

## Record of 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 Anne-Marie Simpson
<b>Key decision?</b>	No
<b>Date of decision</b> (same as date form signed)	24/02/2021
<b>Name and job title of officer requesting the decision</b>	Ryan Hunt Planning Officer (Policy)
<b>Officer contact details</b>	Tel: 01235 422600 Email: <a href="mailto:ryan.hunt@southandvale.gov.uk">ryan.hunt@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 Tetsworth 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 Tetsworth Neighbourhood Development Plan to referendum.</li> </ol>
<b>Reasons for decision</b>	<ol style="list-style-type: none"> <li>1. The Tetsworth 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 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.</li> <li>2. Paragraph 13 of the National Planning Policy Framework is clear that neighbourhood plans should support the delivery of strategic policies contained in</li> </ol>

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 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. There is a clear focus on safeguarding its local character, its landscape and biodiversity and its heritage assets.
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 policies for infill development (Policies TET1 and TET2). In the social role, it includes a policy on green spaces (Policy TET7). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on key views (Policy TET4), on the designation of a local green space (Policy TET7) and on biodiversity (Policy TET8).
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 current Development Plan for the area. Although the Plan was submitted within the context of the former South Oxfordshire Core Strategy 2012 and Saved policies from the Local Plan 2011, the South Oxfordshire Local Plan 2035 was adopted on 10 December 2020 and thus the Plan has been examined and tested against strategic policies in the newly adopted Local Plan.
8. Tetsworth is identified as a Smaller Village in the adopted Local Plan (Appendix 7). Policies H8 (Housing in the Smaller Villages) and H16 (Infill development and redevelopment) of the Local Plan set the context for the scale and nature of new development which would be supported in smaller villages in the District. Policy H8 supports development within the smaller villages in accordance with Policy H16 and offers support to parish councils that wish to prepare a neighbourhood plan and make housing allocations within it to support further growth. The Tetsworth Plan is not proposing to allocate any sites for housing. Policy H16 specifies that new residential development should be limited to infill and the redevelopment of previously-developed land or buildings. It also provides specific criteria-based guidance for any new residential development which would be located behind existing frontages or which would involve additional dwellings within an existing site.
9. The Plan, as modified by the Examiner's recommendation, would not breach, and be otherwise incompatible with EU obligations, as incorporated into UK law, 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.
10. In order to comply with the basic condition on the European Union legislation South Oxfordshire District Council undertook a screening exercise (dated October 2019) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. As a result of this process, it concluded that the Plan is not likely to have any

significant effects on the environment and accordingly would not require SEA.

11. The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites. The Council screened the Plan potential impact on EU Special Areas of Conservation (SACs) and this was completed in October 2019. The HRA screening report concluded that the Plan would not have any likely significant effects on the integrity of European sites in or around South Oxfordshire, either alone or in combination with other plans or programmes. Natural England confirmed on 16 September 2019 that the proposals in the plan will not have significant effects on sensitive sites and that an Appropriate Assessment is therefore not required.
12. 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.
13. 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.
14. 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.
15. 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 reason for them. The Examiner's Report is available in Appendix 2.
16. The Examiner noted in his report, paragraph 7.52, that both generally and in relation to the adoption of the South Oxfordshire Local Plan 2035, that it will be appropriate for SODC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. To ensure that the plan reads as a coherent document the qualifying body and

	<p>the council have agreed factual and consequential updates. These are set out in Appendix 3.</p> <p>17. The council has taken account of all of the representations received.</p> <p>18. 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><b>Alternative options rejected</b></p>	<p><b>Make a decision that differs from the Examiner’s recommendation</b></p> <p>If the council deviates from 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>Refusing to progress the Plan</b></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>
<p><b>Legal implications</b></p>	<p>The process undertaken and proposed accords with planning legislation.</p>
<p><b>Financial implications</b></p>	<p>The Government makes funding available to local authorities to help them meet the cost of their responsibilities around neighbourhood planning. A total of £20,000 can be claimed for each neighbourhood planning area. The council becomes eligible to apply for this additional grant once the council issue a decision statement detailing the intention to send the plan to referendum.</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 Government grants 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. It is expected that costs associated with progressing this neighbourhood plan can be met from with existing neighbourhood planning budget.</p>			
<b>Other implications</b>	There are no other implications.			
<b>Background papers considered</b>	<ol style="list-style-type: none"> <li>1. Tetsworth Neighbourhood Plan and supporting documents</li> <li>2. National Planning Policy Framework (2019)</li> <li>3. National Planning Policy Guidance (July 2014 and subsequent updates)</li> <li>4. South Oxfordshire Local Plan 2035</li> <li>5. South Oxfordshire District Council SEA/HRA Screening Statement</li> <li>6. Representations submitted in response to the Tetsworth Neighbourhood Plan</li> <li>7. Relevant Ministerial Statements</li> </ol>			
<b>Declarations/conflict of interest? 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 councillors	Caroline Newton	Agreement	08/02/2021
	Legal	Vivien Williams	Approved	23/02/2021
	Finance	Richard Spragget	Consulted 04/02/21 – 11/02/21	
	Human resources		Consulted 04/02/21 – 11/02/21	
	Sustainability		Consulted 04/02/21 – 11/02/21	
	Diversity and equality		Consulted 04/02/21 – 11/02/21	
	Climate and biodiversity		Consulted 04/02/21 – 11/02/21	
	Communications	Communications	No comment	05/02/2021
	Senior Management Team		Subject to legal approval	16/02/2021
<b>Confidential decision?</b>	No			

If so, under which exempt category?	
<b>Call-in waived by Scrutiny Committee chairman?</b>	N/A
<b>Has this been discussed by Cabinet members?</b>	No
<b>Cabinet portfolio holder's signature</b> To confirm the decision as set out in this notice.	Signature ____Councillor Anne-Marie Simpson_____ Date ____24 February 2021_____

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

For Democratic Services office use only		
Form received	Date: 24 February 2021	Time: 16:00
Date published to all councillors	Date: 24 February 2021	
Call-in deadline	Not applicable as this is not a key decision	





## Appendix 1: Examiner's recommendations

Policy/Section	Examiner's recommendations	Council's Decision	Justification/Reason
Policy TET1 – Development within the village settlement and surrounding countryside	<p><b>Replace 'South Oxfordshire.... Neighbourhood Plan' with 'South Oxfordshire Local Plan 2035 and any other relevant policies of this neighbourhood plan'</b></p> <p><b>In paragraph 5.3 replace the third sentence with: 'Policies H8 (Housing in the Smaller Villages) and H16 (Infill development and redevelopment) of the Local Plan set the context for the scale and nature of new development which would be supported in smaller villages. Policy H16 specifies that new residential development should be limited to infill and the redevelopment of previously developed land or buildings. It also provides specific criteria-based guidance for any new residential development which would be located behind existing frontages or which would involve additional dwellings within an existing site'</b></p> <p><b>Delete the fourth and fifth sentences of paragraph 5.3.</b></p> <p><b>In paragraph 5.4 replace 'SODC.... CSEN1)' with 'adopted Local Plan'</b></p>	Agree	The council consider the proposed modifications to the policy to be necessary to ensure that the policy has the clarity that is required by national policy and guidance and to take account of the recent adoption of the Local Plan.
Policy TET2 – Settlement	<b>In the second paragraph of the policy delete 'only'</b>	Agree	The council consider the proposed modifications to the policy to be necessary to

Character Areas and Design Criteria	<p><b>At the beginning of the third paragraph of the policy add ‘As appropriate to their scale, nature and location’</b></p> <p><b>In the seventh bullet point replace ‘significant’ with ‘unacceptable’ and delete the first of the two ‘residential’</b></p>		ensure that the policy has the clarity that is required by national policy and guidance
Policy TET4 – Key Views	<p><b>Replace ‘significant’ with ‘an unacceptable’</b></p> <p><b>Delete ‘assessed.....2019’</b></p> <p><b>In paragraph 5.10 after ‘report’ add ‘(March 2019)’</b></p> <p><b>At the end of paragraph 5.10 add ‘The 15 Key Views Report is reproduced in Appendix [insert relevant number/letter] of the Plan</b></p>	Agree	The council consider the proposed modifications to the policy to be necessary to ensure that the policy has the clarity that is required by national policy and guidance
Policy TET5 – Local Heritage Assets	<p><b>Replace the final paragraph of the policy with:</b></p> <p><b>‘Development proposals that contribute to the conservation of a local heritage asset in a manner appropriate to its significance will be supported.</b></p> <p><b>Proposals for development affecting any of these local heritage assets should be accompanied by an assessment of their significance and a description of the means employed to avoid or minimise harm to them to a level of detail justified by the nature of those effects and the significance of the asset. Any harm that cannot be avoided should be robustly justified by the delivery of public benefits that could not otherwise be delivered, taking into</b></p>	Agree	The council consider the proposed modifications to the policy to be necessary to ensure that the policy has the clarity that is required by national policy and guidance and to take account of the recent adoption of the Local Plan.

	<p>account the scale of any harm or loss and the significance of the asset.’</p> <p>In paragraph 5.13 delete the first sentence. Thereafter replace the second sentence with:</p> <p>‘Policy ENV6 of the South Oxfordshire Local Plan 2035 also addresses this matter. Both policies are complementary to the provisions of Para 197 of the NPPF in respect of non-designated heritage assets. At present, the District Council does not maintain a list of such assets’</p>		
Policy TET6 – Landmark Buildings	<p>In the opening part of the policy delete ‘with significant....value’</p> <p>In paragraph 5.15 replace ‘This policy will operate alongside Policy CSQ3 of the Core Strategy (and Policy DES1 of the emerging Local Plan)’ with ‘This policy will operate alongside Policy DES1 of the adopted Local Plan’</p>	Agree	The council consider the proposed modifications to the policy to be necessary to ensure that the policy has the clarity that is required by national policy and guidance and to take account of the recent adoption of the Local Plan.
Policy TET7 – Green and Public Open Spaces	<p>Delete the first part of the policy.</p> <p>Delete the third part of the policy (on Judd’s Lane).</p> <p>Replace the final part of the policy with:</p> <p>‘Development proposals which would result in the loss of an identified public open space will only be supported where:</p>	Agree	The council consider the proposed modifications to the policy to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.

	<ul style="list-style-type: none"> <li>• alternative provision of the public open space in an accessible location is secured as part of the development proposal; or</li> <li>• it can be demonstrated that the open space concerned is surplus to requirements'</li> </ul> <p>Replace paragraph 5.16 with: 'Policy TET7 sets out the Plan's approach to open spaces. It recognises their importance to the local community and to the fabric of the settlement'</p> <p>In paragraph 5.17 delete 'Secondly'</p> <p>At the end of paragraph 5.17 add: 'Judd's Lane has major historic significance for Tetsworth. As long ago as the 11th century, it formed part of a north-south roadway from Thame to Wallingford crossing the east-west London to Oxford highway at a location which defined the initial establishment of the Tetsworth village settlement. Its transport significance diminished over the centuries until it became designated as a public bridleway only suitable for horses, walkers and cyclists, and providing access for farmers and residents of the handful of dwellings on the route. It is not identified as a public open space as it is a highway and its use is controlled by separate legislation. Nevertheless, the Parish Council will work with others to ensure that its tranquillity is safeguarded throughout the Plan period'</p>		
Policy TET8 –	Replace the policy with:	Agree	The council consider the proposed

<p>Biodiversity and the natural environment</p>	<p><b>‘Development proposals should ensure that existing wildlife habitats are not unacceptably affected, and that existing green and blue infrastructure are preserved and where practicable enhanced (including providing net gains in biodiversity).</b></p> <p><b>As appropriate to their scale, nature and location development proposals should take account of the relevant geographic area of the Tetsworth Parish Character Assessment.</b></p>		<p>modifications to the policy to be necessary to ensure that the policy has the clarity that is required by national policy and guidance and</p>
<p>Policy TET9 – Residential Parking</p>	<p><b>Replace the second part of the policy with</b></p> <p><b>‘All new residential developments should be associated with the provision of appropriate dedicated on-site parking solutions for each dwelling. Where such parking solutions are not practicable or are otherwise inappropriate, planning proposals should set out reasonable alternative provision such as communal parking areas, garage blocks or parking bays’</b></p>	<p>Agree</p>	<p>The council consider the proposed modifications to the policy to be necessary to ensure that the policy has the clarity that is required by national policy and guidance.</p>
<p>Other Matters – Specific Wording</p>	<p><b>Replace paragraphs 1.7 and 1.8 as follows:</b></p> <p><b>‘1.7 The Plan has been prepared within the transitional period between the operation of the South Oxfordshire Core Strategy and the South Oxfordshire Local Plan 2035</b></p> <p><b>1.8 The Local Plan was adopted in December 2020. The neighbourhood plan was examined against its policies’</b></p>	<p>Agree</p>	<p>The council consider the proposed modifications to the policy to be necessary to ensure that the policy has the clarity that is required by national policy and guidance and to take account of the recent adoption of the Local Plan.</p>

	<p>In paragraph 3.1 replace ‘SODC’s existing policies.... Local Plan 2034’ with ‘and the policies in the South Oxfordshire Local Plan 2035’</p> <p>In paragraph 4.11 replace ‘current version...2034’ with ‘the adopted Local Plan 2035’</p> <p>In paragraph 4.12 delete the first sentence.</p> <p>In paragraph 4.13 replace the second sentence with: ‘The village’s status as a smaller village indicates that future housing growth should be limited to infill proposals’</p>		
Other matters - General	<p><b>Modification of general text (where necessary) to achieve consistency with the modified policies.</b></p> <p><b>Throughout the Plan replace ‘2034’ with ‘2035’ in any references to the Plan period.</b></p>	Agree	<p>The council agrees with the examiner that the Plan needs to be updated to ensure consistency across the modified policies and supporting text and to take account of the adoption of the South Oxfordshire Local plan 2035 as this was the context within which the Plan was examined.</p> <p>The Plan was prepared to address the same Plan period as the Local Plan. As such, the council agrees that references to the Plan period throughout the Plan, need to be updated, replacing ‘2034’ with ‘2035’ in order to achieve consistency with the plan period of the Local Plan.</p>

## APPENDIX 2 – Examiner’s Report

The Examiner’s Report is available here: <https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2021/01/Tetsworth-Neighbourhood-Development-Plan-Examiners-final-report.pdf>

### Appendix 3 – Consequential and/or Factual Changes

Section	Agreed change	Justification/Reason
All	Replace references to ‘Publication Version’ to ‘Referendum Version’ also update date to reflect publication date March 2021	To reflect progression of the plan to referendum and correct date of publication.
All	Correct grammatical errors resulting from deletion of text	Grammatical correction.
All	Update paragraph and page numbers resulting from additional or deleted text	To correct formatting resulting from changes to the plan.
All	Correct reference to SODC Local Plan by deleting word ‘emerging’ and where necessary replace with ‘adopted’.	To reflect the adoption of the Local Plan.
All	When referencing the ‘Local Plan’, where necessary add the words ‘South Oxfordshire’ in front	To provide clarity on which document is being referenced.
Contents Page	Add reference to new appendix A – 15 Key Views Report	To reflect the Examiner’s recommendation to include the report in the Plan.
1.3 and 1.6	Update length of plan period from ‘14’ to ‘15’ years	To be consistent with the adopted Local Plan.

1.4	Last sentence delete word 'being' from final sentence	Grammatical correction.
1.7	Replace the words 'the plan' with 'Tetsworth NDP'	To provide clarity that as to which plan it is referring to.
1.8	Replace the words 'The neighbourhood plan' with 'and the Tetsworth NDP' also delete full stop and merge with previous sentence	To provide clarity that as to which plan it is referring to.
2.9	Add additional text to final sentence, 'until recently, a' before the words 'weekend service'. Add additional sentence to end of paragraph 'A Saturday service was introduced in September 2020'.	To provide factual update.
3.2	Abbreviate 'Neighbourhood Plan' to 'NDP'	To be consistent throughout the plan.
4.1	Delete reference to 'development plans' and replace with 'Local Plan 2035' and make consequential grammatical changes to sentence so now reads 'the South Oxfordshire Local Plan 2035...'	To be consistent throughout the plan on terminology used and correct grammatical errors.
4.3	Update text description of The Grange Estate to read as follows;  The Grange Estate (Now Blackthorn Rise) A development site at Mount Hill Farm has recently been transformed into a new 39 dwelling housing estate with a single access to the High Street. The development build-phase was completed in October 2020 and the estate is now named Blackthorn Rise. The development has delivered a	To provide factual update.



	modern mix of market and affordable homes.	
4.8	Replace the word 'level' with 'extent'	Grammatical correction.
4.10	In second sentence delete text 'now in the build phase' and replace with 'temporarily' and at end of sentence add text 'and now named Blackthorn Rise'.	To provide factual update.
4.10	In final sentence update reference to Local Plan 2035 and reference correct policy reference so now reads 'This is nearly double the upper growth expectation in Policy H8 for Smaller Villages in the South Oxfordshire Local Plan 2035, and is consistent with Policy H16 which limits housing growth in Smaller Villages to infill developments and the redevelopment of previously developed land or buildings..	To ensure plan references correct policies.
4.11	Update final part of paragraph, delete; 'build-phase of the 39 new dwellings at Mount Hill Farm is underway, but the dominant Harrington proposal does not appear in the current version SODC's emerging Local Plan 2034'.  Replace with; '39 new dwellings at Mount Hill Farm is now complete. The dominant Harrington strategic site proposal shown in Figure 7 has not been included in the adopted South Oxfordshire Local Plan 2035'.	To provide factual update and add cross reference to figure 7.
4.12	In first sentence add the word 'future' before the	Grammatical correction.

	word 'status'	
5.3	Update reference to Local Plan Policy H16 to include modified policy name; 'Backland and Infill Development and Redevelopment'.	To be consistent with adopted Local Plan policy name.
5.15	Delete second sentence 'which requires proposals to create a distinct sense of place by way of understanding the role played by a landmark in the street-scene or countryside'.	Additional explanatory text not required.
Policy TET7	In second part of policy delete word 'also'	No longer grammatically correct as first part policy has been deleted.
5.17	In first sentence replace 'four' with 'five' in relation to the number of public open spaces.	Factual correction.
Policies Map Figurer 8 and 9	Update maps to reflect changes to Plan including removal of Local Green Space designation, correct dates and title of Maps.	To update maps to reflect changes to plan and to reflect progression of the plan to referendum and correct date of publication.