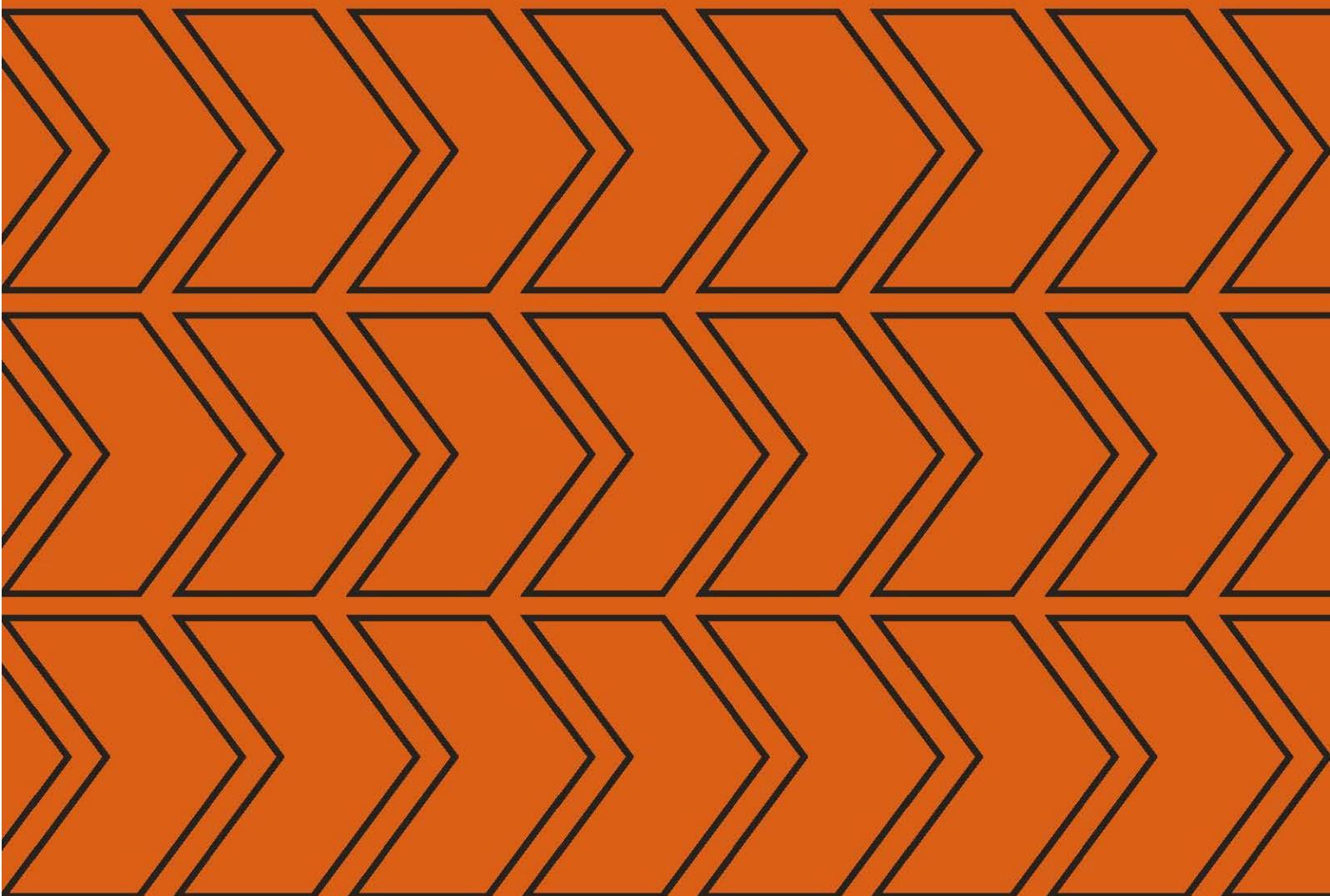


# Wheatley Neighbourhood Plan: Basic Conditions Statement

September 2022



# Wheatley Neighbourhood Plan

## Basic Conditions Statement

On behalf of

**Wheatley Parish Council**

**September 2022**

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## 1 INTRODUCTION

- 1.1 The current Wheatley Neighbourhood Plan was adopted on 20<sup>th</sup> May 2021. However, a review of the Neighbourhood Plan has now been undertaken. The review relates particularly to detailed Green Belt changes for which provision is now made in the South Oxfordshire Local Plan 2035, but also to address other new issues or developments which have arisen since the original submission in 2019.
- 1.2 This Basic Conditions Statement has been prepared on behalf of Wheatley Parish Council to accompany the submission of the reviewed Wheatley Neighbourhood Plan (WNP) to South Oxfordshire District Council and demonstrates how the Plan meets the statutory requirements set out within the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
- 1.3 Only a draft Neighbourhood Plan that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions that apply to Neighbourhood Plans are:
- a. having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan.
  - d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

- e. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f. the making of the neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- g. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.<sup>1</sup>

1.4 The Planning Practice Guidance sets out further guidance on how these basic conditions are to be applied in the development of Neighbourhood Plans and this is set out in the table below (Basic Conditions b. and c. are omitted from this table as they relate to Neighbourhood Development Orders only and are not therefore relevant to the Wheatley Neighbourhood Plan):

<b>Table 1: Planning Practice Guidance on how the Basic Conditions are to be applied</b>	
<b>Basic Condition</b>	<b>Planning Practice Guidance</b>
1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).	<p>The National Planning Policy Framework is the main document setting out the Government’s planning policies for England and how these are expected to be applied. Paragraph: 069 Reference ID: 41-069-20140306</p> <p>A qualifying body is advised to set out in its basic conditions statement how they have had regard to national policy and considered whether a particular policy is or is not relevant. A qualifying body is encouraged to set out the particular national policies that it has considered, and how the policies in a draft neighbourhood plan or the development</p>

<sup>1</sup> Clauses b & c only relate to Neighbourhood Development Orders

	proposals in an Order take account of national policy and advice. Paragraph:070 Reference ID:41-070-20190509
d. The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.	A qualifying body must demonstrate how its plan will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). Paragraph: 072 Reference ID: 41-072-20190509
e. The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).	<p>When considering whether a policy is in general conformity, a qualifying body, independent examiner, or local planning authority should consider the following:</p> <ul style="list-style-type: none"> <li>• whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with</li> <li>• the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy</li> <li>• whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy</li> <li>• the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach</li> </ul> <p>(Paragraph: 074 Reference ID: 41-074-20140306)</p>
f. The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations	A neighbourhood plan or Order must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. There are

	<p>3 directives that may be of particular relevance to neighbourhood plans:</p> <p>Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).</p> <p>This seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes. It may be of relevance to neighbourhood plans.</p> <p>Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives, respectively). These aim to protect and improve Europe's most important habitats and species. They may be of relevance to both neighbourhood plans or Orders.</p> <p>Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) may apply to the particular circumstances of a draft neighbourhood plan or Order.</p> <p>Paragraph: 078 Reference ID: 41-078-20140306</p>
<p>g. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).</p>	<p><u>Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended)</u></p> <p>prescribe a basic condition in addition to those set out in the primary legislation.</p> <p>These are:</p> <ul style="list-style-type: none"> <li>the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017), which set out the habitat regulation assessment process for land use plans, including consideration of the effect on</li> </ul>

	<p>habitat sites. (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)</p> <p>(Paragraph: 079 Reference ID: 41-079-20190509)</p>
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## **2 LEGAL REQUIREMENTS**

2.1 The Regulations also specify that a Neighbourhood Plan deals with planning matters (i.e. the use and development of land), is submitted by a qualifying body, covers a stated plan period and identifies a designated Neighbourhood Area. The Wheatley Neighbourhood Plan has been prepared by Wheatley Parish Council who have been designated a qualifying body and the area covered by the plan designated as the 'Wheatley Neighbourhood Area,' in the decision issued by South Oxfordshire District Council dated 31st March 2016. Both the title page and paragraph 1.1 also state that the plan covers the period 2019 – 2035, so these requirements have been met. Further details are provided in Table 2 below.

**Table 2: How the Wheatley Neighbourhood Plan conforms with legal requirements**

<b>Requirement</b>	<b>Basis in law/regulations</b>	<b>How the requirements are met in the WNP</b>	<b>Reference</b>
The policies relate to the development and use of land for a designated neighbourhood area	Section 38A of the 2004 PCPA, Para 8(1) of Schedule 4B TCPA 1990	The WNP policies relate to the development and use of land within the designated Neighbourhood Plan area.	WNP policies H1; H2; H3; H4; P1; T1; SCI1; SCI2; B1; VCE1; E1; EN1; HE1; DQS1; SPOBU – WHE25; GBBA1; SPES1:WHE16; SPES2:WHE22; SPES3:WHE15; SPES4:WHE17; & SPGR
The Plan specifies the period to which it has effect	Section 38B of the 2004 PCPA, Para 8(1) of Schedule 4B TCPA 1990	The Plan specifies the period 2019 to 2035.	Paragraph 1.1 of the WNP & title page.
The Plan does not include excluded development	Section 38B of the 2004 PCPA, Para 8(1) of Schedule 4B TCPA 1990	The Plan does not relate to minerals and waste related development, or to any nationally significant infrastructure project.	WNP policies H1; H2; H3; H4; P1; T1; SCI1; SCI2; B1; VCE1; E1; EN1; HE1; DQS1; SPOBU-WHE25; GBBA1; SPES1:WHE16; SPES2:WHE22; SPES3:WHE15; SPES4:WHE17; & SPGR
The Plan does not relate to more than one neighbourhood area	Section 38B of the 2004 PCPA, Para 8 (1) of Schedule 4B TCPA 1990	The Plan relates to only one neighbourhood area.	

The Plan has been prepared for an area that has been designated	Section 61G of the Localism Act, Para 8(1) of Schedule 4B TCPA 1990	The area designation was approved by South Oxfordshire District Council on 31 March 2016	
The Plan has been developed and submitted for examination by a qualifying body	Para 8(1) of Schedule 4B TCPA 1990	The Plan has been developed and submitted by the communities of Wheatley and Holton	Paragraph 1.1 of the WNP

- 2.2 Two other pieces of legislation that are relevant are the Equalities Act 2010 and the Environment Act 2021.
- 2.3 Section 149 (1) of the Equalities Act 2010 prohibits discrimination, harassment and victimisation. The Wheatley Neighbourhood Plan has been subject to consultation with the residents of Wheatley and the policies of the Plan are considered not to discriminate against any of the characteristics protected by this Act (such as gender, ethnicity and disability), so there is full compliance with the requirements of this Act.
- 2.4 Schedule 14 of the Environment Act 2021 makes provision for biodiversity gain to be a condition of planning permission in England. *“The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage”.*
- 2.5 The relevant percentage is 10%.
- 2.6 *‘The 10% biodiversity value attributable to the development is the total of:*

- (a) the post-development biodiversity value of the onsite habitat,*
- (b) the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and*
- (c) the biodiversity value of any biodiversity credits purchased for the development.'*

- 2.7 There is a 2 year transition period until the requirement for a minimum of 10% biodiversity net gain comes into effect, but it will affect development proposals on the allocated sites and comments are made in relation to this issue in relation to policy SPE3:WHE15 in section 5 of this Basic Condition statement, where achievement of a biodiversity net gain of 10% could potentially prove problematic.
- 2.8 The remaining sections of this statement set out how the Wheatley Neighbourhood Plan complies with the basic conditions.

## 2 NATIONAL POLICIES & GUIDANCE

3.1 The Wheatley Neighbourhood Plan has been prepared having regard to national policies set out in the National Planning Policy Framework (July 2021) (NPPF) and Planning Practice Guidance. The following paragraphs explain how each policy in the Wheatley Neighbourhood Plan (WNP) has regard to national policy.

3.2 **Policy H1 relates to Design & Character Principles** and seeks to ensure that development proposals complement, enhance and reinforce the local distinctiveness of the village and that they appropriately address issues such as scale, mass, density, layout and design of the site, fits in with the character of the immediate area and wider context. This is consistent with the advice in the NPPF on ‘Achieving well-designed places,’ (Section 12) which emphasises in paragraph 126 that: *‘the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.’*

- 3.3 **Policy H2 relates to Landscape Character.** This includes a requirement that *‘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 of geological value together with soils subject to their compliance with other development plan policies.’* This accords with Section 15 of the NPPF on ‘Conserving and enhancing the natural environment,’ which emphasises in paragraph 174 that *‘planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils....b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.’*
- 3.4 **Policy H3 relates to the Mix and Size of New Housing.** This policy requires new development to meet identified housing needs and states that proposals which would deliver housing specifically designed for young people, local workers, small families, the elderly, and people with disabilities will be particularly supported. This accords with the NPPF’s requirement that *‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes);’* (para. 62).

3.5 **Policy H4 on Infill and Self-Build Dwellings** supports infill and self-build development which reflects the scale and character of the village within the built-up area of Wheatley. Proposals for residential development outside of the built-up area of Wheatley will only be supported if they are 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. Reference to self-build accords with the NPPF advice that local planning authorities should plan for '*people wishing to commission or build their own homes,*' (para 62). The text relating to infilling and against new dwellings in the Green Belt accords with the advice in paragraph 149 of the NPPF relating to appropriate and inappropriate development in the Green Belt

3.6 **Policy P1 on Parking Provision** seeks to reduce the environmental impact of parking provision by seeking innovative and attractive arrangements which complement the character of the neighbourhood area. This accords with the NPPF's requirement for good design with developments establishing or maintaining a strong sense of place; creating safe, inclusive and accessible places and developments which are visually attractive as a result of appropriate and effective landscaping, (para. 130) and that parking design is '*integral to the design of schemes,*' and '*to making high quality places,*' (para. 104 e). It therefore accords with the NPPF.

3.7 **Policy T1 on the Impact of Development on the Road Network.** This policy states that: *‘The provision of new or improved walking or cycling routes, improvements to public transport and the incorporation of electric car charging points, will be supported.’* This accords with the advice in paragraph 92 c) of section 8 of the NPPF that *‘planning policies should aim to achieve healthy, inclusive and safe places which: ...encourage walking and cycling,’* and section 9 of the NPPF on *‘promoting sustainable transport’*. The glossary to the NPPF defines *‘sustainable transport modes’* as comprising: *‘Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicles, car sharing and public transport.’* Policy T1 thus provides policy support for sustainable transport modes.

- 3.8 **Policies SCI1 and SCI2 relate to Safeguarding & Improvement of Community Assets.** These policies seek to prevent the loss of Community Assets and to support their enhancement by way of an extension or partial redevelopment of buildings and land. The provision of additional community facilities is also supported. This fully accords with the NPPF's statements that planning policies should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments and to guard against the unnecessary loss of valued facilities and services, (para 93 a & c). Similarly, **policy B1 on burial provision** expresses support for natural burial ground proposals, provided they are located and designed to respect the character of the local landscape. This also accords with the principles in Section 8 of the NPPF on Promoting Healthy and Safe Communities.
- 3.9 The aspiration of **Policy VCE1** is to maintain the vitality of **Wheatley Village Centre** through new housing, retail, leisure and office developments in or adjacent to the village centre. This accords with the NPPF's advice that: *'Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services,'* (para. 79).

3.10 **Policy E1 on Supporting Wheatley’s Economy** supports the development of new businesses and the expansion and/or reconfiguration of existing businesses within the built-up area of Wheatley where they do not generate any unacceptable amenity, environmental or traffic impacts. This accords with the NPPF’s advice that *‘significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development,’* and that planning policies should enable *‘the sustainable growth and expansion of all types of business in rural areas,’* (paras 81 & 84 a.).

3.11 **Policy EN1 on Biodiversity** seeks to achieve a net gain in biodiversity through the creation of new habitats, the enhancement of existing sites, and implementation of ecological management plans. The policy accords with the advice in Section 15 on Conserving and Enhancing the Natural Environment, particularly that plans should *‘promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity,’* (para 179 b.).

- 3.12 **Policy HE1 relates to the Historic Environment** and seeks to ensure that designated heritage assets are conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place. This accords with the advice in paragraph 189 of the NPPF that heritage *‘assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.’*
- 3.13 With regard to proposals for development that affect non-designated historic assets it states that they will be considered taking into account the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF. This accords with the advice in paragraph 203 of the NPPF that: *‘In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’*
- 3.14 **Policy DQS1 relates to Individual and Community Energy Projects** and states that *‘Individual and community renewable energy projects will be supported, provided they conform to good-quality existing design guidance provided by the South Oxfordshire Design Guide and the Chilterns Building Design Guide and are appropriately located.’* This accords with the advice in paragraph 156 of the NPPF supporting *‘community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.’*

3.15 **Policy SPOBU – WHE25 relates to the Oxford Brookes University, Wheatley Campus.** Oxford Brookes University has announced that it is due to vacate the Wheatley Campus by 2021/22, and is in the process of selling the site with outline planning permission for 500 homes. The site was until recently located in the Green Belt, but the South Oxfordshire Local Plan 2035 adopted in December 2020 shows the Oxford Brookes Wheatley Campus as now having been removed from the Green Belt. Policy SPOBU - WHE25 supports proposals for the comprehensive redevelopment for residential purposes of the brownfield part of the site as identified on the accompanying Figure 9.1, subject to the development being underpinned by a masterplan addressing infrastructure, access, landscaping & recreation open space issues; complying with NPPF Green Belt policy; the provision of affordable housing; robust measures to alleviate traffic noise from the A40 dual carriageway; a high quality public realm and safe, convenient & attractive pedestrian and cycling access to and from Wheatley. This accords with the advice on previously developed land in paragraph 119 & 120 c) of the NPPF, which, includes making ‘*as much use as possible of previously-developed or “brownfield” land,*’ (para 119) and ‘*using suitable brownfield land within settlements for homes and other identified needs,*’ (para 120 c).

3.16 **Policy GBBA1 relates to Green Belt Boundary Amendments, at the eastern end of Wheatley** and states that *‘Detailed amendments to the Green Belt boundary are made to accommodate allocations at WHE15, WHE16 and WHE17. The boundary of the amended Green Belt is identified on Figure 10.3.’*

Paragraph 140 of the NPPF states 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,’* and that *‘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.’*, (para. 140). In this case the adopted South Oxfordshire Local Plan 2035 policy STRAT 6 does make provision for the Wheatley Neighbourhood Plan to make *‘detailed amendments to the Green Belt’* which *‘must be in compliance with the requirements of the NPPF and the need identified within the Local Plan.’*

3.17 Further guidance is contained in paragraphs 3.118 – 3.120 of the Local Plan, which states that *‘Within two years of the adoption of the Local Plan, the Wheatley Neighbourhood Plan will release land from the Green Belt, to enable the allocation of land for mixed use development,’* and the exceptional circumstances for the Neighbourhood Plan to release the land at Wheatley are:

- *to support the Neighbourhood Development Plan and to ensure that future allocations can be made through the NDP;*
- *Wheatley is a Larger Village and benefits from a number of services and facilities and represents an appropriate location for accommodating additional development; and*

- *the location of this land is recognised to be positioned between existing residential development to the west and industrial buildings to the east and has limited essential characteristics of the Green Belt.*

3.18 The necessary strategic policy support for a Green Belt amendment is therefore there which means that policy GBBA1 does accord with paragraph 140 of the NPPF.

3.19 Paragraph 10.6 of the Wheatley Neighbourhood Plan makes clear the exceptional circumstances justifying the release of Green Belt land at Wheatley, which relates to an area of land of which a substantial part is already developed and which the SODC Green Belt study has identified as having few essential characteristics of the Green Belt (South Oxfordshire Local Plan 2035 para. 3.119). The Green Belt adjustment would also enable the relocation of existing employment uses to more suitable locations and enable the provision of housing to meet the bespoke needs of Wheatley. As the Wheatley Green Belt boundary is drawn very tightly there are no alternative locations where this development could be accommodated. It is therefore considered that the proposed adjustment to the Green Belt accords with the guidance on exceptional circumstances in paragraph 141 of the NPPF.

**3.20 Policies SPES1; SPES2; SPES3 and SPES4 relate to Village Enhancement**

**Sites.** Three of these are located in the area at the eastern end of Wheatley which it is proposed to remove from the Green Belt and the fourth to the existing Littleworth Industrial Area. These policies all seek to make effective use of land in meeting the need for homes and commercial development, while safeguarding and improving the environment and ensuring safe and healthy living conditions, and therefore accord with the advice on ‘Making effective use of land,’ in Section 11 of the NPPF.

3.21 Although Local Plan Table 4f indicates that no sites need to be identified for additional dwellings in the Wheatley Neighbourhood Plan, paragraph 29 of the NPPF states that: *‘Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies,’* so that it is acceptable for a neighbourhood plan to allocate additional sites provided this would not undermine the strategic policies. This would not be the case with the Wheatley Neighbourhood Plan which only allocates sites for a small number of dwellings.

3.22 Plans have been included identifying the sites referred to in policy SPES1: WHE16; SPES2: WHE22; SPES3: WHE15; & SPES4: WHE17 in Figures 12.3; 12.4; 12.5.

3.23 **Policy SPGR relates to the creation of a Green Route** for pedestrians and cyclists through Wheatley, which is identified on Figure 12.6 and strongly accords with the NPPF's advice that plan making should include identifying opportunities to promote walking and cycling, (para 104 c) and to add links to existing rights of way networks (para 100).

### **Conclusion**

3.24 All of the Wheatley Neighbourhood Plan policies strongly accord with the advice in the NPPF and no conflicts have been identified. It is therefore concluded that the Wheatley Neighbourhood Plan does meet the requirement to have '*regard to national policies and advice contained in guidance issued by the Secretary of State.*'

## 4 SUSTAINABLE DEVELOPMENT

4.1 Paragraphs 7 - 14 of the NPPF set out the presumption in favour of sustainable development which is at the heart of national policy. For Neighbourhood Planning this means that they should '*support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies,*' (para 13). Sustainable development has been integral to the Wheatley Neighbourhood Plan preparation process. The elements of sustainable development specified in the NPPF are listed in Table 3.1 below with an explanation of how Wheatley's Neighbourhood Plan contributes to each element.

<b>Table 3: How the WNP Contributes to Sustainable Development</b>	
<b>Sustainable development (NPPF definition)</b>	<b>How the Wheatley Neighbourhood Plan (WNP) contributes to this element of sustainable development</b>
<p><b>Economic:</b> to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth innovation &amp; improved productivity; and by identifying and coordinating the provision of infrastructure.</p>	<p>The WNP supports the provision of new housing, including self-build housing, which meets the needs of different groups in the community, where there is good design (policies H1; H3; &amp; H4); maintaining the village's vitality (policy VCE1); supporting Wheatley's Economy (policy E1); &amp; the allocation of new sites for development including the OBU Site (policy SPOBU - WHE25); &amp; the Village Enhancement Sites (policies SPES1: WHE16; SPES2: WHE22; SPES3: WHE15; &amp; SPES4: WHE17)</p>
<p><b>Social:</b> to support strong, vibrant and healthy communities, by ensuring that a sufficient number &amp; range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful &amp; safe places, with accessible services &amp; open spaces that reflect current &amp; future needs and support communities' health, social and cultural well-being.</p>	<p>The WNP makes provision for new housing including meeting the needs of different groups in the community including young people, local workers, small families, the elderly and older residents &amp; people with disabilities &amp; by creating a high quality built environment (policy H1; H3; H4; SPOBU; SPES1; SPES2; SPES3; &amp; SPES4). It also supports the retention and improvement of accessible local services &amp; the provision of a safe green pedestrian &amp; cycle route through the village (policies SCI1; SCI2; B1; VCE1 &amp; SPGR)</p>
<p><b>Environmental:</b> to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p>	<p>The WNP seeks to protect and enhance the natural, built and historic environment through protecting and enhancing biodiversity (policy EN1); protecting local character, including key visual landscapes; local heritage assets &amp; the Conservation Area (policy H2 &amp; HE1); supporting community energy projects (policy DQS1); minimizing the environmental impact of parking provision (policy P1); promoting sustainable transport modes, so as to minimize congestion &amp; minimize impacts on air quality (policy T1) &amp; the provision of a safe green pedestrian &amp; cycle route through the village (policy SPGR).</p>

- 4.2 The WNP therefore has a broad range of policies that address the economic, social and environmental components of sustainable development. It therefore complies with the requirements of paragraph 13 of the NPPF in applying the presumption in favour of sustainable development.
- 4.3 Another component of promoting sustainable development is to demonstrate how any potential adverse effects arising from the proposals may be prevented, reduced or offset. In the case of the Wheatley Neighbourhood Plan, the requirements for development to be designed to a high standard and have regard to the local character and avoid significant transport impacts complies with this requirement. The one policy where there could be significant impacts is Policy SPOBU – WHE25, which relates to the Oxford Brookes University Wheatley Campus. However, the allocation of the site for approximately 500 dwellings is contained in policy STRAT 14 in the adopted South Oxfordshire Local Plan 2035. Policy SPOBU – WHE25 in the Wheatley Neighbourhood Plan only proposes various mitigation measures and access improvements, which are unlikely to have significant adverse effects that need to be prevented, reduced or offset.

## 5 CONFORMITY WITH STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

5.1 Paragraph 20 of the NPPF states that: *'strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:*

*a) housing (including affordable housing), employment, retail, leisure and other commercial development;*

*b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*

*c) community facilities (such as health, education and cultural infrastructure); and*

*d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.'*

5.2 This has been used in determining which are the strategic policies in the Development Plan that the WNP needs to be consistent with. The South Oxfordshire Development Plan currently consists of the South Oxfordshire Local Plan 2035.

5.3 Appendix 14 of the South Oxfordshire Local Plan 2035 distinguishes between those policies which are strategic and those which are non-strategic. Those strategic policies that are relevant to the Wheatley Neighbourhood Plan are:

- CS1 Presumption in favour of Sustainable Development;

#### **Strategy**

- STRAT1 The Overall Strategy;
- STRAT2 South Oxfordshire Housing & Employment Requirements;
- STRAT4 Strategic Development
- STRAT5 Residential Densities;
- STRAT6 Green Belt;
- STRAT14 Land at Wheatley Campus, Oxford Brookes University

#### **Settlements & Housing**

- H1 Delivering New Homes;
- H4 Housing in the Large Villages;
- H9 Affordable Housing;
- H10 Exception Sites & Entry Level Housing Schemes;
- H11 Housing Mix;
- H12 Self-Build & Custom-Build Housing;
- H13 Specialist Housing for Older People;
- H14 Provision for Gypsies, Travellers & Travelling Showpeople;
- H15 Safeguarding Gypsy, Traveller & Traveller Showpeople Sites;
- H16 Backland & Infill Development & Redevelopment;

### **Employment**

- EMP1 The Amount & Distribution of New Employment Land;
- EMP2 Range, Size & Mix of Employment Premises;
- EMP3 Retention of Employment Land;
- EMP10 Development in Rural Areas;
- EMP11 Tourism;

### **Infrastructure**

- INF1 Infrastructure Provision;
- TRANS1a Supporting Strategic Transport Investment Across the Oxford to Cambridge Arc;
- TRANS1b Supporting Strategic Transport Investment;
- TRANS2 Promoting Sustainable Transport & Accessibility;
- TRANS3 Safeguarding of Land for Strategic Transport Schemes;
- TRANS5 Consideration of Development Proposals;

### **Environment**

- ENV1 Landscape & Countryside;
- ENV2 Biodiversity – Designated Sites, Priority Habitats & Species;
- ENV3 Biodiversity;
- ENV5 Green Infrastructure in New Developments;
- ENV6 Historic Environment;
- ENV7 Listed Buildings;
- ENV8 Conservation Areas;
- ENV9 Archaeology & Scheduled Monuments;

- ENV10 Historic Battlefields, Registered Parks & Gardens & Historic Landscapes;
- EP5 Mineral Safeguarding Areas;

### **Design**

- DES1 Delivering High Quality Development;
- DES2 Enhancing Local Character;
- DES3 Design & Access Statements;
- DES4 Masterplans for Allocated Sites & Major Developments;
- DES5 Outdoor Amenity Space;
- DES7 Efficient Use of Resources;
- DES9 Renewable & Low Carbon Energy;
- DES10 Carbon Reduction;

### **Town Centres**

- TC1 Retail & Services Growth;
- TC2 Town Hierarchy;
- TC3 Comparison Goods Floorspace Requirements;
- TC4 Convenience Floorspace Provision in the Market Towns;
- TC5 Primary Shopping Area;

### **Community Facilities**

- CF1 Safeguarding Community Facilities;
- CF3 New Open Space, Sport & Recreation Facilities;
- CF4 Existing Open Space, Sport & Recreation Facilities;
- CF5 Open Space, Sport & Recreation in New Residential Development.

5.4 Table 4 below assesses the compliance of each of the proposed policies in the WNP with those in the SODC Local Plan 2011 - 2035.

<b>Table 4: General Conformity with South Oxfordshire Local Plan 2011 – 2035 Policies</b>	
<b>WNP Policy</b>	<b>Conformity With South Oxfordshire Local Plan 2035 policies</b>
<b>H1: Design &amp; Character Principles</b>	The policy is in general conformity with Local Plan policies DES1 on Delivering High Quality Development & DES2 on Enhancing Local Character, in that both specify the key topics that must be addressed when designing new development. The topics outlined in policy H1 are consistent with those specified in policies DES1 & DES2, with both stressing the importance of respecting local character & context; environmental considerations, & improving green infrastructure.
<b>H2: Landscape Character</b>	<p>The requirement of policy H2 for all new development to <i>‘make a positive contribution to the character and appearance of the neighbourhood &amp; its landscape context,’</i> fully accords with the requirement of Local Plan policy DES2 that <i>‘all new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.’</i></p> <p>The requirement that proposals <i>‘should take account of their relationship with the intrinsic character and beauty of the countryside,’</i> is consistent with the requirement of Local plan policy ENV1 that: <i>‘South Oxfordshire’s landscape, countryside and rural areas will be protected against harmful development. Development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire’s landscapes.’</i></p> <p>The requirement that <i>‘development proposals should protect and enhance valued landscapes, sites of biodiversity or geological value together with soils,’</i> is consistent with the protection provided to wildlife and wildlife sites in Local Plan policies ENV2 on Biodiversity – Designated Sites, Priority Habitats &amp; Species &amp; ENV3 on Biodiversity.</p>

<p><b>H3: Mix &amp; Size of New Housing</b></p>	<p>The requirement for development proposals for more than ten homes or a site area of more than 0.5 ha to deliver 40% affordable housing accords with Local Plan policy H9.</p> <p>The tenure mix of affordable homes required by policy H3 is also consistent with Local Plan policy H9 clause 2 iii) which stipulates that: <i>‘the Council will expect a tenure mix of 40% affordable rented, 35% social rented and 25% other affordable routes to home ownership.’</i></p>
<p><b>H4: Infill &amp; Self-build Dwellings</b></p>	<p>Policy H4, which supports the provision of infill and self-build dwellings, which reflects the scale and character of the village within the built-up area of Wheatley is consistent with Local Plan policy H16 which relates to Backland &amp; Infill Development &amp; Redevelopment, provided residential privacy is protected, adequate access provided &amp; the development would not extend the built limits of the settlement.</p> <p>It also accords with the support for Self-Build &amp; Custom Build Housing provided in Local Plan policy H12. However, policy H12 also states in clause 3) that: <i>‘Neighbourhood Development Plans should consider the local need for this type of development and where appropriate identify specific sites to allocate for self-build and custom-build housing.’</i> However, none have been identified in the Wheatley Neighbourhood Plan. South Oxfordshire District Council have indicated that with regard to their Self Build Register from December 2015 – October 2021 in only 2 instances has anyone enquired regarding self-build specifically in Wheatley. This data does not suggest that there is a sufficient level of interest in self-build in Wheatley that specific sites should be allocated for this purpose. However, given the general support provided by policy H4 self-build could potentially be provided as part of the development of other sites allocated for housing.</p> <p>The second part of policy H4 restricts those proposals for residential development outside of the built-up area of Wheatley to those that are appropriate for the countryside in general or the Green Belt in particular. This is consistent with Local Plan policy ENV1 on Landscape &amp; Countryside &amp; STRAT6 on the Green Belt.</p>

<p><b>P1: Parking Provision</b></p>	<p>Policy P1 requires new development proposals to provide off road parking to meet the County Council’s car parking standards &amp; seeks to promote innovative &amp; attractive approaches to parking provision which complement the character of the neighbourhood area &amp; reduces the environmental impact of parking by minimising the area of hard surfacing used. The policy particularly seeks to limit the use of tandem parking as both parking spaces are rarely used. This is consistent with Local Plan policy TRANS5 on the Consideration of Development Proposals which also requires provision in accordance with Oxfordshire County Council parking standards, while the requirement for them to be sensitively designed accords with the supporting text in paragraph 6.25 that <i>‘how parking provision is planned and delivered will need to take account of the urban design principles set out in Chapter 8 of the Plan.’</i> It also accords with clause xix) of Local Plan policy DES1 on Delivering High Quality Development which requires that all new development proposals must: <i>‘ensure a sufficient level of well-integrated and imaginative solutions for car and bicycle parking and external storage.’</i></p>
<p><b>T1: Impact of Development on the Road Network</b></p>	<p>Policy T1 seeks to maximise the use of sustainable modes of transport &amp; thereby minimise congestion &amp; impacts on air quality, including through the incorporation of electric car charging points. This is fully consistent with the approach in Local Plan policy TRANS2, which also requires the provision of facilities to support the take up of electric and/or low emission vehicles.</p>
<p><b>SCI1: Community Assets &amp; SCI2: Improvement to Community Assets</b></p>	<p>These policies seek to prevent the loss of community facilities and support their improvement, together with the provision of additional facilities. These are consistent with Local Plan policies CF1 on Safeguarding Community Facilities &amp; CF2 on Provision of Community Facilities &amp; Services. The criteria in policy SCI1 on the circumstances where the loss of community facilities can be justified closely follow those in Local Plan policy CF1</p>
<p><b>B1: Burial Provision</b></p>	<p>There is no policy in the Local Plan which directly relates to burial provision, but equally the WNP policy supporting the provision of a natural burial ground does not conflict with any policies in the Local Plan.</p>

<p><b>VCE1: Wheatley Village Centre</b></p>	<p>Policy VCE1 stipulates that proposals for new housing, retail, leisure &amp; office development in or adjacent to the village centre and which would maintain and where practicable improve its overall vitality and viability will be supported. This is consistent with Local Plan policy TC2 on the Town Centre Hierarchy which identifies Wheatley as a <i>'local centre,'</i> and supports the provision of <i>'small scale retail or leisure development that contributes to the vitality and viability of the villages whilst not undermining the retail roles of the towns.'</i></p>
<p><b>E1: Supporting Wheatley's Economy</b></p>	<p>Policy E1's positive approach to supporting Wheatley's Economy is consistent with the Local Plan employment policies EMP2 on the Range, Size &amp; Mix of Employment Premises; EMP3 on Retention of Employment Land and EMP10 on Development in Rural Areas. While Local Plan policy EMP1 on The Amount &amp; Distribution of New Employment Land does not allocate any specific sites for employment in Wheatley, the policy does not state that new employment will not be permitted in other locations. Also policy EMP2 states that: <i>'The Council will support proposals for premises suitable for small and medium sized businesses, including start-up/ incubator businesses (up to 150sqm) and grow-on space (up to 500sqm).'</i> As policy E1 relates to the area within the built-up area of Wheatley, any employment proposals are likely to be for small scale employment premises in compliance with this policy aspiration.</p>
<p><b>EN1: Biodiversity</b></p>	<p>Policy EN1 with its support for biodiversity net gain is consistent with Local Plan policy ENV3 on Biodiversity, which requires that <i>'all development should provide a net gain in biodiversity where possible.'</i></p>
<p><b>HE1: Historic Environment</b></p>	<p>Policy HE1 seeks to ensure appropriate protection for the designated and non-designated heritage assets in Wheatley in line with Government and local policy. Its scope extends to above and below ground, listed buildings, scheduled monuments &amp; conservation areas. It is consistent with Local Plan policies ENV6 on the Historic Environment, ENV7 on Listed Buildings, ENV8 on Conservation Area, ENV9 on Archaeology &amp; Scheduled Monuments &amp; ENV10 on Historic Battlefields, Registered Parks &amp; Gardens &amp; Historic Landscapes.</p>

<p><b>DQS1: Individual &amp; Community Energy Projects</b></p>	<p>Policy DQS1 states that <i>‘Individual and community renewable energy projects will be supported, provided they conform to good-quality existing design guidance provided by the South Oxfordshire Design Guide &amp; the Chilterns Building Design Guide and are appropriately located,’</i> which is in general conformity with the positive wording of Local Plan policy DES9 on Renewable &amp; Low Carbon Energy.</p>
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<p><b>SPOBU- WHE25: The Wheatley Campus of Oxford Brookes University</b></p>	<p>Policy SPOBU – WHE25 states in its opening statement that <i>‘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.’</i> This opening statement is consistent with Local Plan policy STRAT14, which allocates the Wheatley Campus for approximately 500 dwellings.</p> <p>The first of the development principles is that:</p> <ul style="list-style-type: none"> <li>• <i>‘the development is underpinned by a masterplan addressing infrastructure, access, landscaping, and recreation/open space issues’</i></li> </ul> <p>This is consistent with Local Plan policy STRAT14, which in clause 3) requires a <i>‘comprehensive masterplan’</i> for the Wheatley Campus. It is also consistent with STRAT4 on Strategic Development which specifies in clause 3 that: <i>‘Proposals must be accompanied by a comprehensive masterplan for the entire strategic allocation. This should demonstrate how new development will integrate with and complement its surroundings in an appropriate manner.’</i></p> <p>The second of the development principles is that:</p> <ul style="list-style-type: none"> <li>• <i>‘the layout, design and height of the new buildings take account of the openness of the Green Belt and as identified generally in national planning policy (NPPF 145g);’</i></li> </ul> <p>This is consistent with Local Plan policy STRAT6 on the Green Belt. Although policy STRAT14 has removed the Wheatley Campus from the Green Belt, the surrounding land is still in the Green Belt.</p> <p>The third development principle is that:</p> <ul style="list-style-type: none"> <li>• <i>‘the development should incorporate the provision of affordable housing to the most up-to-date standards of South Oxfordshire District Council;’</i></li> </ul> <p>This accords with Local Plan policy H9 on Affordable Housing.</p> <p>The fourth development principle is that:</p>
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	<ul style="list-style-type: none"> <li>• <i>'the development should incorporate robust measures to alleviate traffic noise from the A40 dual carriageway that lies along the site's southern boundary;'</i></li> </ul> <p>This accords with the supporting text to Local Plan policy STRAT14 which states in paragraph 3.127 that: <i>'The noise assessment required to support this proposal must pay careful attention to the relationship of the site to the A40 and the impact of noise on the southern area of the site, and appropriate mitigation must be incorporated within the proposal.'</i></p> <p>The fifth development principle is that:</p> <ul style="list-style-type: none"> <li>• <i>'the development should incorporate high quality public realm and open space'</i></li> </ul> <p>This accords with the requirement of clause xiv) of policy DES1 on Delivering High Quality Development that all development must be of a high quality design that: <i>'secures a high quality public realm that is interesting and aesthetically pleasing; and designed to support an active life for everyone with well managed and maintained public areas;'</i></p> <p>The sixth development principle is that:</p> <ul style="list-style-type: none"> <li>• <i>The development should address opportunities to incorporate safe, convenient and attractive pedestrian and cycling access to and from Wheatley</i></li> </ul> <p>This accords with the statement in paragraph 3.122 of the Local Plan that: <i>'The A40 is a potential barrier to movement by sustainable modes; there will be a need for good cycle and walking links to the village centre and primary school to encourage active and healthy travel,'</i> and the requirement in accompanying Local Plan policy STRAT14 that: <i>'Proposals to develop land at Wheatley Campus will be expected to deliver:.....iv all necessary transport infrastructure including: a. Improvements to cycling and walking provision..'</i> It also accords with the requirement of clause 6. iii of Local Plan policy STRAT4 that each development will be expected to provide: <i>'appropriate vehicular, cycle and pedestrian</i></p>
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	<i>access including safe and attractive connections with nearby communities and employment areas.'</i>
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<p><b>GBBA1: Green Belt Boundary Amendments</b></p>	<p>This policy is entitled Green Belt Boundary Amendments. It relates to an area of land at the eastern end of the village which this policy is proposing to take out of the Green Belt. The land is located between the London Road and Roman Road and a substantial proportion is already previously developed land.</p> <p>The Local Plan policy which provides the justification for this proposed amendment to the Green Belt boundary is contained in clause 3 of Local Plan policy STRAT6 which states that: <i>‘Detailed amendments to the Green Belt made by the Wheatley Neighbourhood Development Plan must be in compliance with the requirements of the NPPF and the need identified within the Local Plan.’</i></p> <p>Further support is provided in a section of the Local Plan relating to the Wheatley Neighbourhood Development Plan. This states in paragraph 3.118 that: <i>‘The Council is committed to supporting Wheatley and their ambitions for their Neighbourhood Development Plan. Within two years of the adoption of the Local Plan, the Wheatley Neighbourhood Plan will release land from the Green Belt, to enable the allocation of land for mixed use development.’</i></p> <p>The detailed justification is provided in paragraph 3.119, which states: <i>‘The inset boundary at Wheatley is drawn tightly around the built edge of development. There are limited opportunities to redevelop existing land within the inset boundary and the removal of Green Belt would enable new development to take place at this village. The Green Belt Study found that the land immediately adjacent to the eastern built up edge of Wheatley has few essential characteristics of the Green Belt.’</i></p> <p>Paragraph 3.120 sets out the exceptional circumstances for the Wheatley Neighbourhood Plan to release land from the Green Belt which are:</p> <ul style="list-style-type: none"> <li>• <i>‘to support the Neighbourhood Development Plan and to ensure that future allocations can be made through the NDP;</i></li> <li>• <i>Wheatley is a Larger Village and benefits from a number of services and facilities and represents an appropriate location for accommodating additional development; and</i></li> </ul>
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	<p>• <i>the location of this land is recognised to be positioned between existing residential development to the west and industrial buildings to the east and has limited essential characteristics of the Green Belt.</i></p> <p>As the area proposed to be excluded from the Green Belt under policy GBBAL is limited, making little contribution to the purposes of the Green Belt and accords with the provision for this amendment to be made in Local Plan policy STRAT6, it accords with strategic Local Plan policy.</p>
<p><b>Wheatley Village Enhancement</b></p>	<p>The WNP has allocated four sites to deliver village enhancement with the intended benefits being to provide housing to meet bespoke local needs; improve connectivity through the village, rationalize light industry &amp; provide opportunities for employment. Below is an analysis of each of the individual sites against strategic policy.</p>

<p><b>Policy SPES1: WHE16, The Bungalows' Site</b></p>	<p>The supporting text in the WNP states that an area of light industry has developed at the east end of the village, which has had benefits in terms of employment, but has resulted in a small community of six bungalows becoming isolated, serviced only by an unadopted road &amp; located close to the sewage works. The land to the rear of the bungalows is used daily for ad hoc parking for 30+ cars by local businesses.</p> <p>It is proposed to provide an improved access to the existing site &amp; also provide a much needed improved green space to enhance the frontage of the bungalows. Land to the south of the bungalows is proposed for up to 10 dwellings (corresponding to a density of approximately 45 dwellings/ha), while the land further south &amp; adjacent to the industrial estate access road is proposed for the delivery of public parking for adjacent business that currently use the site for ad hoc parking.</p> <p>This policy accords with Local Plan DES7 on the Efficient Use of Resources which states that: <i>'New development is required to make provision for the effective use and protection of natural resources where applicable, including: i) the efficient use of land, with densities in accordance with Policy STRAT5 Residential Densities. Proposals which seek to deliver higher quality and higher density development which minimises land take will be encouraged.'</i> It also complies with the requirements of Local Plan policy DES1 on Delivering High Quality Development, which sets out a number of policy aspirations that are relevant to this policy including: <i>'xiv) secures a high quality public realm that is: interesting and aesthetically pleasing; and designed to support an active life for everyone with well managed and maintained public areas;</i></p> <p><i>xvii) understands and addresses the needs of all potential users by ensuring that buildings and their surroundings can be accessed and used by everyone; and</i></p> <p><i>xix) ensures a sufficient level of well-integrated and imaginative solutions for car and bicycle parking and external storage.'</i></p> <p>Table 4f in the Local Plan indicates that there is no requirement for any land in Wheatley to be allocated for housing. However, Clause 3 iii) in Local Plan policy H1 on Delivering New Homes defines one of the locations where housing will be permitted is <i>'within the existing built-up areas of Towns and Larger Villages as defined in the settlement hierarchy (shown in Appendix 7); provided an important open space of public, environmental,</i></p>
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	<p><i>historical or ecological value is not lost, nor an important public view harmed.'</i></p> <p>As Wheatley is a larger village and this site does not provide open space of public, environmental or historical value it is policy compliant in this respect.</p> <p>As much of the site is previously developed land the proposed allocation is also consistent with clause 4 of Local Plan policy H1, which states that: <i>'The residential development of previously developed land will be permitted within and adjacent to the existing built-up areas of Towns, Larger Villages and Smaller Villages. The Council will also support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.'</i></p>
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<p><b>Policy SPES2: WHE22 The Littleworth Industrial Area</b></p>	<p>This policy relates to the comprehensive redevelopment of the Littleworth Road Industrial Area for residential purposes. The WNP states in paragraph 12.9 that: <i>'The site comprises a small industrial/commercial area based on several buildings standing on plots with multiple ownerships. Many of the buildings are over 50 years old and are in need of major refurbishment and regeneration. The front of the site is used for parking, in a rather uncontrolled manner, by the business employees and also by the neighbouring residents most of whom have no access to a garage or alternative off-street parking. The rear of the site rises fairly steeply through well vegetated land up to a Site of Special Scientific Interest (SSSI).'</i></p> <p>Local Plan Policy EMP3 relates to the Retention of Employment Land and normally seeks their retention stating that: <i>'Proposals for the redevelopment or change of use of employment land to non-employment uses will only be permitted if:</i></p> <ul style="list-style-type: none"> <li><i>i) the applicants can demonstrate that any employment use is no longer viable; or</i></li> <li><i>ii) it is evidenced that there is no market interest in the site following one year of active and effective marketing; or</i></li> <li><i>iii) the development would bring about significant improvements to the living conditions of nearby residents, or to the environment. In assessing this, the Council will consider whether there is a realistic prospect of mitigating the detrimental effects of continuing employment use'</i></li> </ul> <p>In this clause iii is particularly applicable because as stated in paragraph 12.11 a change of use from industrial to residential would end the need for commercial vehicles to negotiate the narrow and winding roads in Littleworth. It would also significantly improve the environment given the age of the current buildings and their need for regeneration. In addition, the policy has been specifically worded to state that its redevelopment <i>'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,'</i> which also provides consistency with causes i &amp; ii of Local Plan policy EMP3.</p>
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	<p>With regard to residential and urban design the same comments apply as for Policy SPES1: WHE16, The Bungalows' Site.</p> <p>One additional consideration with regard to policy SPES2: WHE22 is that part of it immediately adjoins the Littleworth Brick Pit SSSI (a geological SSSI which affords an unrivalled section for the study of Kimmeridgian strata and their faunas in the south Midlands). However, the policy acknowledges this and states in clause g. that: <i>'The development of the site should be arranged so that there is no adverse effect on the integrity of the Littleworth Brick Pit SSSI.'</i> It is therefore considered that with this clause the policy is compliant with Local Plan policy ENV2 on Biodiversity – Designated Sites, Priority Habitats &amp; Species, which states that: <i>'Sites of Special Scientific Interest (SSSI) are of national importance. Development that is likely to have an adverse effect on a SSSI (either on its own or in combination with other developments) will only be permitted in exceptional circumstances, where it can be demonstrated that the benefits of the development in the location proposed clearly outweigh any harm to the special interest features and the SSSI's contribution to the local ecological network. In such circumstances, measures should be provided (and secured through planning conditions or legal agreements) that would mitigate or, as a last resort, compensate for the adverse effects resulting from development.'</i></p> <p>Prior to any development proposals being brought forward it will therefore be important that consultation takes place with Natural England to ascertain what the potential impact on the geological features of the SSSI or any associated habitats might be, so that account can be taken of this in developing development proposals for the site and ensuring that any adverse effects are either avoided or adequately mitigated so that there are no adverse effects on the SSSI.</p>
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<p><b>Policy SPES3: WHE15 Miss Tomb's Field</b></p>	<p>This site is described in the Wheatley Neighbourhood Plan as consisting <i>'of a single field of irregular shape.'</i> The field is located at the eastern end of the village of Wheatley and is located between the settlement boundary and the industrial buildings to the east. The land is described in paragraph 12.9 of the WNP as being <i>'visually important, particularly when approaching the village from the east and is desirable and much needed, albeit informal, green space within the parish boundary.'</i> Notwithstanding this assessment it is allocated for:</p> <ul style="list-style-type: none"> <li>a. An area of approximately 1.7 ha of commercial buildings to accommodate the businesses relocated from Littleworth Industrial Estate &amp; for any other businesses or new ventures;</li> <li>b. An area of approximately 1.7 ha available for appropriate residential accommodation for 55 houses;</li> </ul> <p>and under clause f. Recreational space of approximately 1.7 ha</p> <p>In this respect the site which was formerly pastureland has not been used for agriculture for some time, and has reverted to rough grassland with young trees/shrubs and footpaths on it. This potentially could result in conflict with Local Plan policies on biodiversity, green infrastructure, open space &amp; landscape &amp; the countryside.</p> <p>With respect to biodiversity policy ENV2 states that <i>'Development likely to result either directly or indirectly to the loss, deterioration or harm to ..Priority Habitats &amp; Species; Legally Protected Species ....will only be permitted if:</i></p> <ul style="list-style-type: none"> <li><i>i) the need for, and benefits of the development in the proposed location outweigh the adverse effect on the interests;</i></li> <li><i>ii) it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the interests; and</i></li> <li><i>iii) measures will be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate or as a last resort, compensate for the adverse effects resulting from development.'</i></li> </ul> <p>The site provides suitable habitat for slow worm which are a priority species and the WNP acknowledges in paragraph 12.9 that there is some evidence for them being present on the site. It will</p>
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	<p>therefore be important that prior to an application being made a reptile survey is undertaken determining the extent to which slow worms and potentially other reptiles make use of the site and devising a strategy to ensure that development would not detrimentally affect them.</p> <p>Local Plan policy ENV3 relates to biodiversity more generally. It states that:</p> <p><i>‘1. Development that will conserve, restore and enhance biodiversity in the district will be supported. All development should provide a net gain in biodiversity where possible. As a minimum, there should be no net loss of biodiversity. All proposals should be supported by evidence to demonstrate a biodiversity net gain using a recognised biodiversity accounting metric</i></p> <p><i>2. Development proposals which would result in a net loss of biodiversity will only be considered if it can be demonstrated that alternatives which avoid impacts on biodiversity have been fully explored in accordance with the mitigation hierarchy*. In the absence of alternative sites or layouts, development proposals must include adequate mitigation measures to achieve a net gain of biodiversity. Where harm cannot be prevented or adequately mitigated, appropriate compensation measures will be sought, as a last resort, through planning conditions or planning obligations (depending on the circumstances of each application) to offset the loss by contributing to appropriate biodiversity projects to achieve an overall net gain for biodiversity.</i></p> <p><i>3. Planning permission will only be granted if impacts on biodiversity can be avoided, mitigated or, as a last resort, compensated fully.’</i></p> <p>Demonstrating a net gain in biodiversity where the site currently entirely consists of regenerating natural habitat and replacing it with residential; commercial and perhaps more formal recreation space, as policy SPE3: WHE15 makes reference to the creation of a games area adjacent to Elton Crescent, is likely to make achieving a biodiversity net gain difficult to achieve, especially as under Schedule 7a to the Environment Act 2021 this net gain must amount to at least 10%. However, this will essentially be a matter for the forthcoming planning application to address and could potentially be provided off-site. Policy SPE3: WHE15 highlights the importance of housing, commercial and recreational development on the site having regard</p>
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	<p>to the Environment Act 2021 and Local Plan policies ENV2 and ENV3 in clause c. It is considered therefore that the WNP therefore makes it clear what the requirements of future development proposals at the site will need to do in order to comply with strategic and legal requirements on biodiversity.</p> <p>The site would also appear to be already used to some extent for informal recreation as there are footpaths across it. Indeed, the WNP states in paragraph 12.13 that the land <i>'is a desirable and much needed, albeit informal, green space within the parish boundary.'</i> Paragraph 12.14 also states that <i>'Figure 4.15 already shows the lack of recreational space within the settlement,'</i> and Figure 4.15 shows that most of the open space that does exist is in the central and western parts of the village. There is very little open space in the vicinity of SPE3: WHE15 at the eastern end of the village. Local Plan policy CF4 on Existing Open Space, Sport &amp; Recreation Facilities states that: <i>'The Council will seek to protect, maintain and where possible enhance existing open space, sport and recreation, play facilities and land including playing fields to ensure their continued contribution to the health and well-being of visitors and residents. Development proposals that result in the loss of such facilities will only be permitted where:</i></p> <ul style="list-style-type: none"> <li><i>i) it can be demonstrated that alternative facilities of equal or better quality will be provided in an equally accessible location as part of the development;</i></li> <li><i>ii) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss; or</i></li> <li><i>iii) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.'</i></li> </ul> <p>Given that the WNP acknowledges that this site has some recreational value, there is a potential conflict with this policy. However, it is understood that the current recreational use of the site is unauthorized as the field is essentially private land, so the recreational use currently made is essentially trespass. Policy SPES3: WHE15 also proposes that 1.7 ha is used as public open space, which will therefore increase the amount of land where authorized recreational activities can take place. Given this situation it is considered that there is not a conflict with Local Plan policy CF4.</p>
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	<p>Another potential conflict is with Local Plan policy ENV1 on Landscape &amp; the Countryside which states that: <i>'South Oxfordshire's landscape, countryside and rural areas will be protected against harmful development. Development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes, in particular: i) trees (including individual trees, groups of trees and woodlands), hedgerows and field boundaries,... v) the landscape setting of settlements.'</i> In this respect the site is well screened by mature trees on all boundaries, so providing this vegetation is retained development would be well screened. The trees within the site are shrubs and young saplings and so development would not involve the loss of mature trees. Providing the development is sensitively landscaped and the boundary trees retained the site could therefore accommodate development without having a detrimental impact on South Oxfordshire's landscape.</p> <p>The environmental constraints outlined above suggests that there could also be a potential conflict with Local Plan policy H1 which states in clause 3 iii) that: <i>'Residential development on sites not allocated in the Development Plan will only be permitted where iii) it is development within the existing built-up areas of Towns and Larger Villages as defined in the settlement hierarchy (shown in Appendix 7); provided an important open space of public, environmental, historical or ecological value is not lost, nor an important public view harmed.'</i> However, once allocated In the WNP the site will be an allocated site. Also given that there is existing residential and commercial development both to the east and west and a road to the north, it is considered that the site does effectively comprise land within the existing built-up area and provided careful regard is given to the environmental factors relating to the site avoiding development on any areas identified as having particular landscape or biodiversity importance, development could take place without conflict with policy H1.</p> <p>In summary it is appreciated that owing to the tight Green Belt boundary, sites suitable for development are in short supply in Wheatley and that this provides justification for the allocation of this environmentally sensitive site. However, it will be important that relevant supporting studies are undertaken and that development of the site is</p>
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	carefully designed to comply with the environmental policies of both the WNP and the Local Plan
<b>Policy SPES4: WHE17: Mobb's Land</b>	This is a southern extension of the land covered by policy SPES3 WHE15 and is still in use as an agricultural field, and therefore does not have any trees and shrubs growing on it. It is therefore considered that the potential policy conflicts identified for Policy SPES3: WHE15 do not apply to this land and therefore it does not conflict with any Local Plan policies.

<p><b>SPGR: Green Route</b></p>	<p>This policy which seeks to secure the provision of a Green Route through Wheatley stretching from Littleworth in the west to the Asda supermarket in the east. The justification for creating this Green Route is set out in paragraph 12.13 which states that: <i>‘in and around the centre of the village and the conservation area the roads are narrow, uneven and suffer from a lack of pavements in some stretches making them not particularly suitable for push-chairs and the various classes of wheel-chair. There are also some road junctions (eg crossroad at Holloway and the High Street) that present difficulties for those using push-chairs and wheel-chairs. The WNP would like to promote safe and easy access through the village for the residents of Wheatley and Holton, in particular the young and the elderly, enabling them to access the shops, the primary school and the surrounding recreational areas.’</i> The existing route and the missing green links that need to be created are indicated on Figure 12.6 and development proposals offer the potential to deliver some parts of this route.</p> <p>Improving pedestrian and cycle routes is a key policy aspiration of the Local Plan &amp; policy SPGR is therefore compliant with a number of Local Plan policies, including Policy ENV5 on Green Infrastructure in New Developments; clause iii) of TRANS2 on Promoting Sustainable Transport &amp; Accessibility, which states that the Council will: <i>‘ensure new development is designed to encourage walking and cycling, not only within the development, but also to nearby facilities, employment and public transport hubs;’</i> clauses ii) &amp; iv) of policy TRANS5 Consideration of Development Proposals which states that proposals for all types of development will, where appropriate: <i>‘provide safe and convenient routes for cyclists and pedestrians, both within the development, and including links to rights of way and other off-site walking and cycling routes where relevant,’</i> &amp; <i>‘be designed to facilitate access to high quality public transport routes, including safe walking routes to nearby bus stops or new bus stops;’</i> and clause xi) of policy DES1 on Delivering High Quality Development, which states that all new development must be high quality design that: <i>‘provides access to local services and facilities and, where needed, incorporates mixed uses, facilities and co-locates services as appropriate with good access to public transport;’</i> fully complies with Local Plan policy CS11 which stipulates that new</p>
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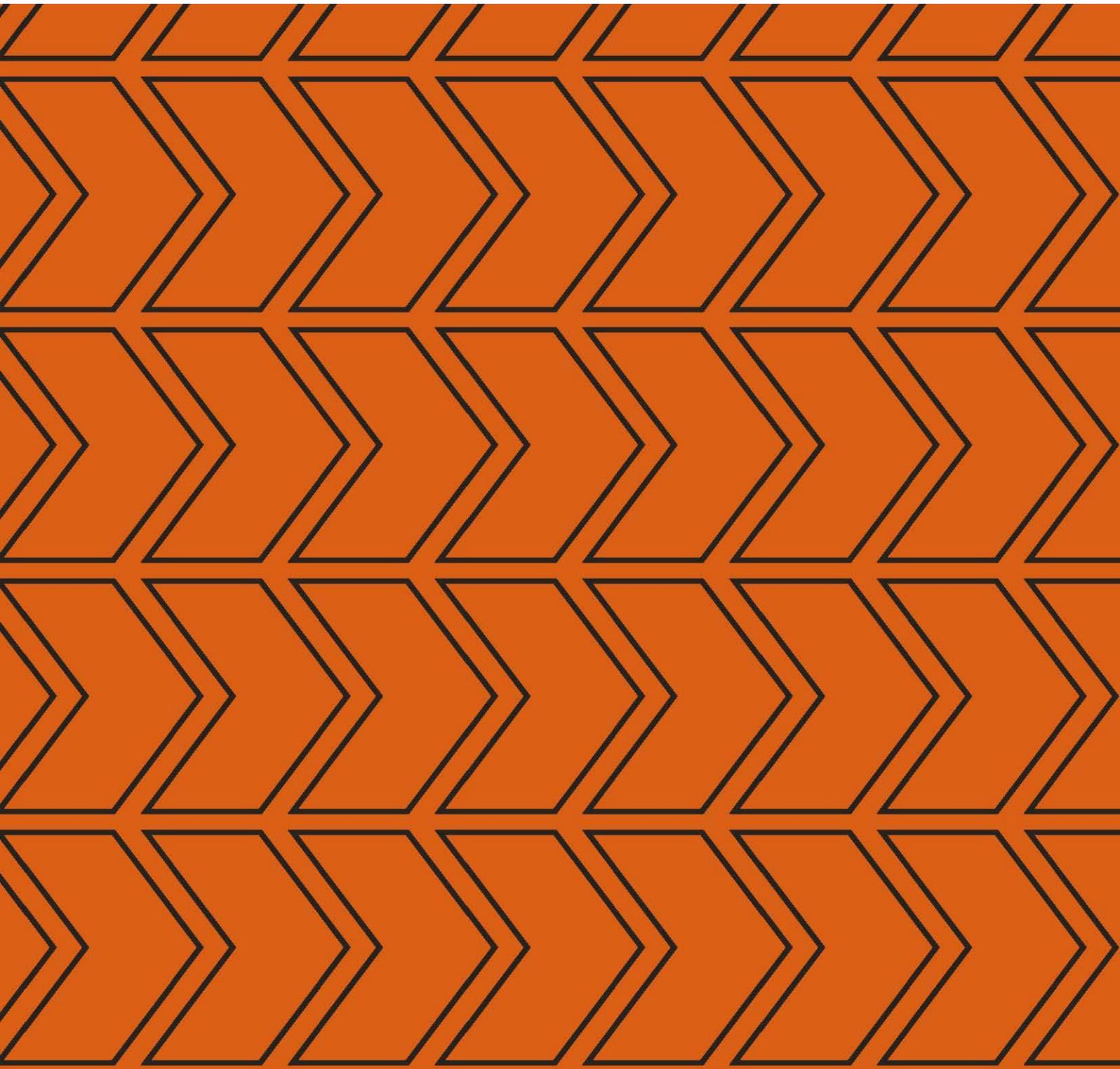
	development must be supported by appropriate on and off-site infrastructure. It also accords with policy CSM1 on transport, which encourages the use of sustainable modes of transport.
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## **6 CONCLUSION**

- 6.1** All of the policies in the WNP are therefore in general conformity with the strategic policies of the Development Plan, which currently (August 2022) consists of the South Oxfordshire Local Plan 2011 - 2035 (adopted December 2020). The WNP also accords with national policies and guidance and promotes sustainable development.

## 7 COMPLIANCE WITH EU OBLIGATIONS

- 7.1 A Strategic Environmental Assessment (SEA) has been undertaken which complies with the requirements of the Strategic Environmental Assessment Directive (EU Directive 2001/42/EC). The SEA (June 2022) and which was undertaken by AECOM forms Appendix 5 to the reviewed Wheatley Neighbourhood Plan. Appendix 1 of the SEA sets out the Regulation Requirements and Table AI.3 of this appendix sets out how and where each requirement is met in the SEA.
- 7.2 The WNP is fully compatible with the European Convention on Human Rights and complies with the Human Rights Act 1988. 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, as set out in the Consultation Statement, which forms Appendix 7 of the WNP
- 7.3 With regard to the possible impact on sites designated for their biodiversity interest under the European Habitats Directive (92/43/EEC), South Oxfordshire District Council has confirmed that Wheatley and Holton Parish Council has provided it with all the necessary information they reasonably require for the purpose of determining whether an Appropriate Assessment is needed or to carry out the Appropriate Assessment should this be necessary.
- 7.4 South Oxfordshire District Council will produce an updated Habitat Regulation Assessment Screening Statement that will accompany the submission of the reviewed Wheatley Neighbourhood Plan.



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