for this policy. In all but the largest developments, the provision of employment floorspace is not practicable and is commercially unviable. Paragraph 73 of NPPF stresses that plans should not impose policy burdens that inhibit the achievement of sustainable development by rendering it unviable. Furthermore, the NPPF Para 204 makes it clear that planning obligations should meet all of the following tests:

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.

Policy 4.5H meets none of these tests and should therefore be deleted.”

The policy is satisfied by the act of encouragement and so does not relate to the development and use of land. This policy does not provide a certain basis for decision making in that it fails to define large housing proposals and does not define

other non-residential uses. The policy does not have regard to the Framework with respect to the circumstances where planning obligations should be sought.

Recommended modification 10:

Delete policy 4.5H

Family Housing

Policy 4.6A: Housing Balance

This policy requires new development to deliver a range of housing types that meet local parish needs. Support is established for proposals that provide a range of housing types including larger houses and accommodation for the elderly. Determinants of the mix are stated. The policy is consistent with the Framework component concerned with delivering a wide choice of high quality homes. This policy meets the basic conditions.

Policy 4.6B: Self-build Housing

This policy conditionally encourages self-build housing projects within the Faringdon development boundary. The geographic restriction is neither explained nor justified with evidence. A representation suggests that encouragement is inadequate to result in delivery. In the context of delivery of a wide choice of high quality homes the Framework states the planning for a mix of housing should include consideration of the needs of different groups in the community including people wishing to build their own homes. With modification the policy meets the basic conditions.

Recommended modification 11:

In policy 4.6B delete “encouraged within the Faringdon development boundary” and insert “supported”

Design

Policy 4.7A: Materials and Roofscape

This policy specifies that new buildings should be constructed in sympathetic materials in keeping with local character and style. The policy also requires roofscape design to have careful regard for potential impacts on the townscape and surrounding landscape. English Heritage welcomes and supports this policy. The policy is consistent with the component of the Framework concerned with requiring good design. This policy meets the basic conditions.

Policy 4.7B: Resource Consumption

This policy seeks to minimise energy, water and resource consumption associated with new building or refurbishments and strongly supports district heating schemes. The policy also seeks to ensure sufficient space is available for recycling and composting containers in new developments. The policy is consistent with the component of the Framework concerned with requiring good design and with meeting the challenge of climate change. This policy meets the basic conditions.

Policy 4.7C: Conservation Area

This policy relates to a Characterisation Study and subsequent Conservation Area Appraisal, as well as identification, prioritisation and funding of public realm improvement opportunities. English Heritage welcomes and supports this policy. These matters do not relate to the development and use of land and cannot be included as policies of a neighbourhood development plan. The matters though are of community importance and should not be lost sight of and so should be transferred to a non-statutory part of the plan.

Recommended modification 12:

Delete policy 4.7C and transfer the text to a non-statutory appendix to the Neighbourhood Plan

Policy 4.7D: Housing Design

This policy seeks to influence the design of new housing development and has regard to the Framework in recognising outstanding or innovative design may be appropriate. The policy is consistent with the component of the Framework concerned with requiring good design. This policy meets the basic conditions.

Policy 4.7E: Secured by Design

This policy requires all development to incorporate the principles of Secured by Design and where appropriate seek to achieve accreditation. The policy is consistent with the components of the Framework concerned with:

- requiring good design;
- and promoting safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- and promoting safe and clear developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

This policy meets the basic conditions.

Policy 4.7F: Visual Impact

This policy seeks to establish that all commercial buildings will create a high quality environment. English Heritage welcomes and supports this policy. The policy is consistent with the component of the Framework concerned with requiring good design. This intervention will only be possible at the time of alteration of buildings or new build which should be made clear. This policy otherwise meets the basic conditions.

Recommended modification 13:

In policy 4.7F after all, insert “alterations or new build of”

Appropriate Infrastructure

Policy 4.8A: Improving the Infrastructure

This policy seeks to establish a requirement for development to provide infrastructure. The policy is preceded by a listing of “*all the required elements*” of “*all types of supporting infrastructure*”. The list includes elements referred to in other policies and others that are not. I have already commented that the topic based approach of the Neighbourhood Plan has resulted in a dispersed treatment of the cross-cutting issue of developer contributions.

A representation states that this policy relies on an emerging policy in the Vale of White Horse Local Plan 2013. It is stated there can be no certainty that the emerging Local Plan policy will remain in its current form following independent examination. This is a valid point and on that basis modification of the policy is necessary.

The policy refers to the Community Infrastructure Levy “if and when adopted” as a mechanism to secure facilities. This provides an accurate position statement at this time but which may need to be updated at the time of plan review.

Thames Water has made representation supporting this policy and requesting the utilities infrastructure text is positioned more clearly as part of the ‘ensuring appropriate supportive infrastructure’ section. As this is not necessary to meet the basic conditions I have not recommended a modification in this respect.

Recommended modification 14:

In policy 4.8A delete “in accordance with Core Policy 5 of the Vale of White Horse Local Plan 2031” and insert, “in order for the development to be sustainably accommodated.”

School Provision

Policy 4.9A: Infant School Site Redevelopment

This policy seeks to encourage proposals to re-use the infant school on Canada Lane for community use should the premises become vacant. The policy also identifies part of the site as offering a possible opportunity for low key, sensitively designed development. Whilst the term low key is not precise the policy as a whole provides sufficient guidance to decision makers. The land use of any future development is not specified and so leaves open a full range of possibilities. This policy does meet the basic conditions.

Sport and Leisure

Policy 4.10A: Faringdon Country Park

This policy relates to use of the Faringdon Country Park and funding and development of a strategy for the maintenance and management of the park, and funding of delivery. These latter matters do not relate to the development and use of land and cannot form part of the Neighbourhood Development Plan. The policy should be modified to relate to the development and use of land. Other matters are however of community importance and these should not be lost sight of and so should be transferred to a non-statutory part of the plan. This policy should be modified to meet the basic conditions.

Recommended modification 15:

Delete the text of policy 4.10A and insert, “Development proposals that improve leisure, sport, recreation and wildlife habitat and associated facilities at Faringdon Country Park will be supported”. Text relating to other matters should be transferred to a non-statutory Appendix to the Neighbourhood Plan

Policy 4.10B: Sports Facilities

This policy relates to sports facilities including provision of a floodlit multi-use all weather pitch, and updating of facilities and extension at the Leisure Centre. Sport England has commented that it is important that the Neighbourhood Plan reflects the Framework in basing policies for open space, sports and recreation facilities on robust assessment of need and resistance to loss of facilities. As drafted the policy does not relate to the development and use of land and cannot form part of the Neighbourhood Development Plan. This policy should be modified in order to meet the basic conditions.

Recommended modification 16:

Delete the text and insert, “Proposals for extension of existing sports facilities, in particular at the Leisure Centre, or new sports facilities in the town, will be supported. Proposals for a floodlit multi-use all-weather pitch will be strongly supported

Policy 4.10C: Allotments

This policy states that serviced sites for new allotments will be provided but does not specify how this will be achieved. The policy also requires any development in excess of 20 houses to provide allotments on site or contribute to off-site provision. The policy does not specify the level of provision and so could be satisfied by little provision. This policy should be modified in order to meet the basic conditions.

Recommended modification 17:

In policy 4.10C delete the text and insert, “The development of new serviced sites for allotments will be supported. New developments in excess of 20 houses will make provision either on-site or off-site at a level of provision to be agreed by the Local Planning Authority based on an assessment of need in a locality and so as not to render a development scheme non-viable”

A Caring CommunityPolicy 4.11A: Health and Care Provision

This policy requires new development to support the expansion of local health and care facilities. Whilst the Neighbourhood element of Community Infrastructure Levy is likely to be the relevant funding mechanism this is not certain. It is therefore necessary to consider that the Framework states that planning obligations should only be sought where they meet all of the three tests set out in paragraph 204 of the Framework. The Framework also indicates that the cost of requirements should be such that they enable the development to be deliverable. In recommending modification of policy 4.2D relating to planning gain those limitations are acknowledged. On this basis the policy meets the basic conditions.

Policy 4.11B: Care for the Elderly

This policy requires new development to support the provision of specialist accommodation for the elderly and contribute towards a health and wellbeing centre. Whilst the Neighbourhood element of Community Infrastructure Levy is likely to be the relevant funding mechanism this is not certain. It is therefore necessary to consider that the Framework states that planning obligations should only be sought where they meet all of the three tests set out in paragraph 204 of the Framework.

The Framework also indicates that the cost of requirements should be such that they enable the development to be deliverable. In recommending modification of policy 4.2D relating to planning gain those limitations are acknowledged. On this basis the policy meets the basic conditions.

Landscape

The Neighbourhood Plan does not include any policies in the landscape section. Natural England has commented positively on the approach to maintain the setting of the town.

Tourism (and River Frontage)

Policy 4.13A Museum or Visitor Centre

This policy establishes support for opportunities to develop a museum or visitor centre. So that the policy relates to the development and use of land it should refer to support for proposals. The policy requires modification in order to meet the basic conditions.

Recommended modification 18:

In policy 4.13A delete “opportunities” and insert “proposals”

Policy 4.13B: River Frontage

This policy encourages tourism activities that promote the section of the River Thames within the parish as an attraction. The policy refers to appropriate activities. The policy is consistent with the components of the Framework concerned with building a strong, competitive economy and supporting a prosperous rural economy. This policy does meet the basic conditions.

Policy 4.13C: Alternative Energy Schemes

This policy supports a micro hydroelectricity scheme at Radcot on the River Thames as well as other alternative energy schemes. The policy is consistent with the component of the Framework concerned with meeting the challenge of climate change. This policy does meet the basic conditions.

9. The Neighbourhood Plan – Local Green Space Designations

The Neighbourhood Plan states it intends to designate “green spaces” at 7 locations. As the text of the plan refers to sections 76 and 77 of the Framework I have treated these as proposals to establish Local Green Spaces. This proposal is not formulated as a policy.

The Neighbourhood Plan does not define the proposed areas to be designated other than by name. Five of the areas include the term Park, Country Park or Recreation Ground and in these cases it can be assumed with some certainty that the entire area of those facilities is proposed for designation. Two of the proposals however are referred to using the term “area”:

- The Faringdon Folly Area is described as “*surrounding the historic and important Faringdon Folly. The area is long established as a recreational area and tourist attraction.*” This area may well be that marked as Folly Tower and Woodland on Figure 11 in the Neighbourhood Plan, but this is uncertain.
- The area known as Humpty Hill is not identified on any Figure of the Submission Version Neighbourhood Plan but is identified through four statements that help to define the location concerned. The Evidence Base Review Consultation Summary Appendix G does identify a site known as Humpty Hill.

The designation of Local Green Space has significant implications not least ruling out new development other than in very special circumstances. On this basis it is essential that the precise areas of land being designated are identifiable with absolute certainty. A map at sufficient scale to identify boundaries is one way that certainty can be achieved.

I have given consideration to the possibility that precise boundaries can now be defined. Such an approach would potentially disadvantage parties, who may be unidentifiable at this stage, who have an interest in the final form and content of the Neighbourhood Plan and who had made assumptions at the various stages of plan preparation as to the definition of areas to be designated as Local Green Space.

I have visited all of the locations where Local Green Space designation is intended. Six of the areas proposed for designation, those at Tucker Road Recreation Ground, Oakwood Park, Pitts Park, Town Park, The Farringdon Folly area, and Faringdon Country Park appear to relate to established parks, sports and play areas, or recreation space. The seventh proposed Local Green Space referred to as ‘the area known as Humpty Hill’ appears to relate to a green field.

The Guidance states “a qualifying body should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.” I note the Consultation Statement includes, under the heading ‘2014 Pre-Submission Consultation: Issues Raised and Addressed’, reference to “two landowners objected to the inclusion of a site that had been designated as green space; the site was currently under appeal and had been proposed as a Village Green by local residents. It was considered that the outcome of the hearing would resolve the issue either way.” These representations are more fully reported at page 17 of Appendix CS8 to the Consultation Statement.

A representation on the Submission Plan “objects to the proposed allocation of the area known as Humpty Hill as an area of green space” and stating it is not available for this purpose. A basis of objection is that the land is not publically owned, being within private ownership and agricultural use. The representation states, “Whilst Gladman are aware that this land is the subject of a Town or Village green (TVG) application, this has not yet been determined and again the Neighbourhood Plan should not be making the assumption that it will be successful.” The representation also states the site north of Highworth Road is currently subject to an appeal for a residential development of up to 94 dwellings with landscaping, open space, highway improvements and associated works. It is stated the application and appeal technical documents demonstrate that there are no technical constraints preventing this site from coming forward for a residential development. The site is described as both sustainable and achievable.

The Guidance states that land could be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty). The area known as Humpty Hill is not ineligible for designation as Local Green Space on the basis of its ownership and agricultural use. The fact that development proposals have been formulated and pursued, with decision on the grant of planning permission pending, does not mean that a Local Green Space designation is incapable of enduring beyond the end of the plan period.

The Framework states “Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.”

In respect to all of the 7 areas intended for designation as Local Green Space I find the latter requirements are met:

- the Local Green Space designation is being made when a neighbourhood plan is being prepared, and
- I have seen nothing to suggest the designation is not capable of enduring beyond the end of the plan period.

The intended designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework. I have noted references to the intended designations in the Sustainability Appraisal. I have also noted the Neighbourhood Plan states that *“There is general consensus that some growth is acceptable with the following reasons given:*

- Additional residents would help support the critical mass of the town and help it become more self-sustaining*
- Additional population would boost the number of potential customers to the town centre, helping to reverse declining footfall and support a greater range of shops*
- Additional population would help support the business case for better public transport services, thus supporting better connections for all*
- A larger population might support the case for better community facilities within the town, including the scale and scope of health care provision.”*

Whilst the Neighbourhood Plan does not identify specific sites for housing development I consider that the Local Green Space designation will in conjunction with the policies related to a well proportioned town (as I have recommended they be modified), local jobs, town centre shopping and services, sport and leisure, and school provision, together establish a planning policy context that is consistent with the local planning of sustainable development and enable investment in sufficient homes and jobs. This view is supported by the collaborative working between the District Council and the Town Council to progress the Neighbourhood Plan in parallel with work on the emerging Local Plan.

In considering the basic condition *“having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan”* it is necessary to consider the full range of national policies and guidance. Paragraphs 76 and 77 of the Framework that refer to Local Green Space designation should not be considered in isolation. Indeed the Framework refers to the need for the planning system to perform an economic role, a social role, and an environmental role and that these roles should not be undertaken in isolation, because they are mutually dependent, and continues *“Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.”* The Neighbourhood

Plan should have regard to all aspects of delivering sustainable development which are extensively set out in the Framework. There is evidence that the 7 intended Local Green Space designations are formulated so as to seek to balance potential growth with the need to protect the town environment.

I find each of the 7 intended Local Green Space designations:

- is consistent with the local planning of sustainable development; and
- complements investment in sufficient homes, jobs and other essential services

The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land”*

I find that in respect of each of the 7 intended Local Green Space designations:

- the designation relates to green space that is in reasonably close proximity to the community it serves; and
- the green area is local in character and is not an extensive tract of land

The Neighbourhood Plan sets out the justification for the designations. In the case of 6 of the areas the justification relates to their current use and reference is made to location either within densely populated areas providing the only easily accessed green space for that area, or near to the town centre, or in an area of considerable population growth. The justification stated for the area known as Humpty Hill is:

- The field has been traditionally used as a recreation area for walking and occasional ad hoc activities (for example sledging for children in the winter) by local residents
- It is adjacent to a densely populated area of Faringdon that has no other easy access to open space
- It is an area that provides significant landscape value and provides a significantly important vista towards Faringdon from a much used vantage point
- A footpath runs along the edge of the field

I am aware the area known as Humpty Hill lies within the North Vale Corallian Ridge to which policy NE7 of the Development Plan applies. This policy relates to a very extensive area and does not identify the area known as Humpty Hill in any particular

way. From my site inspection it is evident that the public footpath that crosses the area in question is well used and there is a publically accessible vantage point adjacent to, but outside, the southern boundary of the area. Local Green Space designation does not confer with it rights to access beyond any that exist prior to designation. The only implication of Local Green Space designation is that new development is ruled out other than in very special circumstances.

I have examined the Submission Neighbourhood Plan and the associated submitted documents and find there is a failure to demonstrate that the areas intended for Local Green Space designation are “*demonstrably special to a local community and hold a particular local significance*”. The extensive consultation events including the launch event, stakeholder meetings, market stall event, subgroup meetings, youth group consultation, and stakeholder workshops did not generate any reported comment about Local Green Space designations. In all of the Evidence Base Review there is no reference at all to Local Green Space designation. I could only identify two comments from individuals supporting one of the intended designations in the Consultation Statement and all of its appendices. This is not consistent with a finding that the intended designations are “*demonstrably special to a local community and holds a particular local significance*.”

The evidence base review does state “*Faringdon has a number of play areas for children: Marlborough Gardens, Pitts Park (in Pye Street), Tuckers Park, Oakwood Park, Coleshill Drive and Volunteer Way. These are all relatively small ‘town style’ parks for younger children with limited scope for teenagers.*” There is no explanation in any of the Plan documents why three of these locations are intended for Local Green Space designation and the others not. There is no explanation of how other areas were selected, nor any explanation of the process followed.

There is no evidence to show the areas are demonstrably special to a local community through, for example, opinion surveys, or support from local community groups or local amenity societies. Similarly there is no evidence to show the green areas hold a particular local significance through, for example, specific reference in a landscape or other appraisal, or evidence that a site is highlighted in local literature or art. The Guidance states that whilst there is no ‘tick box’ list of evidence required for neighbourhood planning, “*Proportionate, robust evidence should support the choices made and the approach taken.*”

I have considered the intended Local Green Space designations in the context of the Framework and the Guidance, and in particular in respect of paragraphs 76 and 77 of the Framework and found it has not been established that the designations relate to “*a green area that is demonstrably special to a local community and holds a particular local significance*”. I have also found the areas of land to which the

intended designations would apply have not been adequately defined spatially. As a result the intended designations would not provide a clear basis for decision taking.

Having regard to national policies and advice contained in guidance issued by the Secretary of State, it would not be appropriate to make the Neighbourhood Plan if it includes the intended Local Green Space designations. I recommend the intended Local Green Space designations be deleted from the Neighbourhood Plan.

Recommended modification 19:

The stated intention to designate Local Green Spaces should be deleted from the Neighbourhood Plan

10. Summary and Referendum

I have recommended the following modifications to the Submission Plan:

Recommended modification 1:

Delete policy 4.2A. The plan should include in supporting text as a point of information, “The housing target and sites for the Plan period will be set out in the adopted Vale of White Horse Local Plan 2031 (parts 1 and 2) or its successor document(s).”

Recommended modification 2:

In policy 4.2B delete, “Small scale” and complete the final sentence with, “respect the special character of the town.”

Recommended modification 3:

Delete policy 4.2C

Recommended modification 4:

In policy 4.2D after “tests” add “and total impact requirement in the National Planning Policy Framework paragraphs 204 and 173. For developments that are capable of being charged the levy the tests are put on a statutory basis”; and transfer the sentence commencing “The Town Council” to supporting text

Recommended modification 5:

In policy 4.3A delete the final sentence which should be included in a non-statutory appendix to the Neighbourhood Plan

Recommended modification 6:

In policy 4.4E on lines 3 and 11 after redevelopment add “for other uses”

Recommended modification 7:

In policy 4.5B: insert at the start of paragraph iv) “given its Site of Special Scientific Interest (SSSI) designation”

Recommended modification 8:

In policy 4.5C after the first sentence insert, “Proposals that include retail use must demonstrate no suitable and viable town centre site is available.”

Recommended modification 9:

In policy 4.5D after permitted, insert “to”, and insert a final sentence, “Proposals should incorporate retention of the grade II listed barn and granary and conserve or enhance their setting.”

Recommended modification 10:

Delete policy 4.5H

Recommended modification 11:

In policy 4.6B delete “encouraged within the Faringdon development boundary” and insert “supported”

Recommended modification 12:

Delete policy 4.7C and transfer the text to a non-statutory appendix to the Neighbourhood Plan

Recommended modification 13:

In policy 4.7F after all, insert “alterations or new build of”

Recommended modification 14:

In policy 4.8A delete “in accordance with Core Policy 5 of the Vale of White Horse Local Plan 2031” and insert, “in order for the development to be sustainably accommodated.”

Recommended modification 15:

Delete the text of policy 4.10A and insert, “Development proposals that improve leisure, sport, recreation and wildlife habitat and associated facilities at Faringdon Country Park will be supported”. Text relating to other matters should be transferred to a non-statutory Appendix to the Neighbourhood Plan

Recommended modification 16:

Delete the text and insert, “Proposals for extension of existing sports facilities, in particular at the Leisure Centre, or new sports facilities in the town, will be supported. Proposals for a floodlit multi-use all-weather pitch will be strongly supported

Recommended modification 17:

In policy 4.10C delete the text and insert, “The development of new serviced sites for allotments will be supported. New developments in excess of 20 houses will make provision either on-site or off-site at a level of provision to be agreed by the Local Planning Authority based on an assessment of need in a locality and so as not to render a development scheme non-viable”

Recommended modification 18:

In policy 4.13A delete “opportunities” and insert “proposals”

Recommended modification 19:

The stated intention to designate Local Green Spaces should be deleted from the Neighbourhood Plan

Additionally some of the recommended modifications in this report will necessitate consequential related minor adjustments to the Neighbourhood Plan document.

I consider the Neighbourhood Plan establishes, subject to the modifications I have recommended, a realistic and achievable vision for development and change within the plan area. I am satisfied that the Neighbourhood Plan²⁴:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations;
- meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified meets the basic conditions:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
 - the making of the neighbourhood plan contributes to the achievement of sustainable development,
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
 - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and

²⁴ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- the making of the neighbourhood plan is not be likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects²⁵

I recommend to Vale of White Horse District Council that the Faringdon Neighbourhood Development Plan 2014-2031 should, subject to the modifications I have put forward, be submitted to referendum.

I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.²⁶ In all the matters I have considered I have not seen anything that leads me to conclude the referendum area should extend beyond the boundaries of the plan area as they are currently defined.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by Vale of White Horse District Council on 12 July 2012 and confirmed on 19 July 2014.

Chris Collison

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22 October 2014

REPORT ENDS

²⁵ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

²⁶ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990