

WOODFORD CUM MEMBRIS NEIGHBOURHOOD DEVELOPMENT PLAN 2017-2029

REGULATION 16 SUBMISSION CONSULTATION DRAFT

**A Report to Daventry District Council of the Examination
into the Woodford Cum Membris Neighbourhood Plan**

by Independent Examiner, Peter Biggers BSc Hons MRTPI

Argyle Planning Consultancy LTD
February 2018

Contents:	Page
Summary and Overall recommendation	3
1. Introduction	5
1.1 Background context	5
1.2 Appointment of Independent Examiner	5
1.3 Role of the Independent Examiner	5
2. The Examination Process	7
3. Public Consultation	8
3.1 Background	8
3.2 Woodford Cum Membris Neighbourhood Plan Consultation	8
4. Preparation of Plan and Legislative Requirements	9
4.1 Qualifying Body	10
4.2 Plan Area	10
4.3 Plan Period	10
4.4 Excluded Development	10
4.5 Development and Use of Land	10
4.6 Plan Publication Following Submission	11
5. The Basic Conditions	11
5.1 National Policy and Advice	11
5.2 Sustainable Development	11
5.3 Conformity with the Development Plan	12
5.4 European Union Obligations	12
6. The Neighbourhood Plan Assessment	14
6.0 The General Form of the Plan	14
6.1 Introduction	15
6.2 Why is the Plan Important	15
6.3 Producing and Agreeing the Plan	15
6.4 Community Consultation	16
6.5 Key Issues for the Plan	16
6.6 Vision and Objectives	16
6.7 Woodford Cum Membris NDP Policies	17
6.7.1 Biodiversity (Policy WH1)	17
6.7.2 Non Designated Heritage Assets (Policy WH2)	18
6.7.3 Local Character Areas (Policy WH3)	20
6.7.4 Green Infrastructure and the River Cherwell (Policy WH4)	21
6.7.5 Landscape Character and Prominent Views (Policy WH5)	23
6.7.6 New Housing Development Within the Main Village (Policy WH6)	24
6.7.7 New Housing Development in the Parish Outside Main Village (Policy WH7)	25
6.7.8 Promoting Good Design (Policy WH8)	26
6.7.9 Replacement, Reuse and Conversion of Existing Buildings (Policy WH9)	26
6.7.10 Protecting and Enhancing Community Land and Buildings (Policy WH10)	28
6.7.11 Local Green Spaces (Policy WH11)	29
6.7.12 Infrastructure (Policy WH12)	31
6.7.13 Community Infrastructure Levy (Policy WH13)	32
6.7.14 Local Shops (Policy WH14)	32
6.7.15 Supporting Improvements in Local Transport (Policy WH15)	34
6.7.16 Improving Accessibility to Local Employment Opportunities (Policy WH16)	34
6.7.17 Protecting Local Employment Opportunities (Policy WH17)	35
6.7.18 Supporting New Business Development (Policy WH18)	36
7. Other Matters	36
8. Referendum	39
Appendix 1 – Recommendation 1B - Table of Typographical Corrections	41

Summary and Overall Recommendation

0.1 Following my examination of the Woodford cum Membris Neighbourhood Plan (WNP), including a site visit to the Neighbourhood Area on 9 January 2018, it is my view that the WNP reflects the views of the community and sets out a clear vision and suite of policies and proposals for the Neighbourhood Area.

0.2 However my report highlights a number of areas where I consider the wording of the plan as submitted is not wholly in accordance with one or more of the Basic Conditions. In particular I identify a number of cases where the policies do not meet the requirement of the Planning Practice Guidance that they should be clear and unambiguous and that they should be drafted with sufficient clarity that a decision maker can apply them consistently and with confidence when determining planning applications.

0.3 I have therefore recommended a number of modifications to the Plan which should be made before the plan can proceed to referendum. These are intended to ensure that, first and foremost, the Plan can meet the Basic Conditions.

0.4 In proposing the modifications I have tried to ensure that the integrity and value of the WNP and its vision is retained and that the intention of neighbourhood planning, where the community's wishes should be central to the plan, is honoured.

0.5 By its nature the examination has to be rigorous. Any criticism is not at all to undermine the significant community effort that has gone into the plan. Rather the purpose of the examination is to ensure that the Neighbourhood Plan is as robust as possible and that it can play its part in planning decisions and managing change in the future with a high degree of predictability and efficiency as required by the National Planning Policy Framework.

0.6 In addition to the recommended modifications it should also be noted that there may be a number of consequential changes for example to referencing that will be needed as a result of making the modifications. It will also be necessary to ensure all document references are up to date. Some of these have been referenced below but it should not be assumed that all such changes are identified.

0.7 Subject to the recommended modifications in the report being completed I am satisfied that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood 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.
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.

- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

0.8 The WNP also complies with the legal requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

0.9 With the modifications in place the Woodford cum Membris Neighbourhood Plan will meet the Basic Conditions and can proceed to a referendum.

0.10 When that takes place I also recommend that the Woodford cum Membris Neighbourhood Area, which is synonymous with the Parish's administrative boundary, is taken as the area for the referendum.

Peter Biggers
Independent Examiner
12 February 2018

1. Introduction

1.1 Background Context

1.1.1 This report provides the findings of the examination into the Woodford cum Membris Neighbourhood Plan (referred to as the WNP throughout this report).

1.1.2 The WNP was produced by Woodford cum Membris Parish Council (WPC) and in consultation with interested parties and local stakeholders.

1.1.3 The Woodford cum Membris Neighbourhood Area equates to the administrative area of the parish.

1.1.4 Woodford cum Membris Parish lies about 8 miles south of Daventry. The parish has a population of around 3,500 people in 1,500 dwellings. Woodford Halse and Hinton together form the main settlement and combine two pre-Domesday villages. Each has a historic core which has developed significantly first with the coming of the Great Central Railway and post war as housing has developed. The villages provide a reasonable range of services for the Parish and major employment opportunities in the Great Central and Grants Hill Industrial Estates. The parish is however fairly isolated from main transport corridors and depends on a network of small roads for access. It is a predominantly rural area of mixed arable and livestock farming. The parish is crossed by the upper reaches of the River Cherwell which flows between Woodford Halse and Hinton. The landscape is attractively undulating with good tree cover and a field pattern well defined by hedgerows.

1.1.5 This Examiner's Report provides a recommendation as to whether or not the WNP should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes cast in favour of it, then the WNP would be '**made**' by Daventry District Council. The WNP would then be used to determine planning applications and guide planning decisions in the Woodford cum Membris Neighbourhood Area.

1.2 Appointment of the Independent Examiner

1.2.1 I was appointed by Daventry District Council, with the consent of WPC, to conduct the examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the Local Authority. I do not have any interest in any land that may be affected by the WNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I have planning and development experience, gained over 36 years across the public and private planning sectors and am a Member of the Royal Town Planning Institute and a member of the Neighbourhood Planning Independent Examiners Referral Service run by the Royal Institute of Chartered Surveyors.

1.3 Role of the Independent Examiner

1.3.1 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the "Basic Conditions." The Basic Conditions are set out in paragraph 8(2) of

Schedule 4B to the Town and Country Planning Act 1990 (TCPA) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA). They are that * :

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. The making of the neighbourhood plan contributes to the achievement of sustainable development;
3. 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.
4. The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

1.3.2 Pursuant to Basic Condition 5 above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribes the following basic condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA:

The making of the Neighbourhood Plan is not likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) either alone or in combination with other plans or projects.

1.3.3 In examining the Plan, I have also considered whether the prescribed matters are met namely:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area) and
- The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the PCPA Section 38A.

1.3.4 I have examined the WNP against the Basic Conditions above and, as

** NB Two other matters relating to the desirability of preserving or enhancing listed buildings and conservation areas are also included in the basic conditions but as these only concern neighbourhood development orders and not neighbourhood plans they are not included in this report*

Independent Examiner, I must make one of the following recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan, once modified to meet all relevant legal requirements, should proceed to Referendum;
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.3.5 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Woodford cum Membris Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

1.3.6 The role of the independent examiner is not expressly to comment on whether the plan is sound or how the plan could be improved but rather to focus on the compliance with the Basic Conditions.

2. The Examination Process

2.1 It is a general rule that neighbourhood plan examinations should be held without a public hearing ie by written representations only. However, according to the legislation, when the Examiner considers it necessary to ensure adequate examination of an issue, or to ensure a person has a fair chance to put a case, a public hearing may be held.

2.2 With regard to the above and on consideration of all the evidence before me, I am satisfied that there is no need for a hearing in respect of the WNP. However the Regulation 16 stage raised a considerable number of detailed responses in particular from the District Council advocating quite significant changes to some of the policies in order that the Basic Conditions could be met. In the light of these and the fact that the Parish Council has not had the opportunity to make comments I allowed WPC (through the District Council) the opportunity to respond. Their response was then circulated to third parties affected, including the District Council, with an invitation to make any final comments. I confirm that I have taken into account all the representations on the Neighbourhood Plan received at the Regulation 16 stage together with the WPC's response as qualifying body and any final comments from third parties in undertaking this examination.

2.3 I undertook an unaccompanied site visit around the Neighbourhood Area on 9 January 2018 spending approximately half a day looking at the proposals and the matters raised by respondents in the Regulation 16 publicity stage.

2.4 In undertaking this examination, I have considered each of the following documents in addition to the Submission Version of the Woodford cum Membris Neighbourhood Plan 2017-2029:

1. National Planning Policy Framework (NPPF)
 2. The National Planning Practice Guidance
 3. Town and Country Planning Act 1990 (as amended)
 4. The Planning and Compulsory Purchase Act 2004 (as amended)
 5. The Localism Act (2011)
 6. The Neighbourhood Planning Act 2017
 7. The Neighbourhood Planning (General) Regulations (2012) (as amended)
 8. West Northamptonshire Joint Core Strategy
 9. Daventry District Local Plan.
 10. Woodford cum Membris Neighbourhood Plan Basic Conditions Statement July 2017
 11. Woodford cum Membris Neighbourhood Plan Consultation Statement July 2017
 12. Screening Report for Strategic Environmental Assessment & Habitat Regulations Assessment July 2016
 13. Woodford cum Membris Neighbourhood Plan Evidence Base Documents
- Also:
14. Representations received during the Regulation 16 publicity period post-submission ending 9 October 2017.

3. Public Consultation

3.1 Background

3.1.1 An accessible and comprehensive approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community.

3.1.2 WPC submitted a Consultation Statement, as required by Regulation 15 of the Neighbourhood Planning (General) Regulations, to Daventry District Council in July 2017.

3.1.3 Public consultation on the WNP commenced with initial consultations in 2014 including a questionnaire in September of that year. This was followed by various consultation stages, including:

- The pre submission consultation from 3 October to 14 November 2016.
- The formal, publicity stage, as required by Reg 16, (the consultation period post-submission of the plan) from 14 August to 9 October 2017.

This last stage resulted in 12 consultation responses. These are considered as necessary within my assessment of the plan in section 6 below.

3.2 Woodford Cum Membris Neighbourhood Plan Consultation

3.2.1 The WNP Steering Group was established following the decision of WPC to apply to have the neighbourhood area designated and has carried out consultation with the community and stakeholders throughout the process of plan preparation. The communication methods used involved summary leaflets, questionnaires, neighbourhood plan newsletters, monthly village magazine (WOW), public notices and posters, the neighbourhood plan and village websites (Village Signpost), and direct email drops. Copies of the Pre Submission Draft and Submission Plan were uploaded to

the website as well as being available locally as hard copy in community buildings and local shops.

3.2.2 The initial consultation stage of the plan sounding out the community on issues started in Summer 2014 through to the autumn. During this time a questionnaire was designed to seek views on what were people's key issues and priorities for the plan – it was completed by 129 residents. The consensus was that some development should be accepted mainly on the approaches to the village and that the character of the settlement should be retained.

3.2.3 The results were used to identify the key issues for the plan and to create a vision statement for the plan and establish objectives. A draft plan was then prepared and consulted on informally in September 2015.

3.2.4 The Consultation Summary document sets out the detail of these early consultations and the comments and survey results. It is clear that opportunities were available to the community to be involved and that the consultations gave a reasonable basis for the preparation of the plan.

3.2.5 The pre-submission consultation as required by Regulation 14 involved a 6 week period from 3 October to 14 November 2016. The WNP and a plan summary leaflet were made available online and as hard copy at key community buildings and shops and the consultation was advertised by the methods set out in 3.2.1. Statutory consultees and other key community stakeholders were consulted by email or letter to a list provided by the District Council. WPC set up a public meeting on 1 November 2016 to provide information on the WNP. A response form for consultees to use was available and during the period 66 submissions were made in writing from consultees and residents.

3.2.5 The Neighbourhood Planning Regulations are part and parcel of the 1st Basic Condition and Regulation 15 (2) sets out clearly what the Consultation Statement should include. Having reviewed the Consultation Statement and its appendices I am satisfied that it is compliant with Regulation 15 in demonstrating who was consulted, how they were consulted, what the main issues and concerns were and what action has been taken in response to these to arrive at the Submission Draft Plan. I am satisfied from the evidence that the communication and consultation which took place provided adequate opportunity for the community's participation and that the responses in both the earlier stages of the plan and at the pre-submission stage indicate that the community was successfully engaged in the preparation of the neighbourhood plan.

4. Preparation of the Plan and Legislative Requirements

In terms of the procedural tests set out in paragraph 1.3.3 of this report my findings are as follows:

4.1 Qualifying body

4.1.1 Woodford Cum Membris Parish Council as the duly elected lower tier council is the qualifying body for preparation of the Plan.

4.1.2 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) have been met.

4.2 Plan area

4.2.1 The Woodford Cum Membris Neighbourhood Area as designated coincides with the boundaries of the Parish.

4.2.2 An application was made by the WPC on 1 June 2014 to designate the Woodford Cum Membris Neighbourhood Area. This was approved by Daventry District Council on 2 October 2014 following consultation.

4.2.3 This satisfied the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) and Regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

4.3 Plan period

4.3.1 A neighbourhood plan must specify the period during which it is to have effect. The WNP clearly states on its title page and in the introductory sections that it covers the period from 2017 – 2029. The plan period aligns with that of the West Northamptonshire Joint Core Strategy. Although this means the plan period is slightly shorter than many development plans, the intended time period to 2029 still satisfies the requirements of Section 38B of the PCPA as amended.

4.4 Excluded development

4.4.1 The Plan does not include policies or proposals that relate to any of the categories of excluded development – county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the TCPA 1990. The WNP relates solely to the neighbourhood area and no other neighbourhood and there are no other neighbourhood development plans in place within the neighbourhood area. This satisfies requirements of Section 38B of the PCPA as amended.

4.5 Development and use of land

4.5.1 The Neighbourhood Plan should only contain policies relating to development and use of land. Subject to the modifications proposed below in section 6, the WNP policies would be compliant with this requirement of Section 38B of the PCPA as amended and all relate to the development and the use of land.

4.6 Plan Publication Following Submission

4.6.1 Daventry District Council undertook a final validation check of the WNP on submission on 01/08/17 and was satisfied that the Plan could proceed to be publicised under Regulation 16 and proceed to this independent examination. In its Regulation 16 representation the District Council raised a number of detailed concerns regarding the WNP as submitted which are considered along with other Regulation 16 comments in section 6 below.

5. The Basic Conditions

5.1 National policy and advice

5.1.1 The main document that sets out national policy is the *National Planning Policy Framework* (the NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan.

5.1.2 The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. They cannot promote less development than that set out in the Development Plan or undermine its strategic policies.

5.1.3 The NPPF indicates that plans should provide a framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

5.1.4 National advice on planning is set out in the *Planning Practice Guidance* (PPG) which includes detailed and specific advice regarding neighbourhood plans.

5.1.5 I consider the extent to which the plan meets this Basic Condition No 1 in section 6 below.

5.2 Sustainable development

5.2.1 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government's view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development:- economic, social and environmental.

5.2.2 There is no legal requirement for a formal Sustainability Appraisal (SA) to be carried out in respect of neighbourhood plans. However an SA is good practice because, if it is carried out in a robust way, assessing policies and proposals against a set of objective sustainability principles, it more readily demonstrates whether the plan will or will not assist in achieving sustainable development. An SA was not

carried out in this case. WPC in their Basic Conditions Statement address the second basic condition but in brief and simply assert that the plan will contribute to the achievement of sustainable development.

5.2.3 In considering the policies and proposals of the plan in section 6 below I have therefore considered their potential to contribute to sustainable development and, subject to the modifications being made, I conclude that, overall, the WNP will meet Basic Condition No 2.

5.3 Conformity with the Development Plan

5.3.1 The adopted development plan in force for Daventry District is the West Northamptonshire Joint Core Strategy Local Plan Part 1 (WNJCS) and saved policies from the Daventry District Local Plan (DDLP).

5.3.2 Daventry District Council (DDC) has begun work to prepare the Daventry District Settlements and Countryside (Part 2) Local Plan to accompany the WNJCS and has just published a consultation draft of the plan. There may be some of the evidence base for this plan which has a bearing on my consideration of the basic conditions but as it is not yet adopted it is the WNJCS and DDLP that sets out the strategic policies and which must be used in assessing the plan against Basic Condition No 3.

5.3.3 I consider in further detail in Section 6 below the matter of general conformity with the development plan.

5.4 European Union (EU) Obligations

5.4.1 A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant.

Strategic Environmental Assessment and Habitat Regulations Assessment

5.4.2 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This Directive is often referred to as the Strategic Environmental Assessment (SEA) Directive. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on neighbourhood plans.

5.4.3 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the responsible authority (DDC) that the plan is not likely to have 'significant effects'.

5.4.4 A screening opinion both in respect of the need for Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) was prepared by DDC in

July 2016 in consultation with the statutory bodies. With regard to an SEA this determined that there were unlikely to be any significant effects occurring as a result of implementing the WNP and there was therefore no need for a full SEA to be carried out.

5.4.5 Regarding Habitats Regulations Assessment the test in the additional Basic Condition is that the making of the neighbourhood development plan is “*not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) either alone or in combination with other plans or projects.*”

5.4.6 No European sites are located within the Neighbourhood Area. The nearest is the Upper Nene Gravel Pits Special Protection Area and RAMSAR site some 23 kms north east of the border of the neighbourhood area at its closest point. The Rutland Water Special Protection Area and RAMSAR Site lies 61 kms north east of the border of the neighbourhood area at the closest point. The HRA screening considered the impact of development in the WNP, but concluded that - “*due to the plan demonstrating conformity with the WNJCS that it will not result in any significant effects either alone or in combination upon the Upper Nene Valley Gravel Pits pSPA / pRAMSAR or the Rutland Water SPA / RAMSAR sites*”.

5.4.7 These findings in respect of both SEA and HRA have subsequently been accepted by the statutory environmental consultees and no differing views have been put forward by anyone else. I have no reason to reach a different conclusion.

5.5 Other EU obligations

European Convention on Human Rights (ECHR)

5.5.1 The Human Rights Act encapsulates the Convention and its articles into UK Law and various rights set out in the Convention and its First Protocol must be considered in the process of making planning decisions.

5.5.2 In respect of Article 1 of the first protocol - the right of everyone to the peaceful enjoyment of possessions; although the WNP includes policies that would restrict development rights, this does not have a greater impact than the general restrictions on development rights provided for in national law. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

5.5.3 In respect of Article 6 of the Convention's Rights and Freedoms - the right to a fair and public hearing in determination of an individual's rights and obligations - the process for preparing the WNP is fully compatible with this Article, and allowed for consultation on its proposals at various stages, culminating in this independent examination process and local referendum.

5.5.4 In respect of Article 14 of the Conventions Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground, the policies and proposals of

the WNP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible. Although no specific Equalities Impact Assessment has been carried out I am satisfied that, across the plan as a whole, no sectors of the community are likely to be discriminated against and no objections have been raised that would suggest otherwise. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood.

5.5.5. I am satisfied therefore that the Plan does not breach, and is otherwise compatible with, the ECHR.

5.5.6 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the WNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

6. The Neighbourhood Plan – Assessment

The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in section 5 above that the plan as a whole is compliant with Basic Conditions Nos 4 (EU obligations) and 5 (Other prescribed conditions), this section largely focusses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General Conformity with strategic policies of the Development Plan). Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics. Modifications are restricted to those necessary to meet the basic conditions and to correct typographical errors in the plan.

6.0 The General Form of the Plan

6.0.1 The structure of the WNP is generally logical and clear with early sections setting the context and then policy sections. Each policy is accompanied by supporting text and the plan distinguishes between the policies themselves (by coloured boxing and using a bold font) and their justification. However the Planning Practice Guidance (PPG) in its advice on neighbourhood plans requires that plans provide a clear and unambiguous guide to developers and to that end the inclusion of topic sub headings in the policy section (Section 7) are necessary with subheading and paragraph numbers to more clearly elaborate the sections and to aid users referencing sections of the plan.

6.0.2 The submission version of the WNP includes a number of minor typographical errors which need to be corrected to maintain the sense of the plan. For simplicity I have set these out in tabular form in Appendix 1 at the end of the report.

Recommendation 1

1A – Insert topic subheadings and number referencing in section 7 of the plan which sets out the policies (e.g. ‘7.1 Biodiversity’)

1B – Correct typographical errors in the text as set out in the table at Appendix 1

6.1 Introduction

6.1.1 This section of the WNP is largely factual describing the decision to prepare the plan and providing a general portrait of the parish. The only point I wish to raise is in respect to Figure 1 – the map of the plan area and the requirement of the Planning Practice Guidance that neighbourhood plans must be clear and unambiguous. The reference in the title to Figure 1 that states ‘*For key see policies WH2 and WH11*’ is not clear. The policies referred to do not include a key and it is unclear how they relate to Figure 1 which is simply a map of the plan area. If the intention is to indicate where local heritage assets (WH2) and local green spaces (WH11) are in the wider parish outside the area covered by the policies map at Figure 2 then a policies map for the whole parish should have been provided. To comply with the PPG and therefore Basic Condition No 1 the title to Figure 1 needs to be modified.

Recommendation 2 – Delete the words ‘For Key see policies WH2 and WH11 in Section 7’ from the title to Figure 1.

6.2 Why is the plan important?

6.2.1 This section sets out how the WNP gives the community the opportunity to manage development in Woodford and ensure decision making reflects community wishes. The section raises no issues with respect to the Basic Conditions.

6.3 Producing and agreeing the plan

6.3.1 The section sets out the process of how the plan has been prepared and particularly relates to the Submission and Regulation 16 stage. This section will have to be rewritten as the plan goes forward to the referendum stage explaining the process and in doing so 2 matters need to be addressed to reflect Basic Condition No1 and the need for clarity and accuracy. First, the Basic Conditions, if they are being referred to in the plan, should not be summarised. They have particular meanings and should be expressed as in legislation. Secondly, the text at the end of paragraph 3.3 is misleading as it is predetermining the outcome of the referendum when it uses the words ‘*The final decision..... will be a straightforward majority of those voting in the referendum*’.

6.3.2 I recommend that these points are resolved when this section is updated as the plan goes forward to the referendum.

Recommendation 3

3A – Replace the bullet points at 3.2 setting out the Basic Conditions with the following wording:

- ***having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood 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.

- ***the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.***

3B Reword the last sentence of paragraph 3.3 to read:

‘The final decision rests with the people of Woodford cum Membris and if a majority of those voting in the referendum support the WNP it will be ‘made’ by the District Council’.

6.4 Community Consultation

6.4.1 This section of the plan briefly summarises the consultation that was carried out in connection with the preparation of the WNP. The section is largely factual and raises no issues with respect to the Basic Conditions.

6.5 Key Issues for the Plan

6.5.1 This section explains the key issues for the plan, both those coming from the community consultation and those raised by national and local policy. The PPG, as stated, requires that neighbourhood plans, amongst other things, should be evidence based, clear and unambiguous and set out a positive vision for how they want their community to develop. The bullet points at section 5.2 which underpin the vision and objectives in section 6 and subsequently the policies in section 7 do not meet these requirements and, with the exception of two, are not expressed as key issues but rather read as topic headings. They should clearly provide the thread linking to vision and policies.

Recommendation 4 – Amend wording of paragraph 5.2 bullets to directly express what each issue is that has led to the vision, objectives and policy – as in-‘The need to manage future housing growth’.

6.6 Vision and Objectives

6.6.1 Section 6 of the WNP sets out the vision of the plan, and the key objectives to deliver the vision and provide the basis for the policies. This approach contributes to providing a clear thread linking the issues identified in Section 5 to the vision and the policies of the plan.

6.6.2 The vision and community objectives do draw on the matters of concern within the community and set out the aim to meet the local needs of the community without losing the heritage and character of the parish.

6.6.3 The vision and objectives also encapsulate in a succinct way the vision and strategic objectives set out in section 4 of the WNJCS and section 1.11 of the DDLP.

6.6.4 The PPG advice in respect of neighbourhood plans is that they “*provide the opportunity for communities to set out a positive vision for how they want their community to develop... in ways that meet identified local need and make sense for local people*”. Taken as a whole, the vision for the WNP is clear in terms of what the community wishes

to achieve and it is a positive one.

6.6.5 The vision and objectives for the plan are likely to have either a positive or neutral outcome in terms of their sustainability. They are therefore, as a whole, likely to contribute to the achievement of sustainable development.

6.6.6 Accordingly, the Vision and Objectives in sections 6 of the WNP meet Basic Conditions Nos 1, 2 and 3.

6.7 Woodford cum Membris NDP Policies

Section 7 of the plan at paragraphs 7.1 and 7.2 set out how the policy section is structured. Right at the start by stating the plan '*contains the draft planning policies that we think should be used to manage...*' the plan introduces ambiguity and a lack of clarity contrary to advice in the PPG and therefore Basic Condition no 1. Regulation 15 of the Neighbourhood Planning Regulations simply talks about submitting the plan proposals. As this plan will be the basis of the plan going forward to referendum (subject to modification) the paragraph should provide a clearer, stronger statement.

Recommendation 5 – Reword paragraph 7.1 lines 1-3 to read:

'...contains the planning policies to manage, guide and promote future development in the parish up to 2029.'

6.7.1 Biodiversity (Policy WH1)

i) Policy WH1 seeks to protect and enhance biodiversity and minimize impacts on locally designated Local Wildlife Sites, there being no national or international designated nature conservation sites. While they have no direct legal protection in the same way as nationally designated sites they complement these protected sites and provide vital linkages between habitats. Local Wildlife Sites are considered important enough to receive protection through the planning system. National planning policy requires local authorities to identify and provide for their protection through local policy. The policy therefore has regard to the high level of importance placed on biodiversity in section 11 of the NPPF.

ii) In addition, the policy is in general conformity with policy BN2 on Biodiversity in the WNJCS and adds local detail to the higher order principles set out in that policy. The principle of the policy therefore meets Basic conditions Nos 1 and 3.

iii) However the Planning Guidance requires that policies in a neighbourhood plan should be clear and unambiguous. They should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Against these tests Policy WH1 requires modification. The policy should cross reference to where the Local Wildlife Sites are defined and if this is not in a Policies Map there needs to be reference to the list in the supporting text and Appendix 1. The unequivocal statement at the start of paragraph 2 of the policy seeks to apply a stricter test as though the sites were statutorily designated. The NPPF is clear at paragraph 113 that

distinctions should be made between protection of international and national designated sites and of local sites. Accordingly to ensure the policy is clear and unambiguous, as required by the PPG, I recommend that appropriate modifications are made.

iv) At the Regulation 16 stage two comments regarding the policy were raised.

First the Environment Agency considered that the policy should refer to the Water Framework Directive (WFD) and its 2 key objectives. However the main focus of the WFD is the protection of inland and coastal waters as well as groundwater. Whilst biodiversity in water bodies is clearly important the policy expressed in terms of general protection is satisfactory. If the WFD is to be specifically mentioned there are many other policy directives that would similarly have to be introduced into the policy.

Secondly, DDC have proposed that if the plan is seeking to protect the potential local wildlife sites this should be done through direct reference to them in the policy. However whilst it is clear from Appendix 1 where these potential sites are, there is no evidence before me setting out how these sites have been identified and what the ecological value of them is. There is at this stage insufficient justification to include them in the policy and WPC has therefore taken the right approach in merely flagging the issue in the supporting text. If these sites become designated Local Wildlife Sites in due course they can be included in the policy in a future review of the plan.

DDC have also suggested that reference should be made to the Biodiversity Supplementary Planning Document for Daventry District. Although the Council propose that this is included in the policy it is sufficient that it is added to the supporting text.

Recommendation 6

6A - Reword line 1 of paragraph 2 of policy WH1 to read:

‘Development resulting in significant harm to a Local Wildlife Site identified in the supporting text and at Appendix 1 should be avoided. Where such harm cannot be avoided applicants willthat adequate mitigation for the impact on biodiversity is put in place. As a last resort, where neither an alternative site or mitigation is possible, suitable compensatory habitat.....authority.’

6B – Add to the supporting text in paragraph 2 of Page 23 the following :

‘Applicants should also refer to the Biodiversity Supplementary Planning Document for Daventry District to ensure that biodiversity is given appropriate consideration in the development proposals’.

v) With these modifications in place the policy will be sufficiently clear to meet Basic Condition No 1 and 3. Inasmuch as the purpose of the policy is to minimise impact on biodiversity and Local Wildlife Sites it will contribute to the environmental aspects of sustainable development. As the policy would not preclude development, the economic and social aspects of sustainable development are not adversely affected. Basic condition No 2 is therefore also met.

6.7.2 Non Designated Heritage Assets (Policy WH2)

i) Policy WH2 seeks to conserve a number of non-designated heritage assets (NDHA) that

have been locally identified and consulted on in the course of preparing the plan.

ii) The NPPF at section 12 requires planning authorities to conserve and enhance the historic environment. To that end the principle of policy WH2 has regard to the NPPF however the PPG requires proportionate, robust evidence to support the choices made and the approach taken. Whilst WPC has identified the local heritage assets according to Historic England guidance this assessment has not been made available as background evidence nor is it clear whether all or some of these assets would be used by the Local Planning Authority in preparing a local list. DDC in its Regulation 16 response has questioned whether in the light of this the list of assets should be removed from the policy and inserted into the supporting text. Given its provisional status my recommendation is also that the list should be moved. Provided there is a cross reference in the policy, as the Council propose, the operation of the policy would be unaffected.

iii) Although DDC suggest amended wording is needed in the policy to fully reflect the NPPF advice about NDHA I am not persuaded this is the case. The policy at clause b) already reflects paragraph 135. However again in the interests of clarity and avoiding ambiguity required by the PPG there are problems with the structure of the policy. The first part of the policy after the list of assets is unclear in its intent and how it would be applied. Clauses a) and b) are not the circumstances in which loss or detrimental impact could be accepted. Clause a) is a test that should be applied to all proposals not just those that have a detrimental impact and clause b) is wrongly set out as an alternative to a). If the policy is to be clear in its intent clauses a) and b) should stand separately after the first sentence of the preceding paragraph.

Recommendation 7

7A – Remove the list of NDHA from policy WH2 and insert in the supporting text as follows:

Reword the background justification on Page 24 line 7 onwards to read:

“These assets have been identified....using the guidance produced by Historic England *and merit local listing* because of their architectural, historic and cultural *interest* or importance.....agricultural and social development *and are as follows:* (Insert list WH2/1 to WH2/31 here)”

7B – Delete first sentence of policy WH2 and list and reword remainder of policy as follows:

“Development proposals affecting *the local non- designated heritage assets identified in paragraph x of the supporting text and in map y at Appendix z* will be supported where they conserve and protect the assets from loss or detrimental impact.

Where renovation or.....the proposed changes *must be* designed ...to the asset’s setting.

Where a proposal would result in.....to the asset’s significance”

iv) The policy as modified reflects and complements policy BN5 of the WNJCS on the historic environment and landscape. Given that the outcome of the policy is to conserve the neighbourhood area's local heritage assets the policy will have positive benefits in respect of environmental sustainability and, given that the policy does not preclude development, it would not adversely affect social and economic sustainability. The policy as recommended to be modified is therefore likely to contribute to achieving sustainable development and I consider that it would meet the Basic Conditions Nos 1, 2 and 3.

6.7.3 Local Character Areas (Policy WH3)

i) Policy WH3 has regard to section 7 of the NPPF and in particular the requirements of paragraph 58 in seeking to ensure development responds to local character. However the NPPF indicates that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency. Moreover the PPG requires that policies in a neighbourhood plan should be clear and unambiguous. They should be drafted with sufficient clarity that a decision-maker can apply it consistently and with confidence when determining planning applications.

ii) Against these tests Policy WH3 is not wholly compliant. I note from DDC's Regulation 16 representations that although more information has been added to the background justification with regard to the local character areas it would still be difficult to operate the policy because the distinctive local character referred to is not laid out in sufficient detail in either the policy or the plan. Two changes are necessary to rectify this. First the elements of the distinctive local character need to be laid out in a table within the supporting text or an appendix that is then referred to in the policy. Secondly, the policy at a) and b) needs to be more specific as to what is to be protected and where. These clauses can draw on some of the detail in the supporting text. Whilst the policy is in general conformity with the aspirations of policies EN18 and EN42 of the DDLP and policy BN5 of the WNJCS, without further detail the policy would be incapable of consistent operation and therefore does not comply with Basic Condition No 1.

iii) A representation at the Regulation 16 publicity stage by Fisher German on behalf of the site owners of land east of Hinton Manor Court requests that the site is removed from the Hinton Character Area as in their terms it makes no contribution to it. However spaces between buildings are just as important in establishing the character of an area as the buildings themselves and in this case the site forms an important space in the structure of the settlement and a foil to the original and newer development sitting behind it. Just because it is currently undeveloped is no justification to remove it from the character area. In any event the purpose of the policy is, at least in part, to secure development that conserves and enhances the distinctive local character and if the site is subsequently developed, which is the owners' intention, it should be done in a way that responds to the local character.

Recommendation 8 –

8A – Add to 1st sentence of policy WH3 the following:

‘....the defining characteristics of which are set out in Table x’

8B – Revise the text of the 2nd sentence of clause a) of the policy to read:

*‘Particular regard should be had to retaining **original external features, characteristic building layouts, structural and architectural features and frontage detail in High Street, South Street, Parsons Street, Quinton Lane, School Street, Scrivens Hill, Phipps Road, Hinton Road Farndon Road and Pool Street.**’*

8C- Add a 2nd sentence to the text clause b) of the policy to read:

*‘Particular regard should be had to retaining **characteristic terraced layouts including barrow-ways and the uniformity of design and materials in Station Road, Sidney Road, Percy Road, Castle Road, Cherwell Terrace and Church Street.**’*

8D – Insert the following text and Table X into the Background Justification text to policy WH3 at the end of the first sentence:

*“....have very distinctive local character **the defining characteristics of which are set out in Table X.**”*

Table X Defining Characteristics of the Character Areas

Character Area	Defining Characteristics
	•
	•
	•

8E Make the following consequential adaptation to the supporting text:

Paragraph 2 - reword the start to read :

*“The stone built properties thatand Hinton (West Farndon has a similar core) **are particularly important.** The properties within.....”*

Paragraph 3 - reword the start to read:

*“The Victorian housing andin Woodford Halse village **are similarly important.** These buildings”*

iv) With these modifications in place the policy WH3 would meet Basic Conditions 1 and 3. As the outcome of the policy is to conserve the neighbourhood area’s local character the policy will have positive benefits in respect of environmental sustainability and, given that the policy does not preclude development, it would not adversely affect social and economic objectives. As recommended to be modified I consider that the policy also meets Basic Condition No 2.

6.7.4 Green Infrastructure and the River Cherwell (Policy WH4)

i) Section 11 of the NPPF and paragraph 114 in particular encourages planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. The principle of WNP policy WH4 in looking to maintain and enhance green infrastructure networks therefore has regard to national policy advice.

ii) However again the NPPF indicates that plans should provide a practical basis within

which decisions on planning applications can be made with a high degree of predictability and efficiency and the PPG that policies in a neighbourhood plan should be clear and unambiguous. They should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Against these tests the policy fails.

iii) In the second sentence of the first paragraph it is unclear from the wording what is intended. It would be unreasonable, for example, to expect a development to contribute to maintaining and enhancing elements of the Green Infrastructure network unrelated to the site. Equally in respect of development adjoining the River Cherwell it is unclear what would be the extent of the obligation to conserve and enhance the river on say a small development fronting the river. To resolve these issues modified wording will be necessary if the policy is to meet Basic Condition No 1.

iv) DDC in its Regulation 16 representations expresses concern that the Green Infrastructure network is insufficiently defined and that there are inconsistencies in referencing in the plan. However Green Infrastructure is sufficiently defined in both the policy and the supporting text for users of the plan to understand what is meant. They relate to physical features in the landscape and, unlike the concept of local character in WH3, are less open to differing interpretation. Whilst I agree the listing of what are key paths within the plan area should be consistent where referred to within the WNP I am not persuaded of the need to map the Green Infrastructure elements and indeed if this has not already been done it could not at this stage be taken to be a necessarily complete list.

v) Both DDC and The Environment Agency raise the matter of referencing impacts of development on flood risk in terms of the River Cherwell. Policy BN7 of the WNJCS presents a very detailed policy in respect of flood risk and whilst it would be possible to refer to it in the context of WH4 I am not persuaded that it adds anything to the policy particularly as the focus of WH4 is protecting and enhancing green infrastructure and not reducing flooding per se.

Recommendation 9

9A – Reword the 2nd sentence of policy WH4 to read:

“Development proposals should seek to maintain *any green infrastructure associated with the site* and where possible.....restoring existing green infrastructure *within the site* or by.....”

9B – Reword part b) to read:

“Conserving and enhancing biodiversity of *those sections of the river, its tributaries and banks where the development is located*”.

vi) Policy BN1 of the WNJCS sets out a comprehensive approach to green infrastructure connections and, as modified, Policy WH4 of the WNP in adding local detail will be in general conformity with it. As the policy seeks to strengthen and support green

infrastructure it is likely to contribute to achieving sustainable development without adversely affecting social and economic objectives. As proposed to be modified therefore the policy would meet Basic Conditions Nos 1, 2 and 3.

6.7.5 Landscape Character and Prominent Views (Policy WH5)

i) Policy WH5 seeks to set out design principles to ensure that development respects its landscape setting. In principle the policy has regard to sections 7 and 11 of the NPPF which seek the same ends.

ii) However both DDC and Gladman Developments Ltd in their Regulation 16 representations raise concerns that the policy, in not defining the significant wider landscape views or local historic landscape features, lacks clarity for the developer and the decision maker. As before the PPG seeks policies which are clear and unambiguous and certainly in respect of part a), dealing with the significant wider landscape views which are arguably open to subjective interpretation, these do need to be identified if clear policy control is to be retained. The supporting text identifies one example of such a view from the ridge above Cobley Close and from my site inspection I agree that the inward views towards the older part of Woodford Halse from this ridge are significant. In response to a fact finding question to WPC via the District Council it is clear that no formal identification of any other significant wider landscape views has been carried out. As the formal referencing of the view from the ridge above Cobley Close as significant was set out in the submission draft WNP and has been subject to consultation with no specific comments at the Regulation 16 stage challenging its definition as a strategic view it is reasonable that this view is referred to in the policy.

iii) With respect to part b), by and large the local historic landscape features generally relate to features on the ground be they historic routes, stone walls, ancient hedges etc and part b) is sufficiently clear in its intent and application for it to operate satisfactorily. Gladman Developments are also concerned that the blanket request for development to conserve local historic landscape features is overly onerous and contrary to paragraph 113 of the NPPF. However policy WH5 makes it clear that it refers to **local** historic landscape features. The fact that the wording includes the words 'important' and 'wherever possible' makes it clear that conservation is the starting point for important features but leaves it open to the developer to make the case that the feature is not important or that it is not possible to conserve it for whatever reason. The policy therefore includes sufficient flexibility.

iv) Saved policy EN1 of the DDLP relates to Special Landscape Areas and the DDC has requested that this is referred to both in the policy or supporting text and on the policies map. Inasmuch as this is not a policy of the neighbourhood plan I am not persuaded that it is necessary or appropriate to include it in the policies map in particular as the designation is under review in the Daventry District Settlements and Countryside (Part 2) Local Plan (DDSCLP) and the current intention is that the SLA designations will stop at the village confines. Whilst DDC states that a similar landscape designation is proposed to be

included in the DDSCLP this is still at a stage where the designation may change. I do however accept that the reference to the existing Special Landscape Area and policy EN1 could be added to the supporting text. Recommended modifications in respect of this policy therefore relate to part a) and supporting text.

Recommendation 10

10A – reword line 2/3 of part a) of policy WH5 to read:

“...or impact adversely on the significant wider landscape view from the ridge south east of Woodford Halse above Cobley Close.”

10B – Insert text at the start of the background justification on P29 that states :

“Much of the southern and eastern part of the neighbourhood area falls within the Special Landscape Area designated through saved policy EN1 of the Daventry District Local Plan demonstrating the importance of the landscape setting within the neighbourhood area.”

v) With these modifications in place policy WH5 of the WNP meets Basic Conditions Nos 1 and 3. Given that the policy is designed to integrate development with the landscape context the policy meets the environmental objectives of sustainability and again as it does not preclude development – the social and economic objectives of sustainable development are not adversely affected. The policy is therefore likely to contribute to achieving sustainable development and Basic Condition No 2 is also met.

6.7.6 New Housing Development Within the Main Village of Woodford Halse and Hinton (Policy WH6)

i) Policy WH6 allows for new housing development to take place within the village confines additional to existing planning permissions on the north side of the village.

ii) The status of the village is in transition from that which applies to it in policy HS22 of the DDLP where it is a restricted infill village to the situation in the WNJCS in policy R1 which introduces a different settlement hierarchy. Policy R1 provides the basis for considering which villages go in which category according to a number of criteria and sets out criteria for residential development but does not actually allocate villages into the hierarchy. The emerging DDSCLP proposes to allocate the villages to the hierarchy and replace policy R1 with new policies geared to each level of the hierarchy.

iii) It is partly in response to this situation that Gladman Developments Ltd in their Regulation 16 response consider the WNP should allow sufficient flexibility so that it is not superseded following the adoption of the DDSCLP in due course. However it is the adopted policies that remain pertinent to this examination and policy WH6 is in general conformity with them. Policy WH6 at present is not incompatible with the emerging plan but if the Parish Council wish to do so it may review the WNP in due course to fully reflect the new local plan once adopted.

iv) Gladman Developments Ltd more specifically have raised concerns that they consider the use of settlement boundaries is overly restrictive and precludes otherwise sustainable development from coming forwards. However as both the existing adopted plans' (DDLDP and WNJCS) policies are based on the concept of defined boundaries and village confines are proposed to be retained in the emerging local plan the WNP must work within this policy framework. In any event, under policy WH7 the WNP does not preclude development outside of the village confines. I am satisfied that policy WH6 has regard to the NPPF and Basic condition No 1 is met.

v) The only modification required in respect of policy WH6 to make it clear and unambiguous, as required by the PPG, is to clarify where the confines are defined. Whilst this is made clear in the supporting text, it is not clear from the policy. Accordingly the following modification is recommended.

Recommendation 11 – Amend the text in lines 1-2 of policy WH6 to read:

'New Housing Development will be supported within the *village confines for Woodford Halse and Hinton as defined in the Policies Map (see figure 2)....'*

vi) With this modification in place the policy would meet Basic Condition Nos 1 and 3. As the policy provides for development within the confines of what is a sustainable settlement with a reasonable level of services the policy is likely to contribute to sustainable development and therefore meets Basic Condition No 2.

6.7.7 New Housing Development in the Parish Outside the Main Village (Policy WH7)

i) Policy WH7 works with WH6 setting out the circumstances in which housing development would be allowed outside the village confines. It is directly tied back to the requirements of policy R1 of the WNJCS and in that way to paragraphs 54 and 55 of the NPPF. The principle of the policy has regard to the NPPF and is in conformity with policy R1.

ii) However in terms of the detail and how it would operate the policy requires modification to comply with the PPG requirement to be clear and unambiguous. Gladman Developments Ltd in their Regulation 16 representation question why, if affordable housing developments are to be supported, they need necessarily be small scale, pointing out that the scale will be defined by the identified local housing need. Neither policy R1 nor H3 of the WNJCS (specifically relating to rural exception sites) restricts affordable sites to being small scale. In both the NPPF and the development plan policies the intention is that housing should be justified by evidence of local housing need. I therefore agree that it is not appropriate to restrict affordable housing sites to be necessarily small scale. In addition the Background Justification text ends with a policy statement which is not reflected in the policy. If the plan is to be a practical basis for predictable and efficient decision-making as required in the NPPF this requirement needs to be part of the policy.

iii) The only other modification required in respect of policy WH7 as with policy WH6 is to make it clear where the confines are defined.

Recommendation 12

12A – Amend the text in lines 1-2 of policy WH7 to read:

‘New Housing Development outside of the village confines for Woodford Halse and Hinton as defined in the policies map (see figure 2) will only be....’

12B - Revise clause a) to read:

‘For affordable housing in response to the local need identified’

12C – Add at the end of the policy the following :

‘New affordable housing outside the village confines will be managed in order that it remains affordable as defined in the NPPF.

iv) With these modifications implemented the policy will meet Basic Conditions Nos 1 and 3. The policy sets out the basis in which housing outside of the settlement confines can constitute sustainable development and therefore Basic Condition No 2 is met.

6. 7.8 Promoting Good Design (Policy WH8)

i) The NPPF at section 7 encourages a high quality of design as a key aspect of sustainable development and at paragraph 58 requires neighbourhood plans to develop robust policies that set out the quality of development that will be expected for the area. The scope and content of policy WH8 has had regard to this policy objective and to the objectives of policy S10 of the WNJCS on sustainable design and policy EN42 of the DDLP on the design of development.

ii) The policy will also contribute to achieving sustainable development through the sustainable design objectives set out within it. Accordingly the policy meets Basic Conditions Nos 1, 2 and 3 and there is no need to make any modification to it.

6.7.9 Replacement, re-use and conversion of existing buildings (Policy WH9)

i) Policy WH9 seeks to control the replacement, reuse and conversion of existing buildings. Given the development plan policy background in particular WNJCS Policy R1 there would be no reason or justification to control this type of development within the village confines and yet the policy does not make clear where it is intended to apply. Consequently it fails the PPG requirement for Neighbourhood Plan policies to be clear and unambiguous. DDC in its Regulation 16 representations make the same point and in order to meet the Basic Condition No1 a modification is necessary to section titling and to policy wording.

ii) DDC in its Regulation 16 representation also raises concern that in respect of replacement buildings these should be on the same footprint as the original. Although saved policy HS24 includes this requirement, the policy includes the word ‘normally’ allowing some flexibility. Such wording is not now supported as good practice and if policy

WH9 were to be modified to require replacement on the same footprint it would preclude those circumstances where a slight change in location could benefit the impact of the development on the character of the countryside. One of the core principles of the NPPF is to recognise the intrinsic character and beauty of the countryside and the way to meet the Council's concern would be to add a reference to siting and scale not being detrimental to countryside character where the policy currently talks about impact on residential and visual amenity. This would be an appropriate modification that improves the regard policy WH9 has for the NPPF and the conformity with policy HS24.

iii) The Planning Practice Guidance requires that there is proportionate, robust evidence to 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. Although a heading 'Background Justification' is included after policy WH9 no text is included. Through DDC the WPC was asked to supply the missing supporting text which it has now done. The text they supplied was the same text that was in the Pre Submission Draft Plan. The same clarification as to where the control is to apply is required in the supporting text as in the policy and moreover the supporting text implies that such development only relates to housing where in fact the policy is not restricted in that way and applies to all buildings. A clarifying modification is therefore also required to the supporting text supplied.

Recommendation 13

13A – Amend title of policy WH9 to read 'Replacement, Re-Use and Conversion of Existing Buildings *Outside the Village Confines*'

13B – Amend text of policy WH9 at line 1 to read – 'The replacement, re-use and conversion of existing buildings *outside of the village confines defined on the Policies Map* will be supported when....'

13C – Amend text of clause a) line 2 onwards to read:

'...in the same use *and the siting and scale* would not have a detrimental impact on *countryside character*, residential and visual amenity.....

13D - Insert the following text as the Background Justification to policy WH9:

'The re-use, conversion or replacement of buildings outside village confines is a form of development that is generally appropriate in the countryside. However if not controlled it can result in development that has a greater impact on the character of the countryside than the existing development. Policy WH9 therefore sets out the circumstances in which these types of development will be supported.

The policy will ensure that the replacement of buildings is not simply a means to increase their size and that they do not result in detrimental impact on visual and residential amenity. In respect of reused and converted buildings the policy ensures that it is substantial existing structures that are to be used rather than temporary buildings of insubstantial materials or stonework and ruined remains of buildings that are to all intents and purposes no longer there.'

iv) With these modifications in place the policy would meet Basic conditions Nos 1 and 3. The reuse of land and buildings advocated in the policy will contribute to sustainability and, given the control in place in the policy, environmental and social aspects of sustainability will not be adversely affected. The policy would therefore also meet Basic Condition No 2.

6.7.10 Protecting and Enhancing Community Land and Buildings (Policy WH10)

i) Policy WH10 seeks to protect existing community facilities and encourage the provision of enhanced community facilities. As such the policy has regard to paragraph 70 of the NPPF encouraging plans to plan positively for community facilities and guard against unnecessary loss of facilities. It is also in general conformity with policy RC2 of the WNJCS which supports the retention of community facilities.

ii) However the NPPF indicates that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and the PPG requires that policies in a neighbourhood plan should be clear and unambiguous. They should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Against these tests Policy WH10 and its supporting text requires 2 areas of clarification.

iii) First, the policy in Part a) requires an applicant to 'clearly demonstrate' that the community asset is no longer suited to future community use. Neither the policy nor the supporting text sets out what needs to be done to 'clearly demonstrate'. DDC has raised a similar concern in its Regulation 16 representations. I accept that what constitutes evidence can be set out in the supporting text but a clarifying adjustment is required to the policy which presently implies that marketing alone would be sufficient evidence. The NPPF is clear at paragraph 70 that it is '*unnecessary loss of valued facilities and services*' that should be guarded against. Thus to have due regard to the NPPF, the policy needs to include a viability assessment and not just marketing.

iv) Secondly, the last part of the policy implies that new enhanced or improved community provision will be supported in any circumstance. However this is not what the supporting text states. The intention from the supporting text is clearly that support is subject to the use not having any adverse impact on residential amenity. This is a policy statement and should be included in the policy.

v) See also typographical changes at Appendix 1 – Clause b) includes 2 criteria and should be split into b) and c).

Recommendation 14

14A – Reword part a) to read:

'when the applicant can clearly demonstrate *on the basis of an independent viability assessment and a period of active marketing for community uses, including marketing in the local area for a minimum period of 12 months, that the community asset is no longer suited to future community use or...*

14B - Add to end of policy WH10:

'will be supported provided there would be no adverse impact on residential amenity.'

14C – Add to the end of the first paragraph of the background justification:

'Where an alternative use is proposed on the basis that community use is no longer viable, evidence in the form of an independent assessment of the viability of the community use of the site and the results of active marketing over at least a 12 month period showing there is no interest in the site will be required to clearly demonstrate the site is no longer viable or required for community use'.

vi) Inasmuch as the development of community facilities in the village would also contribute to achieving a sustainable community the policy, once modified as set out above, meets Basic Conditions Nos 1, 2 and 3.

6.7.11 Local Green Spaces (Policy WH11)

i) Policy WH11 seeks to take up the power established in the NPPF at paragraphs 76 and 77 to establish and protect Local Green Spaces (LGS). The NPPF sets out clear criteria for such spaces and Appendix 3 of the WNP seeks to explain the rationale for the sites that have been identified. I comment below on the selected spaces but Policy WH11 of itself has regard to the NPPF and is clear and unambiguous in its intent and therefore meets Basic Condition No 1. Inasmuch as there are no directly relevant policies within the development plan there is no issue of general conformity and Basic Condition No 3 is also met as regards the policy itself.

ii) However as with other policies the PPG requires that policies in a neighbourhood plan should be clear and unambiguous and that proportionate, robust evidence is presented to 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. In two respects there are problems with the proposed LGS. First there is inconsistency between Policy WH11 and the Policies Map in that the policy only refers to 9 LGS whereas the map identifies 10. Secondly, the evidence for the policy in the shape of Appendix 3 identifies 19 spaces using a completely different numbering system and it is not clear from the table which sites warrant going forwards to be protected as LGS.

iii) In the interests of clarity and robustness in the working of the policy, modifications are necessary to the list of sites in the policy and to Appendix 3.

iv) In addition to these factual matters DDC in its Regulation 16 representations raises concerns that site nos WH11/8 and WH11/10 should not be designated as LGS.

v) In respect of WH11/8 this land relates to a large area of open space between Woodford Halse and Hinton which was formerly Great Central railway yards and embankments in the village. Over a period of time it has re-colonised as woodland now known as Great Central

Wood. It is in public ownership (Woodford Cum Membris Parish Council).

Looking at each of the NPPF criteria for LGS in turn:

- First, Great Central Woodland is in close proximity to the community with strong footpath links, both formal and informal and numerous access points onto Byfield Road, Phipps Road, Station Road and Castle Road. It is therefore well-related to its surrounding community both in Hinton and Woodford Halse.
- With respect to the second test, it was apparent to me from my site inspection that the area is demonstrably special to the community. It is an area that serves the community as informal open space. It is historically significant because of its railway heritage and as mature woodland it is also significant as an area with wildlife potential.
- I accept that the area is large but it appeared to me that it was local to the settlement and contained by development. It does not have the feel of an extensive tract of land being quickly crossed and when in it there are frequent glimpses of the surrounding development.

For these reasons area WH11/8 is demonstrably special to the local community and the WPC was justified in designating it as an LGS.

vi) In respect of WH11/10 this land similarly relates to a large area of open space between Woodford Halse and the industrial area and recreation ground north of Byfield Road. It is an area of meadow and wetland along the banks of the River Cherwell. It is also partly in public ownership (Woodford Cum Membris Parish Council).

Looking at each of the NPPF criteria for LGS in turn:

- First, the LGS is in close proximity to the community with strong footpath links, both formal, in particular Kitchen Lane, and informal and access points onto Byfield Road, Castle Road, Church Street and School Street. It is therefore well-related to its surrounding community in Woodford Halse.
- With respect to the second test, it was apparent to me from my site inspection that the area is demonstrably special to the community. It is an area that serves the community as informal open space. It is an area of wooded meadow and wetland significant as an area with wildlife potential. I acknowledge that the area to the south of the Cherwell appeared to be in use as paddocks with minimal public access but inasmuch as this south side of the river plays a significant role in the setting of the historic part of the village its inclusion is justified.
- I accept that the area is large but again it appeared to me that it was local to the settlement. It does not have the feel of an extensive tract of land being quickly crossed and when in it there are frequent glimpses of the surrounding development.

For these reasons area WH11/10 is demonstrably special to the local community and the WPC was justified in designating it as an LGS.

vii) DDC also raise concern re site WH11/4 that if the intention is that further built recreational facilities may be required on the recreation ground site, designation as an LGS may not be the best approach. In terms of the NPPF wording in respect of LGS and of development of open spaces generally I am not persuaded that the designation of the

site as LGS would preclude further built recreational facilities. Paragraph 76 sets out that there would have to be very special circumstances and if built recreational facilities on the recreation ground were deemed to constitute very special circumstances the development could be justified.

Recommendation 15

15A – Add at the end of the list of sites in policy WH11 ‘WH11/10 Meadows and Wetlands along the River Cherwell’

15B – Amend Appendix 3 to list only the detail and photographs of those sites being designated as Local Green Spaces with the number referencing as it appears in policy WH11. If WPC wish to demonstrate that they have considered a wider range of sites, the results of the full assessment can be set out in a separate document as part of the evidence base.

15C – Amend last line of paragraph 1 of the background justification to policy WH11 to read: ‘Appendix 3 sets out the justification for these Local Green Spaces in accordance with the National Planning Policy Framework criteria’.

viii) With these modifications in place the policy and its justification meet Basic conditions 1 and 3. The designation of Local Green Space contributes strongly to the achievement of a sustainable community and in that respect Basic Condition No 2 is also met.

6.7.12 Infrastructure (Policy WH12)

i) While the reason for policy WH12, which seeks to ensure infrastructure needs of the community are met, is understood, WH12 does not have regard to national policy in a number of respects.

ii) As acknowledged in the following section on Community Infrastructure Levy, CIL was adopted in September 2015 and designed to provide the funding for all the large items of infrastructure set out in the Council’s Regulation 123 list.

iii) With this in place, although Section 106 agreements will still be used to cover some of the cost of community infrastructure works that are required to make a development acceptable in planning terms, such agreements cannot be used to fund the same items as on DDC’s Regulation 123 List because these items are to be funded from CIL receipts. Section 106 agreements will only be used for site specific mitigation and affordable housing.

iv) Against that background policy WH12 wrongly implies that new development can be required to provide all necessary contributions towards infrastructure improvements in the village. The NPPF and Reg 122 of the Community Infrastructure Regulations 2010 make it clear that a planning obligation must be:

- necessary to make the development acceptable in planning terms;

- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

To comply with Basic Condition No 1 therefore the policy needs to be modified to make it clear that the requirement to contribute to infrastructure requirements is not an open ended one. DDC has raised the same concern in its Regulation 16 representation as has Gladman Developments Ltd and DDC has proposed a modification which I have adapted as the basis of my recommended modification.

Recommendation 16 –

16A – Reword policy WH12 to read:

‘New development proposals should provide contributions towards infrastructure improvements within the village through Section 106 obligations additional to the Community Infrastructure Levy where infrastructure or site-specific mitigation is:-

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.’

16B – Insert supporting text before the paragraph on flooding at the top of page 36 to read:

The Community Infrastructure Levy introduced in September 2015 is designed to raise the necessary funds for major infrastructure projects identified by the District Council.

The requirement set out in policy WH12 will apply in addition to the CIL requirements in respect of site-specific mitigation and infrastructure requirements which are:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

v) With this modification the policy will meet Basic Conditions Nos 1 and 3. As the policy will contribute to securing sustainable development it also meets Basic Condition No 2.

6.7.13 Community Infrastructure Levy (Policy WH13)

i) Policy WH13 sets out the intended projects which would benefit from the 25 % of CIL receipts returned to the Parish Council once the neighbourhood plan is made. The section has regard to national advice set out in the Community Infrastructure Regulations 2010 and, other than to correct a small typographical error in policy WH13 where there is superfluous wording (see Appendix 1), there is no need to modify the policy to meet the Basic conditions.

6.7 14 Local Shops (Policy WH14)

i) As with WH10, policy WH14 seeks to protect local assets of value in this case local retail

facilities which are important to community life. In principle the policy has regard to paragraphs 28 and 70 of the NPPF which recognizes the value of key community facilities and encourages plan policies to guard against unnecessary loss where this would reduce the community's ability to meet its own needs.

ii) However, as with other policies above, the NPPF indicates that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and the PPG requires that policies in a neighbourhood plan should be clear and unambiguous. They should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Against these tests Policy WH14 and its supporting text requires 3 areas of clarification.

iii) The policy does not provide guidance as to what approach would be taken in the event that neither retail nor the alternative uses are what is proposed. The NPPF in using the term 'unnecessary loss' implies that a test should be applied and as with policy WH10 a period of marketing would appear to be a necessity before a decision could be taken to allow a change of use. A modification to the policy is therefore necessary to have due regard to the NPPF and for consistency with policy WH10 as modified.

iv) Secondly the policy is not precise in tying the requirement to specific areas. Although it refers to WH14/1 and WH14/2 it does not state where these are defined.

v) Thirdly the policy at clause f) is unclear as this is not a use but improvements that the policy would wish to see achieved through development. The policy wording should reflect this. These points were also raised by DDC in its Regulation 16 representations but also the point that for clarity the Use Classes involved in clause b) and d) should be referred to in the same way as the use classes have been referred to in clause a) and c)

Recommendation 17 –

17A – Reword policy WH14 to read:

'Local retail facilities in areas defined as WH14/1 and WH14/2 on the Policies Map will be protected.'

Within the area WH14/1 on Station Road.....'

17B – Amend clauses b) and d) to read:

b) Food and Drink (A3 and A4)

d) Offices and service uses (A2 Financial and Professional Services)

17C – Delete clause f) and replace with the following text after the uses at a) to e):

'...and helps to enhance the public realm and parking provision.'

17D – Add to the end of the policy the following text:

'Development proposals for uses other than those listed above will only be supported in the following circumstances:

a) Where the application can clearly demonstrate that there is no reasonable prospect of the A1 – A5 use being retained or restored after a period of active marketing, including marketing in the local area, for a minimum period of 12 months; or

b) Where there are sufficient alternative equivalent services accessible in the village”.

17E – Insert supporting text at the end of the existing background justification section to read:

‘Development proposals for uses other than those appropriate to the local centres set out in policy WH14 will need to be supported by evidence of marketing or evidence of sufficient alternative services accessible to the village before alternative uses can be introduced.’

vi) With these modifications the policy meets Basic Condition No 1. It would also be in general conformity with DDLP policy RT8 and therefore Basic condition No 3 looking to protect village shops although policy WH14 offers a greater degree of flexibility to introduce non A1 uses provided they are appropriate to the village centre. Inasmuch as the policy would contribute to the retention and development of a sustainable community by retaining services within it – it would also meet Basic Condition No 2.

6.7.15 Supporting Improvements in Local Transport (Policy WH15)

i) Policy WH15 seeks to improve the transport network within the parish through development and traffic management projects. Only part of the policy is directly related to development and the use of land and some of the policy is aspirational but it has regard to the policy objectives set out in paragraph 35 of the NPPF in the section on promoting sustainable transport and is in general conformity with WNJCS policy R3 seeking to secure a transport strategy for the rural areas. The principle of the policy therefore meets the Basic Conditions Nos 1 and 3. However as with a number of other policies in the plan WH15 does not meet the PPG requirement of neighbourhood plans to be clear and unambiguous. The wording of paragraph 4 on traffic management is particularly unclear and should be rearranged as a set of bullets.

Recommendation 18 – Amend paragraph 4 of policy WH15 as follows:

‘Traffic management schemes which deliver one or more of the following benefits will be supported:

- **Improve the sharing of road space between various road users**
- **Lead to speed reduction especially on Byfield road**
- **Provide a continuous footpath between Phipps Road and the school’.**

6.7.16 Improving Accessibility to Local Employment Opportunities and Supporting Homeworking (Policy WH16).

i) Policy WH16 seeks to ensure access to work opportunities whether these are local to the parish (including homeworking) or further afield involving commuting. The purpose of

the policy therefore indirectly has regard to sections 3 and 4 of the NPPF promoting the rural economy and sustainable transport and generally conforms with policies R2 and R3 of the WNJCS which have the same objectives. The policy furthers the economic and social sustainability objectives and in encouraging local and home working and sustainable travel to work is not incompatible with environmental objectives. The policy therefore meets Basic Condition Nos 1, 2 and 3 and there are no concerns to raise.

6.7.17 Protecting Local Employment Opportunities and the Great Central Way Industrial Estate (WH17)

i) Policy WH17 seeks to protect local employment opportunities in order that economic activity within the plan area can be retained. In this respect it has regard to sections 1 and 3 of the NPPF. It is acknowledged that paragraph 22 of the NPPF discourages the long term protection of sites allocated for employment use but, in respect of the principal sites in Woodford Halse, there is reasonable prospect of the sites continuing to be used for that purpose and limited alternative opportunities if the sites were to switch to other uses. The protection the policy offers is therefore appropriate. In any event the policy sets out the circumstances where non employment-generating uses of these sites could be considered, so the policy does afford flexibility.

ii) Having said that, the policy and supporting text is insufficiently clear in respect of what is meant by an extensive period of active marketing and therefore again is contrary to the requirements of the PPG for neighbourhood plan policies to be clear and unambiguous. DDC has raised a similar concern in its Regulation 16 representations and it is appropriate that a modification is made consistent with that made to policies WH10 and WH14 protecting community and retail facilities.

iii) DDC has also raised concern that the Use Class B1 should be broken down to exclude B1a as offices are town centre uses. However class B1a is simply office use, it excludes town centre type financial and professional services which fall within use class A2. There is no reason in terms of the Basic Conditions why B1a uses cannot take place on the employment sites in Woodford Halse and I am not persuaded of the need to make any change in this regard.

Recommendation 19

19A – Reword the 2nd sentence of policy WH17 to read:

‘Redevelopment or conversion to non-employment generating uses on existing employment sites will only be supported when it can be clearly demonstrated that the site is no longer attractive to employment uses after a period of active marketing, including marketing in the local area for a minimum period of at least 12 months.’

19B – Add to paragraph 1 of the Background Justification for policy WH17 the following text:

‘Therefore before alternative uses outside Use Class B are allowed, appropriate

evidence for example an independent assessment of viability and a market view of the continued business use of the site and details of the marketing that took place over at least a 12 month period will be required to support applications’.

iv) With these modifications Basic Conditions 1 and 3 are met. In sustaining local employment opportunities accessible to the local community on sites already in use for employment-generating purposes the policy will assist in securing sustainable development and therefore Basic Condition No 2 would also be met.

6.7.18 Supporting New Business Development in the Villages and Rural Economy (Policy WH18)

i) Policy WH18 in supporting new business development has regard to section 3 of the NPPF and its objectives to support a prosperous rural economy. However the NPPF in its core principles requires that planning should secure a good standard of amenity for all existing and future occupants of land and buildings. By the policy allowing live work units on existing employment sites and allowing small businesses in residential areas there is the possibility of adverse impacts on residential amenity. Normally Use Class B1 is compatible with residential amenity but the policy does not restrict the use to B1 only and, in any event, a live work unit on an existing employment site could be exposed to B2 general industrial uses. As such to ensure the policy has regard to the NPPF core principles and therefore Basic Condition No 1 it needs to be modified.

Recommendation 20 – Revise the wording of clause a) of policy WH18 to read: ‘Small businesses will be encouraged.....in the villages *where there would be no adverse impact on residential amenity.*’

ii) With this modification the policy would meet Basic Condition No 1. It is also in general conformity with policy R2 of the WNJCS and in encouraging business development locally it would contribute to sustainability. Basic Conditions Nos 2 and 3 would therefore also be met.

7. Other Matters

7.1 Village Confines

7.1.1 At the Regulation 16 stage a representation was made by DDC identifying 9 areas where the Council considered the confines as drawn were inappropriate. The difficulty generally with the request to amend these now is that the confines were consulted on as part of the plan at the Pre Submission Draft stage and, with the exception of some adjustments to include part of the Grants Hill Way Business Park development, the village confines in the Submission Draft have remained the same.

7.1.2 I examined all 9 areas on site and invited WPC to submit its views on the suggested changes to the confines as it has had no chance to respond to this representation. I have considered WPC’s response in the assessment below.

Location 1 The fact that the area between the protected employment area notation at Grants Hill Way and the recreation ground already has planning permission for business park use and is already partly developed is justification for the confines to be amended. A Neighbourhood Plan if it is to comply with Basic Condition No1 cannot alter the basis on which a site with planning permission would be approached. This would be the result if the confines continued to exclude the site. The change would not materially alter the planning position on the ground and therefore does not introduce any alternative scenario that the community needs to be consulted on. Similarly the access road (Grants Hill Way itself) now constructed is located between 2 areas of permitted housing development and should not be excluded from the confines.

Location 2 The small triangle of scrubland involved in Location 2 I accept appears separate to the built up area. At the same time, given the location and lack of access, it would be unlikely to offer any real potential for development and moreover there would be sufficient control in WNJCS Policy R1, DDLP Policy HS22 and the policies of the WNP to control development if this was necessary. In any event the land was included in the village confines in both the Pre-Submission and Submission Draft Plans and there is no reason in terms of the Basic Conditions to remove it at this stage. The matter should be left for a review of the plan.

Locations 3, 4 and 7 Each of these sites, currently outside the village confines, are sites developed and occupied by residential properties. No Regulation 16 representations from owners or interested parties have been made to have these areas included within the confines and nothing from the planning history (unlike with site 1) would suggest they should be included. Residents' rights to consider proposed changes would be affected and there is no reason in respect of the Basic Conditions to warrant a modification at this stage. The matter should be left for a review of the plan.

Location 5 This relates to the areas of land along the River Cherwell between Woodford Halse and Hinton which the Council considers is not part of the built up area and should be excluded from the village confines. Whilst I agree it is clearly open land between the 2 built up sections of Woodford Halse and Hinton (previously the railway corridor through the village) it would not be at risk of development. WNJCS Policy R1 and saved Policy HS22 of the DDLP protects open land of significance within the village confines and in any event the WNP identifies these areas as Local Green Space affording a level of protection similar to Green Belt (see also section 6.7.11). Fundamentally the exclusion of this area from the village confines and the splitting of the defined confines into two, in my opinion is not something that can be done at this stage. The land was part of the village confines at both the Pre-Submission and Submission Draft Plan stages and to remove it now would be a material amendment which in the interests of natural justice would necessitate a reconsultation of the local community. The only mechanism by which this could be done would be by WPC withdrawing the submitted plan. For the reasons given, both in this section and in section 6.7.11, I do not consider this action is justified and any reconsideration of this matter should be left to a review of the WNP.

Location 6 This is a small area of open land east of Hinton Manor Court which visually at least links to the southern end of Location 5. The site is the subject of a Regulation 16 representation from Fisher German on behalf of the site owners seeking its inclusion as an allocated site for residential development. Whilst it would be impossible to allocate the site at this stage in the preparation of the WNP without WPC withdrawing the plan to carry out a further round of consultation, the question of its development would be a matter to be considered under WNJCS Policy R1, DDLP Policy HS22 and the policies of the WNP. These policies give sufficient control over whether the site should be developed and how this could be achieved and there is no justification in terms of the Basic Conditions to remove it from the village confines when it was within the confines both in the Pre-Submission and Submission Draft versions of the plan. Any reconsideration of this matter should be left to a review of the WNP.

Location 8 This small triangle of land is a play park and informal open space for the west side of Hinton. It relates to the built up area functionally and is separated from the wider countryside by a strong, enclosing hedgerow. Again any question of development would be contrary to WNJCS Policy R1, Policy HS22 of the DDLP and, as a now identified Local Green Space, also contrary to the policies of the WNP. There is no justification in terms of the Basic Conditions to support an amendment to the confines.

Location 9 This area relates to a small affordable housing development, Upton Court, reportedly permitted as a rural exceptions site. It is now bounded by Byfield Road, development to the west and a large new development currently under construction to its east and north. It is therefore physically within the confines of the settlement and to exclude it at this stage would be unwarranted. I accept the importance of rural exceptions sites continuing to provide affordable housing for the foreseeable future but, in response to a question of fact, DDC has confirmed that the development is subject to a S106 agreement controlling the management of the development as affordable housing. There is nothing in Policy H3 of the WNJCS on rural exception sites to suggest that the site has to stay outside the confines. Indeed the policy allows for sites within or immediately adjoining the settlement. There is therefore no need or reason in terms of the Basic Conditions to remove it from the confines.

Recommendation 21 – Include the area between Grants Hill Way Business Park and the recreation ground to the east along with Grants Hill Way itself within the village confines as shown on the Policies Map at Figure 2. The area of land added to the village confines should be subject to policy WH17 protecting employment areas and coloured as such on the Policies Map.

7.2 Referencing to Flood Management in the WNP

7.2.1 DLA Town Planning Ltd in its response to the WNP at the Regulation 16 stage made representations that the plan should include a policy to deliver flood management infrastructure and specifically one that would provide for enabling development to fund necessary flood management infrastructure.

7.2.2 Whilst the respondent's suggested wording is not inappropriate, as already stated the incorporation of a completely new policy at this stage in the preparation of the plan would not be possible, particularly where it promotes a new concept of development justified by enabling infrastructure provision. In any event the issue of financial contributions to flood management is already generally covered in the modified policy WH12 and in policy WH13 setting out local uses for that portion of the Community Infrastructure Levy that can be spent on local projects.

7.2.3 If the issue of flood management infrastructure provision remains unresolved, or inadequately resolved, it is open to WPC to consider the matter further in a review of the WNP.

7.3 Self Build Housing Developments

7.3.1 Fisher German on behalf of landowners make the point that the plan should make reference to self-build development opportunities as this is what is proposed for their clients' site. Self-build is simply a mechanism for delivery of housing developments and the absence of a reference to it would not preclude the land owners from progressing a housing development on a self-build basis should they wish to do so. There is no justification in terms of the Basic Conditions to amend the plan.

7.4 Other Regulation 16 Comments

7.4.1 A number of other representations at the Regulation 16 stage made general comments on what should be included as good practice in neighbourhood plans. In respect to some of these matters the WNP has included provisions or the matters are already adequately covered in other plans and policies and there is no need to duplicate policy consideration. However, as above, where further policies are being advocated, at this late stage in the plan process, modification of the plan to include entirely new policies would not be appropriate.

8.0 Referendum

8.1 Subject to the recommended modifications set out above being completed, it is appropriate that the Woodford cum Membris Neighbourhood Plan should proceed to a referendum.

8.2 I am required to consider whether the Referendum Area should be synonymous with the Woodford cum Membris Neighbourhood Area or extended beyond it.

8.3 The Neighbourhood Area mirrors the boundaries of the parish. Given the scale and nature of the plan and the fact that the policies and proposals would not affect residents in adjoining parishes I do not consider that extension of the area would be warranted.

8.4 Accordingly, I consider that it is unnecessary to recommend any other referendum area than the Neighbourhood Area and no evidence has been submitted to suggest any

alternative approach.

Recommendation 22

I recommend to Daventry District Council that the Woodford cum Membris Neighbourhood Plan, modified as specified above, should proceed to a Referendum based on the Woodford cum Membris Neighbourhood Area as approved by Daventry District Council on 2 October 2014.

**Peter D Biggers
Independent Examiner**

12 February 2018

Argyle Planning Consultancy LTD

Appendix 1 Recommendation 1 B – Table of Typographical Corrections

Page	Location	Correction
18	Para 4.14 Line 1	Amend to read ‘between 30th October...’
18	Para 4.14 Line 3	Amend to read ‘These raised a number of issues that were then....’
21	Objective 2	Amend to read: ‘Woodford Halse & Hinton
24	Background paragraph Line 10	Amend to read ‘...architectural, historic, cultural interest’
24	Last line of page	Amend to read ‘... decide to introduce one...’
27	Last line of section d) to policy WH4 Last line of P27	Remove the full stop after ‘access’ Replace comma after ‘request’ with a full stop.
28	First line	Amend to read ‘...rights of way through the parish can be....’
29	2 nd paragraph line 4	Reference to WH4 in this location should read WH5
31	Policy WH8e) Line 3	Amend to read ‘...the use of renewable energy resources.’
32	Background justification line 9	Insert full stop after ‘Building Regulations’.
32	Policy WH9 Background justification	Insert missing text
34	Policy WH10 clause b)	Insert new clause c) after ‘A replacement facility is proposed or;’
34	Background justification Line 4	Insert ‘ and ’ after ‘land’
36	Policy WH13 Line 2	Delete the words ‘ is spent ’.
40	Policy WH18 Background Justification Line 1	Amend to read ‘....depends on ...’