

21 March 2023

Wheatley Neighbourhood Development Plan Review – Modification Statement

Under Regulation 17(e)(ii) of the Neighbourhood Planning (General) Regulations 2012 (as amended), the local authority must submit to the examiner a statement setting out whether or not the authority consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the authority is of this opinion.

A decision was made to progress the Wheatley Neighbourhood Development Plan (NDP) to referendum on 2 April 2020. However, as a result of the COVID- 19 pandemic, the referendum was postponed via provisions outlined in the Coronavirus Act 2020 until May of 2021. Following this referendum, the NDP was made as part of the district council's development plan on 20 May 2021. During the time between the decision to progress the NDP to referendum in April 2020 and the NDP being made in May 2021, the South Oxfordshire Local Plan 2035 was adopted in December 2020. Since the Wheatley NDP was made the National Planning Policy Framework (NPPF) has also been updated, with the latest revision dated 20 July 2021.

The South Oxfordshire Local Plan 2035 set out special circumstances for the Wheatley NDP to amend the Green Belt Boundary. Paragraph 3 of Policy STRAT6 states:

- 3. 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.*

The Wheatley NDP Review is seeking to respond to these local and national planning policy changes. The following policy changes have been made:

- Policy H1 – New link to Wheatley design guidance and codes.
- Policy H3 – Amended housing mix policy.
- Policy H4 – New link to Wheatley design guidance and codes.
- Policy P1 – Amended parking policy.
- Policy HE1 – Amended historic environment policy.
- Policy SPOBU – Amended policy on OBU site.
- Policy GBBA1 – New policy on Green Belt Boundary amendments.
- Policy SPES1 – New site allocation policy.
- Policy SPES3 – New site allocation policy.
- Policy SPES4 – New site allocation policy.

The most significant modifications relate to the introduction of policy on amending the Green Belt Boundary and three new site allocations of sites WHE16, WHE15 and WHE17.

The Planning Practice Guidance sets out the types of modifications which can be made to the neighbourhood plan. These are:

- *Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.*
- *Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.*
- *Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.*

The council consider the proposed modifications materially affect the policies in the plan. The submitted review of the Plan is responding to the South Oxfordshire Local Plan 2035, whereas the 'made' Plan responds to the South Oxfordshire Core Strategy. As highlighted earlier, the review plan proposes to increase the amount of housing and commercial sites proposed through new site allocations, which combined deliver an additional 65 dwellings, and to amend the Green Belt Boundary in order to deliver these.

The council considers that in the context of Wheatley these modifications amount to allocating significant new sites for development. Therefore, we consider that the significance or substance of the modifications proposed is such that it changes the nature of the plan and requires both an examination and a referendum.