

# Deddington Neighbourhood Plan 2020-2040

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## Submission Version

A Report to Cherwell District Council on the Examination of the  
Deddington Neighbourhood Plan

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## Executive Summary

My examination has concluded that the Deddington 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 –

- The inclusion of the village allocation site within the Deddington settlement boundary.
- Allowing development outside of the settlement boundaries which comply with other development plan policies.
- Increasing the capacity of the allocation site to approximately 85 - 90 units.
- Affordable housing to be encouraged to be allocated to those with the Deddington connection or key workers, in accordance with criteria now defined in the plan.
- Removing reference to ditches when describing the special character of the Deddington Conservation Area and removing the modern Deddington Health Centre and Windmill Centre from the list of non-designated heritage assets.
- Removing Viewpoint 2 from the list of key views.
- Traffic calming and financial contributions to public transport to be sought when requested by the Highway Authority.
- Removing the protection to the areas which lie outside, but adjacent to, the proposed local green space.
- Removing the criteria requiring the assessment of whether the performance of businesses and management of closed pubs could have been improved when considering alternative uses.
- Removing the restriction on new businesses in the countryside to only those that are within or adjacent to existing businesses.
- Requiring developers to provide the necessary infrastructure to allow properties to be connected to superfast broadband services.
- Removing the reference to “zero carbon ready by design”, as a design expectation and removing the elements of the policy requiring post occupational checks on expected performance and requiring remedial action where performance expectations are not met.

The referendum area does not need to be extended beyond the Plan area.

## **Introduction**

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities the opportunity to create the policies that will shape the places where they live and work. A neighbourhood plan does provide the community with the ability to allocate land for particular purposes and to prepare the policies that will be used in the determination of planning applications in its area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the policies in the Cherwell Local Plan 2011-31, adopted in July 2015 and the saved policies of the adopted Cherwell Local Plan 1996. 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 undertaken under the supervision of Deddington Parish Council. A Steering Group was appointed to undertake the Plan's preparations.
3. This report is the outcome of my examination of the Submission Version of the Deddington Neighbourhood Plan. My report will make recommendations, based on my findings, on whether the Plan should go forward to a referendum. If the Plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Cherwell District Council.

## **The Examiner's Role**

4. I was appointed by Cherwell District Council in August 2023, with the agreement of Deddington Parish Council, to conduct this examination.
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 45 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 my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Cherwell District Council and Deddington Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

6. 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.
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Deddington Neighbourhood Plan area.
8. In examining the Plan, the Independent Examiner is expected to address the following questions:
  - Do the 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?
  - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
  - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and been developed and submitted by a qualifying body?
9. I am able to confirm that the Plan only relates to the development and use of land, covering the area designated by Cherwell District Council, for the Deddington Neighbourhood Plan, on 2<sup>nd</sup> December 2013.
10. I can also confirm that it does specify the period over which the Plan has effect, namely the period from 2020 up to 2040.
11. I can confirm that the Plan does not contain policies dealing with any “excluded development”.
12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
13. I am satisfied that Deddington Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

### **The Examination Process**

14. Once I had reviewed the submitted documents, my first task was to conduct a site visit to Deddington. This was carried out on Tuesday 29<sup>th</sup> August 2023.
15. I entered the parish from the west, along the B4031, driving through Hempton, across the crossroads in Deddington, through the village

centre and onto Clifton. Having orientated myself, I returned to Deddington and parked in the centre of the village and had a walk around the village centre, enjoying the quality of the conservation area with its many listed buildings. The market square was very lively. I also saw a number of the community facilities referred to in Policy DEDD 11.

16. I returned to my car and visited the proposed village housing allocation site, seeing it from both Earls Lane and Banbury Road. During my tour of the parish, I visited each of the other six sites that had been considered as possible housing sites in the SEA. I took in the number of key views as well as other community facilities situated outside the village centre as well as the allotment site proposed as a local green space.
17. Having completed my tour of Deddington, I then made a return visit to Clifton where I noted the three sites that had been considered as possible housing sites as well as the proposed local listed buildings and noted the key characteristics identified in the design quality policy. I did the same when I returned to Hempton including trying to locate the Viewpoint 2 of Snake Hill Lane. I then departed the parish towards Banbury by crossing the Oxford Canal.
18. Upon my return from Deddington, I prepared the document entitled Initial Comments of the Independent Examiner, dated 31<sup>st</sup> August 2023, which asked questions of both the Parish Council and Cherwell District Council. In that note, my view was that the examination would not need a public hearing and that remains the case.
19. I received the response from Deddington Parish Council on 21<sup>st</sup> September 2023 and from Cherwell District Council, on 5<sup>th</sup> October 2023. Both responses were placed on the appropriate websites.

### **The Consultation Process**

20. The initial public consultation on the neighbourhood plan took the form of a drop-in event held over the 21<sup>st</sup> - 23<sup>rd</sup> November 2013, inviting residents to identify issues and concerns. This was attended by 230 visitors.
21. Following that initial event, the Steering Group set about exploring a number of issues and initiated consultations with stakeholders and landowners. It appears that this work extended over a period from 2014 through to 2017.
22. In 2014, two surveys were undertaken. One was with Year 6 primary school pupils and secondly a parish questionnaire. That survey generated 914 responses from adults and 73 responses to a youth version of the questionnaire.

23. In April 2015, a second drop-in event was held over two days, feeding back the results of the questionnaires and asking additional questions. That was followed by a third drop-in event held over the 20<sup>th</sup> – 21<sup>st</sup> November 2015 which offered the public an opportunity to give their views on emerging neighbourhood plan policies.
24. A Pre-Submission version of the neighbourhood plan was published, which was subject to what was known as a Regulation 14 consultation from 1<sup>st</sup> October to 19<sup>th</sup> November 2017. This consultation produced 112 responses. Some changes to the document were made and the Submission version of the plan was prepared and submitted to Cherwell District Council.
25. That Submission version of the plan was the subject of an examination carried out by my fellow examiner, Andrew Ashcroft. In his report he deleted a number of policies and concluded that the policy to limit development in the parish to approximately 50 dwellings and a limit so that no site should exceed 20 dwellings, were found not to be based on evidence. Upon receipt of his report, the Parish Council resolved to withdraw that version of the plan and embark upon a new neighbourhood plan.
26. In commencing the preparation of this new plan, the Parish Council commissioned a Housing Needs Assessment and a Strategic Environmental Assessment. A new parish questionnaire was circulated in June 2022 which was completed by 405 residents, a 40% response rate. It set out the results of the Housing Needs Assessment and the likely housing numbers which were then expected to be required to be delivered in the period up to 2040. It identified 14 potential housing sites and 16 policy intentions. The Consultation Statement reports that there are over 1000 votes and comments made.
27. This additional evidence gathering and the community feedback informed the preparation of a new Pre-Submission version of the neighbourhood plan, which was the subject of its own Regulation 14 consultation, which ran for seven weeks during November 2022 through to January 2023. This resulted in 48 responses.
28. There was a separate six-week consultation on the draft Strategic Environmental Assessment as required by Regulation 13 of the Environmental Assessment of Plans and Programmes Regulations 2004. This consultation ran from 25<sup>th</sup> March through to 6<sup>th</sup> May 2023.
29. I am very satisfied that the community has had ample opportunity to be consulted and to be able to influence the content of this neighbourhood plan.

## Regulation 16 Consultation

30. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a six- week period, between 9<sup>th</sup> June 2023 and 21<sup>st</sup> July 2023. This consultation was organised by Cherwell District Council, prior to the Plan being passed to me for its examination. That stage is known as the Regulation 16 consultation.
31. In total, 18 responses were received, including: Cherwell District Council, National Highways, Historic England, Oxfordshire County Council, Mid Cherwell Neighbourhood Plan Forum, Cotswold National Landscape Board, Canal and Rivers Trust, Thames Valley Police, Thames Water Ltd, Sports England, The Coal Authority and Network Rail. I also received representations submitted by BVA Planning on behalf of Welbeck Strategic Land V Ltd, Marrons on behalf of Rainier Developments, D2 Planning Ltd on behalf of Blue Cedar Homes, Ridge and Partners for M&G Real Estate and Pembury West on behalf of Mervyn Dobson. There was also a representation submitted by 2 local residents.
32. I have carefully read all the correspondence and I will refer to the representations where relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

## The Basic Conditions

33. 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 are known as the Basic Conditions as set down in legislation. It will be against these criteria that my examination must focus.
34. 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?

## **Compliance with the Development Plan**

35. 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 on 20<sup>th</sup> July 2015 and the saved policies of the Cherwell Local Plan 1996.
36. One of the main objectives of the Cherwell Local Plan is to build an additional 21,734 homes during the period 2014 through to 2031. The plan provides for the building of 5,392 dwellings in the rural areas, which included Kidlington. Deddington is classed as a Category A - Service Village where the policy allows residential development within the built-up limits in the villages, plus minor development including infill and conversions. Clifton and Hempton are classed as Category B – Satellite Villages. 750 dwellings were expected to be delivered in Category A villages. Policy Village 2 sets out criteria for identifying sites for development and Policy Village 3 sets out the criteria for the consideration of rural exemption sites.
37. Cherwell District Council is currently preparing a Local Plan Review which will take the local plan through the period up to 2040. The draft local plan has reached its Regulation 18 stage and was the subject of public consultation from 22<sup>nd</sup> September 2023 until 3<sup>rd</sup> November 2023. In that document Deddington is classed as a Larger Village in the settlement hierarchy in Core Policy 35.
38. The plan set out a district housing requirement for 25,860 new homes for the period 2020 to 2040 of which 500 would be the indicative allocation for the rural areas. The strategy for rural areas is only to allow limited development designed to meet local community and business needs and to direct development to the larger, more sustainable settlements with a wider range of services.
39. This emerging local plan still has a number of stages to go in its preparation and its content and policies could change as a result of analysing consultation responses as well as being subject to its public examination.
40. In terms of the basic conditions test, the neighbourhood plan does not have to be in general conformity with the strategic policies in the emerging local plan. However, particularly in the area of housing numbers, it does indicate a direction of travel which can be influential in deciding whether the neighbourhood plan will be delivering sustainable

development, particularly in the area of whether its proposals meet the housing needs for the present and future generations.

41. My overall conclusion is that the Neighbourhood Plan, apart from where I have noted in the commentary on individual policies, is in general conformity with these strategic policies in the Cherwell Local Plan 2014-31 and the saved policies in the Cherwell Local Plan 1996.

### **Compliance with European and Human Rights Legislation**

42. The Parish Council, in preparing the latest version of the neighbourhood plan, took the early decision that it would prepare a full Strategic Environmental Assessment, as required by EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”. It did not request a screening opinion from the district council.
43. AECOM were commissioned to undertake this assessment. I have been provided with the final version of the assessment which reflects the changes made following the Regulation 14 consultation and the separate public consultation which was carried out in respect of the SEA. The assessment follows the usual methodology and its scope reflects the consultation responses made by Historic England when it was consulted at the scoping stage. The SEA in particular, looked at assessing reasonable alternatives in terms of the housing allocations and it looked at 13 sites. Four sites were identified as having the fewest adverse effects and similar potential for positive effects. It also assessed the environmental impact of the neighbourhood plan policies when considered against a range of environmental themes and objectives.
44. The District Council, as the competent authority, screened the plan under the Conservation of Habitats and Species Regulations 2017 and concluded that the plan would not have any significant adverse effects on European protected sites, the nearest which is the Oxford Meadows SAC.
45. I am satisfied that the basic conditions regarding compliance with European legislation, including the basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the Plan has no conflict with the Human Rights Act.

### **The Neighbourhood Plan: An Overview**

46. I must firstly commend the Parish Council and the Steering Group for the amount of work that has been put into this neighbourhood plan exercise, bearing in mind that the Parish Council commenced work on a neighbourhood plan for Deddington, back in 2013. Work on this

version has taken much less time than the first version, which the Parish Council chose to withdraw.

47. This is a neighbourhood plan that is very firmly focused on the parish of Deddington. In terms of its approach to planning for the future, it is ambitious in making a significant housing allocation, whilst at the same time securing major community benefits in the shape of new village parking and a replacement day nursery.
48. The plan sets high design quality expectations, protects key views in the landscape and an area of local green space as well as important community facilities. It places particular weight on protecting heritage assets and the conservation area, whilst encouraging commercial and business activity in the parish. Overall my conclusion is that it meets the definition of delivering the three strands of sustainable development, namely in the fields of its social, economic and environmental objectives.
49. The challenge facing the Parish Council in preparing this plan, is that it is proposing a plan period up to 2040, whilst the adopted Cherwell Local Plan only sets the strategic planning framework up to 2031. Cherwell District Council has embarked upon preparing a local plan review, but this has only just reached its Regulation 18 consultation stage, and is some way off of being in a position to be adopted.
50. The District Council has confirmed that it is not in a position to give the Parish Council a firm housing number to work to, which is something normally expected by the Secretary of State, as set out in paragraph 66 of the NPPF. That has meant that for the period 2031 -2040, the Parish Council was somewhat in the dark, in terms of how much development it is expected to plan for.
51. To overcome this problem, the Parish Council commissioned its own research, through a Housing Needs Assessment and has used that to arrive at a figure. It is also evident that there had been ongoing active discussions between planning officers and the Steering Group. The Steering Group feared that because of the perceived sustainability of Deddington, as a settlement which contains a range of local facilities, that the number of new homes that it would be asked to accommodate would be much higher. The latest draft of the emerging Local Plan when published, again did not allocate housing numbers to individual communities, but it proposed that 500 additional homes should be built across 11 more sustainable villages which included Deddington. In its response to my Initial Comments document, the Parish Council calculated that an 11<sup>th</sup> share of that figure would be 45.5 units.
52. I specifically asked the District Council for its view on the level of development that the neighbourhood plan is promoting, in the absence of a definitive housing figure. It said that it has no objections to the quantum of housing proposed for the parish which broadly align with

the “level of housing growth currently proposed in the draft Cherwell Local Plan Review.”

53. I am satisfied that the neighbourhood plan is proposing adequate land for housing, but if the strategic housing framework were to change once the Local Plan Review is adopted, then it would be necessary for the Parish Council to have to conduct a review of this neighbourhood plan.
54. I would also like to raise one issue in terms of the presentation of the plan, which is generally very good, it is well laid out and makes good use of photographs. However the quality of the mapping throughout this version, is poor and difficult, if not impossible, in some cases to adequately decipher what is being shown. This is not just an issue with the printed document but also extends to the web version. I would strongly urge the Parish Council to address this as an issue, possibly using a different map base or a higher resolution version of the maps. Maybe the Cherwell Planning department may be able to assist as only a small number of maps are the problem?
55. My examination has concentrated on the plan policies and their wording and whether the plan as a whole meets the basic conditions, as well as the other legal tests. It is beyond the scope of my role as examiner to have to re-draft the supporting text. However, there will be a need for an editing exercise, in view of the changes that I am recommending, to ensure that the resultant plan reflects my recommendations, yet still reads as a cogent and coherent planning document. It may be possible for the authors to take on board other comments made by consultees at Regulation 16 stage, which I do not need to address as I am restricted to matters of the basic conditions and other legal matters.
56. I will leave it to the Parish Council to work alongside the District Council planners to make these consequential changes to the supporting text and justifications, when preparing the Referendum Version of the plan, which will have to be published alongside Cherwell District Council's Decision Statement.

## **The Neighbourhood Development Plan Policies**

### **Policy DEDD1: Deddington Village Settlement Boundary**

57. This policy is in two parts. The first refers to the drawing of the settlement boundaries around Deddington, Hempton and Clifton. The second part refers to the acceptable forms of development for both inside and outside the boundary.
58. At the Regulation 16 stage there were a number of representations relating to the drawing of the boundary tight to the built-up edge and excluding land capable of development. Whilst I have not found most arguments compelling, I do agree with the comments made on behalf

of the promoters of the proposed allocation site, Welbeck Strategic Land V Limited. It would be justifiable to include the allocation site within the settlement boundary as it is intended that this housing development would be a natural extension to the village and once built out, subsequent proposals would otherwise have to be subject to policies covering the countryside. I propose that the boundary should follow the external boundaries of the proposed allocation.

59. Other representations refer to the implication of not including alternative sites which lie outside the settlement boundary, including possible sites at Clifton and Hempton. However, I find no justification for relaxing further the settlement boundary, to offer additional possibilities of new developments, bearing in mind the fact that the neighbourhood plan is allocating extra land for housing than the level of housing need, which had been identified.
60. In terms of the requirement of the second element of policy, it states that proposals will not be supported outside of a settlement boundary unless the development is essential to, or suited to, a countryside location. However, there are some developments, such as rural exception sites, which Policy Village 3 would allow outside, but adjacent to settlements. Equally, there are some forms of development, permitted by the saved policies in the 1996 Local Plan, which supports certain types of developments in the countryside, such as replacement dwellings.
61. At the same time, there are sections of the NPPF which have a presumption in favour of development in the countryside, such as the reuse of redundant or disused buildings (which enhance the immediate setting), developments which allow for the growth and expansion of all types of business in rural areas either through building conversion or well-designed new buildings.
62. Rather than having to pass the test of being essential or suited to a countryside location, I will be recommending the development will be supported outside of settlement boundaries where it is in compliance with other development plan policies.

### ***Recommendations***

***Amend the Policies Map so that the blue line showing the Deddington Village Settlement Boundary follows the external outer line of the Deddington Village Allocation site shown in red***

***In the second sentence of the second paragraph of the policy replace the text after “unless the” with “development is in compliance with other policies in the development plan”***

### **Policy DEDD 2: Deddington Village Site Allocation**

63. It is a fundamental strength of the neighbourhood plan system that communities are able to allocate land for development in their neighbourhood area. I am satisfied that the proposed Deddington allocation has been the subject of an objective site selection process

which has been carried out by both AECOM and the Parish Council and which was the subject of community assessment by a community opinion survey and viability testing through a Deliverability Appraisal, all of which has been synthesised in the final Site Allocation Report produced by the Parish Council in May 2023.

64. I have reflected on the justification set out in this final assessment report and I am satisfied that the scale of development, broadly aligns with the “level of housing growth currently proposed in the draft Cherwell Local Plan Review.” as confirmed by Cherwell District Council in its response to my Initial Comments.
65. This can be justified especially as it offered the village, the opportunity through the Parish Council’s negotiations, to secure new village facilities for which there is undoubted need, specifically a car park close to the village centre and the health centre, with the opportunity to install electric vehicle charging facilities, as well as a replacement building for the day nursery which I have been persuaded that there is an urgent need to be replaced. There are no policy objections to a neighbourhood plan promoting more housing than may be required, by an existing or future local plan, as being required to be delivered in the neighbourhood plan area.
66. I note that this is a mixed-use allocation, incorporating the three constituents of the proposed development and I consider that it is a pragmatic position to take, both providing housing and other amenities on a site which has been selected by the community. It has been selected as being in the best location within the village having considered a range of considerations whether it is being within walking distance of the village centre, or the school or having regard to landscape impact.
67. I now turn to the issue of the capacity of the site and I have noted the representations made on behalf of the owners of the allocation site, who promote an increase in the capacity of the site. The response of the Parish Council on that issue agreed that the site could accommodate 85 units and I note that that the AECOM assessment accepted a figure of 90 units. I am also conscious that the District Council, in its Regulation 16 comments, pointed out that the proposed density being promoted, is lower than required by Policy BSC 2 of the adopted local plan which refers to a net developable area having a density of at least 30 dwellings per hectare, unless there are justifiable reasons for a lower density.
68. “Making effective use of land” is a theme set out in paragraph 124 of the NPPF. Whilst I appreciate that the housing mix is to be guided by Policy DEDD 3, I believe that having a lower maximum figure would encourage developers to propose fewer, but larger homes, within the parameters of the housing mix policy, to maximise land value. I believe it will be prudent to adopt a more flexible approach, which will allow the

yield of the site, to better reflect the mix of units that are eventually arrived at, which could generate a greater number of smaller dwellings, rather than a smaller number of larger properties.

69. On the issue of the phasing of the delivery of the parking and nursery provisions, the landowners are suggesting that the obligation for these to be provided should be “prior to the occupation of the 45<sup>th</sup> unit”. The plan requires that they should be delivered “prior to the occupation of 1<sup>st</sup> unit”.
70. As this policy is for a comprehensive mixed-use allocation, it is important that all the constituent elements are seen to be delivered. The requirements set by both legislation and Secretary of State policy in terms of planning obligations, are that they should be “necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development”.
71. I am persuaded that the nursery and parking are important elements of the complete package that are required to partly address what are existing needs in the village, and these additional elements have been partly the driver to promoting a housing scheme of the scale now proposed, in this location. I am satisfied that it is right that they should be seen to be being delivered during the early stages of development, rather than waiting for half of the units to be built, sold and occupied. I conclude that the proposed phasing is appropriate as the parking and nursery elements are not just driven by the needs of the new residents of the development, but are intended to be addressing existing deficiencies in terms of the current facilities.
72. Regarding the drafting of the policy, I consider that all the elements need to be met and so I will propose the addition of “and” to be added to the end of each criterion.
73. I have no other comments to make on this policy in terms of basic conditions.

#### ***Recommendations***

***In the first bullet, replace “80” with “approximately 85-90”***

***Insert “and” at the end of each bullet point apart from the final bullet***

#### **Policy DEDD 3: Housing Mix**

74. The Housing Needs Assessment produced by AECOM provides the necessary evidence for this policy.
75. At my request, the Parish Council has now produced greater clarity as to what it considers to be a “Deddington connection”. I will be recommending that this be incorporated into the plan.
76. The actual allocation of social housing is a matter that is done in accordance with the District Council’s Housing Allocation Policy, in its role as the Housing Authority rather than as Planning Authority. Unless

the site is a rural exception site, a neighbourhood plan cannot dictate who should be offered occupation of affordable housing.

77. The Parish Council has indicated that it has been successful in the past in persuading Cherwell's Housing Department to prioritise local people. This part of the policy is not a policy for the use and development of land, as it covers eligibility for occupation of properties to people in housing need. I will recommend a change in the wording so that it encourages priority to be given to the letting of affordable houses to those with a local connection or key workers.

#### ***Recommendations***

***In the final paragraph, replace "Priority to be given" with "Schemes that give priority" and at the end insert "as defined in the Appendix X will be particularly encouraged"***

***Insert the "Definition of Deddington connection" as provided by the Parish Council in its response to my Initial Comments, be attached as an Appendix to the Plan***

#### **Policy DEDD 4: Design Quality in Deddington**

78. The Planning (Listed Buildings and Conservation Areas) Act 1990 places an obligation on planning authorities to "preserve and enhance" conservation areas. Whilst I think I understand what the Parish Council are seeking to achieve by the use of "sustain and enhance", I believe that its use in the policy could cause confusion as to whether there are different expectations between the legal duty and the requirements of the policy, when dealing with proposals in a conservation area. I will avoid that by proposing that development should "preserve and enhance" the Conservation Area.
79. In terms of the policy's identification of the special characteristics of this conservation area, I was surprised to see reference to the ditches and in particular, their contribution to surface water drainage. I could find no reference to their significance in the Parish Character Study or indeed the 2012 Conservation Area Appraisal. Bearing in mind, the policy is related to design quality and in particular in the Deddington Conservation Area, I will propose that this element is deleted.
80. In terms of the proposed designation of buildings as non-designated heritage assets as set in Appendix A, I do have concerns regarding the inclusion of Deddington Health Centre and the Windmill Centre as heritage assets, as it appears that their significance is in terms of the buildings' social value to the community, providing healthcare and sports/leisure rather than due to their respective heritage significance, which is the definition used in the Glossary to the NPPF as to what constitutes a heritage asset. I note that this is a view shared by Oxfordshire County Council which also questions the inclusion of such modern buildings.
81. Beyond that I have no other concerns regarding this policy.



### ***Recommendations***

***In A replace “sustain” with “preserve”***

***Delete the third bullet in Clause A***

***Omit the Deddington Health Centre and the Windmill Centre from the list of non-designated heritage assets in Appendix A***

### **Policy DEDD 5: Design Quality in Hempton**

82. I have no comments to make in terms of this policy.

### **Policy DEDD 6: Design Quality in Clifton**

83. Again I have no comments to make on this policy.

### **Policy DEDD 7: Landscape Character and Key Views**

84. On my site visit, I was able to appreciate the distinctive rural landscape of the parish and in particular the generous panoramic views to the north and south from the ridgeline.

85. In terms of the selection of the key views, I did try to identify Viewpoint 2 - from Snakehill Lane, Hempton, looking north east to the Swere Valley. However at the time of my visit, the view was not available due to the height of the hedge. I do not therefore consider that this can be included as a key viewpoint in the plan. A decision maker would not be in a position to assess the impact of a development on the integrity of that view, if it is dependent upon the landowner cutting the hedge to a height that allows people to see over it. I would not consider a view over a hedge to be an important viewpoint which justifies special protection. I am therefore recommending that this view be deleted from the policy.

### ***Recommendation***

***Delete Viewpoint 2 from the list in Clause B***

### **Policy DEDD 8: Travel Planning**

86. The policy limits the requirement to provide access to the local road network in a way that mitigates potential adverse impact, to just *new residential development*. There could be many other types of development that take place within the parish, in the period up to 2040, that could have an impact on the road network. A simple amendment could apply it to all development. I will also recommend that the introduction of traffic calming measures should only be required works considered necessary by the Highway Authority as this would need the use of powers under the Highway Acts.

87. I have particular reservations regarding the requirement for the applicant to have to demonstrate that their development will either avoid or mitigate, any adverse impact of traffic on air quality at the Deddington crossroads, where the A 4260 crosses the B4031.

88. I asked the Parish Council whether there was any data justifying that there was an air quality problem at this junction. It is not an Air Quality Management Area. I noted that the SEA states that “Due to the absence of any significant air quality issues within the neighbourhood area and the minimal level of growth likely to be delivered through this plan, the air quality topic is being scoped out for the purpose of the SEA”.
89. The Secretary of State advice on the issue of air quality and neighbourhood planning as set out in the Planning Practice Guidance is that parish councils should rely on the environmental health department to advise whether there is a problem. The Parish Council, when pressed, were only able to offer anecdotal comments regarding increased traffic having to wait at the traffic lights at peak periods rather than offering any quantifiable evidence of problems with air quality.
90. It is a Secretary of State expectation that neighbourhood plan policies should be based on “proportionate, robust evidence” to justify the requirements being placed on applicants. I propose that this element of the policy be deleted as I have been presented with no objective evidence of there being an air quality problem at this location.
91. In terms of Clause B there is no guidance as to what the developments will be expected to make as a financial contribution to local sustainable transport measures. The Parish Council informed me that Oxfordshire County Council have a well-established formula and I will propose the inclusion of a caveat, that this contribution should only be sought when requested by the Highway Authority.
92. Beyond these matters I have no further comments to make on the policy.

#### ***Recommendations***

***In Clause A, delete “residential” and after “traffic calming measures” insert “where required by the Highway Authority”***

***Delete the final sentence in Clause A***

***In Clause B, at the end of the first sentence insert, “when requested by the Highway Authority.”***

#### **Policy DEDD 9: Green Infrastructure**

93. I have no comments to make on this policy.

#### **Policy DEDD 10: Satin Lane Allotments Local Green Space**

94. My only reservation with regard to this policy is that it introduces extra controls over development which lies adjacent to the allotments. That goes beyond the scope of local green spaces policy as set out in Paragraphs 101 to 103 of the NPPF which controls development within the local green space and I will recommend that element be deleted as it is not in accordance with Secretary of State policy.

#### ***Recommendation***

***Delete the final sentence of the policy***

### **Policy DEDD 11: Community Facilities**

95. In terms of the choice of community facilities I have no concerns regarding the facilities, although I know that four of the premises are actually businesses i.e. pubs which also can form a community role.
96. I did raise with the Parish Council, having been prompted by a comment made by the District Council, a question as to how long the premises will be expected to be marketed before alternative uses could be considered. The Parish Council responded that rather than set an arbitrary time frame, the period of time for marketing should be left as a matter for the discretion of the applicant and local planning authority to decide, based on the nature of use. For example, the implications for the community of the loss of a pub will be different to the closure of health facilities. Whilst many such policies do set a minimum marketing period, I do accept that argument.
97. I consider that it would be completely unacceptable for a decision maker to be placed in a situation of trying to make an objective assessment as to whether “all reasonable efforts have been made to improve the operation of management and business or facilities”. Whilst the Parish Council may feel that it is in a position to comment on that issue as a consultee on a planning application, the policy places the onus on the decision maker to justify its conclusion. I believe it is beyond the scope of the planning system to be making such judgements over matters of business performance and indeed the possibility of viability returning. I will be recommending that this element to be removed from the policy.
98. I cannot see that a community can benefit, in the long term, of retaining a vacant, disused pub with no prospect of it reopening, and having it to remain empty just because there is no suitable alternative public house to serve that community. I do not consider that would constitute sustainable development. I believe that more appropriate powers exist under the Right to Bid provisions if the community achieves the designation of the public house as an Asset of Community Value.

#### ***Recommendation***

***Delete the second and fourth bullet points***

### **Policy DEDD 12: Deddington Village Centre**

99. I have no comments to make on this policy as it recognises the limits of the policy to prevent the loss of commercial premises, to residential use under permitted development rights.

### **Policy DEDD 13: Local Business**

100. The Parish Council, in its response to my Initial Comments document accepts that the scope of this policy are activities that fall within the new Use Class E.
101. As previously mentioned, the NPPF under the heading “Supporting a prosperous rural economy” suggest that planning policy should support

all types of businesses in rural areas, as well as the “diversification and development of agricultural and other land-based rural businesses or sustainable tourism and leisure development which respect the character of the countryside”.

102. I propose therefore the removal of the reference to the policy only supporting development outside settlement boundary, if it is adjoining an established business use. I believe that the proposed policy could undermine the delivery of the economic thread of sustainable development.
103. I do not share the Parish Council’s concerns regarding the uses that are on Clifton Road and indeed, I suspect it would be difficult to envisage that such users could be better located within the settlement boundary of the three villages in the parish.
104. I do not find that the nature of this part of the Oxfordshire countryside is sufficiently unique to justify departing from the approach promoted by the Secretary of State.

#### ***Recommendations***

***After “business and service uses” insert “falling within Use Class E”***

***In Clause B, delete “within or adjoining an established business use”***

#### **Policy DEDD 14: Home Working**

105. I have no comments to make on this policy, as most cases involving extensions and alterations to residential properties, even for home working, will be treated as domestic uses and incidental to the enjoyment of the dwelling house.

#### **Policy DEDD 15: Broadband and Mobile Communications**

106. The policy requires the provision of a superfast broadband connection, but that provision lies beyond the remit of most developers, as the connection is normally the responsibility of the broadband provider. What the policy can legitimately require is for the developer to put in the necessary infrastructure as set out in the second paragraph, so that the property is capable of receiving superfast broadband services.

#### ***Recommendations***

***Delete the first paragraph.***

***Delete all the text at the start of the second paragraph up to “should be made” and insert “All new dwellings and business premises in the Parish should be provided with the necessary infrastructure to enable a superfast broadband connection to be installed....”***

## **Policy DEDD 16: Zero Carbon Building**

107. In terms of requirement, the new plan does not define what is expected to be “zero carbon ready by design”. The applicant would therefore not know what measures are accepted to meet that specification. I do consider that the objective of this first part of the policy to, for example, maximise passive solar gain is a legitimate planning expectation and falls within the remit of proper planning considerations.
108. However, the next part of the policy relates to the post occupation performance of the property and is not specific as to setting out what the building performance “as predicted” is. It places the onus on the applicant taking remedial action, but it is unlikely the builder will be in a position to implement changes to the property, as it will likely to have been sold or let. I do not believe that this is an enforceable requirement.
109. The final paragraph imposes a requirement, albeit caveated, “wherever feasible” that all buildings should be certified to a particular standard or deliver a standard of space heating demand. Notwithstanding the arguments made by the Parish Council in its response to the Initial Comments document, I still maintain that the policy requirement is contrary to the Secretary of State Written Ministerial Statement to the House of Commons dated 25<sup>th</sup> March 2015 that neighbourhood plans “must not set any additional local technical standards or requirements relating to the construction, internal layout or performance of dwellings”. In terms of energy performance, that is a matter that can be required by local plans if justified by evidence, but that ability does not extend to neighbourhood plans.
110. I do appreciate the ambitions of the Parish Council to address this climate change issue in the parish, but I have to reflect on the Secretary of State explicit policy. I consider that this is a basic conditions issue. I will therefore be recommending that rather than setting a requirement the policy should offer to support such schemes that deliver this performance or meet the particular requirements.

### ***Recommendations***

***In Clause A delete “be ‘zero carbon ready by design’”***

***Delete Clause B***

***In Clause C, replace “Wherever feasible, all buildings should be” with “Buildings which are” and at the end of the sentence add “will be encouraged.”***

## **The Referendum Area**

111. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Deddington Parish Neighbourhood Plan as designated by Cherwell District Council on 2<sup>nd</sup> December 2013 is the

appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

## Summary

112. I congratulate Deddington Parish Council on reaching a successful outcome to the examination of its neighbourhood plan.
113. It is clear that a huge amount of hard work has gone into this plan by volunteers on behalf of the local community over many years and I am pleased to recognise their sterling work.
114. I commend the evidence that supports the plan and its policies and the pragmatic approach the plan has taken to allow a larger development than may otherwise have been justified in order to achieve wider community goals. That is a creative use of the neighbourhood planning system.
115. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test, and that it is appropriate, if successful at referendum, that the Plan be made.
116. **I am therefore delighted to recommend to Cherwell District Council, that the Deddington Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI, FRGS  
John Slater Planning Ltd  
12<sup>th</sup> December 2023