

WESTON-ON-THE-GREEN NEIGHBOURHOOD PLAN (2018 - 2031)

Guidance and Directions

Timothy Jones, Barrister, FCI Arb,

Independent Examiner,

No 5 Chambers

25th April 2019.

Guidance and Directions

1. Cherwell District Council (“CDC”), with the agreement of Weston on the Green Parish Council (“WGPC”), has appointed me to examine the submission draft Weston on the Green Neighbourhood Plan 2018-2031 (“the NDP”). I am wholly independent of both councils and to the best of knowledge and belief of all others involved with the NDP, being a planning barrister based in Birmingham. I have no interest in any land in Oxfordshire.

2. The principal purpose of the examination is to consider whether the NDP meets the basic conditions. These are:

(1) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the NDP;

(2) the making of the NDP contributes to the achievement of sustainable development;

(3) the making of the NDP is in general conformity with the strategic policies contained in the development plan for the area of CDS (or any part of that area);

(4) the making of the NDP does not breach, and is otherwise compatible with, EU obligations; and

(5) the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

3. I am also required to consider: whether the NDP is compatible with Convention rights as defined in the Human Rights Act 1998; whether the NDP complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Act 2004; and (in certain circumstances) whether the area for any referendum should extend beyond the neighbourhood area to which the NDP relates.

4. The normal rule for neighbourhood planning representations is that they are conducted by written representations with any site visit being unaccompanied. A public hearing should be held when the examiner (a) considers that a key issue should be examined in more depth or (b) to ensure a person has a fair chance to put a case. It is up to the examiner to decide who is invited to speak and what issues a hearing will cover. I shall make a decision on this matter when I have received the representations referred to in paragraph 8 below.

5. An accompanied site visit may be required where it is necessary to access land that is not publicly accessible. During an accompanied site visit an examiner should be accompanied by at least one person from each side of any difference in respect of the land being visited or viewed. No evidence is given and no submissions are made on a site visit. The place to give evidence was in the consultation responses. I shall make a decision on this matter when I have received the representations referred to in paragraph 8 below.

6. The point of contact for all communications with me is Ms Christina Cherry, Senior Planning Policy Officer, Planning Policy, Conservation and Design, Place and Growth Directorate, Cherwell District Council (e-mail, christina.cherry@cherwell-dc.gov.uk) “the contact officer”). No communication should be sent directly to me. All communications should be in writing, not by telephone or other oral communication. These will be publicly available documents, subject to the redaction of personal information that is not relevant to the examination (such as e-mail addresses and telephone numbers of human persons).

7. The document that I am formally examining is the submission draft that has been submitted to formal public consultation and it is to this document that I shall apply the statutory tests.

8. WGPC has also issued a “Schedule of Changes to WOTG Neighbourhood Plan March 2019”. To the extent that this is relevant to my role, I shall consider this. Any person who wishes to comment on it should send written representations to reach the contact officer no later than 12.00 noon on Friday 10th May. These representations should be limited to the Schedule of Changes. This is not an opportunity to make points that could have been made at an earlier stage. To the extent that the Schedule summarises representations, please note that I shall be considering the representations themselves and not relying upon any summary of them

9. These Guidance and Directions are to be:

(1) Posted promptly on appropriate locations on websites of CDS and WGPC, on any WGPC notice boards and in such other web and physical locations as CDS and WGPC consider will bring them to the attention of the public; and

(2) Sent promptly to all who have made representations under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

10. If anybody considers that an accompanied site visit is appropriate, they should notify me, c/o the contact officer, in writing no later than 12.00 noon on Friday 10th May, stating the exact location or locations at which an accompanied site visit is sought, the reasons why this is sought and who they wish to be present. I shall not enter private land (other than on a public right of way or where members of the general public are otherwise permitted to enter) without the consent of the landowner. During any accompanied site visit I should be accompanied by at least one person from each side of any difference as to the future use of the land being visited or viewed.

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