

Wheatley Neighbourhood Development Plan 2019-2034

**A report to South Oxfordshire District Council on
the Wheatley Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by South Oxfordshire District Council in October 2019 to carry out the independent examination of the Wheatley Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 19 November 2019.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding the character of the village and proposing a series of development sites. It includes a specific policy on the Wheatley campus of the Oxford Brookes University. It is a Plan which carefully addresses a series of important issues that face the local community.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Wheatley 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 and in the adjacent Holton Parish.

Andrew Ashcroft
Independent Examiner
27 February 2020

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Wheatley Neighbourhood Development Plan 2019-2034 (the Plan).
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Wheatley 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 seeks to provide a context in which the neighbourhood area can maintain its distinctiveness and identity. It proposes a series of specific development opportunities within the context of its location within the wider Oxford Green Belt
- 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 SODC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the SODC 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 System.

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.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am 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.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report I am satisfied that all of the points have been met.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan (and its appendices).
- the Basic Conditions Statement.
- the Consultation Statement.
- the Strategic Environmental Assessment (SEA).
- the non-technical summary of the SEA.
- the Habitats Regulations Assessment.
- the Housing Needs Assessment.
- the Character Appraisal.
- the site-based development appraisals.
- the site assessment.
- the representations made to the Plan.
- the Parish Council's comments on the representations received.
- the Parish Council's responses to my Clarification Note.
- the South Oxfordshire Core Strategy 2012.
- the saved policies of the South Oxfordshire Local Plan 2011.
- the National Planning Policy Framework (February 2019).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 19 November 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report. I held a clarification meeting with the Parish Council and the District Council at the end of my visit. Notes of that meeting are included at Appendix 1 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 concluded that the Plan could be examined by way of written representations. Whilst there were several requests that a hearing should be arranged the information contained within those representations was sufficiently comprehensive to provide me with all the relevant information that I needed to examine the Plan in an effective and proportionate way.

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 area and its policies. Its strength is the way in which it summarises the key stages of consultation and provides the details in its later sections. This contributes significantly to its legibility.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (May to June 2019).
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the various stages of the Plan. It includes details about:
- the various public meetings;
 - the use of the Wheatley newsletter;
 - the use of posters and other display material;
 - the use of stalls in the High Street;
 - the circulation of a housing needs questionnaire; and
 - the organisation of specific engagement events during the pre-submission consultation stages
- 4.5 Section 5 sets out the nature of the initial phases of engagement and the responses received. It demonstrates the professional way in which those responsible for the preparation of the Plan sought to address the expectations of the wider community at the early stages of the plan preparation process. Section 7 of the Statement sets out how the submitted Plan took account of consultation feedback at the pre-submission phase. It does so in a proportionate and effective way. The analysis helps to describe how the Plan has progressed to its submission stage.
- 4.6 Consultation on the submitted plan was undertaken by the District Council that ended on 18 October 2019. This exercise generated representations from the following persons and organisations:
- Horspath Parish Council
 - Highways England
 - Natural England
 - Oxfordshire County Council
 - South Oxfordshire District Council

- National Grid
- Thames Water
- Oxford Bus Company
- JPPC
- CPRE
- Oxford Brookes University
- Scottish and Southern

4.7 Representations were also received from three local residents and a group of five local residents. I have taken account of all the representations in preparing this report. Where it is appropriate to do so I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Wheatley and part of the parish of Holton. It is located in the northern part of the District and to the east of Oxford. The majority of the designated area is located to the immediate south of the A40. It is irregularly-shaped and consists of the distinct but connected settlements of Wheatley and Littleworth. Outside the various settlements the neighbourhood area is mainly pleasant countryside. Its population in 2011 was 3913 living in 1702 houses. It was designated as a neighbourhood area on 31 March 2016.
- 5.2 Wheatley itself is an attractive village. Its conservation area was designated in 1989. As the Plan aptly describes ‘it has a harmoniously balanced mixture of local limestone and locally produced warm red brick and tile’. It enjoys an attractive village centre based on the High Street and which offers a wide range of national and local retail, commercial and community services. The attractiveness and vitality of the village centre bring associated issues of traffic congestion, different demands on car parking and air pollution. Other retail and commercial facilities exist in Littleworth (to the west of Wheatley) and off London Road (to the east of Wheatley).
- 5.3 The neighbourhood area is heavily affected by the Oxford Green Belt. This matter is reflected within several of the policies in the submitted Plan. Part of the Oxford Brookes University Wheatley campus is located in the northern part of the neighbourhood area to the immediate north of the A40. The neighbourhood area cuts across the campus separating its principal built form, open spaces and two residential properties (all within the neighbourhood area) from the related open spaces (lying outside the neighbourhood area). The River Thames runs through its eastern edge of the neighbourhood area. In overall terms the designated area is a varied and challenging context for the production of a neighbourhood plan.

Development Plan Context

- 5.4 The South Oxfordshire Core Strategy was adopted in December 2012. It sets out the basis for future development in the District up to 2027. Most of the policies in the Core Strategy are strategic policies of the development plan (see paragraph 2.5 of this report). The adoption of the Core Strategy partially replaced a number of policies in the South Oxfordshire Local Plan 2011. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan. The following policies are particularly relevant to the Wheatley Neighbourhood Plan:

CS1	Presumption in favour of sustainable development
CS S1	The Overall Strategy
CS EM1	Supporting a successful economy
CS H3	Affordable Housing
CS H4	Meeting Housing Needs
CS R1	Housing in Villages

CS R3	Community facilities and rural transport
CS EN1	Landscape
CS EN3	Historic Environment
CS Q3	Design

- 5.5 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.6 Wheatley is identified as a Larger Village in the adopted Core Strategy (policy CS R1 and Appendix 4). This reflects its various services as described in paragraph 5.2 of this report.
- 5.7 SODC is preparing a new local plan for the period up to 2034. It will incorporate a review of the adopted Core Strategy and the saved policies of the Local Plan. Following a Council meeting in May 2018 the deliverability of strategic housing in the District has been considered in detail. In December 2018 the Council approved a draft plan for consultation. The Plan was submitted for examination in March 2019. Thereafter the political control of the Council changed in May 2019. On this basis the Council considered a series of options for the future of the submitted Plan. In October 2019 the Secretary of State for Housing Communities and Local Government issued a temporary Direction on the Council in relation to its intention to withdraw the emerging Local Plan from the examination process. The temporary Direction has been made under the provisions of Section 21A of the Planning and Compulsory Purchase Act 2004 (as amended). This means that the emerging plan has 'no effect whilst the direction is in force.
- 5.8 Plainly in process terms the timings involved and the unusual circumstances currently being experienced in the District have not permitted the submitted neighbourhood plan directly to take account of this emerging local planning context. Nevertheless, the submitted neighbourhood plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 19 November 2019.
- 5.10 I drove into the neighbourhood area from the M40 from the east. This helped me to understand its wider context. It also highlighted its relationship with the strategic road network in both a national (M40) and local (A40) context.
- 5.11 I looked initially at that part of the neighbourhood area off London Road. I saw the various sites affected by the allocation policies and proposed to be released from the

Green Belt. I saw the way in which their proposed development would impact with existing built development in the surrounding area.

- 5.12 I then looked at the Oxford Brookes University campus the north of the A40. I saw the height, scale and mass of the existing buildings. I saw the concentrated nature of the campus buildings and then the open space and playing fields to the west. I walked up to Holton and then back into Wheatley on the Holloway Road.
- 5.13 I then continued to the Littleworth Industrial Estate. I saw the site identified for potential redevelopment and its existing range of uses.
- 5.14 I then looked at the southern part of the village. I walked along Ladder Hill and then to Windmill Lane down to the iconic windmill itself. I saw this part of the neighbourhood area was much more open and rural in its character and appearance than the Wheatley historic village centre.
- 5.15 I walked into the village centre. I saw its vibrant High Street in general, and the Old Bank (now the post office and a gift/card shop), the Parish Office, the Merry Bells Village Hall and the Library in particular. Along with the attractiveness of the High Street and its various community and retail uses I saw the associated parking and manoeuvrability issues for cars and other vehicles using the Street. This part of the visit provided an opportunity for me to see a range of domestic and civic buildings and other vernacular buildings. The Round House is an interesting example of the role of the village in history. The adjacent Quarry area highlighted the role played by the village in the local building industry. I saw various display boards for the very interesting Heritage Trail.
- 5.16 I finished my visit by looking at the area around the United Reformed Church, Crown Road and Beech Road. I saw that these residential buildings in this part of the village were more modern and suburban in character than those in the village centre.

6 The Neighbourhood Plan and the Basic Conditions

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, informative and very professional document.

6.2 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).

6.3 I assess the Plan against the basic conditions under the following headings.

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 2019.

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 Wheatley Neighbourhood Development Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Core Strategy/saved Local Plan;
- proactively driving and supporting sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- 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 8 of the NPPF

comments about the importance of all aspects of the planning system in promoting sustainable development. The Plan positively seeks to achieve this important objective in general, and through its promotion of new development opportunities in particular.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent 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 neighbourhood area. It includes a series of policies that address a range of housing and environmental matters. It proposes a series of development opportunities. It also addresses the significance of the Oxford Green Belt in the neighbourhood area. 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 to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for infill residential development within the built-up area (H4) and site allocation policies (SPES1-4). It also includes policies for the village centre (VCE1) and for general economic development (E1). In the social role, it includes policies on community facilities (SCI1/2) and on community energy projects (DQS1). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on the historic environment (HE1), biodiversity (EN1) and landscape character (H2). This assessment overlaps with the Parish Council's comments on 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 South Oxfordshire 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 and supplements the detail already included in the adopted Core Strategy. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Core Strategy/saved Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.13 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. In order to comply with this requirement, the Parish Council commissioned the preparation a Strategic Environmental Assessment (SEA) for the Plan.
- 6.14 The SEA report is thorough and well-constructed. It addresses the environmental issues in the neighbourhood area in a comprehensive fashion. The report is particularly effective in the way in which it comments on the reasonable alternatives that have been considered as the Plan has evolved and how the preferred approach has been selected. In this context it grapples with the Green Belt issue which surrounds the proposed allocated sites.
- 6.15 Paragraph 8.1.2 clarifies the distinction between Policy SPOBU, which deals with the Oxford Brookes University (OBU) Wheatley Campus site, and Policies SPES1 - SPES4. It comments that Policy SPOBU does not 'allocate' the OBU site, but 'rather provides support for allocation of the site through the emerging South Oxfordshire Local Plan'. It goes on to comment that the other policies are formal allocations (albeit clarifying that development cannot proceed ahead of adoption of Policy STRAT6: Green Belt of the emerging South Oxfordshire Local Plan).
- 6.16 SODC also prepared a Habitats Regulations Assessment (HRA) of the Plan in 2019. It was updated in November 2019. It concludes that the submitted Plan is unlikely to have significant effects on a European site. The report is very thorough and comprehensive. It concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and Appropriate Assessment is not required. In reaching this conclusion the report took account of the following protected sites (the figures in brackets are the approximate distances from Wheatley):

- Oxford Meadow SAC (8km)
- Cothill Fen SAC (11km)
- Little Wittenham SAC (12km)
- Chilterns Beechwood SAC (14km)
- Aston Rowant SAC (14km)

- 6.17 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. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. 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.
- 6.18 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.

Summary

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report. Section 7 assesses each policy against the basic conditions. Where necessary it recommends modifications on a policy-by-policy basis.

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. It addresses a series of challenging development issues in a neighbourhood area very heavily constrained by its location in the Green Belt. 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.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 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 1-7)

- 7.8 The Plan as a whole is very well-organised and includes effective maps. It makes an appropriate distinction between the policies and their supporting text. Its design will ensure that it will comfortably be able to take its place as part of the development plan in the event that it is eventually 'made'. The initial elements of the Plan set the scene for the policies. They are proportionate to the Plan area and the subsequent policies.
- 7.9 The Introduction comments about the background to neighbourhood planning and how the process was pursued locally. It includes a map of the designated neighbourhood area.
- 7.10 Section 2 comments about how the Plan was developed. It helpfully overlaps with the submitted Consultation Statement. It also comments about the detailed studies which were commissioned to provide specialist evidence and advice into the process
- 7.11 Section 3 comments generally about the character of the neighbourhood area. This approach is pursued in greater detail in Appendix 1

- 7.12 Section 4 describes the neighbourhood area. It does so in a very effective fashion. It is comprehensive in its coverage and includes information on:
- its population;
 - the employment base;
 - its housing base;
 - health, medical and education facilities;
 - the Oxford Brookes University Wheatley Campus;
 - the village centre and its retail offer;
 - transport;
 - green routes and access;
 - air quality, heritage assets;
 - environment and landscape; and
 - water and drainage.
- 7.13 Section 5 comments about the way in which the views of the community were secured during the plan-making process. It has a specific focus on the Community Survey
- 7.14 Section 6 sets out a comprehensive vision for the Plan. It is underpinned by a series of objectives. In all cases they are distinctive to the neighbourhood area. A key strength of the Plan is the way in which the vision and the objectives directly translate into the suite of policies. This is effectively captured in Figure 8.1
- 7.15 Section 7 is very specific in its comments about land availability. It provides a context to the site assessment process captured separately in Appendix 2
- 7.16 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.

Policy H1: Design and Character Principles

- 7.17 This policy sets a positive tone for the remainder of the Plan. It identifies design and character principles which new development proposals should respect. The principles are comprehensive and include:
- having regard to historic plot boundaries;
 - the layout, orientation and massing of new houses;
 - surface treatments; the incorporation of open space and opportunities for recreation facilities; and
 - high quality landscaping
- 7.18 I am satisfied that the policy is distinctive to the neighbourhood area. It addresses a very specific set of design principles which overlap with the Plan's description of the village and its important characteristics.
- 7.19 In this context I have concluded that the policy meets the basic conditions in general terms. I recommend a series of modifications so that it is both correct in factual terms and has the clarity required by the NPPF. They are as follows:

Bringing clarity on the nature of the conservation area;

Ensuring that the criteria are applied as appropriate to the development concerned – as submitted the policy is general in its format and fails to consider that most development proposals will be modest and will not direct impact on the full range of the listed design principles;

Ensuring that the policy (as appropriate) is inclusive and that developments will need to comply with as many of the principles as are appropriate to its scale, nature and location; and

Deleting principle j. – it is largely a repetition of the language used in the opening part of the policy itself.

Replace ‘conservation areas and their settings’ with ‘conservation area and its setting’

In the second paragraph of the policy replace:

- **‘The proposals’ with ‘Development proposals’**
- **‘appropriately address.... principles’ with ‘respond positively to the following principles as appropriate to their scale, nature and location with the neighbourhood area’**

Delete principle j.

Add semi colons after each principle and after the penultimate principle include ‘; and’

Policy H2: Landscape Character

7.20 This policy comments about landscape character. Paragraph 8.7 comments about the details of the history of the local landscape character. The policy requires that new development should be sensitive and make a contribution to the local character of the area. Its second part goes on to comment about the need for development to respond to the local character.

7.21 SODC and Oxford Brookes University (OBU) have commented on the policy. SODC comment that it will not be possible for all forms of development to ‘make a positive contribution to the local character of the area’. OBU comment that the approach in the policy does not have regard to national policy in the NPPF (paragraph 170). I recommend modifications to the policy to remedy these matters. I also recommend the deletion of elements of the supporting text which refer to buildings/views outside the neighbourhood area.

Replace the policy with:

‘As appropriate to their scale, nature and location development proposals should take account of their relationship with the intrinsic character and beauty of the countryside. In addition, development proposals should protect and enhance valued landscapes sites of biodiversity or geological value and soils

Subject to their compliance with other development plan policies proposals which would make a positive contribution to the character and appearance of the neighbourhood area and its landscape context will be supported'

In paragraph 8.7 retain the final sentence and delete the two preceding sentences.

Policy H3: Mix and Size of New Housing

- 7.22 This policy comments about the mix and size of new housing. The policy has been underpinned by the work undertaken on the Community Survey. It requires that developments of more than ten dwellings meet the needs of different groups in the community and more generally meet the affordable housing requirements as identified in the development plan.
- 7.23 SODC suggest that elements of repetition are removed from the policy. OBU suggest that the policy is deleted. It comments that the community survey has only been undertaken at a local level and that Wheatley, in its capacity as a larger village, will be expected to incorporate strategic growth generated by wider housing needs.
- 7.24 I have considered the OBU representation very carefully. It is common for neighbourhood plans to address simply housing needs within their neighbourhood areas. This is a fundamental element of the localism agenda. Plainly broader housing needs work will be undertaken by SODC as part of the emerging Local Plan process. In addition, given other recommended modifications to the policies in the Plan the policy would relate either to the proposed redevelopment of the Littleworth Industrial Estate and the OBU campus or to other (unidentified) smaller proposals. Plainly these different sites will present their own specific issues.
- 7.25 In all the circumstances I recommend that the policy is modified so that it retains the reference to meeting affordable housing requirements as already included in the development plan. I recommend that the other element of the policy is reconfigured so that proposals would be supported where they demonstrate how they have responded to meeting identified housing needs either in the wider District or within the neighbourhood area.
- 7.26 I also recommend that the supporting text is consolidated through the inclusion of a reference to development viability. Plainly this will vary on a site-by-site basis and will be addressed on a case-by-case basis in either pre-application discussion or the determination of planning applications.

Replace the policy with:

'Development proposals for more than ten homes should deliver affordable housing requirements as included in the most up-to-date and relevant part of the development plan.

Within this context development proposals that meet identified housing needs either in the wider District or within the neighbourhood area in particular will be supported. Proposals which would deliver housing specifically designed for

young people, local workers, small families, the elderly and people with disabilities will be particularly supported'

At the end of paragraph 8.8 add: 'Policy H3 sets out a context within which these matters can be addressed in the development management system. Where necessary the potential impact of the delivery of affordable housing on development viability will be taken into account. Any such impacts will need to be assessed against independent and robust evidence. Plainly this will vary on a site by site basis and will be addressed on a case by case basis in either pre-application discussion or the determination of planning applications'

Policy H4: In-fill and Self-Build dwellings

- 7.27 This policy seeks to concentrate new residential development within the built-up area of Wheatley. In doing so it seeks to reinforce its sustainable location and to comply with national and local planning policies. It recognises that much of this development will be infill development, some of which may be of a self-build nature.
- 7.28 The policy also addresses potential developments elsewhere in the neighbourhood area beyond the existing built-up area. In this context it takes account of other policies in the submitted Plan which would bring forward specific types of development (policies SPES1-4 and SPOBU). These policies are addressed in turn later in this report and I have recommended various modifications to their contents.
- 7.29 In the circumstances I recommend that this part of the policy becomes more general rather than specific. The effect of this approach is that development proposals elsewhere would only be supported where they would be appropriate for a countryside/Green Belt location (as appropriate) or are otherwise allocated for development in the neighbourhood plan itself, or other development plan policies

In the first sentence of the policy replace 'Development Plan for the district' with 'wider development plan'

In the second sentence of the policy delete 'or outside.... provisions of policy GBBA1'

In the second sentence replace 'countryside location.... development plan policies' with 'appropriate for their location in the countryside in general or the Green Belt in particular or are otherwise allocated for development in the neighbourhood plan itself, or other development plan policies'

Policy P1: Parking Provision

- 7.30 This policy applies the County Council's car parking standards to new development in the neighbourhood area. More particularly it seeks to ensure that arrangements should be out in place to ensure innovative solutions which avoid four sets of circumstances.
- 7.31 SODC suggest some refinements to the policy. OBU suggest that it is unnecessary and should be deleted. In the event that the policy simply restated existing parking standards I would concur that it would be unnecessary. However, as the policy also comments about how car parking provision should be arranged, I am satisfied that with

modifications it should remain within the Plan. In particular the detailed design issues have a particular relevance to the character and appearance of the neighbourhood area. Nevertheless, I recommend the deletion of the fourth matter (parking on village roads and lane). By definition such arrangements would not meet the County Council's standards for off road parking.

Replace the policy with:

'New development proposals should provide off road parking to meet the County Council's car parking standards.

The detailed configuration of car parking provision should deliver innovative and attractive arrangements which complement the character of the neighbourhood area. Parking arrangements which avoid the following matters will be particularly supported:

[Insert at this point 1/2/3 from the submitted policy]'

Policy T1: Impact of Development on the Road Network

- 7.32 This policy requires new developments which may generate significant traffic movements to provide a Travel Plan. It also comments about the processes which would need to be followed and the relationship between the development and the implementation of the contents of the travel plans concerned. A second part of the policy offers support for the provision of new or improved walking or cycling routes and other related forms of transport.
- 7.33 The supporting text provides a broader context for the sustainability and traffic safety measures which the Parish Council wishes to pursue.
- 7.34 I am satisfied that the general approach taken in the second part of the policy meets the basic conditions,
- 7.35 I have given detailed consideration to the extent to which the substantive part of the policy adds any local value to the approach on travel plans already included in the NPPF. I have concluded that it does not add any value. In reaching this conclusion I have taken account of the Parish Council's response to the relevant question in my clarification note. On this basis I recommend that the initial part of the policy is deleted.
- 7.36 I have considered whether the supporting text can remain in the Plan with the deletion of part of the policy. I am satisfied that it can remain. In particular paragraph 8.13 sets out the community's ambitions about proposals to mitigate traffic flow through the village. They have the ability to be delivered by a variety of means.

Delete the first three sentences of the policy.

Policy SCI1: Community Assets

- 7.37 This policy seeks to retain defined community assets in the neighbourhood area with the exception of identified circumstances. I am satisfied that the three identified circumstances are appropriate and distinctive to the neighbourhood area. In particular

the third recognises that some of the facilities are commercial in nature and that their continued viability will be an important factor.

- 7.38 The policy is underpinned by supporting text. In particular paragraph 8.15 identifies the community facilities to be protected. They vary from specific buildings (a-e) to general buildings (f-g), a specific parcel of land (h) and to general recreational and sporting land (i-j).
- 7.39 OBU comments that recreational and sporting fields are addressed in a specific fashion in national policy (NPPF paragraph 97) and that the approach in the submitted Plan cuts across the approach in the NPPF. In these circumstances I recommend that the recreation and sports field elements of paragraph 8.15 are deleted. I have separately addressed the sports and recreational land associated with the OBU campus in the context of Policy SPOBU.
- 7.40 I also recommend other changes to the policy wording so that it has the clarity required by the NPPF. In particular I recommend that the final part of the policy is repositioned into the supporting text. Its focus is on process matters rather than policy in its own right.
- 7.41 SODC has suggested that the policy title is amended so that it more correctly identifies its purpose. It will ensure that the policy has the clarity required by the NPPF and I recommend accordingly. In particular it will avoid any confusion with any assets of community value which are designated under separate legislation.

Replace ‘permitted’ with ‘supported’

Delete the final sentence.

Replace the title with ‘Safeguarding Community Facilities’

In paragraph 8.15 delete ‘i. Recreation Land and j. Sports Fields’

After the (modified) list of facilities in paragraph 8.15 add: ‘Policy SCI1 provides a context within which the Plan seeks to safeguard these important community facilities. It includes three circumstances where the loss of a community facility might be supported. [At this point include the deleted element of the policy with SODC written in full]’

Policy SCI2: Improvement to Community Assets

- 7.42 This policy follows on from Policy SCI1. In this case it provides a policy context for proposals which would result in the improvement of the community facilities listed in paragraph 8.15. It also extends the approach to proposals for the development of new community facilities in the neighbourhood area.
- 7.43 I am satisfied that the approach taken is appropriate to the circumstances in the neighbourhood area. Plainly this policy would be underpinned by a modified paragraph 8.15 as recommended in Policy SCI1.

7.44 I recommend detailed modifications to the wording used in the policy. In particular they clarify the way in which amenity issues would be addressed in the circumstances of proposed new or extended facilities of this nature. Whilst they bring the required clarity, they do not alter the basics of the approach taken.

7.45 Finally I recommend a modification to the title of the policy so that it more accurately reflects its purpose

In the second sentence replace ‘permitted’ with ‘supported’.

Thereafter replace the remainder of the sentence with: ‘where such proposals are in accordance with other development plan policies and do not generate any unacceptable amenity, environmental or traffic impacts’

In the policy title replace ‘Assets’ with ‘Facilities’

Policy B1: Burial Provision

7.46 This policy offers support to proposals for a natural burial ground where it would be located and designed to suit the character of the local landscape.

7.47 It is suitably underpinned by supporting text in paragraph 8.17 of the Plan.

7.48 I recommend that ‘suit’ is replaced by ‘respect’ in the policy. This wording would better reflect the need for clarity in a development plan policy. Otherwise it meets the basic conditions.

Replace ‘suit’ with ‘respect’

Policy VCE1: Wheatley Village Centre

7.49 This policy has been designed to respond to paragraph 8.18 of the Plan. That paragraph comments about the strong mix of independent traders serving the local community and the need for its viability and vitality to be maintained.

7.50 The policy takes a slightly different approach in requiring that any new development in the neighbourhood area should be in locations which are accessible to the village centre. The Parish Council advised in its response to the clarification note that the policy had deliberate overlaps with Policy T1 and its proposals to develop a Green Route within the Plan period.

7.51 In its current format I am not convinced that the policy has the clarity required by the NPPF. It largely restates national and local planning policies on the location of new development. In addition, the Plan as submitted included an extensive range of development opportunities. In these circumstances I recommend that the policy is modified so that it offers support to proposals which would maintain and, where practicable improve, the vitality of the village centre. This approach would be consistent with the approach taken in paragraph 8.18.

7.52 I also recommend consequential modifications to the supporting text.

Replace the policy with: ‘Proposals for new housing, retail, leisure and office developments in or adjacent to the village centre and which would maintain and where practicable improve its overall vitality and viability will be supported’

At the end of paragraph 8.18 add: ‘Policy VCE1 sets the context for new developments to achieve this important objective. It has been designed to reflect the importance of a dynamic and multi-use village centre. Proposals for non-retail uses should demonstrate how they would not detract from the overall retail attractiveness of the village centre’

Policy E1: Supporting Wheatley’s Economy

- 7.53 This policy takes a more general approach towards the local economy. It offers support for the development of existing businesses and for the relocation of businesses within the village to permit expansion or operational efficiency.
- 7.54 In a more specific way the policy then offers support to other proposals which would contribute to the village enhancement plan and mitigates its own traffic issues.
- 7.55 The more general elements of the policy meet the basic conditions. The more specific elements lack clarity for development management purposes. The matter is further complicated given my recommended modifications to the detailed site allocation policies later in this report. In effect what was a carefully-constructed set of policies now has less of a structure and a sense of internal integrity.
- 7.56 In the circumstances I recommend that the policy is modified so that its focus is simply on the more general elements of business growth and diversification. In addition, I recommend that the section about the relocation of existing businesses within the village is removed from the policy. Business decisions will be taken on the basis of a series of operational and commercial issues. Planning decision are based on the relationship between the proposed use and the site concerned. In this context the supporting text at paragraphs 8.19 to 8.21 is unaffected.
- 7.57 I also recommend that the modified policy is related to amenity and environmental conditions within the neighbourhood area.

Replace the policy with: ‘The development of new and businesses and the expansion and/or reconfiguration of existing businesses within the built-up area of Wheatley will be supported where they do not generate any unacceptable amenity, environmental or traffic impacts’

Policy EN1: Biodiversity

- 7.58 This policy comments about biodiversity. The supporting text at paragraphs 8.23 to 8.29 is very comprehensive in the way it addresses this matter and draws attention to specific sites and areas of biodiversity significance. It has a specific focus on the broader work being undertaken in the Shotover Target Conservation Area. This area includes the Country Park and Shotover House Park. It extends off the Hill to include Country Park land near the Oxford eastern bypass and includes Magdalen Wood and

Stansfeld Outdoor Education Centre on the west of the Bypass. Part of the Target Conservation Area falls within the neighbourhood area.

- 7.59 The policy is general in its approach. It supports the protection of urban and rural biodiversity and any net gains which can be achieved.
- 7.60 In general terms the policy meets the basic conditions. However, I recommend modifications so that it more closely relates to the development management process. As submitted, it offers support to general works which other organisations may pursue without the need for planning permission. I also recommend that the policy does not specifically refer to the Shotover Target Conservation Area. This partly reflects that significant parts of that Area are located beyond the neighbourhood area and that detailed management plans are already in place. In any event, the matter is already fully addressed in the supporting text.

In the initial sentence replace ‘The protection.... of’ with ‘Proposals that would protect or enhance’

At the beginning of the second sentence add: ‘Proposals which would result in’

At the end of the second sentence delete ‘together with.....Designated Area (see Figure 8.6)’

Policy HE1: Historic Environment

- 7.61 This policy addresses the historic environment in the neighbourhood area. It has been incorporated within the Plan after earlier discussions with Historic England.
- 7.62 It follows a similar approach to that incorporated in the NPPF. In response to my questions the Parish Council confirmed the importance of heritage issues and drew my attention to the schedule of heritage assets included in Appendix 1. In this context I recommend a modification to this effect. It will bring both clarity and local distinctiveness to the policy.

In the first part of the policy insert ‘as listed in Appendix 1 of the Plan’ between ‘conservation area’ and ‘will be’

Policy DQS1: Individual and Community Energy Projects

- 7.63 This policy sets out the Plan’s ambition for individual and community energy projects. It offers support where they are appropriately located and conform with the Oxfordshire Design Guide and the Chilterns Building Design Guide.
- 7.64 In general terms I am satisfied that the Plan takes an appropriate approach on this matter. SODC drew my attention to the fact that the two Design Guides are guidance documents and not part of the development plan. I recommend modifications to the language used accordingly. Otherwise the policy meets the basic conditions.

Delete ‘Any’

Replace ‘conform’ with ‘have regard’

Policy SPOBU

- 7.65 This policy represents an important element of the Plan. The Oxford Brooks Campus is a significant feature of the neighbourhood area. It is located immediately to the north of the A40. It is located in the Green Belt.
- 7.66 OBU has announced its intention to vacate the current premises. The campus was in a transitionary phase when I visited the neighbourhood area and it did not have the usual vibrancy of a university campus.
- 7.67 The submitted Plan is explicit in its approach. Paragraph 9.1 comments that the policy does not allocate the site for development. However, it aims to communicate the aspirations of those who have prepared the Plan and the residents of Wheatley and Horton. It is suggested that the policy complements the wider vision, objectives and policies of the Plan.
- 7.68 Paragraph 9.2 acknowledges the planning policy context to the site. Policy CSEM5 of the Core Strategy offers support for the redevelopment of the Campus. It also comments that SODC will work proactively with the University to develop an agreed masterplan that meets its business objectives. The masterplan was prepared and adopted by SODC as part of the adoption of the Core Strategy. It proposed the consolidation of teaching and student accommodation on the site. Plainly this document has been overtaken by the changing circumstances surrounding the site. OBU have since submitted planning applications for the residential redevelopment of the site.
- 7.69 As the submitted Plan comments the emerging Local Plan acknowledged these changing circumstances by allocating the site for strategic residential development (Policy STRAT 14). However, in the context of the current progress on the emerging Local Plan (see paragraph 5.7) I can give no weight to this policy approach.
- 7.70 The approach included in the Plan has regard to national policy. The NPPF comments extensively on Green Belts (paragraphs 133 to 147). In particular paragraph 145g identifies that the limited infilling or the partial or complete redevelopment of previously developed land in the green belt , whether redundant or in continuing use (excluding temporary buildings), and which would not impact on the openness of the Green Belt could be considered as an exception to the restrictive approach to development in a Green Belt. The generality of this approach is incorporated into the policy.
- 7.71 OBU raises detailed representations and objections to the submitted policy. In summary it comments on the following overlapping issues:
- the policy and supporting text comment about parts of the wider campus located outside the designated neighbourhood area;
 - the nature of the flaws in the Plan are incapable of being addressed through recommended modifications;
 - the policy includes an unnecessary level of detail and has a prescriptive approach; and
 - the policy fails to take account of objectively assessed housing needs.

- 7.72 I have considered this matter very carefully. In particular I am aware that the Secretary of State will shortly be making a decision on an appeal for the most recent planning application on the site. I have also taken account of the lack of detail in the Core Strategy policy and that the associated supporting masterplan has now been overtaken by events.
- 7.73 In these circumstances I recommend that the policy is modified so that it is both simplified and has a general effect. The latter objective is achieved by setting out general design principles rather than specific objectives. As such it has the ability to be applied to any future applications which may arise and/or any application to amend planning permissions granted either by SODC or by the Secretary of State on appeal. This will provide a degree of future-proofing for the policy. It also has regard to Planning Practice Guidance (41-004-20190509) on the matter of an emerging neighbourhood plan policy supporting the delivery of strategic policies in a local plan (here the adopted Core Strategy). This approach will also provide a more detailed policy context than the approach more broadly included in national planning policy (NPPF 145g) on the redevelopment of brownfield sites within the Green Belt.
- 7.74 I have also taken account of the OBU representation that the issues in the submitted policy are incapable of being resolved through modifications to the policy. Plainly this is a matter of judgement. In any event the general nature of the recommended modifications takes the policy into a very different context. In particular I am satisfied that the part of the representation about the Plan which commenting about aspects of the wider development of the site which fall outside the neighbourhood area are capable of being addressed. In this context it is not unusual for a neighbourhood plan to have to be modified to acknowledge the incompatibility of administrative areas (here the Wheatley neighbourhood area) with wider development proposals (here the OBU Wheatly campus).

Replace the policy with:

‘Proposals for the comprehensive redevelopment for residential purposes of the Wheatley Campus site as shown on Fig 9.1 will be supported where they conform with the following development principles:

- **the development of the site is underpinned by a masterplan addressing infrastructure, access, landscaping, and recreation/open space issues;**
- **the layout, design and height of the new buildings take account of the openness of the Oxford Green Belt and as identified generally in national planning policy (NPPF 145g);**
- **the development of the site should incorporate the provision of affordable housing to the most up-to-date standards of South Oxfordshire District Council;**
- **the development of the site should incorporate high quality public realm and open space; and**
- **the development of the site should address opportunities to incorporate safe, convenient and attractive pedestrian and cycling access to and from Wheatley’**

In Figure 9.1 remove the three assessment sites (WHE2/3/4) and the key on this matter and the listed buildings and ancient monument outside the neighbourhood area

In paragraph 9.2 replace the second sentence with: 'This Plan and the resulting policy addresses only that part of the wider Campus site within the designated neighbourhood area'

In paragraph 9.3 retain the first sentence. Replace the remainder of the paragraph with: 'The site is physically separated from the retail, community and educational facilities in Wheatley by the A40. In this context the redevelopment of the site should address on-site and off-site opportunities to provide safe, convenient and attractive access for pedestrian access to Wheatley'

Replace paragraph 9.4 with:

'The Campus includes sports and recreational facilities. Some of these facilities are outside the neighbourhood area (to the west of the built development on the site). Whilst they are primarily for university use, they have represented valuable amenities for local residents. The future of these facilities should be addressed in the masterplan for the redevelopment of the site'.

Delete paragraph 9.6

Policy GBBA1: Green Belt Boundary Amendments

- 7.75 This policy sits at the heart of the Plan. It has two related parts. The first proposes detailed amendments to the boundary of the Green Belt to accommodate three site allocations (Policies SPES1/S3/S4). The second comments that the policy only comes into effect once strategic planning policies have altered the Green Belt boundary through the adoption of the emerging Local plan.
- 7.76 In this wider context the Plan has pursued an ambitious agenda. The policy's approach acknowledges national policy. Paragraph 135 of the NPPF comments that:
- 'Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans'*
- 7.77 In this context establishing the need for the release of three sites from the Green Belt is a strategic matter rather than 'detailed amendments.
- 7.78 The submitted Plan has sought to align itself in both timing and context to the approach taken to the release of land from the Green Belt in the emerging Local Plan. This relates both to the principles set out in Planning Practice Guidance where a neighbourhood plan and a local plan are emerging at the same time and to a common sense approach

that would avoid the emerging neighbourhood plan either to be delayed or to be reviewed/updated after the eventual adoption of the emerging Local Plan.

- 7.79 Nevertheless the delay in the production of the South Oxfordshire Local Plan (and as detailed in paragraph 5.6 of this report) has had a very significant effect on the approach taken in the Plan. Two fundamental issues arise. The first is that there is no certainty of the eventual outcome of that Plan. The neighbourhood plan may seek to allocate sites which are not eventually released from the Green Belt. The second is that there is no clarity on the timetable for the adoption of the emerging Local Plan. In the event that the sites proposed to be allocated for development in the neighbourhood plan are eventually released from the Green Belt there would be an unhealthy stand off period before the second part of the neighbourhood plan policy took effect. This would not provide the clarity required by the NPPF. Equally it would provide no certainty for landowners and potential developers.
- 7.80 The wider approach to Green Belt releases and the allocation of housing sites has attracted objections from CPRE and OBU. In their different way they reinforce the position in the NPPF about the definition of Green Belt boundaries is a strategic matter. The changing circumstances in relation to progress on the emerging Local Plan is acknowledged by the Parish Council in its response to the clarification note
- 7.81 In all the circumstances I recommend that the policy is deleted. In effect the ambitious intentions of the neighbourhood plan have been overtaken by events. As such given the current context proposals to make detailed amendments to the Green Belt boundary in Wheatley do not meet the basic conditions. I acknowledge that this outcome will be a disappointment for the Parish Council. Nevertheless, some or all of the work undertaken on the proposed allocations could be consolidated and updated within a review of any made NP once the emerging Local Plan has been adopted. This approach would also assist in the delivery of the broader Village Enhancement Plan. Plainly this will be a matter for a separate examination at that time.
- 7.82 This conclusion has consequential effects on Policy SPES1, Policy SPES3 and Policy SPES4. I recommend that they are also deleted. In this context I do not comment on the policies in any detail later in this report.

Delete the policy

Delete Section 10 of the Plan (including Figure 10.3)

Policy SPES1

- 7.83 This policy proposes the development of land for up to 10 dwellings on the 'Bungalows Site' off London Road
- 7.84 The release of this site is contingent on the application of Policy GBBA1. I have recommended the deletion of that policy in paragraph 7.82 of this report. As such I also recommend the deletion of this site-specific policy.

Delete the policy

Delete Paragraphs 11.1-11.7 (including Figures 11.1 and 11.3)

Policy SPES2

- 7.85 This policy is unaffected by the Green Belt issue. It refers to the Littleworth Business Centre. It is occupied by a series of small car sales and repair outlets and other related commercial uses. It offers a degree of support to the redevelopment of the site for residential purposes where suitable provision is made for the relocation of the business in Wheatley and where it can be demonstrated that the existing businesses on the site are no longer viable.
- 7.86 The policy has been designed to be complementary to the approach taken in other allocated sites – both SPES3 and SPES4 comment about the provision of employment land on their respective sites to accommodate businesses relocated from the Littleworth Industrial Estate.
- 7.87 Plainly the effectiveness or otherwise of this policy has the ability to be affected significantly by my recommended modifications to delete these two related policies. I have considered this matter very carefully. On balance I am satisfied that, with modifications, the policy has the ability to meet the basic conditions.
- 7.88 In recommending a modified policy I have taken account of the following matters
- The strategic policy context* – Policy E6 of the saved Local Plan 2011 provides an opportunity for redundant land and buildings formerly in commercial use to be used for residential purposes where the uses are no longer viable and where the sites concerned have been marketed for a specific period of time.
- The ability or otherwise of the existing businesses to relocate within the neighbourhood area* – This part of the policy presents a series of challenges. As submitted, it requires suitable relocation sites to be made available. In most cases this will be beyond the ability of the current site owner/tenants to do so. In addition, the recommended modifications to other policies have deleted potential relocation sites. In any event businesses will come to their own views on their business relocation requirements based on cost/location and viability issues.
- The condition of the site* – It is generally acknowledged that the industrial estate has a traditional, working character. It also has a detrimental impact on the appearance of the surrounding residential properties.
- The number of businesses operating on the site* – The potential redevelopment of the site is complicated given the range of business units. This will be compounded by the various lease arrangements relating to existing premises. In addition, the traditional working environment offered by the site may be assisting the ongoing viability of the businesses concerned through the associated rental structures.
- 7.89 In these circumstances I recommend that the policy is modified so that it provides a more general context for the redevelopment of the site for residential purposes. In doing so I recommend the deletion of any reference to the need for the relocation of existing businesses within Wheatley. It is both unnecessary and overly restrictive. I also recommend the deletion of the reference to any redevelopment ‘not lowering the employment capacity of the District’. This may naturally be the case if the businesses

concerned can demonstrate an overall lack of viability. In any event this approach goes beyond that included in the saved Local Plan. I also recommend a modified context to the policy in the Plan. As submitted this policy sits within the package of proposals in Sections 10 and 11. My recommended modifications elsewhere to this wider package have effectively removed this broader context.

- 7.90 Given the complicated layout of the site and the number of business units I recommend that any redevelopment proposal is comprehensive in its nature. Any partial redevelopment for residential purposes would be likely to generate unacceptable amenity and access arrangements for the occupiers of the new dwellings on the site.
- 7.91 In the round I am satisfied that the various criteria associated with the site are both appropriate and distinctive. Nevertheless, I recommend detailed modifications to criteria a. and b. (to define the type of development which would be acceptable) and to other criteria to bring the necessary clarity. Criterion c. on building heights is very prescriptive and I recommend a degree of flexibility where such an approach would assist in the delivery of a high-quality development. The comment about feeder roads is more of a phasing and detailed site construction matter rather than a policy. I also recommend modifications to h. and i. so that the effects of the proposed development on both the SSSI and the Green Belt are more explicit.

Replace the opening element of the policy with:

‘The comprehensive redevelopment of the Littleworth Road Industrial Estate for residential purposes will be supported where it can be demonstrated that the site is no longer economically viable and has been marketed at a reasonable price for that or any other suitable employment or service trade uses’

Replace the initial element of the second part of the policy with:

‘Within this context development proposals should respond positively to the following design criteria:’

Replace a. and b. with: ‘The delivery of approximately 25 homes in an attractive and imaginative way which complements the public realm of the surrounding residential areas;’

Replace c. with: The height of the dwellings should reflect the contours of the site and the design and height of the residential properties in the surrounding area. The development should be designed to reflect the natural contours of the site’

Replace e. with ‘The layout of the site includes appropriate and safe access from Littleworth Road for motor vehicles, cyclists and pedestrians’

Replace h. with ‘The development of the site should be arranged so that there is no adverse effect on the integrity of the Littleworth Brick Pit SSSI’

Before the policy and paragraph 11.8 (as numbered in the submitted Plan) add:

10 Littleworth Business Centre Site Allocation

[Insert new paragraph and number accordingly] to read: ‘This section of the report provides a policy context for the potential redevelopment of the Littleworth Industrial Estate. It reflects the condition of the site and its range of car repair and related uses. It has been designed to bring forward a local interpretation of Policy E6 of the saved Local Plan 2011. That policy provides an opportunity for redundant land and buildings formerly in commercial use to be used for residential purposes where the uses are no longer viable and where the sites concerned have been marketed for a specific period of time’

In 11.9 remove the references to the emerging Local Plan. Thereafter replace the final sentence with: ‘On this basis Policy SPES2 has been designed so that any redevelopment can only proceed in the event that the site is no longer economically viable’

At the end of paragraph 11.11 add: ‘Policy SPES2 sets out a policy arrangement for the potential redevelopment of the site. As indicated on figure 11.4 the eastern part of the site is within the Green Belt. As such it should not be incorporated into the wider redevelopment proposals. The policy requires a comprehensive redevelopment of the site. Any partial redevelopment for residential purposes would be likely to generate unacceptable amenity and access arrangements for the occupiers of new dwellings on the site. Criterion c. of the policy comments about the height of the new houses. In general terms they should be two storeys in height to respect the height of the other houses in the immediate locality. Nevertheless, a degree of flexibility may be appropriate where such an approach would assist in the delivery of a high-quality development. This could include two storey houses with accommodation in the roof space or three storey houses.’

Renumber paragraphs 11.8 to 11.11 to take account of recommended modifications to the other policies/supporting text in this part of the Plan.

Policy SPES3

- 7.92 This policy proposes the development of land for up to 55 dwellings and 1.7 hectares of employment land on ‘Miss Tombs Field’ off London Road
- 7.93 The release of this site is contingent on the application of Policy GBBA1. I have recommended the deletion of that policy in paragraph 7.82 of this report. As such I also recommend the deletion of this site-specific policy

Delete the policy

Delete Paragraphs 11.12-11.13 (including Figure 11.5)

Policy SPES4

- 7.94 This policy proposes the development of land for commercial use on the ‘Mobbs Land’ off London Road
- 7.95 The release of this site is contingent on the application of Policy GBBA1. I have recommended the deletion of that policy in paragraph 7.82 of this report. As such I also recommend the deletion of this site-specific policy. I also recommend the deletion of

paragraphs 11.17 to 11.19 of the Plan which refer in general terms to the Village Enhancement Plan. Whilst that Plan has the ability to be delivered in some of its component areas these paragraphs are so closely related to the package in the Plan associated with the SPES policies that it would not be practical to leave them in the Plan given the proposed deletion of three of these four policies.

Delete the policy

Delete Paragraphs 11.14-11.15

Delete Paragraphs 11.17-11.19 (including Figure 11.6)

Policy SPGR: Green Route

- 7.96 This policy proposes the development of a Green Route connecting the village centre and its amenities to the development sites proposed in the Plan. Figures 11.1 and 11.2 show elements of the route to be developed/safeguarded as part of the development of two of these sites. The proposal is both ambitious and appropriate for the neighbourhood plan. It is intended to be an important part of the wider Village Enhancement Plan
- 7.97 The recommended modifications to other policies in the Plan partly undermine the purpose and the delivery mechanisms of the Green Route. Nevertheless, I am satisfied that with modifications the policy is capable of meeting the basic conditions. I recommend accordingly. The recommended modified policy offers general support for the creation of a Green Route stretching from Littleworth in the west to the Asda supermarket in the east (as highlighted in paragraph 11.16 of the Plan). The modified policy also provides a supporting context for any future developments which may take place along this route to incorporate the Green Route within or adjacent to such developments subject to practical considerations and viability considerations.

Replace the policy with: ‘Proposals for the creation of a Green Route stretching from Littleworth in the west to the Asda supermarket in the east will be supported.

Where they are otherwise in accordance with the policies in the development plan in general and the policies in this Plan in particular development proposals which would deliver elements of a wider Green Route will be supported’

In the final part of paragraph 11.16 delete ‘(see Figures 11.1 and 11.2)

At the end of the paragraph add: ‘Policy SPGR provides effect to this ambition. Its second part recognises that some development proposals offer the potential to deliver elements of a wider Green Route. Such proposals would be supported and the Parish Council will seek to engage with potential developers on a case by case basis. The application of this part of the policy will need to take account of the practicability of such an approach on particular site and any effects on the overall viability of the substantive development proposed’

Monitoring and Review

- 7.98 Plan properly comments about how it will be monitored and reviewed. Its paragraph 12.2 takes account of the government's agenda that development plans are kept up-to-date.
- 7.99 The Plan anticipates that it will be reviewed on a five-yearly cycle. In the circumstances currently being experienced with the emerging South Oxfordshire Local Plan 2034 and the dated nature of the existing Core Strategy I recommend that Figure 12.1 recognises that the eventual adoption of a new Local Plan for the District would represent an initial opportunity to assess whether any elements of a made neighbourhood plan needed to be reviewed at that time.

In Figure 12.1 add a new row after the twelve-month review to read:

'Left Column – Review following the adoption of the emerging South Oxfordshire Local Plan 2034'

'Right column - 'The eventual adoption of a new Local Plan for the District would represent an initial opportunity to assess whether any elements of a made neighbourhood plan need to be reviewed at that time'.

Other Matters - General

- 7.100 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 SODC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

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

Other Matters – Specific Wording

- 7.101 SODC have suggested a series of contextual changes to the supporting text in the Plan. Some of these comments relate to the general text in the introductory sections of the Plan. I have found the various suggestions to be very helpful both in my understanding of the Plan and in testing it against the basic conditions.
- 7.102 As I have highlighted in paragraph 1.4 of this report my remit is limited to examining the Plan against the basic conditions. I cannot recommend modifications which would simply improve the Plan or which would result in it being presented in a different fashion. As such my recommended modifications below are related purely to the areas where modifications are necessary to ensure that the Plan meets the basic conditions.

Front Cover – include the Plan period

Page 8 paragraph 4.1 – replace the fourth, fifth and sixth sentences with:

‘It is identified as a larger village in the development plan, serving surrounding villages in retail, light industry, education, Post Office services and medical practice. With the village of Holton, which is outside the neighbourhood plan area, both of these villages host a complete school system for children aged 5 to 18 years, including secondary and special education schools serving Oxford City and the surrounding villages’

Page 9 paragraph 4.3 – replace the second sentence with

‘This is in part due to Green Belt constraints on housing development, although there have been some infill sites (notably the former railway land).’

Page 20 Figure 4.15 – include a key for the areas shown in colour

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 2034. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area and its community facilities.
- 8.2 Following my independent examination of the Plan I have concluded that the Wheatley 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 South Oxfordshire District Council that subject to the incorporation of the modifications set out in this report that the Wheatley Neighbourhood Development Plan should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. Paragraph 1.1 of the Plan comments about the incorporation of part of the Parish of Holton into the neighbourhood area. It also advises that the Plan has been prepared by the communities of both Wheatley and Holton. In these circumstances I recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 31 March 2016 together with the remainder of the Parish of Holton.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner.

Andrew Ashcroft
Independent Examiner
27 February 2020

Appendix 1

Notes from Clarification Meeting Wheatley Neighbourhood Plan Wheatley URC 19 November 2019 15:30

Present:

Andrew Ashcroft	Independent Examiner
Doug Lamont	Parish Council – Chairman
Michelle Legg	Parish Council – Clerk
Toby Newman	Parish Council
John Fox	Parish Council
Roy Gordon	Parish Council
Ricardo Rios	SODC
Robyn Tobutt	SODC
Cheryl Soppet	SODC
Dorottya Faludi	SODC

The purpose of a clarification meeting

AA explained the purpose of the meeting.

In particular AA advised that it was of a procedural nature and that there would be no discussion about the merits or otherwise of the policies and the extent to which the wider submitted Plan met the basic conditions.

The timetable for the emerging Local Plan

RR provided the meeting with an update on this matter. The position remained as set out on the SODC website at that time.

The next step was the meeting with MHCLG on 17 December 2019.

The implications for Policies GBBA1, SPES 1/3/4 and SPOBU

RR set out the various scenarios which might arise based on the outcome of the December meeting. AA asked to be kept advised of any changing circumstances.

In the event that the current circumstances remained the Plan would need to be examined in that context.

The recovered appeal on the Oxford Brookes University Campus

RR provided the examiner with an update on this matter. A decision was expected in January 2020. AA asked to be kept advised of any updates.

The next steps in the examination

AA advised that the next step would be the preparation of the clarification note. This would identify a range of issues where further explanation or clarity was needed.

The note would also provide an opportunity for the Parish Council to comment about any of the representations made to the Plan.

Thereafter a fact check report would be prepared and sent to both councils.

Andrew Ashcroft
Independent Examiner
Wheatley NDP

20 November 2019