

Cabinet Report



Report of Head of Planning

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To: CABINET

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Making the Thame Neighbourhood Plan part of the Development Plan for South Oxfordshire

Recommendation to Council

That Cabinet recommend Council to make the Thame Neighbourhood Plan part of the Development Plan for South Oxfordshire

Purpose of Report

1. To consider whether the Thame Neighbourhood Plan should be made part of the Development Plan for South Oxfordshire following the positive outcome of the referendum held on 2 May 2013.

Corporate Objectives

2. Meeting housing need: the neighbourhood plan confirms our housing growth ambition to 2027 set out in the South Oxfordshire Core Strategy and allocates sites for 775 homes.
3. Building the local economy: the neighbourhood plan supports economic growth at Thame.

4. Support for communities: The neighbourhood plan has been prepared by the local community in Thame with support from this Council.

Background

5. Thame Town Council was identified as the qualifying body and the parish of Thame was designated as a Neighbourhood Area in April 2012, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012.
6. Thame Town Council developed a neighbourhood plan with its local community and submitted it to the district council. The submitted version of the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 24 January 2013.
7. The district council appointed independent Examiner Nigel McGurk, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.
8. The Examiner concluded that, subject to the modifications proposed in his report, the plan meets the 'basic conditions' set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004, and should proceed to a Referendum.
9. A referendum was held on 2 May 2013, where 76.47 per cent of those who voted were in favour of the plan.
10. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 requires that the district council must make the neighbourhood plan if more than half of those voting have voted in favour of the plan being used to help decide planning applications in the plan area. The district council is not subject to this duty if (and only if) 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).

Options

11. The neighbourhood 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). Therefore the only available option open to the Council is to make the plan part of the Development Plan for South Oxfordshire.

Financial Implications

12. There are no significant financial implications with this decision that cannot be accommodated within budget.

Legal Implications

13. The decision to make the Thame Neighbourhood Plan part of the Development Plan is a legal requirement in the Planning and Compulsory Purchase Act 2004. The only circumstance where the district 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). There is a requirement that the district council will publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012.

Risks

14. In view of the considerations referred to elsewhere in this report, a decision not to make the Plan would place the Council at risk of a legal challenge.

Conclusion

15. The independent Examiner found that, subject to the modifications proposed in his report, the plan meets the basic conditions and other requirements prescribed by the relevant legislation.
16. The referendum held on the 2 May 2012 met the requirements of The Localism Act 2011 and The Neighbourhood Planning (Referendums) Regulations 2012. Greater than 50 per cent of those who voted were in favour of the plan being used to help decide planning applications in the plan area.
17. Accordingly it is recommended that the Thame Neighbourhood Plan is made part of the Development Plan for South Oxfordshire.
18. The district council will publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012.

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