

Deddington Neighbourhood Development Plan 2015-2031

**A report to Cherwell District Council on the
Deddington Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Cherwell District Council in April 2019 to carry out the independent examination of the Deddington Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 4 May 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding the distinctive local character of the neighbourhood area. In addition, the Plan includes a series of policies on new residential development and proposes the designation of two local green spaces.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Deddington Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
3 September 2019

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Deddington Neighbourhood Development Plan 2015-2031 (the 'Plan').
- 1.2 The Plan has been submitted to Cherwell District Council (CDC) by Deddington Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental and community issues and proposes a series of policies on residential development.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

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

Examination Outcomes

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

The Basic Conditions

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

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.10 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 In order to comply with this requirement the Parish Council undertook a screening exercise (October 2018) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process it was concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. The report helpfully includes the responses received from the statutory consultees.
- 2.8 The screening report also included a parallel Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required. The report took appropriate account of the Oxford Meadows SAC European site approximately 15 miles from the neighbourhood area.
- 2.9 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR

Other examination matters

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

- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan;
 - the Basic Conditions Statement;
 - the Consultation Statement;
 - the SEA/HRA Screening report;
 - the Parish Council's responses to my general Clarification Note;
 - the representations made to the Plan;
 - the Cherwell Local Plan 2011-2031 (Part 1);
 - the saved policies of the Cherwell Local Plan 1996;
 - the partial review of the Cherwell Local Plan 2011-2031: Oxford's unmet housing needs;
 - the National Planning Policy Framework (March 2012 and February 2019);
 - Planning Practice Guidance (March 2014 and subsequent updates); and
 - relevant Ministerial Statements.
- 3.2 I carried out an unaccompanied visit to the neighbourhood area on 4 May 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised CDC of this decision early in the examination process.
- 3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. The further updates to the NPPF in 2019 did not affect these transitional arrangements. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is proportionate to the Plan and its policies. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (October to November 2017).
- 4.3 The Consultation Statement is helpfully arranged in the following format:
- Part 1 – Main Statement and Chronology of events;
 - Part 2 – The Regulation 14 consultation process and responses received;
 - Part 3 – Results of the Parish Questionnaire 2014; and
 - Part 4 – The Pamphlet used for the Regulation 14 consultation process
- 4.4 The Statement is very comprehensive. It sets out details of the extensive range of consultation events that were carried out in relation to the initial stages of the Plan. It provides details about media and public relations, local surveys and face-to-face meetings. In particular it comments about:
- the use of information and flyers;
 - the initial publicity;
 - the development of a neighbourhood plan website and the use of social media;
 - the organisation of drop in events;
 - the household/business and groups and organisations surveys; and
 - the engagement with stakeholders.
- 4.5 Part 2 of the Statement also provides specific details on the comments received as part of the consultation process that took place on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. The changes help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 21 December 2018. This exercise generated comments from a range of organisations and private individuals. The organisations are listed below:

- Network Rail
- Thames Valley Police
- Oxfordshire Playing Fields Association
- Aylesbury Vale District Council
- Adderbury Parish Council
- Historic England
- National Grid
- Cherwell District Council
- Highways England
- South Northamptonshire Council
- Gladman Developments Limited
- M&G Real Estate
- Oxfordshire County Council
- Blue Cedar Homes Limited
- Natural England
- Thames Water

4.9 I have taken account of these various representations together with those made by local residents and individuals. Where it is relevant to do so I refer to individual representations in this report on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area covers the parish of Deddington. It was designated as a neighbourhood area on 2 December 2013. In 2011 it had a population of 2146 persons.
- 5.2 The neighbourhood area is located in attractive countryside in North Oxfordshire approximately 5 miles to the south of Banbury. It is irregularly-shaped. It is also predominantly rural in character. Its principal settlement is Deddington. It also includes the smaller villages of Hempton and Clifton. Deddington is located in the heart of the neighbourhood area at the intersection of the A4260 Banbury Road which runs in a north-south direction and the B4031 which runs in an east-west direction. Hempton and Clifton are located to the west and to the east of the neighbourhood area respectively along the B4031.
- 5.3 Whilst the three villages have different characteristics, they are equally attractive. Deddington is a traditional nucleated village. It has a very attractive market square with a range of vernacular buildings and associated retail and commercial services. It clearly fulfils a service centre role for the neighbourhood area and its wider hinterland. Hempton is a linear village at the junction of Hempton Road and Steepness Hill. It has a good selection of stone cottages, some of which have thatched roofs. Clifton slopes down towards the River Cherwell valley. As with Hempton it is linear in format.

Development Plan Context

- 5.4 The Cherwell Local Plan 2011-31 (Part 1) was adopted in July 2015. It contains a series of strategic policies. Several policies of the Cherwell Local Plan 1996 remain as saved policies. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan. Within the settlement hierarchy contained in the Local Plan (Policy Villages 1) Deddington is a Service Village and Clifton and Hempton are Satellite Villages. In both categories of villages minor development, infilling and conversion works are supported within their built-up limits.
- 5.5 The Basic Conditions Statement has very helpfully listed the policies in the adopted local plan. Within this context it highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice.
- 5.6 The following policies in the Local Plan 2011-2031 (Part 1) are particularly relevant to the submitted neighbourhood plan:

| | |
|------------|--|
| BSC1 | District Wide Housing Distribution |
| BSC2 | The Effective and Efficient Use of Land – Brownfield Land and Housing Delivery |
| BSC3 | Affordable Housing |
| Villages 1 | Village Categorisation |
| Villages 2 | Distributing Growth across the rural areas |
| Villages 3 | Rural Exception Sites |

- 5.7 The District Council is well-advanced within the process of preparing a partial review of the Local Plan. The review has a clear focus on meeting Oxford's Unmet Housing Need. The hearing sessions have now taken place. This emerging Plan has no direct relevance on the submitted neighbourhood plan.
- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the strategic planning context and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 4 May 2019.
- 5.10 I drove into the area from Aynho along the B4031. This gave me an initial impression of the setting and the character of the neighbourhood area. It also highlighted the significance of this road to the neighbourhood area in the past and how it operates and functions today.
- 5.11 I looked initially at Clifton. I saw its relationship with the River Cherwell. I saw the Duke of Cumberland's Head P.H. and the former Chapel, now home to a commercial company. I saw the impressive 'The Orchard' and the very useful Clifton 2000 noticeboard outside Manor Farmhouse.
- 5.12 Thereafter I drove into Deddington. I looked initially at the village centre. I spent some time in Market Place/the Bullring. It is a very-impressive centrepiece of both the neighbourhood area and the village. I saw the selection of retail, commercial and other services. The quality of the wider environment was enhanced by the attractive way in which the various buildings were maintained and were being used. I looked at the Church of St Peter and St Paul.
- 5.13 I then walked through Chapel Square to Deddington Castle. Along with several other groups of people I took the opportunity to walk through its grounds. It is an interesting part of Deddington's history and a well-maintained parcel of current day open space. I walked down Castle Street to Castle End House. I then walked down Hopcraft Lane and St Thomas Street to the Satin Lane allotments. I saw that they were very well-maintained and used by the local community and had been designated as an Asset of Community Value in June 2016.
- 5.14 I then looked at the area of Hempton Road to the west of the village. I saw the more modern nature of the houses. I also saw the Windmill Community Centre. I then walked along Banbury Road. I looked at the new residential development at Deddington

Grange. I saw the play area and the public open space proposed as a local green space in the Plan.

- 5.15 I then drove to Hempton. I saw its attractive relationship to the B4031. I saw the Church of St John the Evangelist built in the chapel style in 1851.
- 5.16 I finished my visit by driving around those parts of the neighbourhood area more remote from the village centres. In particular I drove to Barford St Michael. This highlighted the position of Hempton and the B4031 on a prominent ridgeline in the local landscape. I also drove both to the south and to the north of Deddington along the A4260.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 and 2019 versions of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Deddington Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Cherwell Local Plan 2011-2031 (Part 1);
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its position in the settlement hierarchy. It includes a

series of policies that seek to safeguard the quality and nature of its natural environment and designates local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing and for business development (Policies HOU1-6 and BUS1-4 respectively). In the social role, it includes a variety of policies on community and transport matters. In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on its historic environment (ENV1), on its natural environment (ENV2), and on local green spaces (Policy COM6). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Cherwell District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

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

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

- 7.8 These introductory sections of the Plan set the scene for the range of policies. They do so in a concise and proportionate way. The Plan is presented in a professional way. It is colourful and makes a very effective use of tables and maps. The photographs are both effective and well-chosen. A very clear distinction is made between its policies and the supporting text.
- 7.9 Section 1 (Introduction) provides a very clear context to the neighbourhood area and when it was designated. It identifies how the Plan was prepared, how it will fit into the wider planning system in the event that it is 'made' and what the Plan sets out to achieve.
- 7.10 Section 2 sets out the scope of the Plan. It provides a helpful outline of the basic conditions.
- 7.11 Section 3 provides a detailed analysis of the parish/neighbourhood area. It is a key strength of the Plan. It includes the following details which helpfully set the scene for the remainder of the Plan:

- a short history of the parish;
- its landscape and biodiversity;
- its heritage assets;
- the Deddington Conservation Area;
- the modern development in Deddington;
- Clifton;
- Hempton;
- A range of parish statistics

7.12 Section 4 provides information about the Vision Strategy and Objectives of the Plan. It provides a sound and a comprehensive basis for the remainder of the Plan.

7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Planning Policies

7.14 The plan includes a selection of planning policies and community guidance. The Plan correctly has a separate section on community guidance (as issues not directly related to the use of land). However, I suggested to the Parish Council through the clarification process that several policies are community guidance and not policies.

7.15 The Parish Council agreed that the following policies should be repositioned as community guidance. In these circumstances I do not comment on them in any detail in the policy-by-policy analysis below.

HOU6d/COM4/COM5/MOV5 (b/c/d/e)

7.16 The Parish Council considered that the following policies should remain as planning policies. In these circumstances I comment on them in the detail necessary in the policy-by-policy analysis below.

HOU6(a/b/c)/COM1/COM2

7.17 There are other policies which I suggested to the Parish Council through the clarification process are supporting text rather than policies. The Parish Council provided a full response to these various points. The Parish Council agreed that the following policies (or parts of policies) should be addressed as supporting text. In these circumstances I do not comment on them in any detail in the policy-by-policy analysis below:

COM3a/MOV1/MOV2b/MOV3d/MOV4(b-d)

7.18 In other cases the Parish Council suggested that policies should be included as community guidance. I agree with that approach and recommend accordingly that those policies are repositioned as community guidance.

7.19 The Parish Council considered that the following policies should remain as planning policies. In these circumstances I comment on them in the detail necessary in the policy-by-policy analysis below:

HOU5/ENV3/ENV4/COM3b/MOV2a/MOV3a-c and e

Policy DED – HOU1: Sustainable housing growth

- 7.20 This policy is a major component of the Plan. It seeks to build on relevant policies within the Cherwell Local Plan 2031. The supporting text relates its approach to documentary evidence and to the results of community consultation.
- 7.21 In particular the submitted policy seeks to provide local detail to the general approach set out in Policy Villages 2 in the Local Plan. It includes the following elements:
- the delivery of approximately 50 dwellings in total;
 - no site shall exceed 20 dwellings;
 - smaller parts of a larger site will be considered to be a part of the larger site; and
 - supporting windfall development within the built-up limits of the various settlements in the neighbourhood area.
- 7.22 The policy has attracted significant commentary from developers. In summary it is contended that the figures of 50 dwellings and 20 dwellings are not sufficiently evidenced. CDC separately contend that the policy adds little value to Local Plan policies and should be deleted.
- 7.23 I have considered the various representations very carefully. I have also taken into account the Parish Council's responses to my clarification note. As an outcome of this process I recommend that the policy is modified so that it adopts a more general approach. In the first instance I am not satisfied that the policy should include an indicative figure of 50 new dwellings. On the one hand it is plainly a positive approach to supporting new development. This is acknowledged by some developers. It is also the direct result of the community engagement process. However, on the other hand it is not evidence-based and would have the clear possibility of restricting the supply of new housing in the plan period. This would be contrary to national policy (NPPF paragraph 47).
- 7.24 In the second instance I am not satisfied that the limit of 20 dwellings per site is either appropriate or evidence-based. Nevertheless, I am persuaded that there is a case for the policy to be modified so that it supports development of a scale which is appropriate to the overall scale and character of the settlement concerned. On this basis I recommend a reconfiguration of the opening sections of the policy. I also recommend consequential modifications to the supporting text.
- 7.25 Finally I am not satisfied that the third part of the policy adds any distinctive local value to policies in the Local Plan. On this basis I recommend its deletion.

Replace parts a) and b) of the policy with:

'Proposals for new residential development will be supported where:

- **they are within the built-up limits of Deddington, Clifton and Hempton; or**
- **they are immediately adjacent to the built-up limits of Deddington; and**

- they are of a size which is proportionate to the settlement concerned; and
- they meet the requirements of Policy DED - HOU4: Housing design and village character'

Delete part c) of the policy.

In the supporting text on pages 36 and 37

- delete the paragraph beginning 'The delivery of approximately 50 new homes...' and seven bold bullet points
- delete the following paragraph beginning 'A limit of 20 dwellings...'
- delete the second sentence of the paragraph beginning 'This approach to development'

Immediately before the paragraph on page 37 which comments about the objectives of Policy DED - HOU1 insert: 'Policy HOU1 addresses these issues by setting out a context within which new development will be supported where it is proportionate to the settlement concerned.'

Policy DED – HOU2: Housing location

- 7.26 This policy supplements the approach taken in Policy HOU1. In this case it comments in detail about a series of matters as follows:
- proposed development within the Deddington Conservation Area;
 - proposals for residential development on land adjoining the built-up limits of Deddington;
 - the use of previously developed land;
 - the location of new development in relation to the Deddington village centre and the Health Centre;
 - the redevelopment of residential gardens; and
 - a series of development criteria.
- 7.27 The policy has attracted a series of representations. They address in different ways the generality of the approach taken, the restriction on development of more than 10 dwellings in the conservation area, the importance of safeguarding the character and appearance of the conservation area and the lack of clarity in the wording of the policy. There are specific comments on the approach taken in the sixth part of the policy.
- 7.28 I recommend a series of modifications to the policy. In their different ways they will bring the clarity required by the NPPF, ensure that it has regard to national policy on conservation areas and is in general conformity with the development plan.
- 7.29 In relation to the first part of the policy on the conservation area I recommend that the policy takes account of the need to preserve or enhance its character or appearance. I also recommend that the figure of 10 dwellings is replaced with a more general reference to development of a scale that is compatible with the conservation area.

- 7.30 In relation to the second, third and fourth parts of the policy I recommend that the wording used is modified so that it can be applied consistently by CDC throughout the Plan period.
- 7.31 In relation to the fifth part of the policy I recommend that it takes on a positive rather than a negative approach.
- 7.32 I recommend the deletion of the sixth part of the policy. It largely repeats other policies and addresses the decision-making process rather than setting out a policy context. In coming to this recommendation, I have taken into account the Parish Council's response to the relevant question in the clarification note.
- 7.33 I also recommend consequential modifications to the supporting text.

Replace part a) of the policy with:

'New residential development within the Deddington Conservation Area should be of a scale and design which would preserve or enhance the character or appearance of the designated conservation area. Development proposals for conversions, infilling or the redevelopment of previously developed land or buildings which preserve or enhance the character or appearance of the conservation area will be supported.'

In part b) of the policy replace 'will not be supported.... setting of the village' with 'will be supported where they are of an appropriate scale to the existing settlement and would not unacceptably impact on the setting of the village'

In part c) of the policy replace 'positively considered' with 'supported'

Replace part d) of the policy with: 'Development proposals for residential development that are in close proximity to the centre of Deddington and the Deddington Health Centre and provide homes for older residents and for people with impaired mobility will be particularly supported'

In part e) of the policy replace 'will not be supported where this would result' with 'will be supported where it can be satisfactorily accommodated within the immediate locality and would not result'

Delete part f) of the policy

In the supporting text replace the six paragraphs of supporting text on page 39 with:

'Policy DED – HOU2 provides a policy context to address these various matters. In general terms it has been designed to supplement the approach included in the Local Plan. It takes a criteria-based approach rather than one which allocates specific sites. This will allow new development to be plan-led and detailed proposals to be assessed on their individual merits.'

The Cherwell District Council Housing and Economic Land Availability Assessment (February 2018) identified two sites adjacent to the built-up limits of Deddington as potentially suitable for development. In the event that proposals are developed on

these sites during the Plan period they would be assessed against the policies in this Plan and the wider development plan.'

Policy DED – HOU3: Housing mix

- 7.34 This policy seeks to influence the housing mix of new residential development. It has three main parts. The first is that developments of 10 or more dwellings should provide dwelling types, sizes and tenures that meet the needs of current and future households in the parish. The second requires that a statement identifies how this matter would be achieved. The third sets out a series of development types that would be considered favourably for development proposals of three or more houses.
- 7.35 The generality of the approach included in the policy is both appropriate and distinctive to the neighbourhood area. It responds to Census data, the results of the Oxfordshire Strategic Housing Market Assessment and the community questionnaire. However certain elements of the policy lack the clarity required by the NPPF. In particular the first part of the policy refers to 'will be sought' and the third part of the policy comments about the types of development that would be 'favoured'.
- 7.36 I recommend a package of recommended modifications to address these matters. They will ensure that CDC will be able to apply the Plan in a clear and consistent fashion throughout the Plan period. In addition, I recommend that the second part of the policy is relocated into the supporting text. It is a procedural rather than a policy matter. Finally, I recommend the removal of the threshold of three dwellings in the third part of the policy. Whilst I can see the Parish Council's thinking on this matter in its response to the clarification note it might otherwise restrict the deliverability of the housing types sought on smaller sites.

Replace the policy with the following:

'Proposals for residential development of ten or more dwellings should take account of the needs of current and future households in the neighbourhood area

Residential developments that provide any of the following housing types will be particularly supported:

- **two- and three-bedroom houses;**
- **homes designed for first-time buyers;**
- **dwellings suitable for older persons;**
- **single storey dwellings; and**
- **accessible and elderly-friendly flats'**

At the end of the supporting text on page 42 add the submitted part b of the policy with the following modification – replace 'Applicants...dwellings' with 'Development proposals for ten or more dwellings should include'

Policy DED- HOU4- Housing design and village character

- 7.37 This policy seeks to achieve good standards of housing design and which reflect the character of the village in which they are located. The wider importance of good design is captured in the NPPF. This policy sets out a good local interpretation of national policy.
- 7.38 The policy has several components as follows:
- general design guidance;
 - development in the Deddington conservation area;
 - the character of the three villages;
 - development on the edge of villages;
 - building materials;
 - design and crime;
 - landscaping; and
 - garages and car parking
- 7.39 I recommend a series of modifications to the policy. They will ensure that it can be applied consistently by CDC throughout the Plan period. The modifications take account of the Parish Council's responses to the questions in this policy in the clarification note.
- 7.40 As submitted the policy has the ability to generate a disproportionate impact on developers and CDC through its reference to 'all developments'. During the Plan period a significant number of planning applications will be minor or domestic development and to which many of the elements of the policy will not directly apply. I recommend a specific modification on this point so that the policy can be applied as required to any particular development. I also recommend that the reference to 'exemplary standards' of design is replaced with good standards of design. This is not intended to restrict the ambitions of the policy. Nevertheless, it recognises that 'exemplary' will be difficult either to define or for CDC to apply consistently during the Plan period
- 7.41 I recommend the deletion of part a) iii) of the policy as the design elements are already included in the Cherwell Design Guide SPD (July 2018). There is no need for a neighbourhood plan to restate local policies.

In part a) of the policy:

- **replace 'All planning applications must' with 'As appropriate to their scale and setting development proposals should'**
- **replace 'exemplary' with 'good'**
- **delete 'all' in (i) and (ii)**
- **delete part (iii)**

In part b) of the policy

- **replace 'Subject to...Conservation Area (see Fig.3)' with 'Proposed developments in the Deddington Conservation Area'**

- replace ‘positively considered’ with ‘supported’

In part c) of the policy;

- replace ‘are expected to’ with ‘should’
- delete the second sentence.
- replace the third sentence with ‘Proposals for housing development with a proposed density that would be inconsistent with local character will not be supported’

Replace part d) of the policy with ‘Development proposals on the edge of any settlement should incorporate an appropriate boundary with the adjacent countryside and the approaches to the settlement concerned. Developments which create a hard or urban edge with the countryside will not be supported.’

Replace part e) of the policy with: ‘As appropriate to their scale and location new residential development should incorporate vernacular materials in their design. The use of local Hornton stone or other local ironstone in new development will be particularly supported’

Replace part f) of the policy with: ‘All new residential developments should be designed in a way to reduce the opportunities for crime and anti-social activities. Developments which take account of Secured by Design guidelines will be particularly supported’

In part h) of the policy delete ‘normally’

Policy DED – HOU5: Estate Infrastructure

- 7.42 This policy addresses the important issue of infrastructure. The supporting text highlights that it is clearly appropriate to the local community.
- 7.43 However as submitted the policy is predominantly supporting text. It identifies a series of process requirements. In important key areas the approach overlaps with that in the adopted Local Plan and in the CDC Developer Contributions Supplementary Planning Document.
- 7.44 In these circumstances I recommend the deletion of the policy. However, in recognition of the importance of this matter in the neighbourhood area I recommend that the approach is incorporated into the wider supporting text on this matter. In reaching this conclusion I have taken account of the Parish Council’s responses on this matter in the clarification note.

Delete the policy

Reposition the wording within the submitted policy into the supporting text

Policy DED – HOU6: Affordable Housing

- 7.45 This policy sets out the Plan’s approach to affordable housing. It has four parts. The first sets out the strategic requirements for the delivery of affordable housing. The

remainder of the elements set out information on tenure type, the allocation to local persons and associated legal agreements.

- 7.46 Plainly these are important local matters. However, the first part of the policy is already addressed in the Local Plan. In addition, the more detailed elements of the policy are process rather than policy requirements. In any event there is no need for a neighbourhood plan to repeat local policies.
- 7.47 In these circumstances I recommend that the policy is deleted. However, in order to recognise the importance of this issue to the local community I recommend that the policy is repositioned into the community guidance section.

Delete the policy

Delete the supporting text

Reposition the policy and the supporting text to the community guidance section of the Plan.

Policy DED – ENV1 Protection and enhancement of the historic environment

- 7.48 This policy takes a high-level approach towards safeguarding the historic environment in the neighbourhood area. It is underpinned by very comprehensive supporting text in Section 5.2 of the Plan. It has a particular focus on the character and appearance of the Deddington conservation area.
- 7.49 I recommend a series of modifications to the policy so that it has the clarity required by the NPPF for a development plan policy. In particular the wording used in the submitted Plan is less than clear. I also recommend that the distinction between designated and non-designated assets follows the approach in national policy. Otherwise the policy meets the basic conditions. In particular it sensitively respects the nature of the neighbourhood area.

In part a replace ‘shall be in.... integrity of’ with ‘should take account of and respond in a positive fashion to:’

In a) i) delete ‘and whether designated or non-designated’

In part b) replace ‘shall be guided by’ with ‘should take account of’. At the end of this part of the policy add: ‘and the Deddington Conservation Area Character Appraisal’

At the beginning of part c) of the policy add: ‘Development proposals that would affect non-designated heritage assets should be designed to take account of the importance of the asset to its local environment’

In the submitted part c) of the policy replace ‘should be considered taking account of’ with ‘will be determined on an assessment of’

Policy ENV DED – ENV2: Protection and enhancement of the natural environment

- 7.50 This policy celebrates the open and unspoilt rural landscape of the neighbourhood area. It is clearly valued by the local community. It has both general elements and a more specific element with a focus on safeguarding key public vistas.
- 7.51 I am satisfied that in general terms that the key vistas have been appropriately-chosen and are evidence-based. They originate from earlier work carried out on the CDC Category A Villages Analysis in 2016. This connection was included between the pre-submission and the submission versions of the Plan. In particular I am satisfied that they are public vistas rather than private views.
- 7.52 The use of the CDC Villages Analysis work has resulted in the inclusion of an additional view at the submission stage (View 1). This has generated representations from two local residents. Those representations overlap with the broader debate on housing land availability and the identification of potential housing sites. In these circumstances I recommend that View 1 is deleted from the policy.
- 7.53 I recommend that the policy is restructured so that the key vistas are contained in a discrete part of the policy. As submitted the matter is addressed several times in the different components of the submitted policy.
- 7.54 I also recommend detailed modifications to parts c) and d) so that they have the clarity required by the NPPF and can be applied consistently by CDC. Their overall approach remains largely unchanged.

Replace parts a) and b) of the policy with:

‘Development proposals should take account of the natural environment and the visual amenity of the neighbourhood area in general, and its open Ironstone Downs and Cherwell Valley landscape and its North Oxfordshire rural character in particular. Developments that would have an unacceptable detrimental impact on the natural environment in the neighbourhood area will not be supported.

Development proposals should respect the following key vistas:

[list 2-8 from the submitted Plan

Development proposals that would have an unacceptable detrimental impact on the integrity of any of the identified key vistas will not be supported’

In part c) of the policy replace ‘Planning applications.... residential development of’ with ‘Development proposals for’ and ‘permitted’ with ‘supported’

Replace part d) of the policy with: ‘Where it is appropriate and practicable to the scale, nature and location of the development, proposals that incorporate swift nesting bricks in new dwellings will be supported’

Policy DED ENV3: Infrastructure Requirements

- 7.55 This policy comments on the infrastructure requirements for new development. It has a focus on developments of ten or more dwellings. The policy refers to service provision, sewage systems, fire protection and surface and foul water drainage.
- 7.56 Whilst the policy comments on an important matter it sets out a series of process rather than policy matters. As such I recommend that the policy is deleted. In reaching this conclusion I have taken into account the responses of the Parish Council to the clarification note. However, in order to recognise the importance of this issue to the local community I recommend that the policy is repositioned into the community guidance section.

Delete the policy

Delete the supporting text

Reposition the policy and the supporting text to the community guidance section of the Plan.

Policy DED ENV4: Impact of Street Lighting

- 7.57 This policy refers to street lighting that may be associated with new development. It refers to energy efficiency, smart technology, column heights and the eventual adoption of the new lighting.
- 7.58 Whilst the policy comments on an important matter it sets out a series of process rather than policy matters. As such I recommend that the policy is deleted. In reaching this conclusion I have taken into account the responses of the Parish Council to the clarification note. However, in order to recognise the importance of this issue to the local community I recommend that the policy is repositioned into the community guidance section.

Delete the policy

Delete the supporting text

Reposition the policy and the supporting text to the community guidance section of the Plan.

Policy DED COM1: Inclusive Communities

- 7.59 This policy seeks to ensure that new developments promote social interaction and create inclusive communities through the provision of mixed, safe and accessible homes and environments.
- 7.60 I sought clarification from the Parish Council on the extent to which the policy was a land use policy rather than a community guidance. I was advised about the Parish Council's approach to inclusive developments in a rural community with an ageing population. In this context I recommend modifications to the policy so that it offers

specific support to the type of innovative projects that the Parish Council has in mind rather than one which would have a general application.

Replace the policy with: ‘Proposals for the development of mixed, safe and accessible homes and environments that promote social interaction and create inclusive communities will be supported where they accord with development plan policies in general, and with Policies DED: HOU1 and 2 of this Plan in particular.’

Policy DED- COM2: Community facilities and services

- 7.61 This policy refers to community facilities and services. Its ambition is to ensure that community facilities are improved and extended to cater for the increasing population of the neighbourhood area.
- 7.62 The policy’s approach recognises the way in which community facilities contribute to the quality of life. Nevertheless, its focus on the maintenance of facilities and seeking various funding sources for their improvement and extension are not directly land use issues.
- 7.63 In these circumstances I recommend that the policy is deleted. However, in order to recognise the importance of this issue to the local community I recommend that the policy is repositioned into the community guidance section.

Delete the policy

Delete the supporting text

Reposition the policy and the supporting text to the community guidance section of the Plan.

Policy DED – COM3: Children’s play areas and public open spaces

- 7.64 This policy has two related parts. The first requires the provision of play and open space on new residential development to CDC standards. The second sets out a preference for the transfer of resulting open spaces to CDC with commuted payments.
- 7.65 In its response to the clarification note on this policy the Parish Council agreed that the first part of the policy could become supporting text. Plainly it restates existing policy. On the second part of the policy it comments about the local view that private maintenance regimes are not as equitable as those provided by CDC. Whilst the different regimes may generate different outcomes this is not directly a planning matter. On this basis I recommend that the policy is deleted and that the policy text is incorporated into the supporting text on this matter. Whilst the text will not directly lead to a policy it will nonetheless highlight the community’s views and preferences on this important matter

Delete the policy

Incorporate the submitted policy into the preceding supporting text.

Policy DED – COM4 Integrated approach

- 7.66 This policy requires an integrated approach on considering the location of housing and community facilities and services.
- 7.67 As submitted the policy is not a land use policy. It is more about the co-ordination of services and facilities. I recommend that it is repositioned to the community guidance part of the Plan

Delete the policy

Reposition it to the community guidance section.

Policy DED – COM5: Modernisation of facilities

- 7.68 This policy indicates that favourable consideration will be given to proposals for the modernisation adaptation or expansion of premises accommodating community facilities and services
- 7.69 As submitted the policy is not a land use policy. It is more about the modernisation of community services and facilities. Much of this work will not require planning permission. I recommend that it is repositioned to the community guidance part of the Plan

Delete the policy

Reposition it to the community guidance section.

Policy DED- COM6: Open spaces, sport and recreation

- 7.70 This policy has two parts. The first comments that open spaces and associated buildings in the neighbourhood area currently being used for recreation or leisure purposes should not be developed. This part of the policy is not site-specific. The second proposes two parcels of land as local green space (LGS).
- 7.71 The second part of the policy is an effective local approach towards the designation of LGSs as incorporated in paragraphs 76-78 of the NPPF. Appendix F has correctly assessed the two sites against the three criteria for LGS designation in the NPPF.
- 7.72 The first part of the policy is not specific in terms of the parcels of land to which it relates. In addition, whilst they were not considered to be sufficiently important to be designated as LGS the effect of the policy is largely identical with that for the proposed LGSs. On this basis I recommend the deletion of the first part of the policy. This approach reflects the Parish Council's response to the clarification note. The primary purpose of the first part of the policy is to protect Deddington Castle – this site already has statutory protection.

Delete part a) of the policy.

Policy DED – MOV1: Transport impacts

- 7.73 This policy addresses a series of transport impacts.

- 7.74 As submitted the policy is not a land use policy. It is more about the requirements for planning applications and access to the local road network. I recommend that it is repositioned to the community guidance part of the Plan

Delete the policy

Reposition it to the community guidance section.

Policy DED – MOV2: Estate Roads

- 7.75 This policy sets out a series of conditions that the Parish Council considers should be placed on residential developments of six or more dwellings. I sought comment from the Parish Council on this matter through the clarification note.

- 7.76 I recommend that the policy is deleted and incorporated into the supporting text. It sets out process related matters rather than a policy in its own right. In any event CDC will come to its own decision on the need or otherwise for the need to impose the suggested conditions based on the detail of the proposed site and its location within the neighbourhood area.

Delete the policy

Incorporate the submitted policy into the preceding supporting text.

Policy DED – MOV3: Parking

- 7.77 This policy comments on the levels of car parking and cycle parking required in the neighbourhood area. It has the following related components:

- proposed car parking standards (parts a and b);
- the requirement for a statement about parking levels for proposals for 10 or more dwellings (part c);
- proposed cycle parking facilities (part d); and
- opportunities to improve public car parking in Deddington (part e)

- 7.78 The policy's approach is based on the following matters:

- the higher levels of car ownership in the neighbourhood area (in comparison with both Oxfordshire and England);
- the limited off-street car parking opportunities available in Deddington village centre/conservation area; and
- the historic nature of the neighbourhood area which predates the specific needs of the motor car.

- 7.79 Oxfordshire County Council has commented on the policy. It contends that it would be inappropriate for the submitted Plan to depart from the county-wide approach set out in its own guidelines. In particular it argues that policies that diverge from its guidance need to have strong justification.

- 7.80 I have considered all the information available to me, including the responses from the Parish Council to my questions on this matter in the clarification note. In this case I am

satisfied that the local evidence warrants the approach taken in the submitted Plan. The neighbourhood area has significantly higher car ownership levels than the wider county and its historic environment presents a series of challenges for car parking. In any event the submitted policy departs from the County Council's approach mainly in relation to dwellings with four or more bedrooms.

- 7.81 The fourth part of the policy on cycle parking is well-considered and meets the basic conditions.
- 7.82 Within this overall context I recommend a series of modifications to the policy. They combine the first and second parts on parking standards. In addition, they propose that the third part of the policy is deleted and repositioned into the supporting text. Its focus is on procedural matters rather than policy formulation.
- 7.83 I also recommend that the fifth part of the policy is deleted and repositioned as community guidance. Its focus is on facilitating improved public car parking in association with other local bodies.

Combine parts a) and b) of the policy.

In the submitted part a) delete 'except as.... (b) below'

In the submitted part b) replace (i) with 'A minimum of three allocated car parking spaces should be provided within the curtilage of the property concerned'

In the submitted part b) (ii) replace 'is expected to' with 'should'

Delete the parts c) and e) of the policy

Reposition part c) of the policy within the supporting text of the policy

Reposition part e) of the policy and the final paragraph of the supporting text to the section on community guidance

Policy DED – MOV4: Non-car movement

- 7.84 This policy seeks to promote sustainable, non-car movement within the neighbourhood area. It has four related parts as follows:
- a general policy approach to address the needs of pedestrians and cyclists;
 - the creation of new pedestrian routes;
 - securing financial contributions from developers; and
 - a set of process requirements for planning applications for residential development
- 7.85 I sought clarification from the Parish Council on the extent to which the second, third and fourth parts of the policy were directly planning policies. Based on the responses I recommend that they become community guidance.
- 7.86 I recommend modifications to the first part of the policy so that it has the clarity required of a development plan policy. As submitted, it fails to take account of the practicability of its requirements on a site-by-site basis.

Replace part a of the policy with:

‘Proposals for new residential development should take full account of the needs of pedestrians and cyclists. As appropriate to their scale and location proposals should provide safe and well-defined pedestrian and cycle routes to local facilities, services and amenities.’

Delete parts b/c/d of the policy

Reposition parts b/c/d of the policy as community guidance

At the end of the preceding supporting text add: ‘Policy DED - MOV4 addresses this important issue. It requires that, as appropriate to their scale and location, new development should provide sustainable travel links to existing facilities. Plainly they will vary on a site-by-site basis. However, they should consider schools, bus services, sports facilities and play areas’

Policy DED – MOV5: Public rights of way

- 7.87 This policy refers to public rights of way. The first part comments that rights of way will be protected. The other elements refer to opportunities to improve the existing network, to improve maintenance and to implement the Rights of Way Management Plan.
- 7.88 I recommend that the policy is deleted and repositioned as community guidance. Its first part is already covered by separate Highways Act legislation. The more detailed parts of the policy describe potential improvements to the network which, in many cases, would take place separately from the development management process.

Delete the policy

Delete the supporting text

Reposition the policy and the supporting text as community guidance

Policy DED – BUS1: Supporting local businesses and employment

- 7.89 This policy sets out the Plan’s approach to new business development. It takes an appropriate and supportive approach towards the establishment of new retail and commercial businesses and the expansion/diversification of existing businesses.
- 7.90 I recommend a modification to the principal element of the policy so that it will be able to be applied consistently by CDC through the development management process. Otherwise it meets the basic conditions.
- 7.91 I recommend the deletion of the first part of the policy. It is more of a statement of intent about the encouragement of existing businesses to continue to operate and provide local employment. This reflects the Parish Council’s response to the clarification note. However, to recognise the importance of the matter to the local community I recommend that it is captured as an additional community guidance.

Delete part a) of the policy.

In the second part of the policy replace ‘positively considered’ with ‘supported’ and insert ‘and’ after the first of the two criteria

Reposition part a) of the policy as a new element of community guidance

Policy DED – BUS2: Home Working

- 7.92 This policy recognises the importance of homeworking to the economic and social well-being of the neighbourhood area.
- 7.93 I recommend that the policy is modified so that it acknowledges that many proposals for home working will not involve a material change of use and therefore will not need planning permission.

Replace the policy with: ‘Insofar as planning permission is required home extension or other building alterations to facilitate working from home will be supported’

Policy DED – BUS3: Superfast Broadband

- 7.94 This policy addresses superfast broadband. It requires that new dwellings and business premises are provided with a superfast broadband connection installed on an open access basis. It also requires that broadband connections should be by way of suitable ducting to enable one or more service providers to provide a fibre connection to an individual property from connection chambers.
- 7.95 A second part of the policy identifies how planning applications would be assessed where the first part of the policy could not be achieved. It refers to the possibility of Section 106 agreements or CIL payments. The third section comments that all planning applications should include a statement indicating how the various connectivity requirements have been achieved.
- 7.96 The policy includes a series of policy and process requirements. It also addresses issues more typically within the remit of the service providers. I sought clarification on this matter from the Parish Council. I was advised about Deddington’s access to the BT Wholesale pilot site for a fibre-only exchange system. This provides greater opportunities than would otherwise exist in other similar communities for the types of ducting sought in the policy.
- 7.97 I have considered all the evidence available to me very carefully. I recommend specific modifications to the first part of the policy so that it includes an element that acknowledges that the type of broadband connections expected may not always be practicable. In this context the second and third elements of the policy would not be required. The reference to the fibre-only telephone exchange is already appropriately incorporated within the supporting text.

In the first paragraph of part a) of the policy replace ‘shall’ with ‘should’.

At the beginning of the second paragraph of part a) of the policy insert ‘Where it is practicable to do so,’

Delete parts b) and c) of the policy.

Policy DED – BUS4: Mobile communications

- 7.98 This policy offers support for the new or improved mobile phone coverage where it does not adversely affect the built or the natural environment.
- 7.99 I recommend modifications to the details of the wording used so that it will have the clarity required by the NPPF in general, and relate to the development of infrastructure rather than the strength of the mobile phone signal itself. Otherwise it meets the basic conditions.

Replace ‘Any proposed.... positively considered’ with ‘Proposals for new or improved mobile phone infrastructure will be supported’

Community Guidance

- 7.100 This part of the Plan recognises that expressed wishes of the community do not directly relate to land use matters.

Freehold/Leasehold

- 7.101 This aspect of guidance relates to the freehold/leasehold issue. Plainly it is a topical issue nationally. I am satisfied that the matter is locally-distinctive

Affordable housing allocation policy

- 7.102 This aspect of guidance relates to the allocation of affordable housing. Its ambition is to ensure that the maximum amount possible is allocated to local persons. I am satisfied that the matter is locally-distinctive

Fire Sprinklers

- 7.103 This aspect of guidance relates to the provision of fire sprinklers in new housing. The ambition and importance of the policy self-evident. Nevertheless, it is one that is addressed entirely by the Building Regulations. As such I recommend its deletion.

Delete the community advice

Cycle and bus travel incentives

- 7.104 This aspect of guidance relates to the possibility of developers assisting with the provision of free or discounted bus passes to new residents and to provide discount vouchers to new residents to purchase bicycles or related equipment. I am satisfied that the matter is locally-distinctive. As submitted the community guidance is designed so that it operates in a non-prescriptive way. As such I am satisfied that it is appropriate to be included as a community guidance issue. Plainly developers will respond to the matter as they see fit.

Other Matters - General

- 7.105 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for CDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.
- 7.106 This report has recommended that some policies or parts of policies are either repositioned into the section on community guidance or into the general supporting text. This will have implications on policy numbering and the internal organisation of specific policies. The flexibility provided by the general recommended modification below extends to changes to the numbering sequence of the individual policies and the way in which individual policies are organised.
- 7.107 The Parish Council has helpfully proposed a series of changes to the supporting text in response to comments from CDC and other statutory bodies. I recommend the incorporation of its changes to the supporting text in Schedule B insofar as these changes are compatible with the substantive recommended modifications included in this report.

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

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Deddington Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Cherwell District Council that subject to the incorporation of the modifications set out in this report that the Deddington Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 2 December 2013.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
3 September 2019