

# **Wheatley Neighbourhood Development Plan Review 2019-2035**

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

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## **Executive Summary**

- 1 I was appointed by South Oxfordshire District Council in March 2023 to carry out the independent examination of the review of the Wheatley Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 25 March 2023.
- 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 releasing land from the Green Belt and allocating land for housing and mixed development.
- 4 The Plan has been underpinned by community support and engagement. 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 Review meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**21 August 2023**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the review of the Wheatley Neighbourhood Development Plan 2019-2035 (the Plan).
- 1.2 The Plan has been submitted to South Oxfordshire District Council (SODC) by Wheatley Parish Council (WPC) 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). 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 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. It can include whatever range of policies it sees as appropriate to its designated neighbourhood area. In this case, the Plan is a review of the 'made' Plan. It has been designed to be distinctive in general terms, and to be complementary to the development plan. The Plan has a very clear focus on allocating land for new development in the broader context of proposed revisions to the boundary of the 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 replace the existing 'made' Plan and be used to determine planning applications within the neighbourhood area. As such it will form 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 WPC, to conduct the examination of the Plan and to prepare this report. I am independent of both the SODC and WPC. 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 and more recently as an examiner of neighbourhood plans. 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 There are a variety of ways in which a review of a neighbourhood plan can be examined. In this case it is accepted by all concerned that the Plan needs both examination and a referendum.
- 2.5 In this context, as the independent examiner I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed 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.

### *Other examination matters*

- 2.6 In examining the Plan I am also 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 the points have been met subject to the contents of this report.

### 3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan.
  - the Basic Conditions Statement.
  - the Consultation Statement.
  - the SEA/HRA Screening Report.
  - the District Council's Modification Statement.
  - the various appendices including the SEA Environmental report (Appendix 5).
  - the representations made to the Plan (including the supplementary comments).
  - WPC's responses to the two clarification notes.
  - the South Oxfordshire Local Plan 2035.
  - The Green Belt Study (2015).
  - the National Planning Policy Framework (July 2021).
  - Planning Practice Guidance.
  - relevant Ministerial Statements.
- 3.2 The various documents are helpfully available on the District Council's web site. Wherever possible, I will refer to the document concerned for the purposes of keeping this report as concise as possible.
- 3.3 I visited the neighbourhood area on 25 March 2023. 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 5.15 of this report.
- 3.4 Both WPC and SODC have concluded that the review of the Plan proposes material modifications which change the nature of the Plan would therefore require examination and a referendum. I concur with this assessment and have examined the Plan on that basis.
- 3.5 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 was satisfied that the Plan could be examined without the need for a public hearing. The extensive nature of the representations and WPC's response to the two clarification notes helped me considerably in reaching this conclusion.

## 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, WPC has prepared a Consultation Statement. It reflects the neighbourhood area and the policies in the Plan in a distinctive way. It comments on the specific circumstances that have generated the community's desire to review the existing 'made' Plan.
- 4.3 The Statement details the activities that were held to engage the local community during the initial stages of the plan review process. They also provide specific details on the consultation process that took place on the pre-submission version of the review of the Plan (June to July 2022).
- 4.4 The Statement sets out details of the community engagement that took place as the Plan was being prepared. It included the circulation of information about the Plan in the Wheatley News.
- 4.5 Section 4 of the Statement comments about the responses received to the pre-submission version of the Plan and how WPC responded to those comments. This helps to explain the evolution of the review of the Plan.

### *Consultation Feedback*

- 4.6 Consultation on the Plan was undertaken by SODC that ended on 2 March 2023. This exercise generated representations from the following organisations:
  - Sport England
  - Matthew May
  - South Oxfordshire District Council
  - National Grid
  - SSE
  - Manor Projects
  - Coal Authority
  - Historic England
  - Natural England
  - Thames Water
  - Taylor Wimpey
  - Oxford Brookes University
  - Ptarmigan Land Limited
  - Oxfordshire County Council

- 4.7 I have taken all the comments into account in preparing this report. Where appropriate, I refer to specific representations in my commentary on the relevant policies in the Plan.

## 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. Most 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 Part of the Oxford Brookes University Wheatley campus is in the neighbourhood area to the immediate north of the A40. The neighbourhood area cuts across the campus separating its 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 the eastern edge of the neighbourhood area. In overall terms the designated neighbourhood area presents an interesting context in which to produce and review a neighbourhood plan.

### *Development Plan Context*

- 5.4 The South Oxfordshire Local Plan was adopted in December 2020. It sets out the basis for future development in South Oxfordshire up to 2035. The adoption of that Plan has stimulated WPC's desire to review the 'made' Plan.
- 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 Local Plan's settlement hierarchy (Policy STRAT1 and Appendix 7). Paragraph 4.25 of the Local Plan provides the context for Wheatley and comments that 'where are strategic allocations at Berinsfield, Chalgrove and Wheatley, and it is not expected that each of these villages would deliver additional growth over and above what is already planned for these strategic allocations. In addition, potential development in Berinsfield and Wheatley is restricted by the Green Belt. However, the Council does not want to suppress the appetite and hard work of



the Neighbourhood Development Plan groups in these communities and the Council will continue to support appropriate proposals made through a robust and evidenced (neighbourhood plan).’

5.7 Policy STRAT14 of the Plan identifies 22 ha of land at the Wheatley Campus of the Oxford Brookes University as one of a series of strategic sites in the District. It is anticipated to deliver 500 homes. The policy sets out a series of detailed criteria for the development of the site.

5.8 Paragraph 3.37 comments that the Local Plan:

*‘has made alterations to the Green Belt to accommodate our strategic allocations at Culham, Berinsfield, Grenoble Road, Northfield, Land North of Bayswater Brook and Wheatley. These alterations are shown at Appendix 4. The individual sections within the Plan which are relevant to each of these strategic allocations, provide specific detail on the approach for its release and mitigation. The policy requires compensatory measures to be delivered to remediate for the removal of land from the Green Belt. This is required by the National Planning Policy Framework at paragraph 138. Each relevant strategic allocation policy where Green Belt has been altered sets out requirements for the site and some of these measures could be considered as compensatory measures. Evidence on landscape, biodiversity or recreational needs with site specific recommendations and opportunities will also provide recommendations for enhancements that would deliver compensatory improvements on remaining Green Belt. The compensatory gain would be expected to be demonstrated through the individual site masterplans and secured through developer contributions if these enhancements are outside of the red line boundary of a planning application.’*

#### *Visit to the Neighbourhood Area*

5.9 I visited the neighbourhood area on 25 March 2023. I approached from the M40 to the east. This gave the opportunity to see the neighbourhood area within its wider context and its accessibility to the strategic road network.

5.10 I looked initially at the retail and commercial uses at the eastern edge of Wheatley. I saw the significance of the Asda store and the Travelodge/Harvester restaurant. I also saw the scale of the surrounding commercial uses

5.11 I then looked at the three proposed allocation sites in this part of the village. I looked at their positions in relation to existing land uses and the impact of their release from the Green Belt.

5.12 I then took the opportunity to look at the Wheatley Campus of the Oxford Brookes University. I saw the way in which the site was separated from the main village by the A40.

5.13 I then looked at the Village Centre. I saw its interesting range of uses and the variety of character buildings.

- 5.14 I walked up Littleworth Road to the Industrial Area. I saw the range of businesses in this part of the neighbourhood area. In doing so I saw the scale and obvious importance of the Primary School.
- 5.15 I left the neighbourhood area by driving along Park Hill onto the A40 towards Oxford. This helped me to understand the proximity of the neighbourhood area to Oxford.

## 6 The Neighbourhood Plan as a whole

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 Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

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) obligations and European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

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

### *National Planning Policies and Guidance*

6.4 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 July 2021. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are particularly relevant to the Wheatley Neighbourhood Plan Review:

- a plan-led system – in this case the relationship between the neighbourhood plan and the adopted South Oxfordshire Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of 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.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 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 and refreshes the made Plan. It proposes the release of land from the Green Belt and associated residential and mixed development allocations. It also includes a series of policies that address a range of environmental and economic matters. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 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 (paragraph 16d). This is reinforced in Planning Practice. Paragraph ID: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.
- 6.10 As submitted, the Plan does not fully accord with this range of practical issues. Most of the 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*

- 6.11 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. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for new residential and commercial development (Policies SPE1/3/4) and for the village centre (Policies VCE1). In the social role, it includes policies on community assets (Policies SC1 and 2) and on a green route (Policy SPGR). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on biodiversity (Policy EN1) and the historic environment (Policy HE1). This assessment overlaps with WPC's comments on this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.12 I have already commented in detail on the development plan context in South Oxfordshire in paragraphs 5.4 to 5.8 of this report.

- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to the policies in the development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

*Strategic Environmental Assessment*

- 6.14 The Neighbourhood Plan (General) (Amendment) 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.
- 6.15 In order to satisfy the regulations, SODC prepared a screening statement for the Plan (May 2022). It is a well-designed and comprehensive document. Based on the assessment undertaken it concludes that the Wheatley NDP Review is likely to have a significant effect on the environment and requires a Strategic Environment Assessment (SEA).
- 6.16 WPC commissioned AECOM to prepare the necessary SEA. The Environment Report (ER) (June 2022) comments both about the general effects of the Plan against a series of environmental factors and the process which was followed to advise on the selection development sites. On the former, Section 10 summarises its findings as follows:

*'Significant positive effects are anticipated in relation to the community and wellbeing SEA theme as a result of the delivery of employment development alongside housing growth and buffer provided to better secure housing delivery. The potential for improved connectivity throughout the village via a green route also has the potential to deliver significant positive effects supporting wider health, community, accessibility, biodiversity, landscape, and active travel objectives.*

*Minor positive effects are therefore predicted for the WNPR in relation to transportation, delivering coordinated development that is well connected, addressing parking and congestion issues where possible, and supporting a modal shift.*

*Uncertain minor positive effects are predicted on landscape and historic environment given the unconstrained nature of Village Enhancement Sites and limited contribution of sites to the Green Belt. Furthermore, opportunities exist in terms of enhancement of assets and the wider public realm, however there is a level of uncertainty at this stage.*

*Minor negative effects are anticipated in relation to land and soil resources, given an element of greenfield (and potential high-quality agricultural land) development. However, it is recognised that this is largely reflective of a lack of suitable alternative and available brownfield sites.*

*Neutral effects are concluded in relation to climate change and biodiversity, predominantly reflecting the potential for connected and resilient development, and the low level of growth proposed. However potential opportunities surrounding biodiversity net-gain requirements could lead to minor positive effects in the longer term, and therefore a level of uncertainty has been concluded at this stage. Broadly neutral*

*effects are concluded in relation to water resources and air quality, with no significant deviation from the baseline anticipated.'*

- 6.17 Section 5 and 6 of the ER comments about the reasonable alternatives and the way in which the three site allocations in the Plan were selected. I will address the findings of the ER in greater detail in Section 7 of this report in the section which relates to the proposed package of site allocations.
- 6.18 In the round, I am satisfied that the ER is fit for purposes and meets the basic conditions. I am also satisfied about the way in which it conforms with the Practical Guide to the Strategic Environmental Assessment Directive (Office of the Deputy Prime Minister 2005).

#### *Habitat Regulations*

- 6.19 SODC also prepared a Habitats Regulations Assessment (HRA) screening opinion of the Plan in May 2022. It assesses the likely effects of the implementation of the Plan on the Oxford Meadows SAC, the Cothill Fens SAC, the Chilterns Beechwoods SAC, and the Aston Rowant SAC. 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 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.
- 6.20 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.

#### *Human Rights*

- 6.21 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. In addition, 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. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

#### *Summary*

- 6.22 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.

## 7 The Neighbourhood Plan Policies

- 7.1 This section of the report comments on the policies in the Plan. 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 neighbourhood area. The wider community and WPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. The community has successfully marshalled the required capacity to prepare a review of its 'made' neighbourhood plan to reflect the changing circumstances brought about by the adoption of an updated Local Plan context. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20190509) 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 the policies in the Plan.
- 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 1-6)*

- 7.8 The Plan is well-organised. It includes effective maps and photographs that give real depth and purpose to the Plan. The Plan 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 if it is eventually made. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies.
- 7.9 The Introduction comments about the wider national agenda on neighbourhood planning and how it has been developed in the neighbourhood area. It makes a concise summary of the implications of the adoption of the South Oxfordshire Local Plan on the neighbourhood area. It properly identifies the neighbourhood area and the Plan period.
- 7.10 Section 2 sets out a summary about the way the Plan has been prepared and reviewed. Section 3 comments about the character of the neighbourhood area. It is underpinned by the work carried out on Appendix 1 (The Character of Wheatley)

- 7.11 Section 4 provides a very helpful profile of the neighbourhood area. It includes extensive commentary on the parish which in turn informs several of the resulting policies.
- 7.12 Section 5 comments about the Community Survey undertaken earlier in the production of the Plan. Section 6 comments about the Plan's vision, goals, and objectives.
- 7.13 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.

*General comments on policies*

- 7.14 The Plan helpfully consolidates the review of the Plan into the structure of the 'made' Plan. This results in a series of new policies and the retention of several of the existing policies in the 'made' Plan. For the purposes of this report, I do not comment in any detail on the retained policies other than where they may have been affected by the adoption of the South Oxfordshire Local Plan 2035 or by updates in national planning policy since the Plan was made.

Policy H1 Design and Character Principles

- 7.15 This policy is amended from the policy in the made Plan by referring to the submitted Design Guidance and Codes (DGC).
- 7.16 The process of supplementing a design/character policy by the development of a Design Guidance and Code is one which is included in many neighbourhood plans. It seeks to ensure that new development reflects the character of the relevant neighbourhood area (or character areas within the neighbourhood area) and is of a high quality and distinctive nature.
- 7.17 The submitted DGC follows this general approach. It defines nine-character areas and identifies the areas for coding. Section 5 of the DGC sets out general and specific design guidelines.
- 7.18 In the round, I am satisfied that the revised policy is an excellent local response to Section 12 of the NPPF. It represents a significant shift in emphasis and approach from that taken in the made Plan.
- 7.19 Oxford Brookes University (OBU) has objected to the incorporation of the DGC into the policy and its specific effect on the OBU Campus. The Campus is one of nine defined character areas. The objection is helpfully summarised in the legal opinion submitted during the examination as follows:

*79. The proposed addition to Policy H1 of the Review NP ("The development proposals will be supported where they reflect the Wheatley Design Guidance and Code") does not meet the basic conditions, notably (a), (d) and (e).*

*80. The policy and Design Guidance and Code has completely failed to have regard to (1) STRAT 14, as an adopted policy and (2) the extant planning permission, the 2020 Permission.*



81. First, as the (Avison Young) representations identify, Policy H1 seeks to limit the height, layout, and the overall quantum of development on the Site, by seeking to impose a Design Code/Guidelines on the Site. It seeks to impose (a) limits on storeys/heights; (b) viewing corridors; (c) on-plot parking; (d) requirements to matching local house types; (e) limitations on materials. It therefore ignores STRAT 14's express provision for higher-density development on site: "Higher density development should be located in the eastern and central parts of the site" and would act as a constraint on delivery of the 500 consented and allocated units across the Site. The effect of Policy H1 would therefore be to restrict the development of the Site in express contradiction of NPPF 13 and 29, and PPG 41-044. The Review NP also fails to have regard to and give effect to NPPF 119-120 and 125a which refer to the importance of effective use of land and optimising its use to meet as much identified housing need as possible.

82. Second, Policy H1 and DGC (read together) are not a clear policy framework for the Site, contrary to NPPF 16d. Many of the provisions of the DGC make little sense when applied to the Site area, because (as Avison Young observe), they have been written to cover an entirely different area: the area south of the A40, without regard to the very different nature of the area within Wheatley Campus north of the A40.

83. Third, underlying both breaches is a central procedural failure, which engages 8(2)(a) and (d), through the clear requirements of the NPPF and PPG. Contrary to the clear expectation of NPPF 129 and 26-008 that a Design Code should be prepared in consultation with a developer, the Parish Council did not do so. On the contrary, they failed to contact OBU or Crest at any stage (contrary to PPG 41-048 and 41-080 (Stage 2)) and in particular failed to notify them at Regulation 14 stage.

- 7.20 In its response to the second clarification note, WPC included the following comments from AECOM (the authors of the DGC):

*'The DGC report was drafted to be applied to growth in and around the village, but not explicitly the OBU scheme. The note is largely correct in that respect. That said, the report does include the site as a character area and included in the Settlement Edge area type, and specifies which codes apply to this area type. That the report has not been explicitly drafted with the site in mind does not mean that many of the codes are not relevant for it. They are. But if a design guide or code were prepared to be applied to a site of 500 homes, it would normally include more content on strategic layout, movement, street design, block types and other things. We would understand if the Examiner chose to remove the strategic site from policy H1, but don't think it is necessary that he does. However, he may suggest that we put the site into its own area type (so not Settlement Edge) and specify which codes are particularly relevant to it'*

- 7.21 I have considered these different comments very carefully. On the balance of the evidence, I have concluded that both Policy H1 and the DGC should be modified to exclude the OBU Wheatley Campus site from their remit. I have reached this conclusion for the following overlapping reasons:

- the OBU site is a strategic housing allocation (Policy STRAT 14) in the adopted Local Plan;

- Policy STRAT 14 of the Local Plan contains a series of detailed criteria to influence and shape its development, form, and layout;
- planning permission already exists for the development of the site (P17/S4254/0) and a further application (P22/S3973/0) has now been submitted to SODC;
- the DGC has been designed to influence more minor and domestic developments in the neighbourhood area
- the DGC does not include the necessary detail to provide design guidance for a strategic housing site; and
- whilst WPC has followed the procedures for reviewing the Plan, a more comprehensive DGC could have been prepared in a collaborative way involving OBU and/or its advisers taking account of the specific circumstances and planning history of the Campus site.

7.22 In all these circumstances I recommend modifications to the supporting text and to the DGC.

7.23 I have considered the wider implications of this judgement on the continued identification of a character area for the Campus in the DGC. On the balance of the evidence (including the commentary about the Campus character area), I have concluded that it would be appropriate for the DGC to continue to identify the Campus as a Character Area. It acknowledges the nature and character of this part of the neighbourhood area and the way in which it is distinct from the traditional village to the south of the A40.

*At the end of paragraph 8.3 of the Plan add: 'The Design Guidance does not apply to the Wheatley Campus of the Oxford Brookes University. This reflects its scale, its allocation for housing development in the adopted Local Plan and the extensive range of criteria for the development of the site in Policy STRAT14 of that Plan.'*

*In the DGC document:*

*At the end of the wording in Section 5.3 add: 'The design guidelines and codes do not apply to CA9: Oxford Brookes University'*

*In the key to Figure 83 remove the Settlement edge shading from the OBU Campus Character Area and leave the Area blank.*

*At the end of the main text in CA9 Oxford Brookes University add: 'Given the wider context provided by the Local Plan the general and specific design guidelines do not apply to this character area.'*

Policy H2 Landscape Character

7.24 This policy is unchanged from the made Plan.

7.25 I am satisfied that it continues to meet the basic conditions.

#### Policy H3 Mix and Size of new housing

- 7.26 This policy is amended from the policy in the made Plan by referring to the adopted Local Plan and the national agenda on First Homes.
- 7.27 The policy takes an appropriate approach to this matter. It has regard to national policy and follows the approach taken in the adopted Local Plan. It meets the basic conditions.

#### Policy H4 In fill and Self-Build Dwellings

- 7.28 This policy is amended from the policy in the made Plan by referring to the submitted DGC. This wider process is an excellent local response to Section 12 of the NPPF. It represents a significant shift in emphasis and approach from that taken in the made Plan.
- 7.29 The policy takes an appropriate approach to this matter. It has regard to national policy. The reference to the DGC will provide additional guidance for developers beyond that contained in the made Plan. It meets the basic conditions.

#### Policy P1: Parking Provision

- 7.30 This policy is amended from the policy in the made Plan by the inclusion of an additional criterion addressing the discouragement of ad hoc parking on verges.
- 7.31 The policy takes a positive approach to this matter. I recommend a detailed modification to the policy to bring the clarity required by the NPPF. The modification includes a reference to the immediate locality to ensure a direct relationship between any development proposals and the implementation of the development management process.

**Replace criterion 4 with: ‘discourage informal car parking on grass verges and pavements in the immediate locality.’**

#### Policy T1: Impact of Development on the Local Road Network

- 7.32 This policy is unchanged from the made Plan.
- 7.33 I am satisfied that it continues to meet the basic conditions.

#### Policy SCI1 Community Assets

- 7.34 This policy is unchanged from the made Plan.
- 7.35 I am satisfied that it continues to meet the basic conditions.

#### Policy SCI2 Improvements to Community Assets

- 7.36 This policy is unchanged from the made Plan.
- 7.37 I am satisfied that it continues to meet the basic conditions.

Policy B1: Burial Provision

- 7.38 This policy is unchanged from the made Plan.  
7.39 I am satisfied that it continues to meet the basic conditions.

Policy VCE1: Wheatley Village Centre

- 7.40 This policy is unchanged from the made Plan.  
7.41 I am satisfied that it continues to meet the basic conditions.

Policy E1: Supporting Wheatley's Economy

- 7.42 This policy is unchanged from the made Plan.  
7.43 I am satisfied that it continues to meet the basic conditions.

Policy EN1: Biodiversity

- 7.44 This policy is unchanged from the made Plan.  
7.45 I am satisfied that it continues to meet the basic conditions.

Policy HE1: Historic Environment

- 7.46 This policy is unchanged from the made Plan.  
7.47 I am satisfied that it continues to meet the basic conditions.

Policy DQS1 Individual and Community Energy Projects

- 7.48 This policy is unchanged from the made Plan.  
7.49 I am satisfied that it continues to meet the basic conditions.

Policy SPOBU: The Wheatley Campus of Oxford Brookes University

- 7.50 This policy is an amendment of the policy in the made Plan.  
7.51 Paragraph 9.1 of the Plan comments that:

*'The policy....is not an allocation for development, rather it aims to communicate the aspirations of the Wheatley Neighbourhood Plan Committee in consultation with the local people in the villages of Wheatley and Holton. The policy complements the vision, objectives, and policies of the Plan.'*

- 7.52 This context reflects the background to the site. As highlighted in Section 5 of this report it was allocated as a strategic site (STRAT14) in the Local Plan for the delivery of approximately 500 homes. Planning permission for the redevelopment of the site was granted in 2020 ((P17/S4254/0) and a more recent planning application (P22/S3973/0) has now been submitted to SODC. The strategic site was removed from the Green Belt as part of the Local Plan process. The eastern part of the strategic site is within the designated neighbourhood area.

- 7.53 Figure 9.1 of the Plan correctly shows the neighbourhood area, the OBU campus and the Green Belt boundaries. However, paragraph 9.2 incorrectly indicates that the site remains in the Green Belt boundary
- 7.54 The policy sets out a series of criteria/development principles for the development of the site.
- 7.55 A detailed representation has been submitted by planning consultants acting on behalf of OBU. The representation was consolidated by a legal opinion. In summary the representation raises the following matters:
- the policy has been developed without any engagement with OBU;
  - the policy fails to take account of Policy STRAT14 of the adopted Local Plan and the 2020 planning permission; and
  - the policy incorrectly comments about the sites location in the Green Belt.
- 7.56 In its responses to the clarification note WPC commented that Policy H1, the DGC and policy SPOBU were not drafted with the intent to create a conflict with the 2020 Permission or to the Allocation. In its comments to WPC on this matter AECOM advised that:
- ‘reflecting where the site and the steering group were at the time, the technical support was awarded on the basis of helping to ensure that any future infill and small-scale development is in keeping with the character of Wheatley. As such, the DGC report was drafted to be applied to growth in and around the village, but not explicitly the OBU scheme.’*
- 7.57 Plainly there are overlaps between OBU’s comments on this policy and Policy H1. I do not repeat the comments I have made earlier in this report on Policy H1 and the DGC.
- 7.58 I have considered carefully both the appropriateness of the submitted policy and its detailed wording. Based on all the available evidence, I recommend that the policy is modified to address the following matters:
- to reflect the up-to-date position on the site. The policy makes no mention of Policy STRAT14 of the adopted Local Plan or its planning history (including the current planning application);
  - to remove the incorrect reference to the site’s location in the Green Belt and to shift the focus on the relationship on the development of the site to the surrounding countryside; and
  - to avoid duplication.
- 7.59 I also recommend consequential modifications to the supporting text. They include the removal of the unnecessary comments about the relationship between residents and OBU.

**In the opening element of the policy add ‘the requirements of Policy STRAT14 of the South Oxfordshire Local Plan and have regard to’ between ‘with’ and ‘the following development principles’**

**In the second criterion replace ‘take account of.....(NPPF149g)’ with ‘should minimise their impact on the surrounding countryside’**

**Delete the third criterion.**

*Replace Section 9 of the Plan with:*

*‘9 Wheatley Neighbourhood Plan: Oxford Brookes Campus*

*9.1 The approach taken in this chapter is not an allocation for development, rather it aims to communicate the aspirations of the Wheatley Neighbourhood Plan Committee in consultation with the local people in the villages of Wheatley and Holton.*

*9.2 The Oxford Brookes Campus is a brownfield site, approximately 12.1HA (as shown in Figure 9.1). This Plan comments only on that part of the wider Campus site within the designated neighbourhood area. The Campus is a strategic housing allocation in the South Oxfordshire Local Plan (Policy STRAT14). That policy proposes the development of approximately 500 houses on the site. It includes a comprehensive range of criteria and development principles to shape the development of the site. Planning permission has been granted for the development of the site and a current planning application (P22/S3973/0) is being considered by the District Council.*

*9.3 The University has announced that it intends to vacate the current Wheatley Campus shortly and is in the process of selling the site with outline planning permission. The site is physically separated from the retail, community, and educational facilities in Wheatley by the A40. Policy SPOBU sets out an approach which complements that set out in Policy STRAT14 of the adopted Local Plan.*

*9.4 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 people. The future of these facilities should be addressed in the masterplan for the redevelopment of the site.*

*9.5 A high-quality well integrated development of the Campus has the potential to enhance the overall quality of the neighbourhood area by removing some of the worst architectural features on the site (such as the Tower Block, see Figure 9.2). New or improved access arrangements may permit access for buses from the site through the Wheatley Park Academy (WPA) site to the Holton flyover and thereby create opportunities to implement a new routing for the bus service in Wheatley that could alleviate traffic issues in Wheatley and perhaps, more importantly, also provide an easier and safer location for WPA pupils to access the buses rather than having to negotiate the Holton flyover to reach the bus stops at Park Hill.’*

Revisions to the Green Belt and the allocation of sites for development

- 7.60 As the SODC Modification Statement comments, these elements of the Plan represent the most significant changes from the made version.
- 7.61 The approach taken in the Plan Review has been facilitated by the adoption of the Local Plan in 2020. In these circumstances the NPPF allows a qualifying body (here Wheatley Neighbourhood Development Plan Review – Examiner’s Report

WPC) to redefine the Green Belt. The issue of the release of land from the Green Belt in Wheatley is also addressed in Policy STRAT6 of the Local Plan.

7.62 Section 6 of this report has commented about the preparation of the ER for the Plan. That report looked in detailed at reasonable alternatives which could have been pursued for new development in the neighbourhood area. The ER is itself underpinned by the earlier site assessment work undertaken by WPC (as set out in Appendix 2 of the Plan). The site assessment work was informed by the Strategic Housing Land Availability Assessment (SHLAA) and Strategic Housing Economic Land Availability Assessment (SHELAA)] work undertaken by SODC as part of the preparation of the Local Plan. Given the up-to-date nature of that work WPC concluded that there was no requirement to conduct a call for sites. However, to complement the SHLAA/SHELAA processes WPC reviewed local sites and compiled a comprehensive list of sites related to the neighbourhood area including those already identified by SHLAA and SHELAA.

7.63 The ER identifies two reasonable alternatives for new development as follows:

*Green Belt parcel 8 - is a relatively simple entity, in that it comprises a single agricultural field. This is the parcel of land which has attracted an objection to the Plan from Taylor Wimpey (TW) due to its non-allocation in the Plan.*

*Green Belt parcel 9 - is more complex, comprising four distinct irregularly shaped fields, with the two southern having lower development potential. Specifically, taking each in turn: the field to the north of the dismantled railway is crossed by two power lines; whilst the small triangular field to the south of the dismantled railway is land-locked. As such only the northern two fields of Site 9 are therefore taken forward for further consideration. These two fields are the two of the three proposed allocations in the Plan (SPES3 and SPES4)*

7.64 Table 6.1 of the ER describes the findings of the assessment. It advises that GB parcel 9 performs better than GB8 on air quality and community well-being. As such the ER concludes that the development of Green Belt parcel 9 (Option 2) is the preferred option.

7.65 The representation from TW raises a series of comments about the approach taken in the Plan as follows:

*The background to the Green Belt release – it is suggested that the Plan should have assessed all the available sites. In addition, it comments that the review of the Plan has reverted to the submitted version of what is now the made version of the Plan (and where the now proposed sites were recommended for deletion due to the way in which the Green Belt was defined at that time*

*The emerging Local Plan context -it comments that the site is being promoted as a site in the Local Plan Review 2041. It also comments that the allocation of the site in the NP Review would avoid a potential situation where the Green Belt boundary would need to be reviewed again*

*The profile of Wheatley as a Larger Village* – It comments that Wheatley is one of a series of larger villages and has strong sustainability credentials

*An overview of the previous assessments of the site* – it comments about the earlier favourable assessments of the potential of the site for housing delivery.

*The opportunities provided by the residential development of the site* – it comments about TW's views about the benefits which would arise from the site and how any potential issues could be mitigated.

*A review of the Plan's SEA* – TW disagree with the outcome of the SEA. It also argues that the development of both options would provide a better basis for meeting current and future housing needs.

- 7.66 I have considered these issues very carefully. On the balance of the evidence, including WPC's responses to the clarification note, I am satisfied that WPC has taken an appropriate approach to this matter. The ER has assessed a series of potential site, including the one promoted by TW. That work was underpinned by the earlier Site Assessment work which looked at a very comprehensive range of housing sites. I have also taken account of the sustainability of Wheatley and the work which SODC is undertaking on the emerging update of its Local Plan. However, my role is to assess the submitted NPR against the basic conditions. In these circumstances that assessment is against the strategic policies in the DP (in this case the SOLP). If SODC identifies additional land for development in the neighbourhood area in the emerging Local Plan, WPC will have the opportunity to undertake a further review of its Plan at that point.
- 7.67 Taking account of all the evidence available to me I am satisfied that WPC and its advisers have pursued this issue in a thorough and a professional way. Whilst I have recommended detailed modifications to the wording of policies SPES 3 and 4, both sites would deliver land for commercial development. Similarly, whilst the proposed redevelopment of the Littleworth Industrial Area for housing purposes will not necessarily deliver the direct relationship between the development of that site and the relocation of the existing business to either the sites identified in Policies SPES 3 or 4 of the Plan, the opportunities for that to happen will remain. This is an important element of the Plan which will assist in securing sustainable development in the neighbourhood area.
- 7.68 I now turn to a policy-by-policy assessment of these important proposed changes to the made Plan.

Policy GBBA1: Green Belt Amendments

- 7.69 This policy is a new policy. The Plan provides the following context:

*'The South Oxfordshire Local Plan, LP2035, has now been adopted thereby permitting changes to Green Belt boundaries to be made by an adopted WNP.03. The inset boundary at Wheatley is drawn tightly around the built edge of development, and as such there are limited opportunities to redevelop existing land within the inset boundary. The removal of land from the Green Belt would enable new development to*



*take place in Wheatley. The Green Belt Study, which forms part of the evidence base for LP2035, found that the land immediately adjacent to the eastern built-up edge of Wheatley has few essential characteristics of the Green Belt.'*

- 7.70 Paragraph 10.6 of the Plan sets out the exceptional circumstances for the release of land from the Green Belt. The effect of the policy would be to release land from the Green Belt to provide new opportunities for new development as identified in the submitted Plan (SPES1/3/4).
- 7.71 I have considered this matter very carefully. Given the context provided in the adopted Local Plan, the Green Belt Study (2015) produced for the Local Plan process and WPC's justification in paragraph 10.6 of the Plan I am satisfied that the policy takes an appropriate approach. It meets the basic conditions.

Policy SPES1: The Bungalows Site

- 7.72 This policy is a new policy in the Plan. It proposes the allocation of land off London Road for residential development (up to 10 homes). It is land currently occupied by a group of bungalows, the green area between the bungalows and the London Road and land to the rear of the bungalows (which includes an element of informal car parking for businesses in the immediate area).
- 7.73 I am satisfied that the allocation of the site for residential purposes is appropriate. The site is in a sustainable location and will add to the stock of homes in the parish.
- 7.74 I recommend that the initial part of the policy (about its release from the Green Belt) is deleted. Within the wider context of the Plan, it has no role or purpose. I also recommend that the wording of the policy more closely relates to the relevant figure in the Plan. I also recommend a series of detailed modifications to the criteria in the policy to bring the clarity required by the NPPF.
- 7.75 The policy comments about the need for the site to provide replacement car parking for the businesses in the immediate area. I am satisfied that this is a matter of local judgement. Nevertheless, I recommend that the policy element on this matter (criterion g) is made simpler and that the details about the proposed arrangements are included in a consolidated version of the supporting text.

**In the opening part of the policy replace 'Subject to....a development proposal' with 'Development proposals on land at the Bungalows Site (as shown on Figure 12.1)' and replace 'would' with 'will'**

**Replace a. with 'the housing delivered responds positively with the provisions of Policy H3 of the Plan'**

**In c. and e. replace 'adverse' with 'unacceptable'**

**Replace f. with 'the development provides appropriate car parking to meet the County Council's standards'**

**Replace g. with 'the delivery of ancillary car parking for adjacent businesses'**

*In paragraph 12.1 after ‘any more parking’ add: ‘This will occupy around 0.07hectares of the overall site’*

Policy SPES2: The Littleworth Industrial Area

7.76 This policy is unchanged from the made Plan. I noticed from the visit to the neighbourhood area that its character, appearance, and range of uses remains unchanged from the time that the current Plan was made.

7.77 I am satisfied that it continues to meet the basic conditions.

Policy SPES3: Miss Tomb’s Field

7.78 This is new policy. It proposes the mixed use of the land for residential and commercial purposes. The site is located at the eastern end of the village between the settlement boundary and the large-scale industrial buildings. It consists of a single field of irregular shape and is crossed by two power lines. In the 1960s the land was pastureland but since then the field has reverted to rough grassland with shrubs and young trees

7.79 I am satisfied that the allocation of the site for mixed purposes is appropriate. The site is in a sustainable location and will add to the sustainable balance of homes and employment in the neighbourhood area.

7.80 I recommend that the initial part of the policy (about its release from the GB) is deleted. Within the wider context of the Plan, it has no specific role or purpose. I also recommend that the wording of the policy more closely relates to the relevant figure in the Plan. The policy comments about the opportunities which the development of the employment part of the site for new businesses and those locating from the Littleworth Industrial Area. However, this is more of a statement of fact rather than a policy matter. Should the Industrial Area be redeveloped, the affected businesses will make their own decisions about their futures and whether they relocate. In these circumstances I recommend that this element of the policy is deleted. I also recommend consequential modifications to the supporting text.

7.81 I also recommend a series of detailed modifications to the criteria in the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions.

**In the opening part of the policy replace ‘Subject to.... proposal would’ with ‘Mixed development proposals on land at Miss Tomb’s Field (as shown on Figure 12.3) will’**

**In a. delete ‘to accommodate the businesses relocated from Littleworth Industrial Estate and for any other businesses or new ventures’**

**Replace c. with: ‘the overall development responds positively to the position of existing pylons/power cables, to priority species and delivers a net gain in biodiversity.’**

**In d. replace ‘generous wildlife corridor’ with ‘the delivery of a wildlife corridor’**

**Replace e. with: ‘the delivery of a Green Route access to the primary school;’**

**In f. replace ‘merge with’ with ‘relate to’**

*Replace 12.10 a. with: ‘An area for commercial uses adjacent to the existing power lines would be able to accommodate demand for employment uses in the parish. This could include existing businesses that would wish to be relocated from the Littleworth Industrial Estate (WHE22). In addition, this space could accommodate other local businesses or new ventures. Road access to this part of the site would be through the feeder road that already services the existing industrial area.’*

**Policy SPES4 Mobb’s Land**

- 7.82 This is a new policy. It allocates the site for commercial purposes. The Plan advises that the site consists of a single agricultural field of irregular shape and is crossed by two power lines. The Plan advises that the land is owned by A.W. Mobbs (Building Supplies) whose buildings share a common boundary with the site. The site is land-locked but access can be achieved via the eastern boundary shared with A.W. Mobbs. The owner of the land has made it clear that it will only be made available for commercial development.
- 7.83 I am satisfied that the development of the site for commercial purposes is appropriate. It will relate well to existing land uses and will complement the employment opportunities which already exist in Wheatley.
- 7.84 I recommend similar modifications to those recommended for Policy SPES3 on the description of the site and employment uses and for the same reasons.
- 7.85 I also recommend other modifications to the criteria to bring the clarity required by the NPPF and to allow SODC to be able to apply the policy with consistency during the Plan period.
- 7.86 Finally I recommend a detailed modification to paragraph 12.1 to bring the Plan up to date now that the site has been removed from the Green Belt.

**In the opening part of the policy replace ‘Subject to.... proposal would’ with ‘Employment development proposals on land at Mobb’s Land (as shown on Figure 12.3) will’**

**Delete criteria a. and b.**

**Replace c. with: ‘the development can be satisfactorily accommodated in the surrounding environment and, where appropriate, enhances its landscape and scenic beauty;’**

**Replace d. with: ‘appropriate vehicular access is secured from the adjacent commercial site to the east’**

**In criterion e. replace significant ‘adverse’ with ‘unacceptable’**

*In 12.1 delete ‘in the Green Belt’*

Policy SPGR: Green Route

- 7.87 This policy is unchanged from the made Plan.
- 7.88 I am satisfied that it continues to meet the basic conditions.

*Monitoring and Review*

- 7.89 The review of the Plan has arisen as a result of the adoption of the Local Plan 2035. However, the Plan is also proactive about the way in which it will continue to address the effectiveness of the Plan within the Plan period.
- 7.90 Section 13 comments that the Plan will be review every five years and at least two years before its expiry. This is best practice.
- 7.91 Nevertheless this part of the Plan does not address the work which SODC is undertaking on a review and update of the Local Plan (with the Vale of White Horse District Council). This review will have a Plan period to 2041. The emerging Local Plan may alter the strategic planning context in the neighbourhood area. In these circumstances I recommend a modification to Section 13 of the Plan to acknowledge that WPC may wish to undertake a partial or a full review of the Plan once the emerging Local Plan has been adopted.

*At the end of paragraph 13.3 add: 'The adoption of the emerging Local Plan may alter the strategic context for new development in the neighbourhood area. In this context the two parish councils will consider the need for a full or partial review of the Plan within six months of the adoption of the emerging Local Plan 2041'*

Other Matters - General

- 7.92 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 WPC 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 – Alternative proposed sites

- 7.93 I have set out elsewhere in this report that my role is to examine the Plan as submitted and not to examine an alternative Plan. Nevertheless, I have taken account of the representation received from Ptarmigan Land Limited about a proposed strategic employment site at Junction 8a of the M40. However, as the representation comments the site concerned is outside the designated neighbourhood area.
- 7.94 I have addressed the representation from Taylor Wimpey in my commentary earlier in this report.

## 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 2035. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to update the Plan.
- 8.2 Following the independent examination of the Plan, I have concluded that the Wheatley Neighbourhood Development Plan Review meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a variety of modifications to the policies in the Plan. Nevertheless, the Plan remains fundamentally unchanged in its role and purpose.

### *Conclusion*

- 8.4 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 the Wheatley Neighbourhood Development Plan Review should proceed to referendum.
- 8.5 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 31 March 2016.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

**Andrew Ashcroft**  
**Independent Examiner**  
**21 August 2023**