

## Record of an individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

<b>Decision made by</b>	Councillor Felix Bloomfield
<b>Key decision?</b>	No
<b>Date of decision</b> (same as date form signed)	15 August 2018
<b>Name and job title of officer requesting the decision</b>	Cheryl Soppet Planning Policy Officer (Neighbourhood)
<b>Officer contact details</b>	Tel: 07917088314 Email: <a href="mailto:Cheryl.Soppet@southandvale.gov.uk">Cheryl.Soppet@southandvale.gov.uk</a>
<b>Decision</b>	<ol style="list-style-type: none"> <li>1. To accept all modifications recommended by the Examiner;</li> <li>2. to determine that The Baldons Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and</li> <li>3. to take all appropriate actions to progress The Baldons Development Plan to referendum. A date for the referendum is set for 4<sup>th</sup> October 2018.</li> <li>4. the referendum area should not extend beyond the neighbourhood area approved by the District Council on 31 March 2016.</li> </ol>
<b>Reasons for decision</b>	<ol style="list-style-type: none"> <li>1 The Baldons Neighbourhood Development Plan (the Plan), as modified by the Examiner's recommendations, has had regard to national policies and advice contained in guidance issued by the Secretary of State. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but it is intended to have and does have a significant effect. The principal document in which national planning policy is contained is the National Planning Policy Framework (2012) (NPPF) and this conclusion is reached bearing this in mind. The advice within national Planning Practice Guidance ("NPPG") has also been borne in mind in reaching this conclusion.</li> <li>2 Having considered all relevant information, including representations submitted in response to the Plan, the</li> </ol>

Examiner's considerations and recommendations, the council has come to the view that the Plan recognises and respects its Green Belt location. The Plan has developed a suite of policies that aim to safeguard its character and appearance and to promote sensitive development appropriate to this character, Green Belt location and the position of each village in the local settlement hierarchy.

- 3 The Plan, as modified by the Examiner's recommendations, contributes to the achievement of sustainable development. This condition relates to the making of the plan as a whole. It does not require that each policy in it must contribute to sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. In the economic dimension the Plan includes policies for infill residential development (Policy 2), a mix of housing (Policy 4), and for business use (Policy 9) which aims to contribute to economic growth. In the social role, it includes policies for infill residential development (Policy 2), a mix of housing (Policy 4) and community facilities (Policy 7) which would help enhance the social element of sustainability within The Baldons. In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on the local gaps (Policy 3), Marsh Baldon Green as a local green space (Policy 6) and design (Policy 5).
- 4 As a whole, the council is satisfied that the Plan sets out to achieve sustainable development in the plan area. It promotes sensitive development, appropriate to the character of the village, its location within the Green Belt, and the position of each village in the local settlement hierarchy.
- 5 The Plan, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the Development Plan for the area. The adopted Development Plan does not require small villages to make site allocations. In this context, proposals for development in The Baldons should be consistent with the overall strategy of supporting its role and function within the wider network of settlements. The Plan proposes that new development in the Plan area is strictly controlled to reflect its location within the Green Belt.
- 6 The council's emerging Local Plan, which will replace the Core Strategy, continues to direct development to the most sustainable locations and supports neighbourhood planning groups who wish to promote development in the

smaller villages. The Plan proposes that new development is strictly controlled in the Plan area to reflect its location within the Green Belt. The plan only supports development which is appropriate in a green belt location such as limited infill development within villages in the neighbourhood area, it identifies and protects locally significant green spaces and the intrinsic values of open countryside, it guides the design of new development with a locally specific design guide, it supports the retention and provision of community facilities and employment opportunities.

- 7 The Plan, as modified by the Examiner's recommendations, would not breach, and be otherwise incompatible with EU obligations, including the following Directives: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). In addition, no issue arises in respect of equality under general principles of EU law or any EU equality directive. In order to comply with the basic condition on European Union legislation the Parish Council has prepared a Sustainability Appraisal Report. This report incorporates Strategic Environmental Assessment requirements. The Sustainability Appraisal sets out how it was developed in an iterative fashion with the wider preparation of the plan itself (Section 2). Section 3 sets out a comprehensive range of sustainability issues in the parish to which the plan responds. Section 4 describes the principal environmental characteristics of the plan area. Section 5 makes an assessment of the neighbourhood plan objectives against a wider set of sustainability objectives. Section 8 then provides an assessment of the neighbourhood plan policies against the sustainability objectives. Section 8 also considers reasonable alternatives and identifies mitigation of predicted effects. Section 9 sets out proposed local monitoring indicators.
- 8 The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination on 08 June 2016, which confirmed to the qualifying body that an Appropriate Assessment would not be required. In response to the council's screening opinion, Natural England confirmed on 02 June 2016 that the proposals in the plan will not have significant effects

on sensitive sites that they have a statutory duty to protect. A recent judgment from the Court of Justice of the European Union 'People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17)' ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment, and should not be taken into account at the screening stage. It should be noted that the council's assessment, paragraph 4 of the council's screening determination in particular, did not take mitigation into account.

- 9 The Plan, as modified by the Examiner's recommendations, is in all respects fully compatible with Convention rights contained in the Human Rights Act 1988. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known.
- 10 The Plan, as modified by the Examiner's recommendations, complies with the definition of an NDP and the provisions that can be made by a NDP. The Plan sets out policies in relation to the development and use of land in the whole of the neighbourhood area; it specifies the period for which it is to have effect and it does not include provision about development that is 'excluded development'.
- 11 The council cannot make a decision that differs from the Examiner's recommendations about the referendum area. Therefore, there is no reason to extend the referendum area beyond the boundaries of the designated plan area as they are currently defined.
- 12 The individual modifications proposed by the Examiner are set out in Appendix 1 alongside the council's decision in response to each recommendation and the reasons for them. The Examiner's Report is available in Appendix 2.
- 13 The National Planning Policy Framework was revised on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. The policies in the previous Framework (published on 27 March 2012) will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Paragraph 213 sets out that policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The council is satisfied that the policies in the Baldons Neighbourhood Plan are consistent with the revised National Planning Policy Framework.

	14 The council has taken account of all the representations received.
<b>Alternative options rejected</b>	<p><b>Make a decision that differs from the Examiner's recommendation</b>  If the council deviates from the Examiner's recommendations, the council is required to:</p> <ol style="list-style-type: none"> <li>1. notify all those identified on the consultation statement of the parish council and invite representations, during a period of six weeks,</li> <li>2. refer the issue to a further independent examination if appropriate.</li> </ol> <p><b>Refuse the Plan</b>  The council can decide that it is not satisfied with the plan proposal with respect to meeting basic conditions, compatibility with Convention rights, definition and provisions of the NDP even if modified. Without robust grounds, which are not considered to be present in this case, refusing to take the Plan to a referendum could leave the Council vulnerable to a legal challenge.</p> <p><u>Reason for rejecting alternative options:</u>  These options were rejected because the district council is minded to agree with all of the Examiner's modifications and his conclusion that the Plan, as modified, meets the basic conditions and relevant legal requirements.</p>
<b>Legal implications</b>	The process undertaken and proposed accords with planning legislation.
<b>Financial implications</b>	The progress to referendum is funded by the council and budget is available. The budget is funded by the Govt grant to the council.
<b>Other implications</b>	There are no other implications.
<b>Background papers considered</b>	<ol style="list-style-type: none"> <li>1. The Baldons Neighbourhood Plan and supporting documents.</li> <li>2. National Planning Policy Framework (2012)</li> <li>3. National Planning Practice Guidance (July 2014 and subsequent updates).</li> <li>4. South Oxfordshire Core Strategy 2012</li> <li>5. Saved policies from the South Oxfordshire Local Plan 2011</li> <li>6. South Oxfordshire District Council Emerging Local Plan 2033</li> <li>7. South Oxfordshire District Council SEA/HRA Screening Statement.</li> <li>8. Representations submitted in response to The Baldons Neighbourhood Plan</li> <li>9. Relevant Ministerial Statements.</li> </ol>

	10. National Planning Policy Framework (2018)			
<b>Declarations/conflict of interest?</b> <b>Declaration of other councillor/officer consulted by the Cabinet member?</b>	None			
<b>List consultees</b>		<b>Name</b>	<b>Outcome</b>	<b>Date</b>
	Ward councillor	Elizabeth Gillespie	No response received	-
	Legal	Ian Price	Agree	10.08.2018
	Finance	Richard Spraggett	No comment	03.08.2018
	Human Resources	Capita HR	No comment	07.08.2018
	Sustainability	Heather Saunders	No comment	07.08.2018
	Diversity and equality	Cheryl Reeves	Agree	09.08.2018
	Communications	Gavin Walton	No response received	-
	Head of Service	Adrian Duffield	No response received	-
	Elections	Lesley Blue	No response received	-
<b>Confidential decision?</b> If so, under which exempt category?	NO			
<b>Call-in waived by Scrutiny Committee chairman?</b>	N/A			
<b>Cabinet member's signature</b> To confirm the decision as set out in this notice.	Signature _____ Councillor Felix Bloomfield _____ Date _____ 15 August 2018 _____			

**ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY**

For Democratic Services office use only		
Form received	Date: 15 August 2018	Time: 12:20
Date published to all councillors	Date: 28 August 2018	
Call-in deadline	Not applicable	

## Appendix 1

Policy/ Section	Examiner's recommendations	Council's Decision	Justification/Reason
Contents Page 5	<b>PM1</b> –Delete the reference to the availability of the Appendices on the Baldons website. Include Appendices C, D and E in the main document. Carry out consequential amendments.	Agree	The council considers the three appendices (C, D and E), but none of the others, are central to an understanding of the related policies and other provisions of the Plan. Without them, there is a lack of clarity and precision. The policies cannot be applied with confidence.
Baldons Design Guide (Appendix C), Page 4	<b>PM2</b> - In row 1.03, insert “most” after “considered”. Also, replace “a total of” with “approximately”. Delete row 1.04. Renumber accordingly.	Agree	The council considers that the Baldons Design Guide (Appendix C) contains a number of references that are inconsistent with the provisions of the main Plan and therefore the changes as detailed in PM2 are considered necessary to ensure the policies of the plan can be applied consistently.
Page 41 Policy 2	<b>PM3</b> - In Policy 2, delete reference to the Little Baldon sites. Carry out consequential amendments elsewhere.	Agree	Little Baldon does not qualify as a village in the district wide settlement hierarchy. Policy CSR1 of the South Oxfordshire adopted Core Strategy 2012 does not support new housing in this location. The Little Baldon sites are also subject to other issues: the two sites are not favoured by the present owners; there are likely to be access problems; and the sites are some distance from the school and other amenities. Therefore, in order to ensure the plan contributes to the achievement of sustainable development and is in general conformity with strategic polices in the

			Development Plan, the council considers it necessary to remove the allocation of sites in Little Baldon.
Page 36 5.3.2 Housing	<b>PM4</b> - In Section 5.3.2, replace “up to” with “approximately”.	Agree	The council considers the proposed modifications in PM4 to be necessary to ensure consistency and clarity within the plan.
Page 41 Policy 2	<b>PM5</b> - In Policy 2, modify the text so as to read “not more than 6 houses”.	Agree	The council considers the modification recommended by the examiner is necessary in order to ensure Policy 2 is in general conformity with Policy CSR1 of the South Oxfordshire Core Strategy 2012. Policy CSR1 sets out the appropriate scale of infill development in accordance with the position of the settlement in district’s settlement hierarchy.
Page 38 Policy 1	<b>PM6</b> - Add the following bullet point within Policy 1: “Development within the conservation areas or their settings shall be of a sensitive design that conserves or enhances their special interest, character and appearance”.	Agree	The council considers the additional text proposed by the examiner is necessary to ensure the plan appropriately addresses the historic environment and meets basic condition (a).
Page 35 5.2.1 Environment	<b>PM7</b> - Add the following bullet point within Section 5.2.1: “The benefits of the best and most versatile agricultural land”.	Agree	This modification is considered necessary as it introduces consideration to the best and most versatile agricultural land and ensures the neighbourhood plan meets the basic condition (a).
Page 35 5.2.1 Environment	<b>PM8</b> - In the third bullet point of Section 5.2.1, change “and/or” to “and”.	Agree	This modification is considered necessary to ensure the neighbourhood plan meets basic condition (a) and (e) providing clarity as regards the need to restore and enhance



			biodiversity.
Page 37 5.3.4 Infrastructure	<b>PM9</b> - Add the following objective to the list within Section 5.3.4: "To create and enhance habitats."	Agree	The proposed amendment is considered necessary to ensure the plan appropriately addresses the natural environment in line with national policy (NPPF) and therefore meets basic condition (a).
Page 38 Policy 1	<b>PM10</b> - At the end of the first sentence of the fifth bullet point within Policy 1, add "including through appropriate green infrastructure".	Agree	The proposed amendment is considered necessary to ensure the plan appropriately addresses the natural environment in line with national policy (NPPF) and therefore meets basic condition (a).
Page 38 Policy 1	<b>PM11</b> - In Policy 1, add the following general principle: "Development should protect priority habitats and priority woodland habitats in particular."	Agree	The proposed amendment is considered necessary to ensure the plan appropriately addresses the natural environment in line with national policy (NPPF) and therefore meets basic condition (a).
Page 47 6.8.2 Infrastructure priorities	<b>PM12</b> - In Section 6.8.2, add to the numbered priorities, "Biodiversity protecting and enhancing projects". Change the first sentence to read "based on the responses to the questionnaire and of the statutory consultees".	Agree	The proposed amendment is considered necessary to ensure the plan appropriately addresses the natural environment in line with national policy (NPPF) and therefore meets basic condition (a).
Page 25 3.7 Inappropriate development	<b>PM13</b> - In the heading and first line of Section 3.7, change "inappropriate" to "unsuitable". At the end of line 5, substitute "is discouraged" for "should not be allowed".	Agree	The council considers there are several instances where the policies, as presently worded, could have unintended consequences or where the information provided is

			inadequate for the purposes of consistent development management. PPG states that “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. The council considers the modification proposed by the examiner is necessary to ensure the plan has the clarity required by national planning policy and guidance.
Page 27 3.9 Open Spaces and Gaps	<b>PM14</b> - In Section 3.9, change the heading “Open Green Space” to “Open Countryside”. For the final sentence of the definition, substitute the following: “Development proposals in the open countryside should be necessary or suitable for a countryside location and consistent with national Green Belt policies.”	Agree	The council considers there are several instances where the policies, as presently worded, could have unintended consequences or where the information provided is inadequate for the purposes of consistent development management. PPG states that “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. The council considers the modification proposed by the examiner is necessary to ensure the plan has the clarity required by national planning policy and guidance.
Page 27 3.9 Open Spaces and Gaps	<b>PM15</b> - In Section 3.9, substitute the following for the definition of Brownfield land: “Brownfield Land and Sites – previously developed land which is or was occupied by a permanent structure, including the curtilage of the development land and any associated fixed surface infrastructure.”	Agree	The council considers there are several instances where the policies, as presently worded, could have unintended consequences or where the information provided is inadequate for the purposes of consistent development management. PPG states that “A policy in a neighbourhood plan should be clear

			and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. The council considers the modification proposed by the examiner is necessary to ensure the plan has the clarity required by national planning policy and guidance.
Page 27 3.9 Open Spaces and Gaps	<b>PM16</b> - In Section 3.9, substitute the following for the definition of Backland: "Backland Development – development of "landlocked" sites behind existing buildings, such as rear gardens and private open space, usually within predominantly residential areas. Such sites often have no street frontages. The BNP discourages backland development."	Agree	The council considers there are several instances where the policies, as presently worded, could have unintended consequences or where the information provided is inadequate for the purposes of consistent development management. PPG states that "A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. The council considers the amendment proposed by the examiner is necessary to ensure the plan has the clarity required by national planning policy and guidance.
Page 27 3.9 Open Spaces and Gaps	<b>PM17</b> - In Section 3.9, substitute the following for the definition of Infill: "Infill Development – the filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings."	Agree	The council considers there are several instances where the policies, as presently worded, could have unintended consequences or where the information provided is inadequate for the purposes of consistent development management. PPG states that "A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when

			determining planning applications. The council considers the amendment proposed by the examiner is necessary to ensure the plan has the clarity required by national planning policy and guidance.
Page 27 3.9 Open Spaces and Gaps	<b>PM18</b> - In Section 3.9, for “A Compliant Infill Gap”, substitute “Acceptable Infill Development; and for “A Non-Compliant Infill Gap”, substitute “Unacceptable Infill Development”. Adjust the text accordingly. Change the final sentence on the page to read “The areas shaded as dark green along the principal routes through the village settlement areas, presented in Figure 3.3, are areas of open countryside that should be preserved between the various settlements.”	Agree	The council considers there are several instances where the policies, as presently worded, could have unintended consequences or where the information provided is inadequate for the purposes of consistent development management. PPG states that “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. The council considers the amendment proposed by the examiner is necessary to ensure the plan has the clarity required by national planning policy and guidance.
Page 38 Policy 1	<b>PM19</b> - In Policy 1, change the end of the first bullet point to read “the Landscape Character Assessment (Appendix X)” Change the end of the second bullet point to read “and detailed in Appendix X and Figure 4.1”. Change the end of the third bullet point to read “as described in Chapter 3 of this Plan”.	Agree	The council considers there are several instances where the policies, as presently worded, could have unintended consequences or where the information provided is inadequate for the purposes of consistent development management. PPG states that “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. The council considers the amendment proposed by the examiner is necessary to ensure the plan has

			the clarity required by national planning policy and guidance.
Page 41 Table 4.1	<b>PM20</b> -Change the number of the Site Appraisal Criteria table from “Table 4.1” to “Table 6.1”.	Agree	The council considers there are several instances where the policies, as presently worded, could have unintended consequences or where the information provided is inadequate for the purposes of consistent development management. PPG states that “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. The council considers the amendment proposed by the examiner is necessary to ensure the plan has the clarity required by national planning policy and guidance.
Page 45 Policy 3	<b>PM21</b> - In Policy 3, change the final bullet point to a new sentence and add the following text: “As detailed in the Landscape Character Assessment (Appendix X), proposals for the re-use of rural buildings, agricultural or forestry related development and minor extensions to dwellings will be supported where they: <ul style="list-style-type: none"> <li>• meet the requirements of development in the Green Belt;</li> <li>• retain the valued qualities of the separation between settlements; and</li> <li>• retain the individual identities of settlements.”</li> </ul>	Agree	The council considers there are several instances where the policies, as presently worded, could have unintended consequences or where the information provided is inadequate for the purposes of consistent development management. PPG states that “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. The council considers the amendment proposed by the examiner is necessary to ensure the plan meets basic conditions (a) and (e) and achieves the clarity required by national planning policy and guidance.

Page 46 Policy 5	<b>PM22</b> - At the end of Policy 5, add a footnote link to the South Oxfordshire Design Guide.	Agree	The council considers there are several instances where the policies, as presently worded, could have unintended consequences or where the information provided is inadequate for the purposes of consistent development management. PPG states that “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. The council considers the amendment proposed by the examiner is necessary to ensure the plan has the clarity required by national planning policy and guidance.
Page 47 Policy 6	<b>PM23</b> - In Policy 6, change “Figure 5.2” to “Figure 6.3”.	Agree	The council considers there are several instances where the policies, as presently worded, could have unintended consequences or where the information provided is inadequate for the purposes of consistent development management. PPG states that “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. The council considers the amendment proposed by the examiner is necessary to ensure the plan has the clarity required by national planning policy and guidance.
Page 47	<b>PM24</b> - In Policy 7, delete reference to the	Agree	The council considers there are several

Policy 7	improvements that would be supported and add to the accompanying text.		instances where the policies, as presently worded, could have unintended consequences or where the information provided is inadequate for the purposes of consistent development management. PPG states that “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. The council considers the amendment proposed by the examiner is necessary to ensure the plan has the clarity required by national planning policy and guidance.
Page 47 6.8.1 Introduction	<b>PM25</b> - Substitute the following for Section 6.8.1: “The Community Infrastructure Levy (CIL) will require some developments to contribute to the cost of the provision, improvement, replacement, operation and maintenance of local infrastructure. 25% of the charge levied on the development in the Baldons will be made available to the Parish Council to spend on Baldons infrastructure once the Plan is made. At present, only 15% of the CIL is made available to the Parish Council.”	Agree	The council considers there are several instances where the policies, as presently worded, could have unintended consequences or where the information provided is inadequate for the purposes of consistent development management. PPG states that “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. The council considers the amendment proposed by the examiner is necessary to ensure the plan has the clarity required by national planning policy and guidance.
Page 48 Policy 9	<b>PM26</b> - In Policy 9, change the reference in the fourth bullet point to “Oxfordshire County Council” and add a link to the recently published standards.	Agree	The council considers there are several instances where the policies, as presently worded, could have unintended consequences or where the information provided is

			<p>inadequate for the purposes of consistent development management. PPG states that “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. The council considers the amendment proposed by the examiner is necessary to ensure the plan has the clarity required by national planning policy and guidance.</p>
Page 48 Policy 8	<p><b>PM27</b> - Add a second paragraph to Policy 8: “Development proposals which result in the need for off-site water supply and/or sewerage/wastewater infrastructure upgrades will be subject to phasing conditions where necessary to ensure that occupancy does not outpace delivery of necessary infrastructure upgrades.”</p>	Agree	<p>The council considers that phasing conditions may be needed to ensure that occupation of development does not outpace the delivery of necessary infrastructure upgrades. Therefore, the modification proposed by the examiner is considered necessary to ensure that the neighbourhood area can grow in a sustainable way in line with National Planning Practice Guidance (Paragraph: 045 Reference ID: 41-045-20140306)</p>



## Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.  
Tel. 01235 422520 or extension 22520.  
Email: [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk)
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
  - refer the decision back to the Cabinet portfolio holder for reconsideration or
  - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
  - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

## Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

**A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:**

- (a) to incur expenditure, make savings or to receive income of more than £75,000;**

- (b) to award a revenue or capital grant of over £25,000; or**
- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
  - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
  - Changes to the household waste collection policy (affects all households in the district)
  - Reviewing a housing strategy (could have a significant impact on residents in many wards)
  - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
  - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

**The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.**