

Wheatley Neighbourhood Development Plan

Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a distinctive vision for the neighbourhood area.

The presentation of the Plan is very good. The difference between the policies and the supporting text is very clear. The Plan makes good use of photographs.

The various Assessments are very comprehensive.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise issues for clarification with the Parish Council. There are also specific questions for the District Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

I set out specific policy clarification points below in the order in which they appear in the submitted Plan.

Questions for the Parish Council

Policy H2

I can see that paragraph 8.7 refers to certain views and more loosely to its landscapes. As the policy been designed to apply specifically to these views and landscapes?

If so to what extent does this approach have regard to paragraph 170 of the NPPF?

Policy H3

I can see that there is evidence about local housing need. Paragraph 8.8 sets the scene for the policy.

However please can the Parish Council provide clarity on the definition of 'over and above that allocated in the Local Plan'. The reference indicates that this is to the emerging Local Plan. In particular is Policy H3 intended to apply to the development of any or all the sites identified in the submitted neighbourhood plan for development (SPOBU and SPES1-4)?

Policy T1

To what extent does this policy add any local value to the approach in the NPPF on the impact of new development on the capacity of the highway network?

Policies SCI 1 and 2

Paragraph 8.15 helpfully defines the assets to which the policies would apply. The schedule includes both traditional community buildings and recreational land/sports fields.

However national policy addresses these matters separately. Paragraph 92 of the NPPF comments about community facilities and paragraph 97 comments about open space and recreation.

Please can the Parish Council advise about how it developed the policy.

Is the intended protection of recreational land and sports fields necessary given paragraph 97 of the NPPF?

In any event please could I be provided with details of the parcels of land affected by h/i/j in paragraph 8.15?

Policy VCE1

I saw the importance of the village centre when I visited the neighbourhood area. However, is the policy necessary given that the submitted Plan has identified the principal concentrations of new development in and around the village?

Policy E1

What is the nature of the ‘village enhancement plan’ as included in the second sentence?

Policy HE1

Does the policy add specific local value beyond the approach included in the NPPF?

Is there a separate schedule of heritage assets in the neighbourhood area?

Policy SPOBU

Paragraph 9.1 provides a helpful context to the development of the policy

Has the policy been assessed for any potential effects on the viability and the deliverability of the redevelopment of the site?

Policy GBBA1

On what basis did the Parish Council determine the policy approach as incorporated in the second paragraph of the policy?

To what extent does the delay in progress of the emerging South Oxfordshire Local Plan affect the approach in the second paragraph in general, and its second sentence in particular?

These questions also apply by association to Policies SPES1, 3 and 4. A single response would suffice.

Policy SPES2

I understand the intended approach towards the relocation of existing businesses in the first part of the policy

However, is the approach practicable? In particular, does point 1 suggest that all the businesses should be found suitable alternative premises?

In addition, would their relocation to a destination beyond the neighbourhood area be acceptable?

In any event are these commercial decisions rather than land use matters?

Policy SPES3

Part a) of the policy raises similar issues to those above

In this case it comments about relocated business and any other businesses or new ventures. How would this anticipated combination of uses be managed?

Policy SPES4

Parts a)/b) of the policy raises similar issues to those above in Policies SPES2/3

How would this anticipated combination of uses be managed?

Policy SPGR

I can see the merit of the approach being taken.

Are detailed mechanisms in place to secure its development?

Paragraph 11.6 suggests that there is a wider proposal beyond that shown in figures 11.1 and 11.2. Is this the case?

The second sentence of the policy is confusing. I can see how in principle new development may be required to support/safeguard the development of the Route. However how could development which would have an adverse effect on the proposed route be expected to contribute towards the Route?

Please can the Parish Council clarify its thinking on this matter

Questions for the District Council

What is the current position with the emerging South Oxfordshire Local Plan?

Is there an anticipated timescale for a decision on planning application P17/S4254/O at Oxford Brookes University following the recent public inquiry?

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

In particular does it wish to comment on the representations from Oxford Brookes University (Response 15) and the collection of local residents (Response 7)?

Protocol for responses

I would be grateful for responses and the information requested by 12 December 2019. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please could it come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

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Independent Examiner

Wheatley Neighbourhood Development Plan.

20 November 2019