



**Cherwell District Council**

**Weston-on-the-Green Neighbourhood Plan Examiner's Report**

**Regulation 18 Decision Statement**

**14 November 2019**

**Background**

Cherwell District Council designated the Parish of Weston-on the-Green as a Neighbourhood Area on 2 November 2015.

The Weston-on-the-Green draft Submission Neighbourhood Plan was submitted by Weston-on-the-Green Parish Council to Cherwell District Council on 11 October 2018. The Neighbourhood Plan and supporting documents were publicised as required and public consultation took place between 19 November 2018 and 11 January 2019.

Following the consultation, the Council, in agreement with the Parish Council, appointed an Independent Examiner to undertake the independent examination. The Examiner's report is dated 11 September 2019.

The Examiner found that:

- The Weston-on-the-Green Neighbourhood Development Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012 (as amended) and that;
- Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
- The making of the Plan would contribute to the achievement of sustainable development;
- The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;

- The Plan would not breach and will be otherwise compatible with European Union obligations, the Conservation of Habitats and Species Regulations 2017 and the European Convention on Human Rights;
- The Plan should proceed to a referendum subject to the modifications that he recommends;
- The Plan should proceed to a referendum based on the area of the draft Neighbourhood Plan.

## **Recommendations, Decisions and Reasons**

Regulation 18 of The Neighbourhood Planning (General) Regulations 2012, requires Cherwell District Council to outline what action it intends to take in response to each of the Examiner's recommendations.

On 4 November 2019 Cherwell District Council, having considered each of the recommendations made by the Examiner:

- 1) approved all the Examiner's recommendations and modifications with the exception of Modifications 15,21, 24, 26 and 27.
- 2) Agreed not to proceed to referendum on the Weston-on-the-Green Neighbourhood Plan at this time;
- 3) Approved the area for the future referendum as being the designated Neighbourhood Plan area in accordance with the Examiner's recommendations, noting that there will be no extension to the area.

The Schedule of the Examiner's recommendations not accepted by the Council and its proposed changes, with reasons, are set out in Annex 1 of this Statement.

## **Invitation to Make Representations**

The Council is now required to invite comments on its proposed changes and the reasons for its decision. These are set out in Annex 1 to this Statement.

**Please note the Council is not inviting comments on the Examiner's recommendations that have been accepted by the Council nor the draft Submission Weston-On-The-Green Neighbourhood Plan.**

The consultation period commences on **Friday 15 November 2019** and the deadline for receiving representations is **5pm Friday 10 January 2020**.

The following documents

- 1) *Schedule of Examiner's recommendations not accepted by the Council and its proposed changes, with reasons.*
- 2) *Examiner's report dated 11 September 2019.*
- 3) *Draft Submission Weston-on-the-Green Neighbourhood Plan incorporating Examiner's recommendations (in track changes)*

**AND** All other documents relating to the Weston-on-the-Green Neighbourhood Plan are available to view on-line at:

<https://www.cherwell.gov.uk/info/221/neighbourhood-plans/402/weston-on-the-green-neighbourhood-plan>

Hard copies of documents 1 to 3 listed above are also available to view at the locations below at the following times:

**Cherwell District Council Offices**, Bodicote House, Bodicote, Banbury, OX15 4AA, from 8.45 am to 5.15pm, Monday to Friday

**Ben Johnson Pub**, Weston-on-the-Green, OX25 3RA, during opening hours (01869 350222)

### **Submitting Comments**

Comments on the Council's proposed changes and the reasons for its decision should be sent by email to [NeighbourhoodPlanningConsultation@cherwell-dc.gov.uk](mailto:NeighbourhoodPlanningConsultation@cherwell-dc.gov.uk) or by post to: Planning Policy, Conservation and Design, Cherwell District Council, Bodicote House, Bodicote, Banbury, OX15 4AA.

### **All comments received will be made publicly available**

The information you provide will be stored on a Cherwell District Council database and used solely in connection with the Weston-on-the-Green Neighbourhood Plan.

Representations will be available to view on the Council's website, but address, signature and contact details will not be included. However, as copies of representations must be made available for public inspection, they cannot be treated as confidential.

Copies of all representations will be forwarded to the person appointed to carry out a focussed examination on the Council's modifications to the Examiner's recommendations.

Data will be processed and held in accordance with the Data Protection Act 2018.

YVONNE REES, CHIEF EXECUTIVE

**Annex 1: Schedule of Examiner's recommendations not accepted by Cherwell District Council and its proposed changes, with reasons.**

Examiner's Recommendation Number	Examiner's Recommended Modification to the Submission Neighbourhood Plan	CDC's response and proposed changes to the Submission Neighbourhood Plan
Modification 15	<p><i>Pages 65-66</i></p> <p>Replace E1 with:  <i>"E1: Development should provide a positive contribution to the locally distinctive character of Weston-on-the-Green and conserve important aspects of the setting of the village, in particular it should:</i></p> <ul style="list-style-type: none"> <li><i>• Recognise the importance of open space, rural character and important views;</i></li> <li><i>• Achieve a biodiversity net gain for the parish including appropriate maintenance and expansion of green spaces;</i></li> <li><i>• Implement a biodiversity measure for all development proposals; and</i></li> <li><i>• Resist development outside the village confines along the B430 unless both</i>  <i>(1) a need for further sustainable development in or next to the village has been shown to exist and the extent of land used for the development does not exceed that needed to meet the need and</i>  <i>(2) it is shown that there is no more sustainable place where such development is deliverable."</i></li> </ul>	<p><b>DO NOT</b> accept recommendation for the following reasons:</p> <ol style="list-style-type: none"> <li>1) the reference to the extent of land used for development not exceeding that needed to meet the need is not clear and measurable and could lead to inefficient use of land and harm to the natural environment contrary to strategic Local Plan Policies ESD10, ESD13 and ESD 15.</li> <li>2) The introduction of a test that there should be 'no more sustainable place' is contradictory to the strategic policies of the Local Plan which direct rural development to (in relative terms) the most sustainable villages including Weston on the Green (subject to Green Belt restrictions)</li> </ol> <p><b>Conclusion</b>  The Basic Conditions are not met by this proposed modification as it would not be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).</p>

		<p>CDC Proposed Alternative Wording</p> <p>Page 65</p> <p>Replace Policy E1 with:</p> <p><b><u>E1: Development should provide a positive contribution to the locally distinctive character of Weston-on-the-Green and conserve important aspects of the setting of the village, in particular it should:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Recognise the importance of open space, rural character and important views; and</u></b></li> <li>• <b><u>Achieve a biodiversity net gain for the parish including appropriate maintenance and expansion of green spaces; and</u></b></li> <li>• <b><u>Implement a biodiversity measure for all development proposals; and</u></b></li> <li>• <b><u>Avoid development outside the village confines along the B430 unless it is in accordance with policies in this Plan and the adopted Cherwell Local Plan.</u></b></li> </ul>
<p>Modification 21 (part)</p>	<p>Replace the whole of the bold text shown as policy C1</p> <p><i>“Development that prevents Area B’s preservation as an open space or that destroys ridge and furrow of value on it on it will only be</i></p>	<p><b>DO NOT</b> accept that part of the recommendation relating to Policy C1 for the following reasons:</p> <p>1) the reference to the extent of land used for</p>

	<p>permitted if each of the following apply:</p> <p>(1) a need for further sustainable development in or next to the village has been shown to exist and the extent of land used for the development does not exceed that needed to meet the need;</p> <p>(2) it is shown that there is no more sustainable place where such development is deliverable;</p> <p>(3) no development takes place in flood zones 2 and 3;</p> <p>(4) no development harms the potential priority habitat area in flood zones 2 and 3, the millstream and Gallos Brook;</p> <p>(5) the site has been fully surveyed at appropriate times of the year for the presence of protected species;</p> <p>(6) there is full compliance with policy H9; and</p> <p>(7) the impact on the Oxfordshire Way is kept to a minimum.”</p>	<p>development not exceeding that needed to meet the need is not clear and measurable and could lead to inefficient use of land and harm to the natural environment contrary to strategic Local Plan Policies ESD10, ESD13 and ESD 15.</p> <p>2) The introduction of a test that there should be ‘no more sustainable place’ is contradictory to the strategic policies of the Local Plan which direct rural development to (in relative terms) the most sustainable villages including Weston on the Green (subject to Green Belt restrictions)</p> <p><b>Conclusion</b></p> <p>The Basic Conditions are not met by this proposed modification as it would not be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).</p> <p><b>CDC Proposed Alternative Wording</b></p> <p><b>Page 73</b></p> <p><b>Replace Policy C1 with</b></p> <p><b><u>C1: The preservation and management of Area B (The Schoolfield as shown in Appendix F) as a potential grassland habitat with access for passive recreational open space commensurate with the</u></b></p>
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		<b><u>maintenance of a lowland meadow will be encouraged.</u></b>
Modification 24 (part)	<p>Page 84  Replace the wording under C1 with:  “Development that significantly prevents Area B’s preservation as an open space or that destroys ridge and furrow of value on it will only be permitted if each of 7 criteria apply.”</p>	<p><b>DO NOT</b> accept part of recommendation that relates to:</p> <p>Page 84  Replace the wording under C1 with:  “Development that significantly prevents Area B’s preservation as an open space or that destroys ridge and furrow of value on it will only be permitted if each of 7 criteria apply.”</p> <p><b>Reason</b>  This is as a consequence of the recommendation not to accept Modification 21 which refers to Policy C1.</p> <p><b>CDC Proposed Alternative Wording</b></p> <p>Page 84</p> <p>Replace the wording under C1 with:</p> <p><b><u>The preservation and management of Area B (The Schoolfield as shown in Appendix F) as a potential grassland habitat with access for passive recreational open space commensurate with the maintenance of a lowland meadow will be encouraged.</u></b></p>
Modification 26	<p>Appendix F, page 140, box</p> <p>Delete the box and the text in it and replace it with “Policy C1 is set out on page” [AS MAY BE] “above”.</p>	<p><b>DO NOT</b> accept recommendation</p> <p><b>Reason</b>  This is as a consequence of the recommendation not to accept Modification 21 which refers to Policy C1.</p>

		<p><b>CDC Proposed Alternative Wording:</b></p> <p><b>Appendix F, page 140, box</b></p> <p><b>Retain the box and replace text with:</b></p> <p><b><u>The preservation and management of Area B (The Schoolfield as shown in Appendix F) as a potential grassland habitat with access for passive recreational open space commensurate with the maintenance of a lowland meadow will be encouraged.</u></b></p>
<p>Modification 27</p>	<p><i>Appendix F, page 143</i></p> <p>Replace <i>“The intention of this policy (C1)”</i> with <i>“The hope of the community”</i>.</p> <p>Replace <i>“The plan will retain”</i> with <i>“Unless needed for sustainable development the plan will retain”</i>.</p> <p>Replace <i>“The proposal includes an option to set”</i> with <i>“The community’s aspirations might be met by setting up”</i></p>	<p><b>DO NOT</b> accept recommendation</p> <p><b>Reason</b> This is as a consequence of the recommendation not to accept Modification 21 which refers to Policy C1.</p> <p><b>CDC Proposed Alternative Wording:</b></p> <p><b>Appendix F, page 143</b></p> <p><b>No change to text</b></p>