

Weston-on-the-Green Neighbourhood Plan 2018- 2031

APPENDIX 1

Submission Version

A Report to Cherwell District Council on the Partial Examination of the
Weston-on-the-Green Neighbourhood Plan

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Contents

	Page
Executive Summary	3
Introduction	4
The Examiner's Role	5
The Examination Process	5
The Consultation Process	6
The Basic Conditions	7
Compliance with the Development Plan	7
Compliance with European and Human Rights Legislation	8
Policies C1 and E1: An Overview	8
Recommendations	14
Summary	15

Executive Summary

My examination has concluded that the Weston-on-the-Green Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- That the changes proposed by CDC to Policy E1 be accepted.
- That the proposed change to Policy C1 not be accepted and that Policy C1 should be deleted from the plan although reference to the community's aspirations for The Schoolfield site, under the consequential changes can be retained in the document.

Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the adopted Cherwell Local Plan 2011-2031. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been led by Weston-on-the-Green Parish Council. A Steering Group was appointed to undertake the plan preparation made up of both parish councillors and local volunteers. Weston-on-the-Green Parish Council is a “qualifying body” under the Neighbourhood Planning legislation.
3. This report is the outcome of the second examination of the Submission Version of the Weston-on-the-Green Neighbourhood Plan. The plan was originally submitted to Cherwell District Council in 2018 and was the subject of independent examination carried out by Timothy Jones QC, an experienced planning barrister and examiner, who issued his report on 11th September 2019.
4. This examination is what is known as a partial examination which is only looking at the District Council’s responses to a specific number of the recommended modifications, namely Modification 15 which relates to Policy E1, Modification 21 which relates to Policy C1 and consequential modifications to the plan set out as Modifications 24, 26 and 27. It is being conducted under the provisions of Paragraph 13(2) of Schedule 4B of the Town and Country Planning Act 1990.
5. The District Council has already agreed in its Decision Statement dated 4th November 2019 to accept all the other modifications recommended by the original examiner. At that time, it resolved not to put the plan to referendum presumably until these remaining matters had been resolved. However, in the light of the COVID 19 crisis, subsequent legislation dictates that a referendum cannot be held until at least May 2021.
6. Following the issuing of Secretary of State amended guidance, upon the issuing of the Decision Statement under Regulation 19 by Cherwell District Council, on how it intends to respond to the first set of modifications, those policies including those modified, will be accorded *significant weight* in development management decisions, until such time as a referendum can be held. The two policies the subject to this partial examination cannot be given such weight as they are dependent on the outcome of this examination and the decisions that Cherwell DC take on my recommendations.

The Examiner's Role

7. I was appointed by Cherwell District Council in March 2020, with the agreement of Weston-on-the-Green Parish Council to conduct this partial examination.
8. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 41 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Cherwell District Council and Weston-on-the-Green Parish Council. I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
9. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:
 - That the plan should proceed to referendum on the basis that it meets all the legal requirements.
 - That the plan should proceed to referendum, if modified.
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements
10. In examining the Plan on the limited basis of my remit, I will only be addressing the following legal questions as they relate to the proposed policies.
 - Do the specific policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - Do the specific policies relate to matters which are referred to as "excluded development"?
11. All the other legal matters, that are set out in the legislation, have already been dealt with by the original examiner, including the plan period and confirmation that there are no other neighbourhood plans affecting this plan area.
12. I am able to confirm that the Plan does relate only to the development and use of land, covering the area designated by Cherwell District Council, for the Weston-on-the-Green Neighbourhood Plan, on 2nd November 2015, *if it is modified in accordance with my recommendations*.
13. I can confirm that the policies do not cover "excluded development".

The Examination Process

14. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if he considers a person has a fair chance to put a case.

15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
16. I visited the parish of Weston-on-the-Green on Friday 20th March 2020. I initially toured the village and saw the general disposition of development, both inside and outside of the Green Belt. Driving through the village, I saw the housing allocation site at the northern fringes of the village before seeing the airfield to the north of the parish. On returning to the village, I also noted the protected green spaces. However, the next stage of my visit concentrated on The Schoolfield site. I parked in the village hall car park and then using the rights of way, I spent some time crossing and re crossing the site and saw for myself its relationship with the rest of the conservation area. On returning to my car, I saw the site from North Lane, Shepherd Lane and Westlands Avenue. I then visited each of the sites which were identified as HEELA sites in Appendix F of the plan, including Fir Tree Farm.
17. On 23rd March 2020, I issued a preliminary document entitled *Initial Comments* which asked specific questions of the Parish Council, the District Council and Pegasus Group on behalf of Lagan Homes. My initial view was that I would be able to conduct the examination solely on the basis of the written material. I received a response from Pegasus Group on 14th April 2020 and from the two councils on 21st April 2020. The information in these responses introduced new material which prompted me to conclude that I needed to hear oral representations, to explore some of these matters and their implications for the examination, in greater detail.
18. Unfortunately, due to the restrictions imposed, as a result of the COVID 19 outbreak, the submission of these oral representations could only be conducted, “virtually” via “teleconferencing” The Secretary of State had a couple of weeks earlier, issued PPG advice that these would be appropriate for neighbourhood plan examinations, where needed. I therefore issued a further document entitled “Further Comments of the Independent Examiner” on 30th April 2020, which indicated my decision and the topics that would be covered. Prior to the conference call taking place, via a video platform, (facilitated by Cherwell District Council), the District Council circulated a legal note as to the status of a Section 52 agreement, that had been referred to in the Parish Council’s response to my Initial Comments paper, plus an Inspectors decision letter in respect of a dismissed appeal for a site immediately to the north of the Site A allocation site.
19. The video conference took place on 19th May and lasted three hours and a record of that session is available on the following You Tube site via this link <https://www.youtube.com/watch?v=LrUKA2VNtdc&feature=youtu.be>
20. I wish to express my gratitude for the contributions and positive engagement of all contributors, for what was a new experience for all of us.

The Consultation Process

21. On 4th November 2019, the District Council’s Executive considered the Examiners Report and resolved to accept all his recommendations with the exception of Modifications 15,21,24,26 and 27 and agreed the Proposed Changes to the two policies, E1 and C1 and the other consequential changes. It agreed that these

changes should be the subject of a period of further consultation, as allowed by Regulation 19 of the Neighbourhood Planning Regulations. This was the subject of a public consultation period, that ran from 15th November 2019 to 10th January 2020 and as a result 7 responses were received from:

- Scottish and Southern Electricity Network
- Environment Agency
- Natural England
- Oxfordshire County Council
- Weston-on-the-Green Parish Council
- Highways England
- The Pegasus Group on behalf of Lagan Homes

The Basic Conditions

22. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

23. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -

- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
- Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

24. The neighbourhood plan was submitted before 24th January 2019, which was the cut-off date set in paragraph 214 of the 2018 version of the NPPF that stated, that under the transitional arrangements, examinations would be conducted having regard to the 2012 version of the NPPF.

Compliance with the Development Plan

25. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Cherwell Local Plan, adopted in July 2015 and the saved policies of the Cherwell Local Plan 1996.

26. In the adopted local plan, Weston-on-the-Green is identified as a Category A village in Policy Villages 1. Policy Villages 2 states that a total of 750 homes will be provided within this category of settlement, in addition to small sites, windfall and planning permissions for 10 or more dwellings. The selection of sites can be through the preparation of neighbourhood plans and the policy sets a range of criteria, for considering the acceptability of sites. Policies for the Green Belt are set out in Policy ESD 14.
27. Other policies relevant to this examination, as they have been quoted by Cherwell District Council in their reasons for not accepting the first Examiner's recommendations, are Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment, Policy ESD 13: Local Landscape Protection and Enhancement and Policy ESD 15 The Character of the Built and Historic Environment.

Compliance with European and Human Rights Legislation

28. The original Examiner, in paragraph 28 of his report, confirmed that he had no issues of compatibility or breaches of European obligations and would be compatible with the requirements of the Conservation of Habitat and Species Regulations. I do not believe that the matters the subject of this examination would change that conclusion, but the District Council as Competent Authority may choose to formally screen the amended plan under the Habitat Regulations.
29. The previous Examiner also considered that there is no conflict with the Human Rights Act and my recommendations will not change that situation.

Policies C1 and E1: An Overview

30. In the context of the two policies at the heart of this examination, Policies C1 and E1, it is clear that the first examiner had concerns that the extent of constraints affecting the village, imposed through the Green Belt, local green spaces, important green spaces, floodplain, conservation area and ecological designations, could potentially prevent the achievement of "sustainable development" and hence would not meet the basic conditions without modification. My partial examination is also bound to have regard to the same legal requirements and the basic conditions.
31. I fully recognise that there can be tensions between the test of contributing to the delivery of sustainable development and the matter of general conformity issues with strategic development plan policy. This can be an issue reflecting the way that the neighbourhood plan legislation was drafted and requires a holistic assessment of all the basic conditions before a recommendation is made as to whether the plan can move forward to referendum.
32. The achievement of sustainable development has three strands, which are set out in paragraph 7 of the NPPF (2012), namely an economic role, a social role and an environmental role. Of particular relevance to my considerations of this examination, is the social dimension, of supporting strong vibrant and healthy

communities, by providing a supply of housing required to meet the needs of present and future generations. The environmental role is of equal importance, which recognises the role of the planning system to protect and enhance the natural, built and historic environment.

33. The examiner's recommendations recognise that development may be required in locations which would ordinarily be constrained, outside of the village confines, alongside the B430 and also possibly on The Schoolfield site, if there is shown to be a need for "sustainable development" which cannot be met in "a more sustainable location".
34. My approach to the limited scope of this examination has been to seek to test whether the neighbourhood plan is likely to be able to deliver its housing requirements, in a way that could be consistent with the existing development plan policy, as proposed by the District Council proposed re wording of Policy E1.
35. The parish's housing needs identified by the neighbourhood plan, are found on page 45 of the plan, which sets out an objective of a 15% growth in new housing over the plan period 2017 - 2031, which equates to 38 new homes. I note that Cherwell District Council accepts the figure and it has not been challenged on the basis of what new housing is required to meet the village's own housing requirements.
36. During the video conference, I heard evidence that may have not been available to the previous examiner, specifically, that in addition to the 20 units allocated on Site A, other planning permissions have been granted in recent years and during the period since this version of the plan had been prepared. The position according to evidence given by the District Council's representative is that, as of 31st March 2020, there were planning permissions in place for 26 units (one at The Dower House, four at Southfield Farm, one rear of Ladygrass, Church Lane as well as the 20 units approved on Site A, plus there had been two additional completions.
37. Therefore, that leaves an outstanding requirement for 10 further houses to be provided within the plan period to meet Weston-on-the-Green's housing needs for the plan period.
38. I then turned to the question of how that these houses could be provided in a manner consistent with strategic policies. I heard evidence that windfalls had delivered a total of 19 units within the parish, over the period 2011 to 2019, which averages at close to 2 dwellings per year. There can be some confidence that windfall development will continue to contribute to housing numbers under schemes allowed under Policy H2 of the neighbourhood plan.
39. However, I recognise that it is not just the total number of units which is important but whether that housing would meet the village's housing requirements going forward. I am confident that the types of housing can be influenced in the future by Policy H3, once the plan becomes part of the development plan and is used in the development management context.
40. I did hear concerns regarding the "affordability" question. Affordable housing will only be required on sites of 10 units or more, under the new Policy H9. However, I learnt that the Parish Council is proposing to deliver affordable housing for local people, on land which it is to be gifted at Fir Tree Farm. The Parish Council had indicated in its response to CDC's Housing and Employment Land Availability

Assessment (HELAA) following a call for sites, that in respect of Site HELAA 229 in Appendix F, it fully supported development on the site, “if planning conditions could be met”. It transpired that the Parish Council had been advised by Cherwell District Council that it could not allocate the site due to its Green Belt status and development could only proceed if the site was to be taken out of the Green Belt, which is not normally within the scope of a neighbourhood plan.

41. I do not agree with that assertion, as paragraph 89 of the NPPF (2012) allows “limited infilling in villages and limited affordable housing for local community needs under policies set out in the local plan”. If development is “appropriate development” in Green Belt terms, I do not consider that there is anything to prevent a community within its neighbourhood plan from allocating a site for such development within the Green Belt. Such an allocation could, in my opinion, meet the basic conditions test and could comply with Policy ESD 14 of the Cherwell Local Plan. I have been sent details of the terms of the proposed gifting of the land to the Parish Council. If the development is appropriate then there is no reason for saying that the site must come out of the Green Belt.
42. The District Council contest that this would be a strategic matter and I would agree that it would be if it was allocating land in the Green Belt that did not fall into the definition of appropriate development or the neighbourhood plan was promoting Green Belt boundary changes, (in the absence of a strategic policy framework that supports such changes). I have been pointed towards the comments of the Examiner of the Chalfont St Giles NP where the Examiner is purported to be stating that neighbourhood plans cannot be allocating sites in the Green Belt, but her comments were made in the context of representations made at Regulation 16 from promoters seeking to allocate Green Belt land for housing development that would not have been appropriate development. I would contend that my interpretation is consistent with CDC Local Plan Policy ESD 14 which refers to the assessment of proposals in accordance with national policy, which allows “limited infilling in villages”.
43. It is not necessary as part of my examination to pursue this matter, in terms of my recommendations, but the Parish Council could choose to include the site as a future allocation, then that could be taken forward in a neighbourhood plan review, which is something I will return to later in this report. Alternatively, it could propose a Community Right to Build Order which would effectively grant planning permission for the development and could provide ongoing protection as social rented accommodation against general “right to buy” provisions.
44. I heard that another site at Gallisbrook Way could be developed for affordable housing as it is owned by Sanctuary Housing, a registered social landlord, but as I had not visited the site, I do not intend to comment or rely upon its suitability.
45. Based on the level of completions and commitments, past rates of windfall development and specific information that more affordable housing could be delivered in the village over the plan period, I am satisfied that the community’s housing needs for the present and future housing needs of the village can be delivered, which is one of the indicators whether the plan will be delivering sustainable development.

46. As a Category A village, it is possible that additional homes could be promoted under the provisions of Local Plan Policies Villages 1 and 2, which could contribute to meeting the wider housing needs of the district.
47. This major conclusion has implications for the proposed wording of both Policy E1 and C1, as modified by the first examiner, in that I can be satisfied that despite the constraints within the village, that the housing needs of the community can be achieved in the way that is consistent with the other policies in the neighbourhood plan and the general local plan. This has implications for my conclusions in respect of the examiner's proposed modifications in respect of Policies E1 and C1 based on this new information.
48. I will be recommending that the District Council's proposed amendments to Policy E1 be retained but I cannot agree with its reasons for not accepting the Examiner's recommendations in its entirety. I do not consider that the implications of his recommendations would necessarily have led to inefficient use of the land. I interpreted his proposed policy wording as seeking to restrict the amount of land required to be developed to the extent required to meet the need, rather than to restrict the amount of development that took place on the site to that required to meet the need, irrespective of the size of the site.
49. Similarly, I believe that the test of whether there is a more sustainable place for development to take place, would have to be restricted to the plan area and effectively the sequential approach would have considered whether other sites are more or less sustainable and that search should be restricted to within Weston-on-the-Green. and hence the development would be focused on one of the designated villages deemed to be acceptable to accept some development in the strategic policies in the local plan. I do not believe that the examiner's intention was that the village's housing needs would need to be tested against the availability of sites in less sustainable locations beyond the plan area.
50. The reference to Policies ESD 10, ESD 13 and ESD 15 in the reasons for not accepting the two modifications, 15 and 21, is not necessarily justified, as these three policies would not necessarily rule out development. Rather they set criteria on how development should take place in terms of protecting and enhancing biodiversity, the character of the built and historic environment of the area and local landscape. As no schemes have been put forward, I do not see how it can be concluded that the modifications would actually be inconsistent with these policies to protect the natural, built and historic environment.
51. My consideration of Policy C1 has not been so straightforward. I am satisfied that the protection of the Schoolfield site has been something of a touchstone for the village. That was recognised by the first Examiner, who acknowledged the importance the community attached to its protection and his recommendation was only countenancing development on that site, if unmet housing need had been established and it was shown that no more sustainable sites were available.
52. I agree with the plan's contention that the Schoolfield is seen by the village as a valuable green space. However, as was discussed during the video conference, the current land-use is agricultural, it is primarily used for grazing. I suspect that the current ecological value of the eastern section of the site is limited, but I can fully appreciate the importance of the western part of the site away from the

surrounding houses, which extends to the west of the north-south footpath crossing the site. I saw for myself the clear evidence of “ridge and furrow” being present, a feature which I am familiar with from other neighbourhood plans in the Midlands, which have chosen to designate such features as non-designated heritage assets. Authorised public access to the field is currently restricted to users of the public footpaths which runs across the site. The land is in private ownership and any public recreational use beyond the footpaths would be unauthorised.

53. The original policy and Cherwell District Council’s proposed replacement policy refer to the site as “a habitat” and its use as “recreational open space”. In terms of land-use, it would appear that the plan is anticipating a change of use from agricultural to recreational open space, although upon being pressed on the matter, it was confirmed that this was not necessarily the aspiration, if public access could be achieved.
54. Public access can only normally be secured through public ownership or with the consent of the landowner. It cannot be something that can be conferred through a planning policy. The representation submitted on behalf of the landowners, Lagan Homes, indicated that the intention is that the land will remain in private ownership. No parties have suggested the possible use of Compulsory Purchase powers. I am also conscious of the Secretary of State’s advice that neighbourhood plans “should be prepared positively in a way that is aspirational but *deliverable*”.
55. Whilst the District Council’s proposal for this policy is that such usage “will be encouraged”. I consider that the expectations of the policy will never be realised without the agreement of a willing landowner and as such the policy is undeliverable. I do not believe that the Parish Council has recognised that the proposal as submitted would constitute a material change of use of the land which would require the submission of a planning application.
56. The matter has been further complicated by the information, which had not been apparent as part of the first examination, that a Section 52 agreement, covering the entirety of Area B was completed in 1980, which restricts the usage of the land to its “*current use*”, which everyone agreed was agricultural use, both then and remains so to date. Whilst this agreement could, under certain circumstances, be used to frustrate the residential development of the site, equally it could be argued that its terms, would prevent the change of use from agricultural to recreational land.
57. The legal advice which was circulated before the video conference, and was not challenged, was that the Section 52 covenants could only be set aside by the District Council acting as party to the agreement, separate from its role as local planning authority. Without their explicit consent, there is only one way that the covenants could be set aside, and that is by application to the Upper Tribunal (Land Division) under the Law of Property Act 1925.
58. That Section 52 agreement would also have been a material consideration had I been minded to recommend the allocation of the Schoolfield site or part thereof as a residential site. In my view of my conclusions elsewhere, such an allocation is not required or justified, but if I had needed to consider it, the existence of the covenant could have cast doubt on the deliverability of that allocation. It also

- undermines, in my opinion, the first Examiner's proposed modification to Policy C1, although it goes without saying, that he was not aware of its existence.
59. A detailed analysis of the drafting of the Proposed Modification to Policy C1 equally throws up questions on whether the new policy meets basic conditions and the legal tests for a neighbourhood plan policy.
60. The policy wording refers to the "*preservation*", of "*a potential* grassland habitat." The use of "*potential*" implies that it currently does not exist and therefore cannot be something that can be "*preserved*". If it is a potential habitat, then the policy should have referred to the "*creation*" of that habitat. The policy also refers to the "*management*" of that habitat. How land is "*managed*" is not a matter that ordinarily would require planning permission as it is not development and "habitat" is a description of the role of land in terms of its ecological value, it is not a land use. How land is managed and maintained is a matter for the land owner and any obligations he/ she is bound by, such as Stewardship Schemes.
61. I have therefore concluded that Policy C1 is not "a policy for the development and use of land" as it principally refers to the "preservation", "maintenance" and "management" of the land as habitat and as a lowland meadow. Similarly, a planning policy cannot grant access onto private land for passive recreational open space. From the comments made during the video conference call it was not the intention of the Parish Council to seek to change the agricultural use of the land, although that is how the policy actually reads, but merely to enable public access to an area which will be managed in the way that enhances its biodiversity. This, however, is beyond the scope of planning control.
62. I have concluded that even though the policy is now worded as a matter of "encouragement", it is not a policy that meets the statutory definition of being a policy for "the development and use of land". I will therefore be recommending that the policy be deleted although the community's aspirations for this land and its management can be included within the plan document, but not as a development plan policy.
63. If the expectations of the neighbourhood plan had been to seek to prevent development because of the importance attached to the green space by the *whole community*, as opposed to just the properties that back onto the site, then it could have chosen to designate it as a Local Green Space, which effectively would rule out development, except in very special circumstances. It would have to be demonstrated that it met all the requirements set out in paragraph 76 and 77 of the NPPF (2012).
64. I probed this issue in my Initial Comments document and at during the video conference. In hindsight, the Parish Council conceded that it was an opportunity missed. It is not my role to introduce a new local green space designation into the plan at this late stage of an examination. That is not really within an examiner's remit and such a designation would need to be subject to public consultation and direct contact with the landowner about possible designation, as set out in Planning Practice Guidance advice. If the Parish Council were to be minded to pursue this route in the future, then this would either have to be dealt with as a modification to the plan, once a referendum is held, or if a formal review of the neighbourhood plan were conducted.

65. In conclusion, my overall recommendations on this partial examination are:

- to accept Cherwell District Council's proposed modification to Policy E1 on the basis that it meets basic conditions, particularly in terms of being in general conformity with strategic policies in the Cherwell Local Plan, has regard to Secretary of State advice and policy and it will contribute to the delivery of sustainable development and other legal tests are complied with.
- but to recommend not to proceed with the Policy C1 whether as submitted, or as proposed to be changed by the District Council, as it does not meet the legal definition of being a policy for the use and development of land and, in view of my conclusions in respect of Policy E1, to not proceed with the modification proposed by the first Examiner,

66. The impact of my recommendation to delete policy C1 will have consequential implications for the proposed responses to modifications 24,26 and 27. It will require consequential amendments to subsequent policy numbering and the removal of sections of the supporting text.

67. Finally, there is a minor point that may have been missed in the response to the Examiner's report. The first Examiner's Modification 15 included "Replace ", in particular" in Policy E2 with "and where appropriate"

68. I consider that to be a necessary amendment which may have been inadvertently overlooked in the District Council's Decision Statement which stated that Modification 15 be not accepted. I will include it in Recommendation 1.

Recommendations

Recommendation 1

Modification15

That the District Council 's proposed changes to Policy E1 be accepted, but that the last element of the Examiners Modification 15 be accepted, which amends the wording of Policy E2.

Recommendation 2

Modification21

That the District Council's proposed alternative wording of Policy C1 should not be accepted and that Policy C1 should be removed from the plan and all the other policy numbers be amended accordingly.

Recommendation 3

Consequential changes

Amend Executive summary to remove reference to Policy C1

Page 26 – remove from the second sentence: "and the subject to Policy C1((Area B))"

Page 37 – remove from the final paragraph "(see Policy C1 and)

Page 38 –from the final paragraph change "propose for protection" to "wish to see protected"

Remove just the wording “(Area B)” from Figure 15

Recommendation 4

Modification 24

Remove Box C1 on Page 84 in its entirety and renumber policies accordingly

Recommendation 5

Modification 26

Replace the title “The policy proposes Policy C1 of the Plan: Area B” on page 140 with “The Parish Council’s aspirations in terms of The Schoolfield”

Recommendation 6

Modification 27

On page 43 replace in the third paragraph “The intention of Policy C1...” with “The Parish Council desires...”

Remove paragraph on Page 144 beginning “Policy C1 embodies...”

Delete the paragraph immediately above the map on Page 144

Map on Page 146 Remove the wording “(Area B)” and the map to be coloured as per first Examiners Modification 10 (which has already been agreed. In the Decision Statement”

Amend Map on Page 144- Replace “Area B: Community Neighbourhood Green Space (to be managed as lowland meadow” with “The Schoolfield- The Parish Council would wish to see the area managed as a lowland meadow”

Delete the last sentence on Page 152

Summary

69. This examination has been a focussed examination conducted under the provisions of Paragraph 13(2) of Schedule 4B of the Town and Country Planning Act 1990, which has concentrated on two specific policies and consequential modifications that had been proposed by the first examiner, which had not been accepted by the District Council. I have recommended acceptance of one of the proposed changes, the revised wording of Policy E1, as it meets the basic conditions.
70. However, I am not recommending acceptance of the proposed alternative wording to Policy C1 and I go further, by recommending that the original policy as well as the Council’s proposed change, be deleted on the basis that neither are a policy that meets the definition of a policy for the use and development of land.
71. As all the original examiners other recommendations, not considered by this report, have already been accepted by the District Council in its Decision Statement including confirmation that the referendum area does not need to be extended, I am delighted to recommend to Cherwell District Council that the

Weston-on-the-Green Neighbourhood Plan, if my recommendations are accepted, should proceed in due course, to referendum.

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John Slater Planning Ltd

8th June 2020