

# **Hailey Neighbourhood Development Plan 2015-2031**

**A report to West Oxfordshire District Council on the  
Hailey Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by West Oxfordshire District Council in November 2018 to carry out the independent examination of the Hailey Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 9 January 2019.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding the separation between the various settlements and Witney to the south. It also includes two housing allocations and a package of local green spaces.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Hailey Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**25 March 2019**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Hailey Neighbourhood Development Plan 2015-2031 (the Plan).
- 1.2 The Plan has been submitted to West Oxfordshire District Council (WODC) by Hailey Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012 and 2018. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It seeks to provide a context in which the neighbourhood area can maintain its distinctiveness and identity from Witney to the immediate south. It proposes Buffer Zones and a series of Local Green Spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

## 2 The Role of the Independent Examiner

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

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

### *The Basic Conditions*

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
  - contribute to the achievement of sustainable development; and
  - be in general conformity with the strategic policies of the development plan in the area;
  - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.12 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 WODC commissioned a screening report on the emerging neighbourhood plan. In March 2018 that report concluded that the Plan does need a Strategic Environmental Assessment based on its proposed allocation of two housing sites and the uncertainty over their potential effects on the environment. The screening report also concluded that the SEA should be limited to the effects of the two proposed site allocations.
- 2.8 Following the screening exercise the Parish Council commissioned the preparation of a Strategic Environmental Assessment (SEA). It is a well-designed and comprehensive document. Its findings inform the wider Plan in general terms and Policies H1 and H2 (Housing Allocation) in particular. I comment in later sections of this report on those policies. Nevertheless, within the context of this part of the report I am satisfied that the SEA is fit for purposes and meets the basic conditions. In particular I am satisfied about the way in which the SEA has addressed its responsibilities under the European Directive 2001/42/EC (on SEA) and how it conforms with the Practical Guide to the SEA Directive (ODPM 2005).
- 2.9 The Parish Council also commissioned a Habitats Regulations Assessment (HRA) of the Plan (October 2018). It concludes that the submitted Plan is unlikely to have significant effects on a European site. The report is comprehensive and makes appropriate connections with the HRA work on the recently-adopted West Oxfordshire Local Plan. In particular it assesses the likely effects of the implementation of the policies in the Plan on the following sites:
- Oxford Meadows SAC; and
  - Cothill Fen SAC.
- 2.10 It concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and Appropriate Assessment is not required.
- 2.11 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.12 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of

the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

*Other examination matters*

2.13 In examining the Plan I am also required to check whether:

- the policies relate to the development and use of land for a designated neighbourhood plan area; and
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.14 Having addressed the matters identified in paragraph 2.13 of this report I am satisfied that all of the points have been met subject to the contents of this report.

### 3 Procedural Matters

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

- the submitted Plan (and its appendices).
- the Basic Conditions Statement.
- the Consultation Statement.
- the Strategic Environmental Assessment.
- the HRA Screening report
- the representations made to the Plan.
- the Parish Council's comments on the representations received
- the Parish Council's responses to the Clarification Notes.
- the West Oxfordshire Local Plan 2031.
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 9 January 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations.

3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. The Statement is proportionate to the Plan area and its policies. It sets out the types of consultation used throughout the plan-making process. It is then underpinned by detailed feedback on the comments received.
- 4.3 The Statement also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (October-December 2017).
- 4.4 The Statement sets out details of the range of consultation events that were carried out in relation to the various stages of the Plan. It provides details about:
- the use of leaflet drops and posters;
  - requesting comments on three initial questions at events throughout the neighbourhood area;
  - the use of the monthly Hailey Herald newsletter for updates
  - specific engagement with landowners on housing sites selections;
  - the use of exhibitions/drop in sessions
- 4.5 Appendix A sets out the responses to the household questionnaire. It also provides a useful summary of how those responsible for preparing the Plan took account of the comments received. This provides a useful audit trail on the production of the Plan.
- 4.6 The Statement summarises the principal comments received at the pre-submission stage of the Plan. It then sets out how the submitted Plan took account of consultation feedback at the pre-submission phase. It does so in a proportionate way. This wider analysis helps to describe how the Plan has progressed to its submission stage.
- 4.7 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 20 December 2018. This exercise generated representations from the following persons and organisations:
- Historic England
  - Natural England
  - Oxfordshire County Council
  - West Oxfordshire District Council
  - Sharba Homes
  - Gladman Developments Limited



- Mr Paul Salter
- Persimmon Homes Wessex
- North Witney Land Consortium
- Angela Ford
- John Aldous

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area is the parish of Hailey. It is irregularly- shaped and consists principally of Hailey (or Middletown as described in the Plan) and its outlier communities of Delly End and Poffley End. It also includes the hamlets of Whiteoak Green, Foxburrow and New Yatt. The neighbourhood area is located immediately to the north and west of Witney. Outside the village the neighbourhood area is mainly comprised of pleasant countryside. Its population in 2011 was 1208. It was designated as a neighbourhood area on 1 December 2015.
- 5.2 The neighbourhood area is mainly in agricultural use. The settlements of Hailey (Middletown), Poffley End and Delly End provide an attractive focus of built development. In combination they represent the Hailey Conservation Area. The conservation area is defined by its concentration of vernacular buildings making good use of local stone. Whiteoak Green sits approximately a kilometre to the north-west of Middletown. It is a linear settlement running off the B4022. Foxburrow sits approximately a kilometre to the south of Middletown. It includes scattered houses along the B4022 and Foxburrow Lane. New Yatt sits approximately 2 kilometres to the east of Middletown. Most of the houses in New Yatt are arranged in a liner fashion along New Yatt Lane.
- 5.3 Middletown, Hailey sits at the very heart of the neighbourhood area. It is based on either side of Hailey Road (B4022). The historic core remains clear in design and architectural terms. It has a strong visual focus around the Church and the Lamb and Flag public house. More modern residential development has taken place to the south and west of Hailey Road.

### *Development Plan Context*

- 5.4 The West Oxfordshire Local Plan was adopted in September 2018. It sets out the basis for future development in the District up to 2031. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan. The following policies are particularly relevant to the Hailey Neighbourhood Plan:

- OS2 Locating Development in the Right Places
- OS4 High quality design
- H1 Amount and distribution of housing
- H2 Delivery of new housing
- H6 Existing housing
- E2 Supporting the Rural Economy
- E4 Sustainable Tourism
- E5 Local Services and Community Services
- EH2 Landscape Character
- EH4 Public realm and green infrastructure
- EH8 Environmental Protection

- EH9 Historic Environment
- EH10 Conservation Areas
- EH11 Listed buildings
- EH13 Historic Landscape Character
- EH16 Non-designated heritage assets
- WIT2 North Witney Strategic Development Area
- WIT6 Witney sub-area strategy

- 5.5 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.6 Hailey (Middletown) is identified as a Village in the adopted Local Plan (Policy OS2 and Table 4b). All other settlements are by default identified within the 'small villages, hamlets and countryside category in the settlement hierarchy.
- 5.7 Policy WIT2 sets out the policy context for the development of the North Witney Strategic Development Area (NWSDA). It is anticipated to deliver 1400 new homes and associated services and facilities within the Local Plan period. It falls within the neighbourhood area. It has a clear influence on several of the policies within the submitted neighbourhood plan.
- 5.8 Plainly in process terms the neighbourhood plan has been prepared at a similar time to the Local Plan timescale. This is helpful both in its own right and in providing an up-to-date context for the emerging neighbourhood plan. It is clear that the emerging neighbourhood plan has sought to take account of the now-adopted local plan both in terms of its growth and delivery agenda in general terms. The submitted neighbourhood plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

*Visit to the neighbourhood area*

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 9 January 2019.
- 5.10 I drove into the Plan area along the B4022 from Witney. This helped me to understand the neighbourhood area in its wider landscape context. It also highlighted its close proximity to Witney to the south.
- 5.11 I looked initially around Foxburrow and the area around the Rugby Club off the Hailey Road. I saw the various scattered residential properties. I also saw the openness provided by the various rugby pitches. I looked at the proposed housing/sporting facility allocation. I paid particular attention to the separation of Witney and Hailey.

- 5.12 I then continued into Hailey (Middletown). I saw the heart of the well-preserved conservation area and its associated variety of vernacular and traditional buildings. I took the opportunity to look at the Recreation Ground, the Old Burial Ground and Vine Farm Green, all of which are proposed to be designated as local green spaces in the submitted Plan. I also saw the impressive St John the Evangelist Church built in French Gothic style. I found the well-documented bell tower as attractive as it is unusual. I saw the school and the obvious social and community role that it plays in the life of the neighbourhood area.
- 5.13 I then walked to Delly End. I saw its highly attractive arrangement around a series of green spaces. As the Plan comments the greens are surrounded by the highest concentration of listed buildings in the neighbourhood area. I also saw the impressive Peace Memorial and its prominence in this impressive environment.
- 5.14 I then drove to Poffley End. I saw the very attractive series of vernacular buildings on either side of Poffley End Lane. I saw the very distinctive allotment areas to the south and east of Poffley End Lane. This part of the neighbourhood area is interestingly characterised by a series of distinctive boundary walls defining property curtilages in general, and where they abut the Lane in particular.
- 5.15 I then continued driving to New Yatt. I saw that it had a more modern character than that of the other settlements. I saw the layout of the existing dwellings on either side of New Yatt Lane. I saw the vacant Saddlers Arms public house. I also saw the proposed housing site to its immediate west.
- 5.16 Throughout my visit I looked at the three proposed buffer areas. I drove out of the Plan area to the north to Charlbury so that I could understand further its setting in its wider landscape in general and its relationship with the Cotswolds AONB in particular.

## 6 The Neighbourhood Plan as a whole

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.12 of this report have already addressed the issue of conformity with European Union legislation.

### *National Planning Policies and Guidance*

6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.

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

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted West Oxfordshire Local Plan;
- proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.

- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies that address a range of housing growth and environmental matters.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for residential development (H1-3). In the social role, it includes a policy on housing tenancy mix (H4), for the Primary School (ED1) and on community facilities (C1). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on proposed buffer zones (E5), the conservation area (E1) and on proposed Local Green Spaces (E3).

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in the wider West Oxfordshire District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. Subject to the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. The Plan identifies a range of other aspirations for the NWSDA. They are not identified specifically as policies. I address these issues separately after the policies.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. The NWSDA aspirations are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial sections of the Plan (Sections 1-4)*

- 7.8 The Plan as a whole is well-organised and includes effective maps. It makes an appropriate distinction between the policies and their supporting text. Its design will ensure that it will be able to take its place as part of the development plan in the event that it is eventually 'made'. The initial elements of the Plan set the scene for the policies. They are proportionate to the Plan area and the subsequent policies.
- 7.9 The Introduction describes the neighbourhood area, and the community process involved in preparing the Plan.
- 7.10 Section 2 helpfully sets out how the Plan would fit into the wider planning system, when it was designated, the community engagement that has been involved and the stages through which the Plan has proceeded.

- 7.11 Section 3 sets out the Goals and Objectives of the Plan. They originate from the various community engagement processes. They are both comprehensive and appropriate to the character and the nature of the neighbourhood area.
- 7.12 Section 4 provides helpful background to the neighbourhood area. It also sets out a range of demographic and employment information. It provides a useful reference point for various policies included in the Plan. Paragraph 4.2 describes the different settlements in the neighbourhood area.
- 7.13 Section 5 onward sets out the various policies of the Plan around a series of subject headings as follows:
- Housing (Section 5)
  - North Witney (Section 6)
  - Education (Section 7)
  - Transport (Section 8)
  - Local Economy and Employment (Section 9)
  - Community and Recreational Facilities (Section 10)
  - Environment (Section 11)
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### Policy H1 Number of New Houses

- 7.15 This policy offers support for the delivery of 33 new homes in the rural villages as a whole within the Plan period. It goes on to comment that masterplans will be required for each site. Policy H2 continues the approach by identifying how the 33 dwellings will be achieved in general terms, and through the allocation of two residential allocations in particular. Given the overlaps between the two policies I will comment on the general overarching issues in this section of the report.
- 7.16 Paragraph 5.12 of the submitted Plan addresses the strategic housing delivery issues for the Witney sub-area in the Local Plan. It summarises the contents of Table 9.2b of the Local Plan on the anticipated delivery of 4702 new dwellings in the Witney sub area in the Plan period. In simple terms this consists of a combination of completions, commitments, a series of Local Plan allocations (including the NWSDA) and windfall sites. Windfall sites are anticipated to deliver 276 dwellings in the Plan period. In this context the Local Plan (at paragraph 9.2.29) comments that 'based on past evidence of historic rates of windfall delivery by sub-area, it is reasonable to expect delivery of at least 276 units from unidentified windfall sites in the period 2017 – 2031'. Plainly this figure relates to the settlements throughout the Witney sub-area (including Witney, Minster Lovell, Curbridge, Ducklington, South Leigh and Hailey). In this context the submitted Plan anticipates that around 10 dwellings will come forward as windfall development in the neighbourhood area in the Plan period.
- 7.17 Policy H2 provides the necessary detail on how the anticipated 33 dwellings overall would be achieved in the neighbourhood area. It identifies two residential allocations



- land opposite 'The Hollies' New Yatt (8 dwellings) and land adjacent to Hailey Rugby Club (15 dwellings).

- 7.18 The two sites have been included in the Plan following discussions with landowners. The various sites considered are detailed in Appendix K of the Plan. In summary they include a series of potential sites within and adjacent to Hailey (Middletown), Delly End, Poffley End and New Yatt.
- 7.19 Appendix K helpfully sets out the context within which this work was undertaken. The allocation of the NWSDA allocation in the then emerging (and now adopted) Local Plan caused the Parish Council to consider that this site provided a sufficient number of urban dwellings to meet the needs within the neighbourhood area. On this basis it chose not to identify any additional urban related sites. As such its focus was on infill and edge locations throughout the settlements in the neighbourhood area.
- 7.20 Plainly the structure and content of Policy H1 is predicated on the contents of Figure 5.4 in the Plan. In particular it informs the specified number of dwellings. However, I am not satisfied that the policy is based on any robust assessment of the potential delivery of housing in the neighbourhood area. Firstly, it seeks to specify the development of around 10 windfall houses without evidence to support the accuracy of that figure and relate it to past trends. In any event the matter of infill development is addressed separately in Policy H3. Secondly, I have recommended the deletion of the two proposed allocated sites in Policy H2 in the next section of this report. The combination of these factors renders the policy unnecessary. As submitted, it fails to meet the basic conditions. In these circumstances I recommend the deletion of the policy. I also recommend consequential modifications to the supporting text. These text-based modifications overlap with those recommended in association with Policies H2 and H3. For convenience they are set out in combination after the commentary on Policy H3.

### **Delete policy**

#### Policy H2 Scale of New Development

- 7.21 This policy has two related parts. The first seeks to encourage small scale residential developments (in the region of 15 dwellings). It then allocates two sites for residential purposes as specified in paragraph 7.17 above. I comment below on the two proposed residential allocations.

#### *Land adjacent to Hailey Rugby Club*

- 7.22 The land adjacent to Hailey Rugby Club is a rectangular parcel of land. It is bounded by the Rugby Club to the north, by the B4022 to the east, by other agricultural land to the west and by a combination of agricultural land and the rear gardens of properties in Foxburrow Lane/Fox Close to the south. It is in agricultural use.
- 7.23 Details of the proposed development of the site are set out in Appendix E of the Plan. The eastern part of the site is proposed for housing purposes. The western part of the site is proposed for sporting facilities. Appendix E specifies that a single shared

access point for both parts of the site should be established. It also comments that the hedge and trees which run along the eastern side of the site should be preserved wherever possible.

7.24 I sought advice from the Parish Council on the overall viability of the proposed development and the emerging proposals for the unspecified sporting facilities. I was advised that it would be likely that the Rugby Club would occupy the proposed sporting facility part of the site. However, there was a possible alternative to accommodate the recreational requirements of the North Witney development. In this scenario if the North Witney site has insufficient space to accommodate its playing pitch obligations this site could be offered as a geographically convenient solution. In addition, I was also advised that the Rugby Club would welcome an opportunity to expand car parking facilities as well as an opportunity to expand the number of pitches.

7.25 The Parish Council also advised that:

- its current thinking was for a single access into the Rugby Club/housing allocation to replace the existing access;
- the sporting facilities would be primarily outdoor but may involve the development of further changing and club facilities; and
- no detailed viability work had been undertaken on the wider development.

7.26 The proposed development of the site for residential/sporting purposes raises several issues in terms of its general conformity with strategic policies in the adopted Local Plan. These issues are raised by WODC in its representation to the Plan. In particular WODC comments that without being allocated in a neighbourhood plan the site would not comply with Policies OS2, H2 and T1 of the Local Plan. In this context Policy OS2 comments that development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. This is underpinned by a series of 'general principles. In relation to this site the following three are the most significant -

- that new development should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- new development should form a logical complement to the existing scale and pattern of development and/or the character of the area; and
- new development should avoid the coalescence and loss of identity of separate settlements.

I address these three elements in turn below. In doing so I make reference to the Parish Council's observations on the same issues. I sought its comments within the first and the second clarification notes.

7.27 The Parish Council considers that the proposed site allocation meets these three important 'General principles'. On the first principle it comments that the proposal is consistent with historic development in the settlement. On the second point it

contends that the site is a logical extension of the existing settlement and that the opposite side of the road is fully developed. On the third general principle the Parish Council comments that the site is not part of the separation between Witney and Hailey and that, in any event specific buffer zones are designated in the Plan.

7.28 I have considered the proposed allocation of the site very carefully in general terms and the Parish Council's comments on its relationship to Policy OS2 of the Local Plan in particular. I have concluded that the proposed allocation of the site for residential and sporting purposes is not in general conformity with the general principles in Policy OS2 of the Local Plan. As such it does not meet the basic conditions. I have come to this view for the following reasons:

- the site as a whole is 4.75 hectares in size and would sit uncomfortably within the local environment which consists of the Rugby Club itself, the small concentration of dwellings in Foxburrow Lane/Fox Close and the individual properties on the Hailey Road. As such I do not consider that its development would be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- The site is located to the west of the Hailey Road and occupies a specific parcel of agricultural land. It extends approximately 300 metres to the west of the Hailey Road and with the potential for its housing component to extend approximately 150 metres to the west of the Hailey Road. In addition, I am not convinced that the opposite side of the road is fully-developed as the Parish Council contend. Whilst there are several large properties on the eastern side of the Hailey Road, they are a collection of either traditional vernacular or more modern residential properties fronting the main road. Their relationship one with the other and their sizes do not create a fully developed environment which would typically be found in a village. As such I do not consider that its development forms a logical complement to the existing scale and pattern of development and/or the character of the area.
- By definition the proposed site is located within the sensitive gap between Witney and Hailey. I have made separate recommended modifications to Policy E5 of the submitted Plan on the proposed buffer zones. Nonetheless the importance of this matter remains in the Plan. As such I do not consider that its development would avoid the coalescence and loss of identity of separate settlements required by Policy OS2 of the Local Plan. Indeed, its development would contribute towards the sensitivity of the buffer zone and would add to the scale and the extent of built development in the gap between Hailey and Witney.

7.29 This conclusion is reinforced by other aspects of the proposed development of the site. Firstly, it is not supported by any viability information. Secondly there is no assurance on the matter of the scale or type of the sporting facilities that would come forward on the western part of the site both in general terms, and the extent of any built development in particular. Plainly built development on the sporting facilities part of the site would have the potential to reinforce the conclusions set out in the paragraph above on the sensitivity of the buffer zone. Finally, the policy provides no

definitive information on the access into the site and its potential highway safety and amenity issues.

- 7.30 In these circumstances I recommend the deletion of the site from the Plan

*Land opposite 'The Hollies' New Yatt lane, New Yatt*

- 7.31 The land opposite 'The Hollies' New Yatt Lane, New Yatt is an irregular but largely rectangular parcel of land. It is bounded by New Yatt lane to the north, by the vacant public house to the east, and by agricultural land to the west and to the south. It is in agricultural/woodland use.

- 7.32 Details of the proposed development of the site are set out in Appendix E of the Plan. It comments that the copse in the north western part of the site provides a natural edge to New Yatt village. It is included in the site allocation and should be retained and managed as a copse. It also comments that the hedge and trees which run along the front (north) and rear (south) of the site should be preserved wherever possible.

- 7.33 The proposed development of the site for residential purposes raises several issues in terms of its general conformity with strategic policies in the adopted Local Plan. These issues are raised by WODC in its representation to the Plan. In particular WODC comments that without being allocated in a neighbourhood plan the site would not comply with Policies OS2, H2 and T1 of the Local Plan. In this context Policy OS2 comments that development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. This is underpinned by a series of 'general principles. In relation to this site the following two are the most significant -

- that new development should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality; and
- new development should form a logical complement to the existing scale and pattern of development and/or the character of the area;

I address these two elements in turn below. In doing so I make reference to the Parish Council's observations on the same issues. I sought its comments within the first clarification note.

- 7.34 The Parish Council considers that the proposed site meets these two important 'General principles'. On the first principle it comments that the proposal is consistent with historic development in the settlement. On the second point it contends that the site is a logical extension of the existing settlement and that the opposite side of the road is fully developed.

- 7.35 I have considered the proposed allocation of the site very carefully in general terms and the Parish Council's comments on its relationship to Policy OS2 of the Local

Plan in particular. I have concluded that the proposed allocation of the site for residential purposes is not in general conformity with the general principles in Policy OS2 of the Local Plan. As such it does not meet the basic conditions. I have come to this view for the following reasons:

- The development of the site might be considered to round off the settlement of New Yatt. However, I consider that its development would sit uncomfortably within the local environment. The proposed development of 8 dwellings would be both significant in relation to the increase that it would generate in the existing number of dwellings in the settlement and its geographic scale. As such I do not consider that its development would be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality.
- The site is located to the south of New Yatt and occupies a discrete parcel of agricultural land and woodland. It would have a potential street frontage of approximately 60 metres. In addition, I am not convinced that the opposite side of the road is fully developed as the Parish Council contend. Whilst there are two large modern properties on the northern side of New Yatt Lane, their character and appearance are different from the layout and density of the other properties in New Yatt lane to the east. In this context in my opinion they do not create a fully developed environment which would typically be found in a village in general, and in New Yatt in particular. As such I do not consider that its development forms a logical complement to the existing scale and pattern of development and/or the character of the area.

7.36 In these circumstances I recommend the deletion of the site from the Plan.

7.37 As part of the examination process WODC has drawn my attention to a planning application that was made for the residential development of this site in November 2018 (18/03244/OUT). Plainly this process indicates that there is a degree of commercial confidence that the site is both available and deliverable. I have taken account of this matter in coming to my judgement on this matter. Clearly WODC will make its own decision on the planning application in due course.

7.38 The more general part of the policy encourages small scale developments in the region of 15 dwellings per site. This reflects both the size and the character of the various settlements in the neighbourhood area. It also reflects the feedback from community consultation. Having considered all the relevant details I also recommend that this part of the policy is deleted. In the first instance its approach is more general than policy based. Whilst it seeks to encourage developments in the region of 15 dwellings it offers no policy support for such development. In the second instance the figure chosen is not underpinned by any detailed evidence on the availability of potential development sites, the appropriateness or viability of the number of houses, and the relationship of development sites to the settlement hierarchy in the Local Plan. Thirdly the direction of the policy loses its purpose without the allocation of the two housing sites proposed. Finally, in any event the general issue of new residential development within the various settlements is already addressed in Policy H3 of the Plan. That policy seeks to add value to Policies O2 and H2 of the Local Plan.

- 7.39 Taking all these matters together I recommend the deletion of the policy. I also recommend consequential modifications to the supporting text. They overlap with those recommended to Policies H1 and H3. For convenience they are set out after the commentary on Policy H3.

### **Delete policy**

#### Policy H3 Infill

- 7.40 This policy concentrates on infill housing development. It reflects the opportunities that exist for sensitive development to come forward within or adjacent to the existing settlements.
- 7.41 The policy refers to ‘rural villages’. In this context it makes no distinction between the different settlements and their position within the Local Plan settlement hierarchy. The policy identifies five criteria with which development proposals need to comply. They include the proposal’s location within the settlement concerned, its size and relationship to the site concerned, amenity issues and (where appropriate) that a balanced mix of properties is delivered.
- 7.42 The policy seeks to provide a distinctive approach to the district-wide policy in the adopted Local Plan. In general, it does so to good effect. However, the way in which it captures all the settlements in the neighbourhood area within a single policy approach has a clear risk of failing to be in general conformity with the provisions of Policies OS2 and H2 of the Local Plan.
- 7.43 I am satisfied that a policy of this type has the ability to add distinctive value to the relevant Local Plan policies. The neighbourhood area presents opportunities for infill development in settlements where the quality of the built environment is high and where specific policy guidance would be helpful to the decision-maker and to potential developers alike. On this basis I recommend a series of modifications to the policy. Their overall effect will be to secure general conformity with policies OS2 and H2 of the Local Plan and to provide distinctive local policy guidance. In particular it draws a clear difference between the village of Hailey (Middletown as defined in the Plan) (as a Village in the district settlement hierarchy) and the other settlements (as Smaller villages or hamlets in the district settlement hierarchy).
- 7.44 I also recommend detailed changes to several of the criteria included in the submitted version of the policy to bring the clarity required by the NPPF and to remove text in the policy which is more appropriately supporting text.

**In the opening part of the policy replace ‘the rural villages’ with ‘Hailey (Middletown)’.**

### **Delete criterion c)**

**Replace criterion c) with:**

**‘Respects the design, massing, materials and density of buildings in the immediate locality of the site’**

**In d):**

- **delete ‘considered to be’**
- **replace ‘significantly’ with ‘unacceptably’**

**Replace e) with:**

**‘Where appropriate delivers a balanced mix of property types and sizes’**

**As a new paragraph at the end of the policy add:**

**‘Residential development in the smaller villages and hamlets will be restricted to the circumstances identified in Policy H2 of the West Oxfordshire Local Plan.’**

*Modify the supporting text in Section 5 of the Plan as follows:*

*Paragraph 5.2*

*Delete the second bullet point.*

*Paragraph 5.10*

*Replace the second sentence with:*

*‘The recently-adopted West Oxfordshire Local Plan includes the development of a strategic housing site of approximately 1400 dwellings at North Witney within the neighbourhood area.’*

*Paragraph 5.11*

*At the end of the paragraph add:*

*‘Two sites were proposed as housing allocations in the submitted Plan (land adjacent to the Rugby Club, Hailey Road and land off New Yatt Lane New Yatt). Both were deleted from the Plan as part of the examination process.’*

*Appendix K*

*Provide an identical update to that recommended in paragraph 5.11.*

*Paragraph 5.12*

*In the second paragraph retain the first sentence.*

*Replace the remainder of the paragraph with:*

*‘Steady progress has been made within the Witney sub-area in granting planning permission for windfall developments. Future such proposals in the neighbourhood area will be determined in accordance with Policy H3 in this Plan.’*

*Delete paragraphs 5.13/5.14.*

*Delete Figure 5.4.*

*Delete Appendix A.*

*Examiners Notes:*

- *these recommended modifications to the text in Section 5 arise as a consequence of the recommended modifications to Policies H1/H2/H3;*
- *other recommended modifications to the text in Section 5 arise as a consequence of the recommended modifications to Policies H4 and H5 (see below);*
- *WODC and the Parish Council may wish to renumber the housing policies as a result of the series of recommended modifications to Policies H1-H5; and*
- *WODC and the Parish Council may wish to renumber the housing supporting text paragraph numbers as a result of the series of recommended modifications to Policies H1-H5.*

Policy H4 Tenancy Mix

- 7.45 This policy addresses the issue of the tenancy mix of new dwellings which may come forward in the neighbourhood area. It responds positively to locally-collected information about housing needs and aspirations of local people.
- 7.46 Paragraph 5.21 comments that the NWSDA will provide for the needs of Witney rather than those of the neighbourhood area. On this basis the policy is more focused towards other developments which may come forward elsewhere in the neighbourhood area. In the context of my recommended deletion of Policy H2 and its associated housing allocations I have considered carefully the ongoing need for and relevance of this policy. In doing so I have looked at the coverage and application of Policy H3 in the Local Plan.
- 7.47 I am not satisfied that the neighbourhood plan policy adds any value to Policy H3 of the Local Plan. In the context that there is no need for a neighbourhood plan policy to repeat policies in either national or local policy I recommend that the policy is deleted. In recommending this modification I have also considered the need or otherwise for the retention of the supporting text associated with the policy (paragraphs 5.16-5.21). Given the importance of the housing balance within the neighbourhood area and the quality and robustness of the supporting text I am satisfied that it should remain in the Plan. I recommend modifications to the existing text so that it makes a direct reference to Local Plan Policy H3 and its role in determining development proposals for residential development.

**Delete the policy**

*Delete paragraph 5.20 and replace with:*

*‘The development of new housing should take account of the housing needs and expectations of local residents. In this content proposals for residential development will be assessed against Policy H3 of the West Oxfordshire Local Plan 2031’.*

Policy H5 Affordable Housing



- 7.48 This policy adds to the detail set out in Policy H4. It provides a local context to the need for new affordable housing. In particular paragraph 5.25 of the Plan identifies affordable housing needs in the neighbourhood area.
- 7.49 In the context of my recommended deletion of Policy H2 and its associated housing allocations and also of Policy H4 I have considered carefully the ongoing need for and relevance of this policy. In doing so I have looked at the coverage and application of Policy H3 in the Local Plan.
- 7.50 I am not satisfied that the neighbourhood plan policy adds any value to Policy H3 of the Local Plan. In the context that there is no need for a neighbourhood plan policy to repeat policies in either national or local policy I recommend that the policy is deleted. In recommending this modification I have also considered the need or otherwise for the retention of the supporting text associated with the policy (paragraphs 5.22-5.28). Given the importance of the housing balance within the neighbourhood area and the quality and robustness of the supporting text I am satisfied that it should remain in the Plan. I recommend modifications to the existing text so that it makes a direct reference to Local Plan Policy H3 and its role in determining development proposals for residential development.

#### **Delete the policy**

*Replace paragraph 5.27 with:*

*'The development of new housing should take account of the housing needs and expectations of local residents in general and the need for affordable housing in particular. In this content proposals for residential development will be assessed against Policy H3 of the West Oxfordshire Local Plan 2031.'*

Policy ED1 Hailey CE Primary School

- 7.51 This is the first of two policies affecting the Hailey CoE Primary School. It has three related parts. The first supports proposals that would preserve and enhance the viability of the school in general terms. The second supports the aspirations of the Governors to expand the school to a single-form entry school. The third part indicates that land should be reserved to allow the potential expansion of the School. No specific site is identified in the Plan for this potential expansion.
- 7.52 I sought clarification from the Parish Council on the second and the third parts of the policy. In relation to the second part I sought comments on the extent to which a single-form entry to the school is a land use issue. In relation to the third part of the policy I sought comments on whether a specific parcel of land had been identified/reserved for potential school expansion.
- 7.53 On the single-form entrance issue the Parish Council considered that the issue was land use based as it would require additional classrooms. On this basis I recommend that the policy is modified so that it offers support for expansion proposals and that the single-form entry issuer is restricted to the information already captured in

paragraphs 7.14 and 7.15 of the Plan. In effect the expansion of the school is a land use matter. Whilst that expansion may be generated by the proposals for a single-form entry to the school this matter in itself is not land use based.

- 7.54 On the expansion issue the response to the clarification note comments that the School could expand to the north and east of the existing complex. Given that there are no definitive plans at this stage I recommend that this eventuality can be properly addressed in the supporting text. In the event that such proposals emerge WODC or the County Council as appropriate will be able to determine them on their merit taking account of national and local policies.

**Replace the policy with:**

**‘Proposals that would preserve or enhance the viability of the School will be supported. Proposals for its physical expansion to accommodate additional pupils will be particularly supported’.**

*At the end of the first sentence of paragraph 7.15 add:*

*‘There is the potential to extend the school complex to the north and east.’*

Policy ED2 Traffic and Parking

- 7.55 This policy continues the approach to the School. It comments that any significant proposals for the School should include a walking and cycling strategy to discourage the use of the car and the associated traffic and parking at the beginning and end of the school day.
- 7.56 These are laudable sentiments. In its response to the clarification note the Parish Council agreed that the policy should become a community aspiration. In effect it would be delivered through education and the wider promotion of alternative forms of transport. I recommend accordingly.

**Delete the policy**

*Replace it as a community action in a separate part of the Plan.*

*Delete the supporting text at paragraphs 7.16 and 7.17 and reposition it to the community action section.*

Transport Policies

- 7.57 The Plan includes nine policies on traffic and transport related matters as follows:

Policy T1 Traffic Calming at Delly End crossroads

Policy T2 School Crossing

Policy T3 Traffic Calming at Foxburrow

Policy T4 Reservation of Land for further extension of the Northern Distributor Road

Policy T5 Upgrading of Footpaths 11 and 30

Policy T6 Upgrading of Footpath 29,30, 12 and 13

Policy T7 Upgrading of Footpath 4 and 6  
 Policy T8 New footpath alongside Northern Distributor Road  
 Policy T9 New footpath connecting Witney and New Yatt

- 7.58 They have come forward as a natural consequence of the plan-making process. They represent the community's aspirations on these important matters. Nevertheless, they are non-land use matters. In most cases where they receive the necessary support from the relevant agencies, they will be delivered through the Highways Acts.
- 7.59 In its response to the clarification note the Parish Council acknowledges this issue. It also agreed with my proposed recommended modification that the various policies are reconfigured as community aspirations. In this capacity they would sit in a discrete part of the Plan as directed in national planning policy (PPG 41-004-20170728).

### **Delete Policies T1-T9**

*Delete the associated supporting text*

*Reposition the policies and the supporting text in a separate section of the Plan.  
 Change the titles from Policy T1-T9 to Community Aspiration T1-T9.*

*At the beginning of the new section of the Plan add:*

*'A series of transport-related issues have arisen as part of the Plan-making process. The Plan recognises that they are not land use issues and subject to agreement by the necessary public agencies will be delivered through the Highways Acts. In these circumstances the Plan captures the various issues in this section as a series of community aspirations. These aspirations do not have development plan status. Nevertheless, they are provided as guidance to the developers and to public bodies as an indication of the community's expectations on this important matter.'*

### **Policy C1 Community Facilities**

- 7.60 This policy has four related parts. The first requires that all of the proposed housing developments, including the NWSDA, should have the same access to community facilities as existing residents in the neighbourhood area. The second is that new developments should preserve or enhance existing facilities. The third sets out how the first element of the policy will be achieved. The fourth indicates that proposals that would result in the loss of an Asset of Community Value (ACV) or would cause significant harm to an ACV will be resisted.
- 7.61 On the first element of the policy I can see that there is a strong wish to ensure that the residents of the NWSDA have access to good community facilities. This is both appropriate and in general conformity with the approach adopted in the Local Plan. However, this part of the policy does not have the clarity required by the NPPF and would be impracticable for WODC to apply through the development management process. Firstly, it assumes that there is an existing knowledge about the access to community facilities currently enjoyed by residents in the neighbourhood area. As the

Parish Council commented in its response to the first clarification note this part of the policy is principally based on the concept of access rather than distance from community facilities. Secondly it assumes that the residents of the NWSDA will chose to access their community facilities exclusively in the neighbourhood area. Plainly this will be a matter of choice based on preference and the availability of relevant facilities. In addition, given that the NWSDA is primarily an urban extension of Witney it is likely that its residents will access existing facilities in the town (including others which may be developed within the local plan period). On this basis I recommend the deletion of this element of the policy.

- 7.62 The second part of the policy has the ability to meet the basic conditions. In its response to the first clarification note the Parish Council confirmed that this element of the policy had been designed to safeguard the specific community facilities listed in paragraph 10.1 of the Plan. I recommend accordingly by way of a reconfiguration of this part of the policy.
- 7.63 I recommend the deletion of the third part of the policy as a consequential outcome to the deletion of the first part. In any event the design and access criteria included in this part of the policy are largely covered in national and local policies.
- 7.64 With minor modifications to its wording the fourth part of the policy meets the basic conditions.
- 7.65 Following this policy the Plan comments in considerable detail on its expectation for new community facilities associated with the development of the NWSDA. In its response to the first clarification note the Parish Council identified how this policy context had arisen, and the circumstances in which the policy approach was not included within the policy number sequence.
- 7.66 Plainly this will be an important matter for the future of the neighbourhood area. Nevertheless, I am satisfied that this is a strategic matter that is being addressed by both WODC and the North Witney Consortium within the context provided by Policy WIT2 of the Local Plan. As such I recommend that the series of policy aspirations are considered as community aspirations in a separate section of the Plan. I tackle this issue in greater detail in paragraphs 7.87 to 7.90 of this report.

**Replace the first and second paragraphs of the policy with:**

**‘The following facilities are identified as key community facilities:**

- **The Village Hall**
- **The Recreation Ground adjacent to the Village Hall**
- **The CE Primary School**
- **Witney Rugby Club**
- **St John the Evangelist Church**

**Proposals that would result in preservation or enhancement of the key community facilities will be supported.**

**Proposals that would detract from the availability, accessibility and/or the use of the key community facilities will not be supported.’**

**In the third paragraph of the policy replace ‘be strongly resisted’ with ‘will not be supported’.**

*Replace paragraph 10.2 with:*

*‘Policy C1 sets out to safeguard the various community facilities that have been identified in this section of the Plan. It celebrates the importance of the existing community facilities to the health and social-wellbeing of the neighbourhood area. In particular it identifies the five facilities listed in paragraph 10.1 as key community facilities.’*

*Add a new paragraph 10.3 to read:*

*‘In Section [insert number] the Plan addresses a series of aspirations for the development of community facilities that arise from the development of the North Witney Strategic Development Area. These aspirations do not have development plan status. Nevertheless, they are provided as guidance to the developers and to public bodies as an indication of the community’s expectations on this important matter.’*

*Delete paragraphs 10.3 to 10.10 as submitted (and the associated policy type boxes).*

*Reposition the text and the supporting boxes as a separate section of the Plan titled ‘Community Aspirations – Community Facilities’*

#### Policy E1 Hailey Conservation Area

- 7.67 This policy sets out a policy context for future development the Hailey Conservation Area. It is underpinned by extensive supporting text.
- 7.68 The policy itself is general in its form and content. It largely repeats national guidance on this important matter. WODC raises the same point in its representation. The corresponding policy in the Local Plan is Policy EH10. Plainly its coverage is District-wide. Nevertheless, it is commendably detailed in the way in which it requires development in conservation areas to conserve or enhance the character of the District’s conservation areas. In comparison Policy E1 in the submitted Plan does not include the same level of detail and guidance. As submitted, it is not in general conformity with the local plan policy. In addition, it does not provide any refined or granular details which would apply to the Hailey conservation area. In these circumstances I recommend that the policy is deleted.
- 7.69 In recommending this modification I have also considered the need or otherwise for the retention of the supporting text associated with the policy (paragraphs 11.8-11.11). Given the importance of the conservation area within the neighbourhood area and the quality and robustness of the supporting text I am satisfied that it should remain in the Plan. I recommend modifications to the existing text so that it makes a direct reference to Local Plan Policy EH10 and its role in determining development proposals in the conservation area.

## Delete policy

*At the end of paragraph 11.10 add:*

*‘Development proposals in the Hailey Conservation area will be determined against national planning policy and the policies in the development plan. Policies EH9 (Historic Environment) and Policy EH10 (Conservation Areas) of the West Oxfordshire Local Plan 2031 will be particularly relevant.’*

### Policy E2 Trees

- 7.70 The policy supports the inclusion and retention of large trees within new development. I saw that several parts of the neighbourhood area had a very pleasant sylvan character.
- 7.71 The generality of the approach taken meets the basic conditions. However, to bring the clarity required by the NPPF I recommend a series of modifications. In particular I recommend that the structure of the policy is recast so that it sets out the requirements for new development insofar as trees are concerned. I also recommend that the reference to large trees is replaced by mature trees. Plainly some mature trees may by their very nature not be large trees. Finally, I recommend that the policy more properly draws a distinction between the retention of existing mature trees and the planting of new trees.

### Replace the policy with:

**‘Proposals for new development should retain mature trees within sufficient space to allow them to be assets into the future and to retain their integrity. The planting of new trees in general, and of indigenous, native trees in particular within new developments will also be supported’**

### Policy E3 Local Green Space

- 7.72 The policy proposes the designation of a series of local green spaces (LGSs). They include woodlands, formal recreational areas and attractive open areas within the different settlements. Both the policy and supporting text reflect the approach set out in paragraphs 76 to 78 of the NPPF on this important issue.
- 7.73 Appendix H provides a comprehensive analysis of each of the selected LGSs. I am satisfied that in their different ways they meet the criteria in the NPPF.
- 7.74 The policy itself is comprehensive. It attempts to define circumstances where development would be permitted within LGSs. In doing so it tries to anticipate future local circumstances. In contrast the policy approach in the NPPF is very matter of fact to the extent that it would only support new development in very special circumstances. I recommend that the policy is modified so that it has regard to

paragraph 78 of the NPPF. The various potential local exceptions are already more properly addressed in the supporting text.

**Replace the opening part of the policy with:**

**‘The Plan designates the following sites as Local Green Space. They are shown in detail in Appendix H’.**

**After the list of sites and the footnotes add:**

**‘Development on land designated as local green space will not be supported other than in very special circumstances.’**

*In paragraph 11.18 replace ‘permitted’ with ‘supported in very special circumstances. Within the neighbourhood area there may be the potential for development to come forward within local green spaces.’*

*Replace the final sentence of the paragraph with:*

*‘In these circumstances the District Council will determine individual planning applications on their merits’.*

#### Policy E4 Landscaped Buffer Strip

- 7.75 This policy requires the establishment of a 50-metre-wide landscape strip on both sides of Hailey Road (B4022) between Witney and Downhill Lane/Foxburrow Lane. The areas concerned as shown on Figure 11.1.
- 7.76 The policy sits within the overall context provided by the supporting text on buffer zones. This wider matter is addressed in Policy E5. Paragraph 11.21 comments on the proposed buffer strip proposed in Policy E4. It refers to the Parish Council’s view that the future development of the NWSDA will lead to coalescence in this part of the neighbourhood area. However, it offers no guidance on how or by whom the work would be undertaken. In addition, it offers no guidance on the cost and/or viability of the works themselves. In its response to my clarification note the Parish Council advised that the sites concerned fall within the NWSDA and the Council would expect the developer to release the land concerned for community planting work.
- 7.77 The policy has generated two representations. The North Witney Consortium comments that the policy is not in general conformity with the Local Plan. In particular it comments that the policy will affect the developable area of the wider site. It also comments that there is no rationale behind the scale of the landscaped buffer strip, that the existing housing to the north and the south of the proposed strip are at odds with its intentions and that the overlap with the proposed buffer zone (Policy E5) is unclear. WODC also makes a series of comments on this policy and Policy E5. In summary it suggests that the NWSDA and its associated master planning will address these matters in greater detail.
- 7.78 I looked at this part of the neighbourhood area carefully as part of my visit. I have also considered the details of this policy very carefully. In all the circumstances I recommend that the policy is deleted. I do so for two principal reasons. The first is

that it seeks to add a further and unnecessary level of detail to that already in place for the development of the NWSDA area. The second is that its specific proposals are not underpinned by any detailed work on either the need for the landscaping buffer or its scale and location. This is also reinforced by the lack of any evidence on deliverability and viability.

### **Delete policy**

*Delete paragraph 11.21.*

*Remove the proposed buffer strip from Figure 11.1.*

### Policy E5 Buffer Zones

7.79 This policy seeks to safeguard buffer areas between the various settlements in the neighbourhood area. Paragraph 11.20 of the supporting text comments that the need to maintain the setting and separate identities of the various settlements is heightened by the continuing planned expansion of Witney.

7.80 The policy proposes three buffer areas as follows:

Buffer Zone 1: Witney/Foxburrow

Buffer Zone 2: Hailey/Poffley End/Rugby Club

Buffer Zone 3: Delly Corner/Delly End Farm

I looked at these three areas carefully as part of my visit. I saw that they had different sensitivities. In the round I saw the importance of maintaining the separate and distinctive nature of the various settlements and the inherent purpose of the policy.

7.81 The Plan has chosen to define the buffer zones in a circular format. This creates a rather unusual outcome which takes no account of either natural or man-made boundaries. I sought clarification from the Parish Council on this matter. I was advised that the circles were used to identify the generality of the buffer zones. I was also advised that more specific areas could be defined if required. As described earlier in this report it is not within my remit to improve the Plan. In these circumstances the redefinition of the proposed buffer zones is not practicable at this stage of the plan-making process.

7.82 In all the circumstances I recommend modifications to the policy so that the buffer zones are more loosely described without being shown on a map base. This would reinforce the desirability of maintaining the distinctiveness and the separation of the settlements concerned. In these circumstances WODC would make individual decisions on any planning applications which may have the potential to result in the coalescence of the settlements concerned.

7.83 Within this context I also recommend associated modifications to the detailed wording of the policy.



**Replace the policy with the following:**

**‘Development proposals should respect the attractive setting and the separate identities of the various settlements in the neighbourhood area. Proposals that do not respect these features will not be supported.**

**The separation between the settlements of Witney and Foxburrow, Hailey/Poffley End and Delly Corner and Delly Farm should be particularly respected. Within these general localities development should not result in the loss or erosion of its openness and the contribution that it makes to the separate identity of the settlements concerned.’**

*At the end of paragraph 11.20 add:*

*‘Policy E4 addresses this important matter. It sets out to protect the separate identities of the various settlements in the neighbourhood area. In particular it identifies three general areas where there is a potential risk of coalescence between specific settlements. Within these general areas, built development will be carefully controlled. Plainly decisions will be made on a case-by-case basis. Nevertheless, it is anticipated that new development will be limited to recreational uses appropriate for a countryside location, the conversion of existing buildings and for agricultural development that cannot be accommodated elsewhere on the farm holding concerned’*

*Delete Figures 11.1/11.2/11.3*

Policy E6 Dark Night Skies

- 7.84 This policy addresses dark night skies. The long-standing dark skies policy is considered to generate environmental benefits that outweigh the safety concerns. The effect of the policy is to support development proposals which would conserve and enhance the existing situation with regard to light pollution and dark night skies.
- 7.85 WODC has helpfully provided me with a context to the way in which the Local Plan and Design Guide and Management Plans have addressed this issue. Plainly this is a very specific issue that will vary on a parish-by-parish basis. Given the character of the area and its general limited availability of street lighting I am satisfied that a policy of this type is both appropriate and sufficiently-evidenced.
- 7.86 The policy is both detailed and technical. This might be expected of a policy of this nature. Nevertheless, I recommend two modifications so that it has the clarity required by the NPPF. In the first instance I recommend that the reference to development proposals conserving and enhancing the dark night skies current found in the neighbourhood area is modified to read ‘conserving or enhancing’. In most cases new development proposals will be able to conserve the current environment. Equally it will be beyond their means or control to enhance the current environmental conditions. In the second instance, I recommend the deletion of the Institute of Lighting Guide from the policy itself. It is already properly and fully captured in the supporting text.

**In the opening part of the policy replace:**

- **‘conserve and enhance’ with ‘conserve or enhance’**
- **‘permitted’ with ‘supported’**
- **‘or exceed the...following hierarchy’ with ‘appropriate technical standards. Within such development proposals the lighting elements have regard to the following hierarchy:’**

Community Facilities arising from the North Witney development

- 7.87 In paragraphs 10.3 to 10.10 the Plan sets out its expectations for the development of community facilities associated with the development of the NWSDA. It seeks to develop the contents of Policy WIT2 of the Local Plan which itself sets the scene for the comprehensive development of the wider site. Policy WIT2 includes provisions that the development of the site should be phased in accordance with the timing of the provision of essential infrastructure and facilities including the delivery of specified highways infrastructure. The Local Plan does not directly require the delivery of a community facility on the NWSDA area.
- 7.88 The WODC Infrastructure Delivery Plan sets out a series of matters which may be required as a consequence of the development of the NWSDA. These are properly captured in paragraph 10.3 of the submitted Plan. Nevertheless, the Plan acknowledges that in the circumstances of the ongoing discussions between the Consortium and public bodies it is not possible that to set out specific neighbourhood plan policies which would otherwise be identified as specific requirements. On this basis a series of aspirations are set out in boxes which use the same colour as the other policies included in the Plan.
- 7.89 I am satisfied in principle that the Plan should address the various matters with regard to future community facilities. Nevertheless, I recommend that these matters should be addressed as community aspirations and within a separate part of the neighbourhood plan. They are such a specific matter that it would be appropriate for them to be captured in a section distinct from the other community aspirations (mainly traffic and transport related issues – see paragraphs 7.59 and 7.66 of this report. In addition, within this context I recommend specifically that:
- the range of community aspirations are given a specific community action number (beginning with CF); and
  - consequential modifications are made to the submitted policy boxes and the supporting text.
- 7.90 In some cases the recommended modifications to the policies and the supporting text reflect their revised status as community actions. In other cases, the specific community actions are recommended to be modified so that they signpost the relevant bodies to the discussions that need to take place rather than set out prescribed outcomes as originally set out in the submitted Plan. This approach overlaps with the representations made by the North Witney Consortium.

*Delete paragraphs 10.3 to 10.10 (and the associated policy type boxes)  
 Reposition the text and the supporting boxes as a separate section of the Plan titled 'Community Aspirations – Community Facilities'  
 Identify each coloured box in sequence as follows:  
 Community Aspiration CF1 Sharing and Integrating facilities to Community Aspiration CF6 Health Care.  
 Change all box colours to a different colour to that used in the land use policies elsewhere in the Plan  
 Renumber the paragraph numbers from 10.3 to 10.10 to Section number.1 to Section number.8*

*Modify the paragraphs in the submitted Plan as follows:*

*At the end of 10.3 add:*

*'In these circumstances the Plan sets out in this section a series of aspirations for the development of community facilities that arise from the development of the North Witney Strategic Development Area. These community aspirations do not have development plan status. Nevertheless, they are provided as guidance to the developers and to public bodies as an indication of the community's expectations on this important matter.'*

*In paragraph 10.5 replace 'will be required' with 'are likely to be required'*

*At the end of paragraph 10.5 add:*

*'As part of the preparation of detailed planning applications for the development of the site the extent to which existing or improved facilities in Witney itself is likely to become clear'*

*In the Play Area provision box replace the second sentence with:*

*'The development of the site should make provision for appropriate funding to maintain play spaces to an appropriate standard'*

*In the Allotment provision box replace 'up to 84.... accessible distance' with 'new allotments in appropriate locations to development plan standards'.*

*In the Burial Ground box replace 'should include.... HNP area' with 'should address the capacity of the Burial Ground in Church Lane Hailey and the future need to increase the capacity available'.*

#### General Comments

- 7.91 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended

modifications to the policies. It will be appropriate for WODC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

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

- 7.92 The description of the various settlements has generated a degree of correspondence during the examination. It has been based on the polyfocal nature of Hailey. It also reflects the different ways in which the elements of the built development are recognised in related matters such as the District's settlement hierarchy and the designated Hailey Conservation Area. The Parish Council has helpfully proposed revised supporting text in the initial parts of the Plan to ensure clarity on this important matter. I recommend its revisions as modifications to the Plan.

*At the end of paragraph 4.1 add: 'In the settlement hierarchy within the West Oxfordshire Local Plan 2031 (Table 4b) Hailey is identified as a 'Village'. All the other settlements fall within the 'Small villages, hamlets and open countryside' category.'*

*In paragraph 4.2 replace 'The village is' with 'Hailey and the adjacent settlements are'.*

*In the detailed descriptions in paragraph 4.2 replace 'Middletown.... today' with 'Hailey'.*

*At the end of paragraph 4.2 (and as a separate paragraph) add: 'Hailey and the adjacent settlements are shown in Figure 1.1.'*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Hailey Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended detailed modifications to the policies in the Plan. Whilst it recommends the deletion of the two proposed housing allocations the Plan remains largely unchanged in its role and purpose.

### *Conclusion*

- 8.4 On the basis of the findings in this report I recommend to West Oxfordshire District Council that subject to the incorporation of the modifications set out in this report that the Hailey Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 1 December 2015.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The responses to the two clarification notes were particularly helpful.

**Andrew Ashcroft  
Independent Examiner  
25 March 2019**