

Record of individual Cabinet member decision

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

Decision made by	Councillor Anne-Marie Simpson
Key decision?	No
Date of decision (same as date form signed)	06/05/2020
Name and job title of officer requesting the decision	Robyn Tobutt Planning Policy Officer (Neighbourhood)
Officer contact details	Tel: 07917 088349 Email: Robyn.Tobutt@southandvale.gov.uk
Decision	<ol style="list-style-type: none"> 1. To accept all modifications recommended by the Examiner; 2. To determine that the Chinnor Neighbourhood Development Plan Review, 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 3. To take all appropriate actions to progress the Chinnor Neighbourhood Development Plan Review to referendum.
Reasons for decision	<ol style="list-style-type: none"> 1. The Chinnor Neighbourhood Development Plan Review (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 to a significant effect. A neighbourhood plan must not constrain the delivery of important national policy objectives. The principal document in which national planning policy is contained is the National Planning Policy Framework (February 2019) (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. 2. Paragraph 13 of the National Planning Policy Framework is clear that neighbourhood plans should

support the delivery of strategic policies contained in local plans and spatial development strategies. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside these strategic policies. More specifically paragraph 29 of the National Planning Policy Framework states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

3. Beyond this, the content of a draft neighbourhood plan or Order will determine which other aspects of national policy are or are not a relevant consideration to take into account. The basic condition allows qualifying bodies, the independent examiner and local planning authority to reach a view in those cases where different parts of national policy need to be balanced.
4. Having considered all relevant information, including representations submitted in response to the Plan, the Examiner's considerations and recommendations, the council has come to the view that the Plan recognises and respects relevant constraints. The Plan has developed a positive suite of policies that seek to bring forward positive and sustainable development in the neighbourhood area by guiding the design and location of future development. There is a clear focus on safeguarding the character of Chinnor and its surrounding countryside.
5. 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. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes a number of policies on different elements of residential development, including infill development, affordable housing, housing mix, allocations, retirement housing, and development boundary (Policies CH H1 to CH H7). It also includes policies focusing on the retail, employment, and tourism facilities in the neighbourhood area (Policies CH R1, CH B1, CH B2, and CH T1). In the social role, it includes policies on the protection of community facilities and healthcare facilities (Policies CH CF1 and CH CF2). In the environmental dimension the

Plan positively seeks to protect its natural, built and historic environment. It has a policy on design (CH C1), conservation areas (CH C2), heritage assets (CH C3), Local Green Spaces (CH GP1), habitats (CH GP2), public rights of way (CH GP3), and sustainable homes (CH GP4).

6. As a whole, the council is satisfied that the policies in the Plan pursue net gain across each of the different dimensions of sustainability in a mutually supportive way.
7. 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 requires larger villages to accommodate an appropriate amount of growth. In this context, proposals for development in Chinnor should be consistent with the overall strategy of supporting and enhancing the larger villages as local service centres. The neighbourhood area also contains the other villages of Henton and Emmington, the adopted Development Plan does not require other villages to make housing allocations. The Plan proposes that new development in the Plan area is directed to the most sustainable locations.
8. Criterion 3 of Policy CSS1 (The overall strategy) of the South Oxfordshire Core Strategy (2012) is particularly relevant to the settlement of Chinnor, it sets out that: proposals for development in South Oxfordshire should be consistent with the overall strategy of supporting and enhancing the larger villages as local service centres.
9. Criterion 4 of Policy CSS1 is relevant to the other villages within the neighbourhood area, setting out that: proposals for development for development in South Oxfordshire should be consistent with the overall strategy of supporting other villages in the rest of the district by allowing for limited amounts of housing and employment and by the provision and retention of services.
10. Criterion 5 of Policy CSS1 is relevant to the wider neighbourhood area, it sets out that: outside the towns and villages, and other major developed sites, any change/development will need to relate to very specific needs or enhancement of the environment.
11. Policy CSH1 of the Core Strategy deals with the amount and distribution of housing in the district. It

sets out that planning permission will be granted to meet housing requirements in Table 7.1 in accordance with Tables 7.2 to 7.3 – which identified the figure of: 1,154 homes to be allocated in a Site Allocations Development Plan Document for the larger villages in the district. As regards the distribution of this figure, the Core Strategy only went as far as setting out that at least 500 homes should be provided in the central Oxfordshire area in order to secure general conformity with the South East Plan.

12. Preparation of the Site Allocations Development Plan Document was superseded by the preparation of the emerging South Oxfordshire Local Plan. In September 2013, a cabinet paper proposing distribution numbers for the larger villages, as a basis for taking forward neighbourhood plans in advance of the Local Plan was approved by the council. The figure apportioned to Chinnor was 159. This number has been used by the council when considering the Core Strategy housing requirement for Chinnor.

13. Policy CSR1 (Housing in villages) of the Core Strategy (2012) is also relevant. It guides the nature and scale of housing development in accordance with the position of the settlement in the district wide settlement hierarchy. Notably, as a larger village, Chinnor is expected to have housing allocations and there is no limit on the size of infill.

14. 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 in 'larger villages' in bringing forward appropriate development in the form of site allocations and infill development. The Plan responds to the council's emerging Local Plan in an appropriate manner, balancing growth pressures and constraints. The Plan, as modified by the examiner, makes provision for 507 new dwellings across five sites.

15. Paragraph 5.25 of the council's emerging Local Plan (Final Publication Version 2nd), identifies that larger villages are expected to deliver 15% growth in addition to any outstanding Core Strategy requirement. The latest evidence informing the Local Plan process has been used to set out housing requirements for larger villages in the district. Table 5f sets out the requirement for Chinnor as 594 in the period up to 2034. In the period up until 30 September 2018 for commitments and 31 March 2018 for completions, the council has identified 796

completions and commitments for dwellings in Chinnor. The outstanding housing requirement for Chinnor is 0 as detailed in the South Oxfordshire Local Plan 2034 Final Publication Version 2nd.

16. The Chinnor Neighbourhood Plan Review was not required to deliver any growth; however the Plan identifies and allocates land at five sites for residential development. Development at each of these sites has already been granted planning permission. This level of new development exceeds the 15% growth expectation for larger villages such as Chinnor in the period leading up to 2034.

17. The review of the Chinnor Neighbourhood Plan contains significant modifications in relation to the made Chinnor Neighbourhood Plan (2017). The most significant modifications relate to the introduction of a development boundary around the built up area of Chinnor, and the allocation of 507 dwellings across 5 sites. These have resulted in the introduction of two new policies, CH H6 and CH H7. There have also been a number of smaller modifications to some of the policies which have remained in the Chinnor Neighbourhood Plan Review from the made Chinnor Plan (2017). The examiner, in his assessment of the proposed modifications contained in the Review Plan, concluded that the proposed modifications were so significant or substantial as to change the nature of the made Plan which the Review Plan would replace. Once confirmation had been received from the Parish Council that they wished to continue, the examiner proceeded with the examination of the Review Plan under the provisions of Schedule 4B to the Town and Country Planning Act (as amended) ('the 1990 Act'). If the examiner had taken the view that the modifications were not significant or substantial, then the Plan examination would have proceeded under Schedule A2 to the Planning and Compulsory Purchase Act 2004, rather than Schedule 4B of the 1990 Act, with a key consequence being that it would not have required a referendum prior to being made.

18. The Plan, as modified by the Examiner's recommendation, would not breach, and be otherwise incompatible with EU obligations, including the following Directives: the strategic Environmental Assessment (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 conditions on European Union legislation the Council has prepared a Screening Opinion on the determination of the need for a Strategic Environment Assessment (SEA). This process concluded that the Plan is unlikely to have significant environmental effects and therefore a SEA is not required. Consultation was carried out with the relevant statutory bodies (Natural England, Historic England, Environment Agency and Oxfordshire County Council). The responses received agreed with the conclusion that a SEA was not required. Taking the consultation responses into account, the council issued a Screening Statement on 6 September 2019.

19. 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 6 September 2019, 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 2 May 2019 that the Plan does not require an Appropriate Assessment.
20. 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.
21. The Plan, as modified by the Examiner's recommendations, complies with the definition of a 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'.
22. The council is satisfied that it is not necessary to extend the referendum area beyond the boundaries of the designated plan area as they are currently defined.
23. The individual modifications proposed by the Examiner are set out in Appendix 1 alongside the

	<p>council's decisions in response to each recommendation and the reason for them. The Examiner's Report is available in Appendix 2.</p> <p>24. The examiner noted in his report that when the Review Plan is being redrafted to take account of the recommended modifications, it should be re-checked for any typographical errors and any other consequential changes, etc. To ensure that the plan reads as a coherent document the qualifying body and the council have agreed factual and consequential updates.</p> <p>25. The Plan was submitted in August 2019, and as such it is assessed against the February 2019 National Planning Policy Framework.</p> <p>26. The council has taken account of all of the representations received.</p> <p>27. The Counting Officer is responsible for determining the date of the referendum. The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 sets out that neighbourhood planning referendums cannot take place until 6 May 2021. The Government is committed to keep these regulations under review, they may be amended or revoked in response to changing circumstances. The Counting Officer will endeavour to arrange the referendum as soon as practically possible in consultation with the qualifying body.</p>
<p>Alternative options rejected</p>	<p>Make a decision that differs from the Examiner's recommendation</p> <p>If the council deviates from Examiner's recommendations, the council is required to:</p> <ol style="list-style-type: none"> 1. Notify all those identified on the consultation statement of the parish council and invite representations, during a period of six weeks, 2. Refer the issue to a further independent examination if appropriate. <p>Refuse the Plan</p> <p>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></p>

	<p>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>
Legal implications	<p>The process undertaken and proposed accords with planning legislation.</p>
Financial implications	<p>The Government funding is available to local authorities to help them meet the cost of their neighbourhood planning responsibilities. A total of £20,000 can be claimed for each neighbourhood planning area. Previously the council became eligible to apply to receive this single payment once a date is set for the referendum, after a successful examination. However, in order to minimise the financial implications of postponed neighbourhood planning referendums local planning authorities in 2020/21 will be able to submit claims for New Burdens grant at the point when the local planning authority issues a decision statement confirming the decision to proceed to referendum, rather than when a referendum date has been set.</p> <p>The Government grant funds the process of progressing neighbourhood plans through the formal stages, including the referendum. Any costs incurred in the formal stages in excess of £20,000 is borne by the council. Staffing costs associated with supporting community groups and progressing neighbourhood plans through the formal stages are funded by the council.</p>
Other implications	<p>There are no other implications.</p>
Background papers considered	<ol style="list-style-type: none"> 1. Chinnor Neighbourhood Plan Review (Modifications Proposal) 2011-2034 (dated August 2019) and supporting documents 2. National Planning Policy Framework (2019) 3. National Planning Guidance (July 2014 and subsequent updates) 4. South Oxfordshire Core Strategy 2012 5. Saved policies from the South Oxfordshire Local Plan 2011 6. South Oxfordshire District Council SEA/HRA Screening Statement 7. Representations submitted in response to the Chinnor Neighbourhood Plan 8. Relevant Ministerial Statements 9. Emerging South Oxfordshire Local Plan 2034
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	<p>None</p>

List consultees		Name	Outcome	Date
	Ward councillors	Lynn Lloyd Ian White	Support Support	20/04/2020 20/04/2020
	Legal	Ian Price	Agree	17/04/2020
	Finance	Richard Spragget Roger Mcleod	No comment	23/04/2020
	Human resources	HR	Consulted 17/04/2020 – 24/04/2020	
	Sustainability	Heather Saunders	Consulted 17/04/2020 – 24/04/2020	
	Diversity and equality	Yvonne Cutler Lynne Mitchell	No comment	28/04/2020
	Communications	Communications team	Agree	22/04/2020
	Senior Management Team	SMT	Agreed	29/04/2020
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	N/A			
Has this been discussed by Cabinet members?	No			
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature _____ Anne-Marie Simpson _____ Date _____ 6 May 2020 _____			

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

For Democratic Services office use only		
Form received	Date: 6 May 2020	Time: 10:00
Date published to all councillors	Date: 6 May 2020	
Call-in deadline	Not applicable	

Appendix 1: Examiner's recommendations

Policy/Section	Examiner's recommendations	Council's Decision	Justification/Reason
Page 32 – Policy CH H1	PM1 Replace “on-plot parking” in the second bullet point with “appropriate car parking provision” .	Agree	The council consider the proposed modification to the policy wording to be necessary to make it more general in its application and less restrictive, in accordance with national policy and guidance.
Page 32 – Paragraph 4.14	PM2 Delete first sentence and replace with: “Affordable housing comprises housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers).”	Agree	The council consider the proposed modification to the supporting text necessary to ensure there is the clarity that is required by national policy and guidance
Page 33 – Policy CH H4	PM3 Delete existing text, and replace with: “20% of all new Affordable Housing provided in the Plan area will, on first letting, be subject to a local connection to the Parish of Chinnor.”	Agree	The council consider the proposed modification to the policy necessary to ensure there is clarity as required by national policy and guidance.

Page 35 – Policy CH H5	PM4 Delete the word “to” in the second line of text and replace with “so”.	Agree	The council consider the proposed modification to the policy necessary to ensure there is clarity as required by national policy and guidance.
Page 38 – Policy CH H6	PM5 2 nd paragraph Delete existing text, and replace with: “Any new or revised development proposals at these sites will be considered in the context of how such proposals meet the requirements of all relevant development plan policies, including the policies in this Plan.”	Agree	The council consider the proposed modification to the policy necessary so that the policy is less restrictive and provides sufficient flexibility for revised development proposals that may come forward at any of the five sites, to ensure that the policy has regard to national policy and guidance.
Pages 38 and 39	PM6 <u>Paragraph 4.25</u> Delete existing text, and replace with: “Chinnor Parish has provided excess housing against the expectations of the Core Strategy and the emerging Local Plan. Outside the built-up area of Chinnor, Henton and Emmington, the remainder of the parish is open countryside including the small rural settlements of Hempton, Wainhill and Chinnor Hill, which are not considered part of the settlement hierarchy. Henton and Emmington are identified in Core Strategy Policy CSR1 as “other villages” where a limited amount of development will be supported. Where development is proposed in the other villages, principles for infill	Agree	The council consider the proposed modifications to the supporting text necessary to correct factual errors in reference to the settlements in the neighbourhood area.

	<p>development should be the same as within the development boundary.”</p> <p><u>Paragraph 4.27</u></p> <p>Delete existing text, and replace with:</p> <p>“To clarify the approach to countryside, Policy CH H7 establishes a development boundary around Chinnor village. Within the development boundary, infill development will be appropriate where this is proven to be sustainable development according to Policy CH H1. Outside the boundary, and outside the built-up areas of Henton and Emmington, development proposals will only be supported if they are appropriate for a countryside location.”</p>		
Page 43 – Policy CH C1	<p>PM7</p> <p>Delete the words “should make reference” in the second line of text, and replace with:</p> <p>“should have regard”.</p>	Agree	The council consider the proposed modification to the policy necessary to ensure there is clarity as required by national policy and guidance.
Page 65 - 66	<p>PM8</p> <p><u>Sustainable Homes</u></p> <p>Place paragraphs 6.17/6.18 and Policy CH GP4 (Sustainable Homes) within Section 4 of the Review Plan, and re-number as paragraphs 4.30/4.31 and Policy CH H8 respectively.</p>	Agree	The council consider the proposed relocation of paragraph 6.17/6.18 and Policy CH GP4 within Section 4 of the Review Plan alongside the other housing policies appropriate, to provide clarity as required by national policy and guidance.
Page 44 – Paragraph 6.2	<p>PM9</p>	Agree	The council consider the proposed modification to the supporting text necessary

	3 rd line of text Amend “paragraph 100 of the NPPF” to read “ paragraphs 99-101 of the NPPF ”.		to secure accuracy and ensure there is clarity as required by national policy and guidance.
Page 63 – Policy CH GP2	PM10 3 rd bullet point – 4 th line of text Amend “will to achieve” to read “ will be required to achieve ”.	Agree	The council consider the proposed modification to the policy text necessary to secure accuracy and ensure there is clarity as required by national policy and guidance.
Page 71 – Policy CH CF2	PM11 2 nd bullet point of policy criteria Delete existing text, and replace with: “The proposed development includes adequate car parking provision, servicing and access arrangements in accordance with the most recent published standards of Oxfordshire County Council”.	Agree	The council consider the proposed modifications to the policy necessary to provide clarity and reflect the fact that Oxfordshire County Council parking standards should be used as the basis for car parking provision in any development proposals.
Page 76 – Policy CH B1	PM12 Delete 2nd paragraph of policy text in its entirety.	Agree	The council consider the proposed deletion of the 2 nd paragraph of the policy text necessary as it does not have regard to national policy or guidance and does not generally conform with existing strategic local plan policies.
Page 76 – Policy CH B2	PM13 2 nd paragraph of policy text Amend the word “locatoin” to read “ location ”.	Agree	The council consider the proposed modification to the policy text necessary to correct a minor typographical error.

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Appendix 2 – Examiner’s Report

The Examiner’s Report is available here:

<http://www.southoxon.gov.uk/sites/default/files/Chinnor%20Neighbourhood%20Plan%20Review%20Examiner%20Final%20%20Report%20070420.pdf>

Appendix 3 -Consequential and/or Factual Changes

Section	Agreed change	Justification/Reason
Front Cover and header	Replace ‘Submission Draft August 2019’ with ‘Referendum Copy April 2020’	Factual correction.
Page 26 – Para 3.12, St Andrew’s School	Replace ‘Parentmail’ with ‘Parent mail’	Grammatical correction.

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 hand-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 2520.
Email: 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.