

INDEPENDENT EXAMINATION OF THE CASSINGTON NEIGHBOURHOOD PLAN

EXAMINER: David Hogger BA MSc MRTPI MCIHT

Astrid Harvey
West Oxfordshire District Council

Tracey Cameron
Clerk to Cassington Parish Council

Examination Ref:01/DH/CNP

Via email

15 November 2022

Dear Ms Harvey and Mrs Cameron

THE CASSINGTON NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Cassington Neighbourhood Plan (CNP) for examination, I would like to clarify several initial procedural matters. I also have a number questions for the Cassington Parish Council (CPC) as Qualifying Body, a smaller number for West Oxfordshire District Council (WODC) and some that request a joint response from both Councils. These are attached as an Annex to this letter and I would like to receive the responses by **6 December 2022**.

1. Examination Documentation

I can confirm that I have received a complete submission of the Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report, and the Regulation 16 representations. I am satisfied that I have enough relevant evidence to enable me to undertake the examination.

Subject to my detailed assessment of the Plan, I have not identified any very significant and obvious flaws that might lead me to advise that the examination should not proceed.

2. Site Visit

I intend to undertake a site visit to the neighbourhood plan area in the week commencing 28 November 2022. This will assist in my assessment of the draft Plan, including issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

I have a number of questions seeking further clarification from both CPC and WODC. I have set these questions out in the Annex to this letter. I would be grateful if the written responses could be provided by **6 December 2022**.

5. Examination Timetable

As you will be aware, the intention is to examine the CNP (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan.

However, I have raised a number of questions to which I must provide you with sufficient opportunity to reply. Consequently, the examination timetable will be extended. Please be assured that I will endeavour to mitigate any delay as far as is practicable. The IPE office team will seek to keep you updated on the time of my site visit and on the anticipated delivery date of the draft report.

If you have any questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any subsequent response, are placed on the websites of the Parish Council and the District Council.

Thank you in advance for your assistance.

Your sincerely

David Hogger

Examiner

ANNEX

From my initial reading of the submission draft Cassington Neighbourhood Plan and the supporting evidence, I have 5 questions to which I require a joint response from both the District and Parish Councils; a further 3 questions for West Oxfordshire District Council; and 17 questions for Cassington Parish Council. I have requested the submission of the responses by **6 December 2022**. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Questions for both Cassington Parish Council and West Oxfordshire District Council (5)

I would prefer a joint response to these 5 questions but if that cannot be successfully achieved then independent responses should be submitted by the two Councils.

1. Plan E: Oxfordshire Nature Recovery Network (page 30) is described as 'Draft'. What is the current status of the Network and is it recognised as a valid policy tool throughout Oxfordshire?
2. Oxfordshire County Council request that St Peters School playing field and associated land is removed from the policy CAS1 designation (Nature Recovery Network). The fear is that the designation may hinder any future expansion of the school and its facilities. Firstly, does policy CAS1 impose an insurmountable barrier to the evolution of the School, and secondly has this issue been addressed elsewhere in West Oxfordshire and if so, with what results?
3. Paragraph Reference ID: 41-009-20190509 of the Planning Practice Guidance on Neighbourhood Planning advises that, 'where a neighbourhood plan is brought forward before an up-to-date local plan (i.e. the West Oxfordshire Local Plan) is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan'. Could the Councils confirm that such discussions have taken place and summarise the conclusions that were drawn?
4. Thames Water (in its Regulation 16 response) suggest a number of modifications to the CNP including a new policy regarding water efficiency. Are these issues satisfactorily addressed in other planning policy documentation or is there a justification for including them within the CNP (for example are they required to ensure that the Basic Conditions are met) and if so, could agreed wording be drawn up?
5. The Regulation 16 representation on behalf of Churchfields Care Home seeks to modify the CNP by relaxing restrictions on the Care Home site, in essence to enable the construction of an extension to the building and the provision of a new accommodation block. I note the pre-application response from the District Council dated 29 June 2022, which sets out the Council's observations on the scheme. Firstly, if such a proposal were to be submitted as a planning application, what are the primary planning policies against which it would be assessed? And, secondly, is there any substantive justification for including a site-specific policy in the CNP – is it required to ensure that the Basic Conditions are met?

Questions for West Oxfordshire District Council (3)

6. Could the Council confirm:
 - what is the current Development Plan as it relates to the Parish of Cassington; and
 - is the adoption of the West Oxfordshire Local Plan still anticipated for 2024?
7. Policy CAS3 on page 32 (Dark skies) refers to guidelines established by the Institute of Lighting Professionals. Is the Council satisfied that these guidelines are relevant and that the approach

being taken by the Parish Council in this regard is not contradictory to approaches taken elsewhere in West Oxfordshire?

8. In the District Council's Regulation 16 response, concern is raised regarding the use of the words 'default' and 'defaulting' in paragraphs 3.5 and 3.6. Could the District Council suggest wording that would overcome their concerns?

Questions for Cassington Parish Council (17)

9. Could the Parish Council confirm that the end date of the Neighbourhood Plan is 2041 and not March 2040 as referenced in paragraph 1.2?
10. Paragraphs 3.10 to 3.12 make reference to the Oxfordshire Plan 2050 which is no longer being progressed. Could the Parish Council suggest a form of wording that reflects the current situation?
11. Policy CAS1 C (page 28) refers to 'the delivery of additional allotments' but I could find no further reference to such a proposal. What is the justification for this provision, where would they be located and how would their provision and future maintenance be secured?
12. The District Council suggests, in its Regulation 16 response (in second paragraph under Section 5), that there should be a reference to mitigating climate change and enhancing biodiversity. Does the Parish Council agree and if so, could some appropriate wording be devised?
13. The District Council (in penultimate paragraph under policy CAS2 - in its Regulation 16 response) suggests that the policy should also address improving and expanding the active travel network and make reference to seeking contributions from development towards network improvements. Does the Parish Council agree that this would be appropriate and if so, could it provide wording with which it is content?
14. The District Council suggests (in its Regulation 16 response) that policy CAS3 on Dark Skies (page 32) may be too onerous. What are the views of the Parish Council on this suggestion?
15. The District Council suggests that policy CAS4: Cassington Conservation Area (page 33) should be made more locally specific. Does the Parish Council agree that this would be of value to the decision maker and if so, could appropriate wording be provided?
16. The District Council makes a number of comments regarding policy CAS6: Locally Listed Buildings (page 34). Could the Parish Council consider those comments and if necessary, suggest modified wording that satisfactorily addresses the matters that are raised?
17. In the District Council's Regulation 16 response, under policy CAS7: reference is made to 'other identified community facilities'. Are there any other facilities that are not listed in policy CAS7 (page 35) but which should be; and what is the view of the Parish Council with regard to the suggestion by the District Council for strengthening Section B?
18. How would a decision maker know how to interpret 'wherever feasible' in policy CAS8 B (page 37)?
19. The last sentence of paragraph 5.32 states that land values 'ought to be sufficient'. This implies to me a lack of evidence on the matter and hence a lack of certainty for the decision maker. Can the Parish Council suggest a way with which it is comfortable, to overcome my concerns on the matter?

20. Where would a decision maker ascertain what is meant by 'major development' in policy CAS8 D and 'householder applications' in sub-section E (page 37)?
21. In the District Council's Regulation 16 response under policy CAS9, amendments to paragraphs 5.32 – 5.34 and policy CAS9 (page 41) are suggested. It is suggested that the impression is given that Cassington does not have a role to play in meeting West Oxfordshire's overall housing requirement. How does the Parish Council respond to the proposed amendments as suggested by the District Council?
22. In policy CAS10 (page 42), what is the justification for affordable dwellings to be of 1 or 2 bedrooms?
23. Comments have been submitted at Regulation 16 stage by the Climate Change Manager and the Conservation and Design Officer (WODC). Can the Parish Council respond to the issues raised?
24. The Senior Infrastructure Delivery Officer (WODC) suggests some additional wording with regard to Developer Contributions. What is the Parish Council's view regarding this suggestion?
25. The monitoring and review of neighbourhood plans is an important component in the plan-making process, in order to ascertain whether or not the policies are effective. I could find no reference in the CNP to the monitoring of the policies or to the future role of the Parish Council in this process. I would welcome the views of the CPC as to why this issue has not been addressed in the CNP.