

OAKSEY NEIGHBOURHOOD PLAN (FIRST REVIEW) 2018-2038: Final Decision Statement

Date of publication: 24th May 2024

1. Introduction

- 1.1 Pursuant to the Wiltshire Council constitution and in particular Part 3D, the Director of Planning within whose remit Spatial Planning falls is authorised to make decisions on Neighbourhood Plan proposals following the examination of a Neighbourhood Plan proposal in accordance with the Town and Country Planning Act 1990 (as amended), the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended) and all other relevant legislation.

2. Decision

- 2.1 Following an independent examination, Wiltshire Council decided to make the Oaksey Neighbourhood Plan (First Review) with the modifications as specified in the examiner's report. The Independent Neighbourhood Planning Examiner concluded, subject to the modifications proposed in his report, that the plan meets the basic condition and should be made. Paragraph 14 of Schedule A2 of the Planning and Compulsory Purchase 2004 Act as amended sets out that if the Examiner's Report recommends that the council should make the draft plan with the modifications specified in the report, the council must make the draft plan with those modifications.
- 2.2 The Oaksey Neighbourhood Plan (First Review) now forms part of the Development Plan, and its policies will be given full weight when assessing planning applications that affect land covered by the Plan.

3. Reasons for Decision

- 3.1 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as parish councils seek to review 'made' neighbourhood plans. It introduces a proportionate process for the modification of neighbourhood plans where a neighbourhood development plan has already been made in relation to that area.
- 3.2 Whether modifications change the nature of the plan is a decision for the independent examiner. The examiner will consider the nature of the existing plan, alongside representations and the statements on the matter made by the qualifying body and the local planning authority.
- 3.3 National Planning Guidance¹ explains that there are three types of modification which can be made to a neighbourhood plan. The process will depend on the degree of change which the modification involves:
1. Minor (non-material) modifications, which do not materially affect the policies in the plan, so do not require an examination or referendum.
 2. 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

¹ NPPG Neighbourhood Planning Paragraph 106 (Reference ID: 41-106-20190509)

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.

3. Material modifications which do change the nature of the plan or order would require examination and a referendum. The example given of a material modification which changes that nature of the plan is allocating significant new sites for development.

- 3.4 Oaksey Parish Council has considered these issues and took the view in their modification statement that the proposed changes to the 'made' Plan fall into the second category in paragraph 3.3 above.
- 3.5 Wiltshire Council undertook a separate assessment and also concluded that the draft Oaksey Neighbourhood Plan (First Review) 'modifications' fall within the scope of 'material modifications' which do not change the nature of the plan, should undergo an independent examination, but it should not require a referendum.
- 3.6 With the consent of Oaksey Parish Council, Wiltshire Council appointed Mr. Andrew Ashcroft to examine the Oaksey Neighbourhood Plan (First Review). The Independent Examiner considered the assessments made by the parish council and Wiltshire Council very carefully and concluded that the review of the Plan includes material modifications which do not change the nature of the Plan, and which would require examination but not a referendum. The examiner reached this decision for the following reasons:
- the new policies largely update those in the 'made' Plan and respond to recent changes in national policy; and
 - the modifications to the existing policies will bring the Plan up to date to reflect changes in national and local planning policy.
- 3.7 In these circumstances, proposals for the modification of made neighbourhood development plans are examined in line with the procedures set out in Schedule A2 of the Planning and Compulsory Purchase Act 2004 (As Amended).
- 3.8 Paragraph 13 of Schedule A2 of the 2004 Act sets out that after considering a draft plan, the examiner must make a report on the draft plan containing one of the following recommendations: that the council should make the draft plan; or that the council should make the draft plan with the modifications specified in the report; or that the council should not make the draft plan.
- 3.9 The Examiner's Report is available in Appendix 1. The Examiner's Report assesses the policies in the plan and identifies any modifications required to ensure that they meet the basic conditions. The Examiner concluded that the Plan meets the basic conditions subject to a limited number of recommended modifications. The recommended modifications refine the wording of certain policies. Nevertheless, the submitted review of the Plan remains fundamentally unchanged in its role and purpose. The Examiner's Report recommends that the council should make the Plan with the modifications specified in his Report. A listing of the Examiner's recommendations is shown by Wiltshire Council in Appendix 2.
- 4.0 Paragraph 14 of Schedule A2 of the 2004 Act sets out that if the Examiner's Report recommends that the council should make the draft plan with the modifications specified in the report, the council must make the draft plan with those modifications. The only circumstance where the council should not make this decision is where the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

- 4.1 The making of the Oaksey Neighbourhood Plan (First Review) would not breach, or otherwise be incompatible with, any EU or human rights obligations. In addition, no issues arise in respect of equality under general principles of EU law or any EU equality directive. Wiltshire Council has assessed that the Plan including its preparation does not breach, and would not otherwise be incompatible, with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998). 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.
- 4.2 The modifications set out in the Examiner's Report individually or combined are not considered to produce likely significant environmental affects and are unlikely to have any significant effects on the integrity of European Designated Sites.
- 4.3 As the Examiner's Report recommends that the council should make the Plan with the modifications specified in the Report and the council is satisfied that the making of the Plan would not breach, or otherwise be incompatible with, any EU or human rights obligations as incorporated into UK law, the council must make the Oaksey Neighbourhood Plan (First Review)

5.0 Other Information

- 5.1 In accordance with Regulation 20 of the Neighbourhood Planning (General) Regulations 2012, this Decision Statement and the made Oaksey Neighbourhood Plan (First Review) can be viewed on Wiltshire Council's website:
- 5.2 In accordance with Regulation 30 of the Neighbourhood Planning (General) Regulations 2012, a copy of this Decision Statement has been sent to:
- The qualifying body, namely Oaksey Parish Council
 - The persons who asked to be notified of the decision.

Signed:



Nic Thomas
Director of Planning
Planning Directorate
Wiltshire Council

Dated: 24th May 2024

APPENDIX 1

Examiner's report

Oaksey Neighbourhood Development Plan First Review 2018-2038

**A report to Wiltshire Council on the Oaksey
Neighbourhood Development Plan First Review**

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

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Wiltshire Council in January 2024 to carry out the independent examination of the review of the Oaksey Neighbourhood Development Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 2 February 2024.
- 3 The Plan is an excellent example of a neighbourhood plan review. It seeks to bring the Plan up-to-date. It includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It addresses housing delivery in the Plan period.
- 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 Oaksey Neighbourhood Development Plan First Review meets all the necessary legal requirements and should be made by Wiltshire Council.

Andrew Ashcroft
Independent Examiner
18 April 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Oaksey Neighbourhood Development Plan First Review 2018-2038 ('the Plan').
- 1.2 The Plan was submitted to Wiltshire Council (WC) by Oaksey Parish Council (OPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019, 2021 and 2023. 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 because of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan (and a review of a plan) can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan. It seeks to provide a context in which the neighbourhood area can maintain its character and setting in the wider landscape and to deliver new homes in the Plan period.
- 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.

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 WC, with the consent of OPC, to conduct the examination of the Plan and to prepare this report. I am independent of both WC and OPC. 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 41 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 The examination process for the review of a 'made' neighbourhood plan is set out in Section 3 of this report.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan, I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report and am satisfied that they have been met.

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 Settlement Boundary Methodology.
- the WC SEA/HRA screening reports.
- the update WC SEA/HRA screening report (December 2023)
- the OPC Modification Statement.
- the WC Modification Statement.
- the representations made to the Plan.
- OPC's responses to the clarification note.
- the adopted Wiltshire Core Strategy.
- The adopted Wiltshire Housing Allocations Local Plan
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 2 February 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of the representations and the professional way in which the Plan has been developed.

The examination process for the review of a neighbourhood plan

3.4 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as and when qualifying bodies seek to review 'made' neighbourhood plans and introduces a proportionate process to do so based on the changes proposed.

3.5 There are three types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves and as follows:

- minor (non-material) modifications to a neighbourhood plan or order 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; or
- material modifications which do not change the nature of the plan or order and which 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; or

- 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.

3.6 OPC has considered this issue. It takes the view that the proposed changes to the 'made' Plan fall into the second category.

3.7 WC has also undertaken a separate assessment of the issue. It takes the same view as OPC on the scale and nature of the modifications to the policies in the 'made' Plan.

3.8 I have considered these assessments very carefully. I have concluded that the review of the Plan includes material modifications which do not change the nature of the Plan and which would require examination but not a referendum. I have reached this decision for the following reasons:

- the new policies largely update those in the 'made' Plan and respond to recent changes in national policy; and
- the modifications to the existing policies will bring the Plan up to date to reflect changes in national and local planning policy.

3.9 In these circumstances I will examine the Plan against Schedule A2 of the Planning and Compulsory Purchase Act 2004. The regulations identify that this report must recommend one of three outcomes:

- that the local planning authority should make the draft plan; or
- that the local planning authority should make the draft plan with the modifications specified in the report; or
- that the local planning authority should not make the draft plan.

3.10 Section 7 of this report assesses each policy in turn and identifies any modifications required to ensure that the policy meets the basic conditions. My recommendation is then set out in Section 8.

4 Consultation

Consultation Process Done

- 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 (as amended), OPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. It is a good example of a Statement of this type. It sets out key findings in a concise report which is underpinned with a series of more detailed tables and appendices. It also sets out the way in which OPC engaged with statutory organisations.
- 4.3 The initial part of the Statement records the various activities that were held to engage the local community. This process reflects the nature of the review of the 'made' Plan. It advises that during early 2023 OPC undertook a questionnaire survey in the Parish. This asked questions on housing, employment, and energy.
- 4.4 The Consultation Statement advises that given the extensive consultation undertaken previously and to avoid consultation fatigue, OPC undertook light issues consultation and then started the consultation on the Review in substantive terms at the pre-submission Plan stage. The Statement also provides specific details on the consultation processes that took place at this important stage of the plan preparation process (May to June 2023).
- 4.5 The consultation material used is included in Appendix A1 of the Consultation Statement. Details of the outcome of consultation and engagement are set out in Appendix A2. The Consultation Statement highlights that there was support for exploring the development of a community approach to low carbon or renewable energy. The Energy Efficiency and Renewable Energy Options report explored this topic further. The Statement comments that there was support for employment opportunities in the village. It then goes on to comment that there was an insufficient evidence base to look to allocate land for employment use and that the parish includes existing employment opportunities at Park Farm and at Oaksey Park. The Consultation Statement also advises that there was a mixed response to the issue of housing.
- 4.6 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. WC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

4.7 Consultation on the submitted plan was undertaken by WC. It ended on 8 January 2024. This exercise generated representations from the following organisations:

- Wiltshire Council
- National Gas
- National Grid
- Environment Agency
- Network Rail
- National Highways
- Oaksey Park Golf and Leisure
- Canal and River Trust
- Historic England

4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, this report refers to representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Oaksey. It was designated as a neighbourhood area on 29 April 2016. In 2011 its population was 530 living in 227 households. The parish is located at the northern fringe of Wiltshire and on the western edge of the Cotswold Water Park. It is approximately 1.6 miles to the east of the A429. Cirencester is about 6 miles to the north, Malmesbury is about 5 miles to the south-west, and Chippenham is around 14 miles to the south-west.
- 5.2 As the Plan describes, the parish contains the main settlement of the village of Oaksey together with other groups of farms, homes, or businesses elsewhere. The Park Farm complex south of the village of Oaksey includes several businesses and an airfield. The Lower Moor area which is the western edge of the Cotswold Water Park includes several dwellings and commercial/community buildings and Clattinger Farm. There are several farm complexes in the countryside including Dean Farm and the Flintham Hill area which includes Hill Farm, Manby Farm, and several homes. Oaksey Park, which includes the Golf Club together with several homes and holiday accommodation, is located to the north of the village.
- 5.3 Oaksey is a linear village, oriented east-west along its main street, and much of the village is in the designated Conservation Area. The main buildings and development in the village are focused on the Somerford Keynes Road which becomes The Street in the village.

Development Plan Context

- 5.4 The Wiltshire Core Strategy was adopted in January 2015. The Core Strategy defines the spatial vision for the whole of the administrative area of Wiltshire Council and sets out a development strategy to meet its objectives. It includes strategic planning policies to guide and control the overall scale, type and location of development including the allocation of strategic sites. The submitted Plan comments that it has taken all the policies and allocations contained in the Wiltshire Core Strategy, as 'strategic' policies for the purposes of preparing the First Review of the Plan.
- 5.5 Oaksey is part of the defined Malmesbury Community Area (as identified in the Core Strategy), which is predominantly rural in character and includes parts of the Cotswold National Landscape. The Area has important functional links with Cirencester to the north and includes the market town of Malmesbury and several rural villages including Ashton Keynes, Crudwell, Great Somerford, Oaksey and Sherston. Oaksey is designated as a 'Large Village' within the context of Core Policy 13. The Core Strategy identifies that all development within the Community Area must conserve the designated landscape of the Cotswold Area of Outstanding Natural Beauty (now the Cotswold National Landscape) and its setting, and where possible enhance its locally distinctive characteristics. It also goes on to identify that the Cotswold Water Park is a changing landscape and expanding recreational resource for the county and its visitors.

- 5.6 WC now well advanced in the preparation of a Local Plan review. It will set out a vision for the future of Wiltshire up to 2038. Consultation took place on the Regulation 19 version of the Plan between September and November 2023. It is anticipated that the Plan will be adopted in Spring 2025. The submitted neighbourhood plan advises that at the time of its pre-submission version it had chosen an end date of 2036 to accord with the housing figures for the individual settlements at that point in the emerging Local Plan Review. However, it goes on to comment that it was appropriate to revise its Plan period to 2038 to reflect the emerging housing figures for the individual settlements as set out in the emerging Local Plan Review.
- 5.7 WC adopted the Wiltshire Housing Site Allocations Plan in February 2020. Whilst that Plan allocated several housing allocations across Wiltshire, it did not allocate a site in Oaksey.
- 5.8 The submitted Plan has been prepared within its up-to-date development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 2 February 2024. I approached it from Kemble to the north. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network.
- 5.10 I looked at the parts of the neighbourhood area that are most affected by the policies in the Plan. I paid particular attention to the way in which the settlement boundary had been drawn and the opportunities that it allowed for on-going infill development.
- 5.11 I saw the importance of the various community and commercial facilities in the village.
- 5.12 I took the opportunity to look at Oaksey Park and the associated holiday/residential properties.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - not breach, and otherwise be compatible with, the assimilated obligations of EU legislation (as consolidated in the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

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

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework December 2023 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Oaksey Neighbourhood Development Plan Review:
- a plan-led system - in this case the relationship between the neighbourhood plan, the Wiltshire Core Strategy, and the Wiltshire Housing Site Allocations Local Plan
 - 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.
- 6.5 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.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It updates the Plan to take account of changes in national policy and emerging local policies since it was made in 2019.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. 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.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for holiday accommodation (Policy 3) and residential development (Policies 14 and 15). In the social dimension, it includes policies on open spaces (Policy 8) and on community facilities (Policy 16). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on design (Policy 4), trees (Policy 7), on heritage assets (Policies 12 and 13) and on climate change/energy efficiency (Policies 18 and 19). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

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

- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted 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

- 6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, WC undertook a screening exercise in July 2023 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It concludes that the Plan is unlikely to have a significant effect on the environment and therefore does not require a Strategic Environment Assessment.
- 6.15 Based on an emerging strategy for the North Meadow and Clattinger Farm SAC (which cuts across administrative boundaries) WC undertook revised SEA and HRA screening process in December 2023. This identified the need for an appropriate assessment (AA). This is addressed in further detail in paragraph 6.18 of this report. Such an outcome would normally trigger the need for a strategic environmental assessment. There is no specific exception where an AA determines that there would be no adverse effects on the integrity of any protected sites either alone or in-combination with other plans or project. The exceptions arise under paragraphs (5) and (6) of regulation 5 of the Environmental Assessment of Plans and Programmes Regulations 2004. An SEA need not be carried out for a plan that determines the use of a small area at a local level unless it has been determined under regulation 9(1) that it is likely to have significant environmental effects, or there is regulation 10(3) direction. What constitutes a small area at local level is a matter of fact and degree for planning judgment. In its capacity as the local planning authority, WC has determined that the neighbourhood plan area is a small area at local level. I am satisfied that the approach taken is appropriate and meets the basic conditions.

Habitats Regulations Assessment

- 6.16 WC also prepared a Habitats Regulations Assessment (HRA) of the Plan in July 2023. It assesses the potential impact of the Plan's policies on a series of protected sites
- 6.17 The HRA concluded at that time that the neighbourhood plan will not give rise to likely significant effects on these protected sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.
- 6.18 Paragraph 6.15 of this report has commented about the need for a HRA rescreening process in relation to the North Meadow and Clattinger Farm SAC. The rescreening process comments as follows:
- *The Interim Recreation Mitigation Strategy sets out two Zol, an Inner Zone of 0km - 4.2km and an Outer Zone of 4.2km – 9.4km. The Inner Zone represents*

the area within which 75% of local year-round users (e.g., dog walkers) originate. The Outer Zone represents the area within which 75% of those people who visit to view the Snake's head fritillaries during the main flowering season originate

- *The draft (Plan) does not allocate any sites for development and only supports small scale infill development within the settlement boundary. A small area of the Oaksey settlement and the eastern half of the neighbourhood plan area are located within the interim outer 4.2 - 9.4km recreational Zol therefore the potential for recreational effects on the SAC has been screened in*
- *The draft (Plan) comprises of 19 planning policies, four of which are recommended to be taken forward to appropriate assessment due to potential likely significant effects on the North Meadow and Clattinger Farm SAC.*
- *The conclusion of no likely significant effects on the North Meadow and Clattinger Farm SAC relies on ensuring that the recommendations made in the appropriate assessment are implemented*
- *Natural England concurred with the conclusion made by Wiltshire Council on the latest appropriate assessment and its recommendations.*

6.19 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns about neighbourhood plan obligations. I am satisfied that the revised screening processes have been undertaken in a correct fashion. Section 7 of this report incorporates the proposed mitigation measures from the AA into the relevant policies. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

Human Rights

6.20 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

6.21 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 The recommendations focus on the policies in the Plan 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 OPC have spent time and energy in identifying the issues and objectives that they wish to be included in the review of the Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans should 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. It highlights the policies which remain unchanged, those which are updated from the made Plan and those which are new.
- 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 parts of the Plan

- 7.8 The Plan is well-organised and presented. It makes an appropriate distinction between the policies and their supporting text. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. In addition, the Plan is arranged in an attractive way. It makes good use of maps, photographs, and colour.
- 7.9 The initial parts of the Plan set out its vision and objectives. The vision is as follows:
‘Oaksey is a mature and well-equipped village at the centre of a rural and agricultural parish. Our vision is to develop and nurture our community and its unique built environment to ensure it is both protected and sustainable.’
- 7.10 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 the Plan and the format of its policies

- 7.11 The Plan is an excellent example of a review of a neighbourhood plan. It 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 existing policies in the ‘made’ Plan.

- 7.12 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 updates in national planning policy. In some cases, I have recommended modifications to the wording of policies in the made Plan to reflect the approach and language now taken in neighbourhood plans (and which has matured since the Plan was made).
- 7.13 Section 6 of this report has commented about the Appropriate Assessment which has been undertaken on the Plan and its recommended modifications to four policies (Policies 1-3 and 15) to ensure that appropriate mitigations are in place to safeguard the North Meadow and Clattinger Farm SAC. I have included the recommended mitigation measures in the policies without any further explanation of the issue.

Policy 1 – Settlement Boundary

- 7.14 The policy fulfils the same purpose as it had in the made Plan. The settlement boundary for Oaksey is shown on Map 3. It covers the main village of Oaksey. It has been updated as part of the review of the Plan to respond to the planning decisions relating to land adjacent to the Pond on Somerford Keynes Road. The approach taken is underpinned by the updated Settlement Boundary Methodology document. I am satisfied that the Settlement Boundary has been appropriately defined. It acknowledges the linear nature of the village.
- 7.15 The policy includes additional words to clarify that the general support for proposals in the Settlement Boundary is subject to other development plan policies. This is also appropriate
- 7.16 I recommend an additional element is included in the policy to ensure compliance with the Habitat Regulations following the Appropriate Assessment undertaken by WC in December 2023.
- 7.17 Otherwise, I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Add a new paragraph at the end of the policy to read:

‘Any residential development that comes forward within the interim outer 4.2 – 9.4km Zone of Influence must provide a SAMM contribution of £323 per dwelling/unit to ensure appropriate mitigation is implemented in accordance with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 - 2028.’

Policy 2 – Development in the Open Countryside

- 7.18 This policy remains unchanged from the made Plan. It sets out the circumstances in which development proposals will be supported outside the Settlement Boundary.
- 7.19 I am satisfied that the policy continues to meet the basic conditions. It reflects the settlement pattern in the parish and, in combination with Policy 1, will contribute towards the delivery of sustainable development by concentrating new development in the Settlement Boundary close to existing community and commercial services.

- 7.20 I recommend an additional element is included in the policy to ensure compliance with the Habitat Regulations following the Appropriate Assessment undertaken by WC in December 2023.
- 7.21 Otherwise, I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Add a new paragraph at the end of the policy to read:

‘Any residential development that comes forward within the interim outer 4.2 – 9.4km Zone of Influence must provide a SAMM contribution of £323 per dwelling/unit to ensure appropriate mitigation is implemented in accordance with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 - 2028.’

Policy 3 – Holiday Accommodation, Leisure, and Recreation

- 7.22 The policy is proposed to be slightly reworded from the made Plan for clarity. It has also been amended to refer additionally to working with WC and the operators of Oaksey Park to improve pedestrian and cycle linkages between the village and Oaksey Park to enhance accessibility and active travel opportunities for the existing residents of Oaksey Park. I am satisfied that the approach taken is appropriate and meets the basic conditions.
- 7.23 I recommend an additional element is included in the policy to ensure compliance with the Habitat Regulations following the Appropriate Assessment undertaken by WC in December 2023
- 7.24 Otherwise, I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Add a new paragraph at the end of the policy to read:

‘Any visitor accommodation development that comes forward within the interim outer 4.2 – 9.4km Zone of Influence must provide a SAMM contribution of £323 per dwelling/unit to ensure appropriate mitigation is implemented in accordance with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 - 2028.’

Policy 4 – Design of New Development and Local Distinctiveness

- 7.25 This policy remains unchanged from the made Plan.
- 7.26 I am satisfied that it continues to meet the basic conditions. It reflects the character and design of buildings in the parish. It has regard to Section 12 of the NPPF which has been updated since the Plan was made.

Policy 5 – Views and Vistas

- 7.27 This policy is proposed to be revised from the made Plan to assist with its clarity. Whilst the views and vistas were already shown in the character appraisal maps, a separate plan is now included in the Plan.
- 7.28 I am satisfied that this approach is appropriate and meets the basic conditions.

Policy 6 – Boundary Treatment, Trees, and Public Realm

- 7.29 This policy remains unchanged from the made Plan
- 7.30 I recommend a modification to the wording of policies in the made Plan to reflect the approach and language now taken in neighbourhood plans. Otherwise, I am satisfied that it continues to meet the basic conditions

Replace ‘will be resisted’ with ‘will not be supported’

Policy 7 – Trees

- 7.31 This policy is proposed to be slightly amended to make it clear that it relates to trees in the village. A sentence has been added to cross refer to Policy 17 that covers trees that are part of the setting of Oaksey village.
- 7.32 I am satisfied that this approach is appropriate and meets the basic conditions.

Policy 8 – Open Spaces

- 7.33 This policy is proposed to be amended to refer additionally to ‘Land at junction of Bendy Bow and The Street’. It was created as an open space as part of the redevelopment of Bendy Bow.
- 7.34 I am satisfied that this approach is appropriate and meets the basic conditions.

Policy 9 – Opportunities for Enhancement

- 7.35 has been updated to remove reference to Bendy Bow as an area for enhancement to reflect the fact that the housing site allocation has now been constructed and has delivered the enhancement. A consequential amendment has been made to Map 19 in the character appraisal. As progress has recently been made on enhancing The Well Garden it has now been removed from the policy as the enhancement is completed.
- 7.36 I am satisfied that this approach is appropriate and meets the basic conditions.

Policy 10 – Highway and Travel

- 7.37 This policy has been amended in title from ‘Highways Impact’ to ‘Highways and Travel’. The policy has been added to with reference to Active Travel and Rural Lane Character. Reference has been added to paragraph 4.14 regarding the potential use of planning conditions on developments relating to Traffic Management Plans covering HGV movements.

- 7.38 WC comments that the policy misses the opportunity to require Electric Vehicle (EV) charging as part of the parking proposals. Furthermore, the policy around active travel could be more ambitious by requiring all new developments to provide every new unit with convenient, accessible, covered, and secure cycle parking. Furthermore, support could be stated for proposals to facilitate such cycle parking at existing development.
- 7.39 I have considered these comments very carefully. However, the content of any neighbourhood plan (or a review of a made Plan) is entirely at the discretion of a qualifying body. I am satisfied that the issues raised are not required to be incorporated into the policy to ensure that it meets the basic conditions. The specific issue of charging points for electric vehicles is now addressed in the Building Regulations.
- 7.37 I am satisfied that this approach is appropriate taken in the policy is appropriate and meets the basic conditions.

Policy 11 – Heritage Assets

- 7.38 This policy remains unchanged from the made Plan.
- 7.39 I am satisfied that it continues to meet the basic conditions. It reflects the scale and significance of heritage assets in the neighbourhood area and has regard to Section 16 of the NPPF.

Policy 12 – Oaksey Conservation Area

- 7.40 This policy remains unchanged from the made Plan.
- 7.41 I am satisfied that it continues to meet the basic conditions. It reflects the scale and significance of heritage assets in the parish and has regard to Section 16 of the NPPF.

Policy 13 – Non-Designated Heritage Assets

- 7.42 This policy remains unchanged from the made Plan.
- 7.43 I am satisfied that it continues to meet the basic conditions. It reflects the scale and significance of heritage assets in the parish and has regard to Section 16 of the NPPF

Policy 14 – Housing Delivery

- 7.44 This is a proposed new policy. It has been included to reflect the emerging strategic housing requirement for the parish up to 2038. It is based on an indicative housing figure supplied by WC.
- 7.45 The supporting text on this matter helpfully underpins the policy. However, it comments extensively about the way in which the holiday accommodation/residential units at Oaksey Park, which are outside the settlement boundary, impact on housing delivery. It advises about past and current planning applications (and associated appeals). The approach taken on the Plan has attracted a representation from Oaksey Park Golf and Leisure.
- 7.46 I recommend that the supporting text is revised and simplified so that it explains how the policy will be delivered, including the ongoing anticipated delivery of new homes

within the Settlement Boundary. The revised supporting text comments about Oaksey Park only to describe its relative position to the Settlement Boundary and the way in which the outcome of current planning applications and appeals would impact on the delivery of the strategic housing requirement for the parish. I also recommend modifications to the supporting text to acknowledge the progress which has been made on the emerging Local Plan.

- 7.47 On the basis of the information available at this point, I am satisfied that the Plan's assessment of future housing delivery in the Plan period is reasonable. The evidence supports OPC's conclusion that there has been a steady delivery of infill development within the Settlement Boundary in recent years. Nevertheless, it is important that this matter is carefully monitored. Whilst past evidence suggests that windfall development will continue, the easier sites may have already been developed. I have recommended a modification to the monitoring and review section of the Plan later in this report to address this matter.
- 7.48 As submitted, the policy is a statement of intent rather than a land use policy. I recommend that the policy is recast to remedy this matter. The recast policy sets out the way in which the indicative housing requirement will be met.
- 7.49 Otherwise, I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with: 'The Plan will deliver a minimum of 29 dwellings in the Plan period to meet the baseline indicative housing requirement. The required delivery will be achieved through a combination of completions, committed sites, and windfall development within the Settlement Boundary.'

Replace paragraph 7.15 with: 'A draft version of the Local Plan Review was published in Autumn 2023 and the Plan is currently anticipated to be adopted in Spring 2025. The Plan period for the First Review of the Neighbourhood Plan has now been revised to 2038. This approach reflects the emerging housing figures for the individual settlements in the emerging Local Plan Review which also has a Plan period up to 2038.'

Delete the first paragraph 7.17.

Merge paragraph 7.18 into the second paragraph 7.17.

Replace paragraph 7.21 with: 'The First Review of the Plan has discounted any abnormal elements arising from the granting of planning permissions at Oaksey Park which sits in the countryside to the north of the village from these figures. Those permissions related to changes of use from holiday accommodation to permanent dwellings.'

Replace paragraph 7.22 with: 'The First Review bases a future windfall estimate housing calculation simply on the number of single dwellings that were built previously; this was four dwellings over a the 5-year period 2016 to 2021. Looking at windfall trends over the 10-year period for 2011 to 2021 in the Settlement Boundary, windfall from single dwellings for the previous ten years is five dwellings. Rolling forward the

same windfall rate for the 16 years from 2022 to 2038 would give a windfall estimate of eight dwellings based on historical trends.'

Replace the final two sentences of paragraph 7.24 with: 'The Parish Council considers that the residual part of the strategic housing requirement has a reasonable prospect of being met by windfall proposals. In addition, there is a pending planning application at Oaksey Park which, if approved, would contribute to the delivery of housing in the parish.'

At the end of paragraph 7.25 add: 'Section 15 of the Plan comments about the way in which the delivery of housing will be monitored and how the Plan would be reviewed again if necessary.'

Policy 15 – New Housing

- 7.50 This policy is identical to Policy 14 of the made Plan.
- 7.51 I am satisfied that it continues to meet the basic conditions. It offers support for infill development in the village (subject to amenity and design criteria) and has regard to Section 5 of the NPPF.
- 7.52 I recommend an additional element is included in the policy to ensure compliance with the Habitat Regulations following the Appropriate Assessment undertaken by WC in December 2023.
- 7.53 Otherwise, I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Add a new paragraph at the end of the policy to read:

'Any residential development that comes forward within the interim outer 4.2 – 9.4km Zol must provide a SAMM contribution of £323 per dwelling/unit to ensure appropriate mitigation is implemented in accordance with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 - 2028.'

Policy 16 – Community Facilities

- 7.54 This policy remains unchanged from the made Plan.
- 7.55 I am satisfied that it continues to meet the basic conditions. It reflects the scale and significance of community facilities in the parish and has regard to Section 8 of the NPPF. The success of the policy is reflected in the continued importance of community facilities in the village.

Policy 17 – Setting of Oaksey Village

- 7.56 This policy remains unchanged from the made Plan.
- 7.57 In general terms I am satisfied that it continues to meet the basic conditions. It reflects the setting of the village within its agricultural hinterland and has regard to Section 15 of the NPPF.

- 7.58 I recommend two modifications to the policy. They address both the wording used and its format. Whilst they do not change the intentions on the policy, they provide improved clarity for development management purposes. The first reverses the order of the first and second parts of the policy so that they more naturally flow one from the other and complement the information in the supporting text.
- 7.59 The second proposes a modification to the wording of the final part of the policy to reflect the approach and language now taken in neighbourhood plans. The word 'encouraged' has little weight in a planning policy and the overall wording.
- 7.60 Otherwise, I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Reverse the order of the first two parts of the policy. In doing so, in the first part of the policy (as submitted) replace 'the natural features' with 'these natural features'

Replace the final element of the policy with: 'Proposals for appropriate landscaping and planting which would enhance the village and surrounding areas will be supported, especially where they would be adjacent to new development proposals.'

Policy 18 – Climate Change Mitigation

- 7.61 This is a proposed new policy. It addresses climate change including renewable or low-carbon energy generation, electric vehicle charging and surface water management.
- 7.62 In general terms the policy takes a positive approach to this important matter and has regard to Section 14 of the NPPF. Nevertheless, I recommend the following series of recommended modifications to bring the clarity required by the NPPF and to allow it to be applied consistently by WC in the development management process:
- the incorporation of proportionate elements into parts of the policy;
 - the incorporation of sub-headings into the policy; and
 - the recasting of the first part of the policy so that it is criteria-based.
- 7.63 Otherwise, I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Above the listed paragraph numbers insert the following sub headings:

- **Domestic renewable or low-carbon energy generation (2)**
- **Small-scale community led renewable energy generation (4)**
- **Electric vehicle charging points (5)**
- **The management of surface water (7)**

Replace the opening element of the fourth part of the policy with: 'As appropriate to their scale, nature and location, proposals for small-scale community led renewable energy generation on non-domestic renewables or low carbon energy generation should comply with the following criteria:'

Replace the opening element of the penultimate part of the policy with: ‘As appropriate to their scale, nature and location, development proposals should incorporate a sustainable and integrated approach to the management of surface water including run-off. The approach taken should respond positively to the expected impacts of climate change.’

Replace the opening element of the final part of the policy with: ‘As appropriate to their scale, nature and location, development proposals which would involve the loss of permeable surfaces, loss of trees, loss of soft landscaping or loss of any other feature that reduces flood risk should use appropriate mitigation measures to manage flood risk within the site or elsewhere.’

Policy 19 – Energy Efficiency

- 7.64 This is a proposed new policy. It addresses energy efficiency in new and existing properties. In general terms it takes a positive approach to energy efficiency and has regard to Section 14 of the NPPF. It has a commendably non-prescriptive approach to a matter where technology (and best practice) is evolving at a rapid pace.
- 7.65 I recommend that the fourth and fifth bullet points in the first part of the policy are repositioned into the second part of the policy.
- 7.66 I also recommend detailed modifications to the wording used in the second part of the policy (on the retrofitting of existing buildings) so that it offers support rather than encouragement to such works.
- 7.67 Finally, I recommend that the supporting text is expanded so that it refers to the Written Ministerial Statement on Local Energy Efficiency Standards (December 2023) on these matters. I am satisfied that the non-prescriptive approach in the policy is entirely consistent with the contents and approach set out in the Written Ministerial Statement.
- 7.68 Otherwise, I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the first part of the policy delete the fourth and fifth bullet points and insert ‘and’ at the end of the existing second bullet point.

Replace the second part of the policy with:

‘Proposals which address energy efficiency in the existing building stock (such as the retrofitting of measures within existing properties to reduce energy demand and to generate renewable energy) will be supported where they meet the following criteria:

- **they respect the character and appearance of the host property; and**
- **they safeguard the historic characteristics of the Conservation Area including the use of the traditional building material palette.’**

At the end of paragraph 13.13 add: 'In December 2023 a Written Ministerial Statement (Local Energy Efficiency Standards) was published on these matters. Policies 18 and 19 are consistent with its non-prescriptive approach.'

Other Matters - General

- 7.69 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 because 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 because of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for WC and OPC 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 and to accommodate any administrative and technical changes.

- 7.70 The NPPF was updated in December 2023 after the Plan was submitted. I recommend that any references in the Plan either to the date of the NPPF or to its paragraph number (where necessary) are updated.

Update any references in the Plan either to the date of the NPPF or to its paragraph number (where necessary).

Other Matters – Specific

- 7.71 WC has made a series of helpful comments on the Plan. I have included them in the recommended modifications on a policy-by-policy basis where they are required to ensure that the Plan meets the basic conditions.

- 7.72 I also recommend the following other modifications to the general text of the Plan based on WC's comments insofar as they are necessary to ensure that the Plan meets the basic conditions. In the main they bring the Plan up-to-date or correct errors.

In the Foreword revise the Plan period to '2038'

At the end of paragraph 0.9 add: 'However, further screening was undertaken by Wiltshire Council in December 2023. On this basis, an appropriate assessment was prepared to respond to the publication of the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 – 2028 and the updated zones of influence (Zoi).'

At the end of paragraph 0.20 add: 'Wiltshire Council is now well-advanced in its preparation of the emerging Wiltshire Local Plan. Once adopted its policies will replace those in the Wiltshire Core Strategy, along with 'saved policies' from the North Wiltshire Local Plan.'

In paragraph 10.6 replace 'Covering a slightly larger area including Mallard Lake is the Clattinger Farm Sites of Special Scientific Interest (SSSI)' with 'Covering the same area as the SAC is the Clattinger Farm Sites of Special Scientific Interest (SSSI)'

In paragraph 10.7 replace 'Outside of the Neighbourhood Plan area but within around 250m of the Plan Area boundary also lies the Cotswold Water Park SSSI' with 'Mallard Lake and Cottage Lake within the Neighbourhood Plan area lie in the Cotswold Water Park SSSI which also covers a wider area to the east outside of the Plan Area boundary.'

Replace paragraph 10.9 with: 'Within the neighbourhood area lie four County Wildlife Sites, two that abut each other known as Lower Moor Farm and Oaksey Moor Farm Meadows located around the edge of the Cotswold Water Park adjacent to the SSSIs and SAC; a third south of Oaksey Park Airfield; and a fourth at Oaksey Wood to the west of the village.'

Update Map 13 to include the current boundaries of the Clattinger Farm SSSI and the Cotswold Water Park SSSI.

In paragraph 12.4 replace 'Cotswold Water' with 'Cotswold Water Park'

Implementation, Review and Monitoring

- 7.73 Section 15 of the Plan addresses the implementation, review, and monitoring in a very positive way. It acknowledges that continual plan review is a fundamental element of the planning system.
- 7.74 Paragraph 15.3 anticipates a further review of the Plan. This would be best practice. I recommend that it comments that OPC will consider the need for the full or partial review of the First Review within six months of the adoption of the emerging Local Plan. The adoption of the Local Plan will be a key stage in the update of the development plan. This approach will also have two key benefits. The first is that it will provide a clear signal to the development industry. The second is that it would provide a timely mechanism for a partial review of the Plan if the delivery of the strategic housing provision in the parish (and set out on Policy 14) is not proceeding as OPC currently anticipates.

At the end of paragraph 15.3 add:

'In this broader context the adoption of the Wiltshire Local Plan Review will be a key stage in the update of the development plan. The Parish Council will consider the need or otherwise for the full or partial review of the First Review within six months of the adoption of the emerging Local Plan Review.'

8 Summary and Conclusions

Summary

- 8.1 The Review of the 'made' Plan sets out a range of policies to guide and direct development proposals in the period up to 2038. It has been carefully prepared to refresh the Plan and to address changes in national and local planning policy which have arisen since the initial plan was made. It is a first-class example of a local community refreshing its neighbourhood plan.

Conclusion

- 8.2 Following my independent examination of the Plan I have concluded that the Oaksey Neighbourhood Development Plan First Review meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 The recommended modifications refine the wording of certain policies. Nevertheless, the submitted review of the Plan remains fundamentally unchanged in its role and purpose.
- 8.4 I conclude that Wiltshire Council should make the submitted review of the Plan with the modifications specified in this report.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner.

Andrew Ashcroft
Independent Examiner
18 April 2024

APPENDIX 2

Modifications to Oaksey Neighbourhood Plan (First Review) 2018-2038

APPENDIX 2

Modifications required to be made to the draft Oaksey Neighbourhood Plan (First Review) 2018-2038 (submission version September 2023) in response to the Examiner's recommendations and to correct errors

Guidance for using this document

The following table sets out the modifications that are required to be made to the Oaksey Neighbourhood Plan (First Review) 2018 – 2038 (submission September 2023), hereafter referred to as the draft ONPFR, together with the explanation and reason for modification. This should be read alongside the report dated 18th April 2024 of the independent examiner, Andrew Ashcroft to Wiltshire Council on the draft ONPFR.

Throughout the table, specific changes that are required are shown as follows:

- text in **bold and underlined** identifies new text to be added to the Plan.
- text that is shown as ~~red strikethrough~~ identifies text to be deleted from the Plan.

The relevant paragraph, policy and page numbering relates to the draft ONPFR, as submitted to Wiltshire Council. For each change, the table sets out the examiner's recommendation as set out in his report together with the modification that is required to be made to the draft neighbourhood plan. Some additional changes are also included that are not in the examiner's report to correct errors, such as typographical errors.

As a result of some modifications, consequential amendments were required to the final ONPFR to be published. These included changing section headings, amending the contents page, renumbering paragraphs or pages and ensuring that supporting appendices and other documents align with the final version of the ONPFR.

APPENDIX 2

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Reference number	Page in examiner's report	Related draft ONPFR page / section	Recommendation and proposed modification	Reason for modification
R1	14	Page 34, Policy 1 Settlement Boundary	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Add a new paragraph at the end of Policy 1 to read:</p> <p>'Any residential development that comes forward within the interim outer 4.2 – 9.4km Zone of Influence must provide a SAMM contribution of £323 per dwelling/unit to ensure appropriate mitigation is implemented in accordance with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 - 2028.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Add text within 'Policy 1 Settlement Boundary', as follows: <p>Policy 1 – Settlement Boundary</p> <p>The settlement boundary of Oaksey²⁵ is defined on Map 3. It serves the purpose of containing the growth of the settlement and protecting the countryside from encroachment.</p> <p>Within the settlement boundary proposals will be supported, subject to other development plan policies²⁶, for small-scale development on sites not allocated for development which do not adversely affect the structure and form of the existing linear settlement, respect its landscape setting and the undeveloped nature of the surrounding rural areas.</p>	For clarity and accuracy and to meet the basic conditions.

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Reference number	Page in examiner's report	Related draft ONPFR page / section	Recommendation and proposed modification	Reason for modification
			<u>Any residential development that comes forward within the interim outer 4.2 – 9.4km Zone of Influence must provide a SMM contribution of £323 per dwelling/unit to ensure appropriate mitigation is implemented in accordance with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 - 2028.</u>	
R2	15	Page 35, Policy 2 – Development in the Open Countryside	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Add a new paragraph at the end of Policy 2 to read:</p> <p>'Any residential development that comes forward within the interim outer 4.2 – 9.4km Zone of Influence must provide a SMM contribution of £323 per dwelling/unit to ensure appropriate mitigation is implemented in accordance with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 - 2028.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Add text within 'Policy 2 – Development in the Open Countryside' as follows: <p>Policy 2 – Development in the Open Countryside</p> <p>The land outside of the settlement boundary is designated as countryside. Development outside the settlement boundary will be strictly controlled and proposals will only be supported for development which requires a countryside location, such as</p>	For clarity and accuracy and to meet the basic conditions.

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Reference number	Page in examiner's report	Related draft ONPFR page / section	Recommendation and proposed modification	Reason for modification
			<p>agriculture, horticulture or forestry; or are related to community, leisure or recreation. In particular those designed to meet the needs of local residents will be supported.</p> <p>Residential development will only be permitted in the countryside where it meets one of the exceptions policies referred to in paragraph 4.25 of the Wiltshire Core Strategy and National Planning Policy.</p> <p><u>Any residential development that comes forward within the interim outer 4.2 – 9.4km Zone of Influence must provide a SAMM contribution of £323 per dwelling/unit to ensure appropriate mitigation is implemented in accordance with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 - 2028.</u></p>	
R3	15	Page 36, Policy 3 – Holiday Accommodation, Leisure and Recreation	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Add a new paragraph at the end of Policy 3 to read:</p> <p>'Any visitor accommodation development that comes forward within the interim outer 4.2 – 9.4km Zone of Influence must provide a SAMM contribution of £323 per dwelling/unit to ensure appropriate mitigation is implemented in accordance with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 - 2028.'</p> <p><u>REQUIRED MODIFICATION:</u></p>	For clarity and accuracy and to meet the basic conditions.

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Reference number	Page in examiner's report	Related draft ONPFR page / section	Recommendation and proposed modification	Reason for modification
			<ul style="list-style-type: none"> • Add text within 'Policy 3 – Holiday Accommodation, Leisure and Recreation' as follows: <p>Proposals for holiday accommodation, leisure and recreation uses designed to meet the needs of visitors and tourists will be supported within the existing part of the Cotswold Water Park (Cottage Lake; Swallow Pool; and Mallard Lake) in the Parish. Proposals within the Cotswold Water Park will also need to comply with Core Policy 54 of the Wiltshire Core Strategy and Policy 7 of this Neighbourhood Plan. Proposals to extend the Cotswold Water Park westwards will not be supported.</p> <p>The removal of occupancy restrictions on holiday accommodation to allow their use as a permanent residential dwelling will be supported where the property is located within the settlement boundary.</p> <p>Proposals to remove occupancy restrictions on holiday accommodation in the countryside to allow their use as a permanent residential dwelling will not be supported as it would result in residential development that is isolated and/or has poor accessibility by sustainable transport modes.</p> <p>The Parish Council will work with Wiltshire Council and the operators of Oaksey Park to improve pedestrian and cycle linkages between the village and Oaksey Park to enhance accessibility and active travel opportunities for the existing residents of Oaksey Park.</p>	

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Reference number	Page in examiner's report	Related draft ONPFR page / section	Recommendation and proposed modification	Reason for modification
			<p>The change of use of a permanent residential dwelling to holiday accommodation will be resisted.</p> <p><u>Any residential development that comes forward within the interim outer 4.2 – 9.4km Zone of Influence must provide a SMM contribution of £323 per dwelling/unit to ensure appropriate mitigation is implemented in accordance with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 - 2028.</u></p>	
R4	16	Page 42, Policy 6 – Boundary Treatment, Trees and Public Realm	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Replace 'will be resisted' with 'will not be supported' within Policy 6.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend text within 'Policy 6 – Boundary Treatment, Trees and Public Realm' as follows: <p>Policy 6 – Boundary Treatment, Trees and Public Realm</p> <p>Development proposals which impact negatively on the boundary treatment, landscaping or trees which make a positive contribution to the public realm will not be supported be resisted. Any new development will be expected to demonstrate, where relevant, how it will contribute to high quality streets, pavements and other publicly accessible areas (the public realm) within Oaksey.</p>	For clarity and accuracy.

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			Important boundaries in the form of stone walls and hedges are illustrated on the character profile maps in the Character Appraisal in Annexe 1.	
R5	18	Page 62, Policy 14 – Housing Delivery	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Replace Policy 14 with:</p> <p>‘The Plan will deliver a minimum of 29 dwellings in the Plan period to meet the baseline indicative housing requirement. The required delivery will be achieved through a combination of completions, committed sites, and windfall development within the Settlement Boundary.’</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Replace text within ‘Policy 14 Housing Delivery as follows:’ <p>Policy 14 – Housing Delivery</p> <p>For the period 2020 to 2038 the Neighbourhood Plan will look to deliver a minimum of 29 dwellings to meet the baseline indicative housing requirement.</p> <p><u>The Plan will deliver a minimum of 29 dwellings in the Plan period to meet the baseline indicative housing requirement. The required delivery will be achieved through a combination of completions, committed sites, and windfall development within the Settlement Boundary.</u></p>	For clarity and accuracy and to meet the basic conditions.

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R6	18	Page 57, Paragraph 7.15	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Replace paragraph 7.15 with: 'A draft version of the Local Plan Review was published in Autumn 2023 and the Plan is currently anticipated to be adopted in Spring 2025. The Plan period for the First Review of the Neighbourhood Plan has now been revised to 2038. This approach reflects the emerging housing figures for the individual settlements in the emerging Local Plan Review which also has a Plan period up to 2038.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Replace the text in paragraph 7.15 as follows: <p>7.15 The emerging Wiltshire Local Plan Review has now moved on and the change of end date from 2036 to 2038 is confirmed. The Publication Draft of the Local Plan Review will undertake the final public pre-submission consultation, running from Wednesday 27 September 2023 to Wednesday 22 November 2023. Given that the Local Plan Review is now moving along in parallel with the Neighbourhood Plan Review it is logical to revise the end date of the submission Neighbourhood Plan First Review to 2038 to reflect the emerging housing figures for the individual settlements to be published and consulted upon in the Publication version of the emerging Local Plan Review.</p> <p><u>A draft version of the Local Plan Review was published in Autumn 2023 and the Plan is currently anticipated to be adopted in Spring 2025. The Plan period for the First Review of the Neighbourhood Plan has now been revised to</u></p>	

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			<u>2038. This approach reflects the emerging housing figures for the individual settlements in the emerging Local Plan Review which also has a Plan period up to 2038.</u>	
R7	18	Page 59, Paragraph 7.17 & 7.18	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Delete the first paragraph 7.17. Merge paragraph 7.18 into the second paragraph 7.17.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Delete the first paragraph of the first 7.17 and merge paragraph 7.18 into the second 7.17 as follows: <p>7.17 Prior to producing the draft of the Neighbourhood Plan First Review the Parish Council sought formal confirmation from Wiltshire Council as to the indicative housing figure it should plan for the period 2016 to 2036. They confirmed that the indicative annualised figure of 1.8 dwellings in the Regulation 18 Empowering Rural Communities document was the figure that the Neighbourhood Plan should plan for at that point in time. They also provided the updated position as well. Therefore, for Oaksey the position that was reflected in the draft of the Neighbourhood Plan First Review was:</p> <ul style="list-style-type: none"> • Baseline indicative housing requirement 2016-2036 = 35 dwellings • Net Completions (2016-21) = 6 dwellings • Commitments (at 1 April 2022) = 26 dwellings (note this includes the Neighbourhood Plan Allocation that has now been completed giving a net addition of 12 dwellings) 	For clarity and accuracy and to meet the basic conditions.

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			<p>• Residual Left to Find = 3 dwellings</p> <p>7.17 The Publication Draft of the Local Plan Review⁴⁵ has now produced revised housing figures for named settlements for 2020-2038. This indicates that the indicative housing figure for Oaksey is to be 29 dwellings.</p> <p>7.18 Therefore, for Oaksey the position that now applies to the submission version of the Neighbourhood Plan First Review⁴⁶ is:</p> <ul style="list-style-type: none"> • Baseline indicative housing requirement 2020-2038 = 29 dwellings • Net Completions (2020-2022) = 12 dwellings⁴⁷ • Commitments (at 1 April 2022) = 14 dwellings⁴⁸ • Residual Left to Find = 3 dwellings <ul style="list-style-type: none"> • Consequential amendments to paragraph numbering required, as follows: <p>7.189 7.2019 7.204 7.212 7.223 7.234 7.245 7.256 7.267 7.278</p>	

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R8	18	Page 60, Paragraphs 7.21 & 7.22	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Replace paragraph 7.21 with: 'The First Review of the Plan has discounted any abnormal elements arising from the granting of planning permissions at Oaksey Park which sits in the countryside to the north of the village from these figures. Those permissions related to changes of use from holiday accommodation to permanent dwellings.'</p> <p>Replace paragraph 7.22 with: 'The First Review bases a future windfall estimate housing calculation simply on the number of single dwellings that were built previously; this was four dwellings over a the 5-year period 2016 to 2021. Looking at windfall trends over the 10-year period for 2011 to 2021 in the Settlement Boundary, windfall from single dwellings for the previous ten years is five dwellings. Rolling forward the same windfall rate for the 16 years from 2022 to 2038 would give a windfall estimate of eight dwellings based on historical trends.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Replace the text within Paragraphs 7.21 and 7.22 (now renumbered as 7.20 and 7.21 as per R7), as follows: <p>7.21 However, it is considered appropriate to remove abnormal elements from these figures. It is considered that supply from Oaksey Park that arose from properties changing from holiday accommodation to permanent dwellings should be considered an abnormal as this cannot necessarily be repeated; so is proposed to be discounted. This leaves past windfall supply</p>	For clarity and accuracy and to meet the basic conditions.

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			<p>being 8 dwellings over the 5-year period 2016 to 2021. It is also reasonable to consider whether there were any other atypical proposals delivered in that figure of 8 dwellings. This did in fact include the site adjacent to the pond which was for 4 dwellings; that was of a size that is a bit untypical of windfall in a village like Oaksey, it is more like the size an allocation in a Neighbourhood Plan might be.</p> <p>7.22 Therefore, the First Review bases a future windfall estimate housing calculation just on the number of single dwellings that were built previously; this was 4 dwellings over a the 5-year period 2016 to 2021. Looking at windfall trends over a longer period such as over the 10-year period for 2011 to 2021 ignoring any permissions at Oaksey Park and not double counting; then windfall from single dwellings for the 10 years looking backwards is actually 5 dwellings. Rolling forward the same windfall rate for the 16 years from 2022 to 2038 would give a windfall estimate of 8 dwellings based on historical trends. The windfall estimate is justified by evidence as the NPPF50 requires.</p> <p><u>7.20 The First Review of the Plan has discounted any abnormal elements arising from the granting of planning permissions at Oaksey Park which sits in the countryside to the north of the village from these figures. Those permissions related to changes of use from holiday accommodation to permanent dwellings.</u></p> <p><u>7.21 The First Review bases a future windfall estimate housing calculation simply on the number of single</u></p>	

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			<u>dwelling that were built previously; this was four dwellings over a the 5-year period 2016 to 2021. Looking at windfall trends over the 10-year period for 2011 to 2021 in the Settlement Boundary, windfall from single dwellings for the previous ten years is five dwellings. Rolling forward the same windfall rate for the 16 years from 2022 to 2038 would give a windfall estimate of eight dwellings based on historical trends.</u>	
R9	19	Page 60, Paragraph 7.24	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Replace the final two sentences of paragraph 7.24 with: 'The Parish Council considers that the residual part of the strategic housing requirement has a reasonable prospect of being met by windfall proposals. In addition, there is a pending planning application at Oaksey Park which, if approved, would contribute to the delivery of housing in the parish.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Replace the final two sentences of Paragraph 7.24 (now renumbered 7.23 as per R7) as follows: <p>7.234 Accordingly, housing supply for the period 2020 to 2038 is estimated to be 117% of the current indicative housing requirement. The neighbourhood plan contains policies and allocations to meet its identified housing requirement in the context of the NPPF⁵⁰. Therefore, it is not considered necessary at this time to look to include any additional site allocation for housing in the Neighbourhood Plan First Review. The residual</p>	For clarity and accuracy and to meet the basic conditions.

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			<p>part of the strategic housing requirement has a reasonable prospect of being met by windfall proposals. There is also a pending planning application that if they were to be granted would result in a large housing commitment. <u>The Parish Council considers that the residual part of the strategic housing requirement has a reasonable prospect of being met by windfall proposals. In addition, there is a pending planning application at Oaksey Park⁵¹ which, if approved, would contribute to the delivery of housing in the parish.</u></p>	
R10	19	Page 61, Paragraph 7.25	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>At the end of paragraph 7.25 add: 'Section 15 of the Plan comments about the way in which the delivery of housing will be monitored and how the Plan would be reviewed again if necessary.'</p> <p><u>REQUIRED MODIFICATIONS:</u></p> <ul style="list-style-type: none"> At text to the end of Paragraph 7.25 (now renumbered 7.24 as per R7) as follows: <p>7.254 Housing requirements are a minimum rather than a maxima, so there is no conflict with strategic policies where a Neighbourhood Plan is looking to deliver a higher housing figure. As with all matters future reviews of the Neighbourhood Plan can revisit the issue of housing delivery within the plan period up to 2038 if either the strategic housing requirement were to change and/or if housing delivery does not come forward as anticipated. There remains some 15 years before the</p>	For clarity and accuracy and to meet the basic conditions.

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			end period of the Neighbourhood Plan 2038 is to be reached. The NPPF expects development plans to be reviewed every 5 years. <u>Section 15 of the Plan comments about the way in which the delivery of housing will be monitored and how the Plan would be reviewed again if necessary.</u>	
R11	19	Page 62, Policy 15 – New Housing	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Add a new paragraph at the end of Policy 15 to read:</p> <p>'Any residential development that comes forward within the interim outer 4.2 – 9.4km ZoI must provide a SAMM contribution of £323 per dwelling/unit to ensure appropriate mitigation is implemented in accordance with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 - 2028.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Add text within 'Policy 15 – New Housing' as follows: <p>Policy 15 – New Housing</p> <p>Small-scale infill residential development within the settlement boundary that does not impact adversely on the character and appearance of the surrounding area or living conditions of future occupiers and neighbouring occupiers will be supported where it complies with other policies in the Neighbourhood Plan and the Wiltshire Core Strategy. In particular proposals should respect the characteristics and local distinctiveness of the relevant</p>	For clarity and accuracy and to meet the basic conditions.

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			<p>Character Area profile detailed in the Character Appraisal in Annexe 1. Proposals will be expected, where possible, to have a direct highway frontage.</p> <p>The design of all housing shall have particular regard to the criteria set out in Wiltshire Core Strategy Core Policy 57 'Ensuring High Quality Design and Place Shaping'.</p> <p><u>Any residential development that comes forward within the interim outer 4.2 – 9.4km Zol must provide a SAMM contribution of £323 per dwelling/unit to ensure appropriate mitigation is implemented in accordance with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 - 2028.</u></p>	
R12	20	Page 71, Policy 17 – Setting of Oaksey Village	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Reverse the order of the first two parts of Policy 17. In doing so, in the first part of the policy (as submitted) replace 'the natural features' with 'these natural features'</p> <p>Replace the final element of the policy with: 'Proposals for appropriate landscaping and planting which would enhance the village and surrounding areas will be supported, especially where they would be adjacent to new development proposals.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend and add text within 'Policy 17 Setting of Oaksey Village', as follows: 	For clarity and accuracy and to meet the basic conditions.

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			<p>Policy 17 – Setting of Oaksey Village</p> <p><u>The following features are considered important to the overall setting of Oaksey Parish:</u></p> <ul style="list-style-type: none"> • <u>Oaksey Wood;</u> • <u>Dean Plantation;</u> • <u>The tree planting at Oaksey Golf Club;</u> • <u>The tree lined driveway to Park Farm; and</u> • <u>The trees along Eastcourt Road</u> <p>The Neighbourhood Plan supports proposals that protect and enhance these natural features that are a key component of the landscape and provide habitat for Oaksey's diverse wildlife populations, including:</p> <p>a) Measures to protect & enhance our natural environment & landscape character and to maintain tree cover & hedgerows will be promoted wherever possible;</p> <p>b) Proposals that provide favourable conditions for biodiversity including maintenance and enhancement of habitat connectivity and landscape scale conservation. Mitigation measures will be sought where any loss would be unavoidable and cause significant harm;</p> <p>The following features are considered important to the overall setting of Oaksey Parish:</p>	

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			<ul style="list-style-type: none"> •Oaksey Wood; •Dean Plantation; •The tree planting at Oaksey Golf Club; •The tree lined driveway to Park Farm; and •The trees along Eastcourt Road <p>Development which adversely affects the character, appearance, setting, and tranquillity of the river corridors of Swill Brook and Flagham Brook will not be supported.</p> <p>Development proposals affecting sites of international, national and local nature conservation and geological importance will be determined in accordance with national policy and the development plan.</p> <p>Proposals to enhance the village and surrounding areas through appropriate landscaping and planting, especially around any new developments, will be encouraged.</p> <p><u>Proposals for appropriate landscaping and planting which would enhance the village and surrounding areas will be supported, especially where they would be adjacent to new development proposals.</u></p>	
R13	20	Page 75, Policy 18 – Climate Change Mitigation	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Above the listed paragraph numbers insert the following sub headings:</p>	For clarity and accuracy and to meet the basic conditions.

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			<ul style="list-style-type: none"> • Domestic renewable or low-carbon energy generation (2) • Small-scale community led renewable energy generation (4) • Electric vehicle charging points (5) • The management of surface water (7) <p>Replace the opening element of the fourth part of the policy with: 'As appropriate to their scale, nature and location, proposals for small-scale community led renewable energy generation on non-domestic renewables or low carbon energy generation should comply with the following criteria:'</p> <p>Replace the opening element of the penultimate part of the policy with: 'As appropriate to their scale, nature and location, development proposals should incorporate a sustainable and integrated approach to the management of surface water including run-off. The approach taken should respond positively to the expected impacts of climate change.'</p> <p>Replace the opening element of the final part of the policy with: 'As appropriate to their scale, nature and location, development proposals which would involve the loss of permeable surfaces, loss of trees, loss of soft landscaping or loss of any other feature that reduces flood risk should use appropriate mitigation measures to manage flood risk within the site or elsewhere.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Amend text within 'Policy 18 – Climate Change Mitigation', as follows: 	

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			<p>Policy 18 – Climate Change Mitigation</p> <p>To support climate change mitigation, proposals for new development which encourage and include the use of renewable energy generation and low-carbon modes of transport will be supported subject to compliance with other policies.</p> <p><u>Domestic renewable or low-carbon energy generation</u></p> <p>Where planning permission is required, proposals for installing domestic renewable or low-carbon energy generation on existing premises will be supported subject to compliance with other policies.</p> <p>The installation of domestic renewables or low carbon energy generation must not compromise the visual quality of the building nor streetscene and must be well integrated. The installation of domestic renewables or low carbon energy generation should not harm the character or appearance of the Conservation Area.</p> <p><u>Small-scale community led renewable energy generation</u></p> <p>Proposals for small-scale community led renewable energy generation on non-domestic renewables or low carbon energy generation will be supported where the following criteria are met:</p> <ul style="list-style-type: none"> • They provide energy to one or more local community facilities; 	

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			<ul style="list-style-type: none"> • They respect the rural and/or settlement character of the locality; • They do not harm the character or appearance of the Conservation Area; • They will not adversely affect biodiversity; and • Residential amenity is protected. <p><u>Electric vehicle charging points</u></p> <p>Proposals to install electric vehicle charging points, where they need planning permission, will be supported. Proposals to install electric vehicle charging points or secure cycle parking and storage at community buildings in Oaksey will be supported.</p> <p>Proposals of parties, including charging point providers, Oaksey Parish Council and Wiltshire Council to develop on-street electric vehicle charging infrastructure including through use of existing street furniture across Oaksey will be supported.</p> <p><u>The management of surface water</u></p> <p><u>As appropriate to their scale, nature and location, development proposals should incorporate a sustainable and integrated approach to the management of surface water including run-off. The approach taken should respond positively to the expected impacts of climate change.</u> Proposals must incorporate a sustainable and integrated approach to the management of surface water including run-off. These proposals should be robust to the expected impacts of climate change.</p>	

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			<p><u>As appropriate to their scale, nature and location, development proposals which would involve the loss of permeable surfaces, loss of trees, loss of soft landscaping or loss of any other feature that reduces flood risk should use appropriate mitigation measures to manage flood risk within the site or elsewhere.</u></p> <p>All development involving the loss of permeable surfaces, loss of trees, loss of soft landscaping or loss of any other feature that reduces flood risk is required to use appropriate mitigation measures to prevent an increase in flood risk within the site or elsewhere. This should be proportionate to the scale of the proposal, with small interventions (such as planting or use of impermeable surfaces) acceptable for minor developments in areas of low flood risk.</p>	
R14	21	Page 76, Policy 19 – Energy Efficiency	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>In the first part of Policy 19 delete the fourth and fifth bullet points and insert 'and' at the end of the existing second bullet point.</p> <p>Replace the second part of Policy 19 with:</p> <p>'Proposals which address energy efficiency in the existing building stock (such as the retrofitting of measures within existing properties to reduce energy demand and to generate renewable energy) will be supported where they meet the following criteria:</p>	For clarity and accuracy and to meet the basic conditions.

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			<ul style="list-style-type: none"> • they respect the character and appearance of the host property; and • they safeguard the historic characteristics of the Conservation Area including the use of the traditional building material palette.' <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Amend text within 'Policy 19 – Energy Efficiency' as follows: <p>Policy 19 – Energy Efficiency</p> <p>The design and standard of any new development should aim to meet a high level of sustainable design and construction and be optimised for energy efficiency, targeting zero carbon emissions.</p> <p>This includes:</p> <ul style="list-style-type: none"> • Siting and orientation to optimise passive solar gain; • The use of high quality, thermally efficient building materials; <p>and</p> <ul style="list-style-type: none"> • Installation of energy efficiency measures such as loft and wall insulation and double glazing; <p>• Where feasible at the same time as new development undertaking measures to retrofit the existing property is encouraged to reduce energy demand and to generate renewable energy where appropriate, providing it safeguards the historic characteristics of the Conservation Area and respects the traditional building material palette; and</p>	

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			<p>• Alterations to existing buildings must be designed with energy reduction in mind and comply with sustainable design and construction standards.</p> <p>Addressing energy efficiency in the existing building stock is encouraged. This can include the retrofitting of measures within existing properties to reduce energy demand and to generate renewable energy where appropriate. Retrofitting measures should respect the character and appearance of the host property and should safeguard the historic characteristics of the Conservation Area including through respecting the traditional building material palette.</p> <p><u>Proposals which address energy efficiency in the existing building stock (such as the retrofitting of measures within existing properties to reduce energy demand and to generate renewable energy) will be supported where they meet the following criteria:</u></p> <ul style="list-style-type: none"> • <u>they respect the character and appearance of the host property; and</u> • <u>they safeguard the historic characteristics of the Conservation Area including the use of the traditional building material palette.</u> 	

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R15	22	Page 74, Paragraph 13.13	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>At the end of paragraph 13.13 add: 'In December 2023 a Written Ministerial Statement (Local Energy Efficiency Standards) was published on these matters. Policies 18 and 19 are consistent with its non-prescriptive approach.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Add text to the end of Paragraph 13.13 as follows: <p>13.13 National and local policies encourage sustainable design and construction and high levels of energy efficiency. Traditional and historic buildings, including Listed Buildings and those within Conservation Areas are often expensive to heat and can be less insulated and colder to live in. Greater care is needed in planning energy efficiency improvements to this type of building to avoid harm to their historic fabric and character. Nevertheless, historic buildings (including Listed Buildings) are not immune from the need to secure carbon emission reductions and energy efficiency improvements. Provided a sensitive approach is adopted, the character and heritage significance of historic building and the Conservation Area can be conserved. The energy efficiency study explores the opportunities for energy efficiency measures in older buildings and it gives examples of how such measures have been successfully installed in older buildings. <u>In December 2023 a Written Ministerial Statement (Local Energy Efficiency Standards) was published on these matters. Policies 18 and 19 are consistent with its non-prescriptive approach.</u></p>	For clarity and accuracy and to meet the basic conditions.

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R16	22	Throughout the plan	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amendments where necessary of general text within the Plan to achieve consistency with the modified policies and to accommodate any administrative and technical changes 	Consequential amendments .
R17	22	Throughout the plan	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Update any references in the Plan either to the date of the NPPF or to its paragraph number (where necessary).</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Updated where necessary any references in the Plan either to the date of the NPPF or to its paragraph number 	For clarity and accuracy and to meet the basic conditions.
R18	22	Page 7, Foreword	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>In the Foreword revise the Plan period to '2038'</p> <p><u>REQUIRED MODIFICATION:</u></p>	For clarity and accuracy.

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			<ul style="list-style-type: none"> Amend the text in the foreword to show plan period to 2038 as follows: <p>The First Review of the Neighbourhood Plan now looks to extend the plan period from 2026 through to 20368, which requires various matters to be updated and the First Review adds detail on climate change and renewable energy.</p>	
R19	22	Page 13, Paragraph 0.9	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>At the end of paragraph 0.9 add: 'However, further screening was undertaken by Wiltshire Council in December 2023. On this basis, an appropriate assessment was prepared to respond to the publication of the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 – 2028 and the updated zones of influence (Zol).'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Add text to Paragraph 0.9 as follows: <p>0.9 A Neighbourhood Plan must also comply with the Habitat Regulations which aim to protect and improve Europe's most important habitats and species. No Habitats Regulations Assessment (HRA) incorporating an Appropriate Assessment (AA) or SEA were carried out for the original Neighbourhood Plan. It was considered that the Oaksey Neighbourhood Plan documents had considered the environmental effects. The First Review of the Neighbourhood Plan has been screened with the Steering Group on behalf of Parish Council concluding that no</p>	For clarity and accuracy.

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			<p>SEA or HRA incorporating AA is required. Wiltshire Council as the Local Planning Authority has undertaken the required determination and has concluded that the First Review of the Neighbourhood Plan does not require SEA or HRA incorporating AA.</p> <p>Natural England has also agreed with this conclusion. <u>However, further screening was undertaken by Wiltshire Council in December 2023. On this basis, an appropriate assessment was prepared to respond to the publication of the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 – 2028 and the updated zones of influence (Zol).</u></p>	
R20	22	Page 16, Paragraph 0.20	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>At the end of paragraph 0.20 add: 'Wiltshire Council is now well-advanced in its preparation of the emerging Wiltshire Local Plan. Once adopted its policies will replace those in the Wiltshire Core Strategy, along with 'saved policies' from the North Wiltshire Local Plan.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Add text to Paragraph 0.20 as follows: <p>0.20 All policies within the Oaksey Neighbourhood Plan should be read in conjunction with the Wiltshire Core Strategy, the saved policies of the North Wiltshire Local Plan and the Wiltshire Housing Site Allocations Plan. When determining proposals for development, no policy will be applied in isolation and account</p>	For clarity and accuracy.

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			will be taken of all relevant policies. <u>Wiltshire Council is now well-advanced in its preparation of the emerging Wiltshire Local Plan. Once adopted its policies will replace those in the Wiltshire Core Strategy, along with 'saved policies' from the North Wiltshire Local Plan.</u>	
R21	23	Page 68, Paragraph 10.6	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>In paragraph 10.6 replace 'Covering a slightly larger area including Mallard Lake is the Clattinger Farm Sites of Special Scientific Interest (SSSI)' with 'Covering the same area as the SAC is the Clattinger Farm Sites of Special Scientific Interest (SSSI)'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in Paragraph 10.6 as follows: <p>10.6 Within the Neighbourhood Plan area lies the European designation the North Meadow and Clattinger Farm Special Area of Conservation (SAC).</p> <p>Covering <u>the same</u> a slightly larger area including Mallard Lake <u>as the SAC</u> is the Clattinger Farm Sites of Special Scientific Interest (SSSI). SACs were previously classified in accordance with EC Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Article 3 of this Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant</p>	For clarity and accuracy.

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			contribution to conserving the 189 habitat types and 788 species identified in Annexes I and II of the Directive. These sites are now designated under the Conservation of Habitats and Species Regulations 2017 (as amended).	
R22	23	Page 68, Paragraph 10.7	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>In paragraph 10.7 replace 'Outside of the Neighbourhood Plan area but within around 250m of the Plan Area boundary also lies the Cotswold Water Park SSSI' with 'Mallard Lake and Cottage Lake within the Neighbourhood Plan area lie in the Cotswold Water Park SSSI which also covers a wider area to the east outside of the Plan Area boundary.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in Paragraph 10.7 as follows: <p>10.7 Outside of the Neighbourhood Plan area but within around 250m of the Plan Area boundary also lies the Cotswold Water Park SSSI. <u>Mallard Lake and Cottage Lake within the Neighbourhood Plan area lie in the Cotswold Water Park SSSI which also covers a wider area to the east outside of the Plan Area boundary.</u> Natural England has identified that the current level of recreational activity at North Meadow National Nature Reserve is at or above capacity, which is resulting in damage to its interest features.</p>	For clarity and accuracy.

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R23	23	Page 70	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Replace paragraph 10.9 with: 'Within the neighbourhood area lie four County Wildlife Sites, two that abut each other known as Lower Moor Fam and Oaksey Moor Farm Meadows located around the edge of the Cotswold Water Park adjacent to the SSSIs and SAC; a third south of Oaksey Park Airfield; and a fourth at Oaksey Wood to the west of the village.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Replace text in Paragraph 10.9 as follows: <p>10.9 Within the Plan Area lie three County Wildlife Sites, one located around the edge of the Cotswold Water Park including Cottage Lake and Swallow Pool; a second south of Oaksey Park Airfield; and a third at Oaksey Wood to the west of the village. <u>Within the neighbourhood area lie four County Wildlife Sites, two that abut each other known as Lower Moor Fam and Oaksey Moor Farm Meadows located around the edge of the Cotswold Water Park adjacent to the SSSIs and SAC; a third south of Oaksey Park Airfield; and a fourth at Oaksey Wood to the west of the village.</u></p>	
R24	23	Page 69, Map 13 – Clattinger Farm SSI and Cotswold Water Park SSI	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Update Map 13 to include the current boundaries of the Clattinger Farm SSSI and the Cotswold Water Park SSSI.</p>	

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			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Update Map 13 Clattinger Farm SSI and Cotswold Water Park SSI to show the current boundaries of both SSSI's 	
R25	23	Page 72, Paragraph 12.4	<p><u>WILTSHIRE COUNCIL RECOMMENDATION:</u></p> <p>In paragraph 12.4 replace 'Cotswold Water' with 'Cotswold Water Park'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend text in Paragraph 12.4 as follows: <p>12.4 Other local employment is available at Oaksey Village Store and Post Office; the Wheatsheaf Inn; Oaksey Church of England Primary School; Oaksey Park Airfield; and Oaksey Park Golf & Leisure Estate. Agriculture still provides an important part of the rural economy in the local area, to the east outside of the Neighbourhood Plan area the Cotswold Water Park provides economic activity related to mineral extraction; leisure and recreation; and tourism. To the west of the Neighbourhood Plan area lies Kemble Business Park and Kemble Airfield where a number of businesses are based. The rail station at Kemble allows some residents of Oaksey to commute to London at least on a part of the week basis.</p>	

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R26	23	Page 79, Paragraph 15.3	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>At the end of paragraph 15.3 add: 'In this broader context the adoption of the Wiltshire Local Plan Review will be a key stage in the update of the development plan. The Parish Council will consider the need or otherwise for the full or partial review of the First Review within six months of the adoption of the emerging Local Plan Review.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Add text to the end of Paragraph 15.3 as follows: <p>15.3 There are a number of circumstances under which a partial review of the plan may be necessary, in accordance with best practice, Oaksey Parish Council and its partners will consider undertaking a further partial review of the Neighbourhood Plan First Review no later than 5 years following its finalisation. <u>In this broader context the adoption of the Wiltshire Local Plan Review will be a key stage in the update of the development plan. The Parish Council will consider the need or otherwise for the full or partial review of the First Review within six months of the adoption of the emerging Local Plan Review.</u></p>	