

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

Further Comments of the Independent Examiner

Prepared by

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

30th April 2020

Introductory Remarks

1. As you will be aware, I am conducting a focused re - examination of the Weston-on-the- Green Neighbourhood Plan.
2. On 23rd March I issued my Initial Comments document and I am grateful for the respective responses from Cherwell District Council, from Weston-on-the -Green Parish Council and from Pegasus Group on behalf of Lagan Homes.
3. These responses have raised issues that I need to explore further. Normally this would have prompted me calling a public hearing but the situation at the present time, is far from normal.
4. The Secretary of State recently issued fresh advice in his Planning Practice Guidance regarding the conduct of neighbourhood planning examinations during the COVID 19 crisis.

“Examinations: The general rule remains that examinations should be conducted by written representations. If an examiner considers that oral representations are necessary, these should not take place in person. *Where feasible, oral representations may still take place using video conferencing or other suitable technologies.*”

5. I have come to the conclusion that I need to explore some of the issues in greater detail. I therefore propose to invite representatives from the District Council, the Parish Council and Ben Cook, the planning consultant from Pegasus, to join me in a video conference call. The purpose of the video conference call is essentially, for me to lead a discussion on a specific number of key questions that have arisen, primarily as a result of the various responses to my Initial Comments questions. I will set these matters out below.
6. I have asked Christina Cherry at Cherwell, to make the necessary arrangements and facilitate the conference call and I will ask her to liaise with all parties, regarding a suitable date and time and check that everyone has the necessary IT equipment to participate.
7. My intention is that this conference call should take place in the next couple of weeks, as I wish to maintain the momentum on this examination.

Topics for Discussion

Topic A

8. I need be clear as to what the residual housing need identified in the plan is, and be satisfied that there is scope for it to be accommodated beyond the allocation of Site A. I particularly want to test whether the village will be able to meet its housing aspirations, if development were to be restricted to land within the settlement boundary, particularly if development is to be avoided on the east side of B430.

Topic B

9. I note that the Parish Council in the plan, expresses a degree of support for housing on the Fir Tree Farm site. I wish to explore Cherwell's District Council's position that the development of this brownfield site, could only take place if the site were to be taken out of the Green Belt. I will be looking to examine whether development could be considered appropriate development in the Green Belt, having regard to paragraph 89 of the 2012 NPPF.

Topic C

10. In its response to my Initial Comments, the Parish Council revealed that the existence of a Section 52 agreement relating to the Schoolfield site. I wish to explore the implications of the covenant contained within the planning obligation covering this site for this examination, namely "the present and future use of the property shall be restricted to the present use." What was the present use, is it different to the current use and is the suggested "passive recreational use" proposed consistent with the "present use". What are the implications of such a covenant for the neighbourhood plan. Would the existence of such a covenant be a material and possibly determining consideration when dealing with a planning application? Does it effectively sterilise the land for development purposes?

Topic D

11. I note that the proposed modification being put forward on this land refers to "encouraging the preservation and management as a potential grassland habitat with passive recreational open space commensurate with the maintenance of a lowland meadow."
12. I propose to drill down into this policy and question whether a policy that refers to matters covering "preservation", "management" and "maintenance" of land constitute a policy for the development and use of land so as to be capable of being used to determine a planning application. I also need to understand how the proposed "passive recreational use of the land" will be achieved without a willing landowner. In asking this question I am conscious of the following Secretary of State advice which is-

"How should a community ensure its neighbourhood plan is deliverable?"

Plans should be prepared positively, in a way that is aspirational but deliverable....."

I will be testing to what extent the proposed policy is actually deliverable.

Topic E

13. Finally, I wish to have a "without prejudice" discussion as to the latitude I believe I have, as an examiner to make recommendations and whether there is any need for further public consultation, before I finalise my examination.

Concluding Remarks

14. I am sending this note direct to all parties and would ask that the District Council and the Parish Council place a copy on your respective websites.
15. In the meantime, I will ask Christina Cherry to make contact with each party and hopefully we can fix a date in the near future to hold this conference call which will allow me to progress with the examination as expeditiously as possible.
16. I have to say that this will be the first hearing I have conducted under these recently introduced arrangements, and I am sure we are all getting to grips with these new ways of remote working and I can rely upon everyone's cooperation and forbearance in ensuring that it runs as smoothly as possible.

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

Independent Examiner to the Weston-on-the-Green Neighbourhood Plan.

30th April 2020