



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	Cllr. Anne Marie Simpson
Key decision?	No
Date of decision (same as date form signed)	30 August 2022
Name and job title of officer requesting the decision	Robyn Tobutt Senior Planning Policy Officer (Neighbourhood)
Officer contact details	Tel: 07717271942 Email: robyn.tobutt@southandvale.gov.uk
Decision	<p>To recommend to Council:</p> <ol style="list-style-type: none"> 1. To make the Kidmore End Neighbourhood Development Plan, incorporating the modification set out in Appendix 1, so that it continues to be part of the council's development plan. 2. To delegate to the Head of Policy and Programmes, in consultation with the appropriate Cabinet Member and in agreement with the Qualifying Body, Kidmore End Parish Council the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.
Reasons for decision	<ol style="list-style-type: none"> 1. The making of the Kidmore End Neighbourhood Development Plan (the Plan) would not breach, or otherwise be incompatible with, any EU or human rights 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 issues arise in respect of equality under general principles of EU law or any EU equality directive. In order to comply with the basic condition on the European Union legislation, South Oxfordshire District Council prepared a Strategic Environmental Assessment (SEA) screening (July 2020), which concluded that the Plan is unlikely to have a significant effect on the environment and therefore a full SEA is not required. 2. The Plan would not give rise to significant environmental effects on European sites. The Council screened the Plan's potential impact on

	<p>EU Special Areas of Conservation (SACs) and this was completed in July 2020. 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 and that an Appropriate Assessment was therefore not required.</p> <p>3. The council is satisfied that the Plan 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.</p> <p>Referendum</p> <p>4. A referendum relating to the adoption of the Kidmore End Neighbourhood Development Plan was held on Thursday 28 July 2022.</p> <p>5. The question which was asked in the Referendum was: '<i>Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Kidmore End to help it decide planning applications in the neighbourhood area?</i>'</p> <p>6. The result was as follows:</p> <ul style="list-style-type: none">a. Yes = 322 votesb. No = 67 votesc. Turnout = 36.4% <p>7. The majority of local electors who voted, voted in favour of the Plan; therefore, the Kidmore End Neighbourhood Plan has become part of the council's development plan.</p> <p>8. As the Plan was approved at the local referendum and the council is satisfied that the making of the Plan would not breach, or otherwise be incompatible with, any EU or human rights obligations, the council is required make the Kidmore End Neighbourhood Development Plan so that it continues to be part of the council's development plan.</p> <p>Modification to the plan</p> <p>9. The qualifying body, Kidmore End Parish Council, has requested the removal of view 8 image in Appendix D1-D6 of the plan as set out in Appendix 1. This change is considered to be minor, the removal of the image does not undermine the purpose and function of the document, which continues to identify the location of view 8 and provide a description of its natural features. This change therefore is not considered to materially affect the policies in the plan.</p> <p>10. The council may make such updates provided it has the consent of the qualifying body. Kidmore End Parish Council, has requested that this</p>
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	image be removed, and the council can therefore be satisfied that the parish council consents to this change.
Alternative options rejected	<p>The council's options are limited by statute. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 sets out that the council must make a neighbourhood plan if more than half of those voting at the referendum have voted in favour of the plan being used to help decide planning applications in the plan area.</p> <p>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).</p> <p>Section 3 of the Neighbourhood Planning Act 2017, which came into force on 19 July 2017, amends section 38 of the Planning and Compulsory Purchase Act 2004 to ensure that neighbourhood plans have full legal effect once they have passed their local referenda. In the very limited circumstances that the council might decide not to make the neighbourhood development plan, it will cease to be part of the development plan for the area.</p> <p>In this case, the referendum result was in favour of the plan, and so the Kidmore End Neighbourhood Plan has become part of the council's development plan. For the reasons set out in paragraphs 1 to 3, the council is satisfied that the Kidmore End Neighbourhood Development Plan would not breach or be incompatible with EU obligations or human rights legislation.</p>
Climate and ecological implications	<p>The Plan contributes to the achievement of sustainable development. Sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.</p> <p>In terms of the climate and ecological implications the Plan contains Policy LCDPG (General Design Principles) which seeks to ensure that environmentally friendly building materials are used and renewable energy sources are provided. It also seeks to avoid the loss of vegetation, as well as seeking to avoid light pollution by minimising external light sources. The plan also seeks to preserve the rural character of the parish through the separation of settlement policy and Valued Landscape policy.</p>
Legal implications	The legal implications are set out elsewhere in the report on the basis of which it is considered that the council should now proceed to make the Kidmore End Neighbourhood Plan. The process undertaken and proposed accords with planning legislation
Financial implications	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. In the case of neighbourhood plan reviews, a local planning authority may

	<p>make only one claim for substantive modifications to a specific neighbourhood plan in their area within each 5-year window from the date that plan was first made. 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>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>																				
Other implications	The council is required to comply with the statutory requirements (to consider whether the Kidmore End Neighbourhood Development Plan should be made following successful local referendum), which this recommendation seeks to achieve. In view of the considerations referred to elsewhere in this report, as the majority of those voting have voted in favour of the plan at its local referendum, a decision not to make the plan would place the council at risk of a legal challenge.																				
Background papers considered	<ol style="list-style-type: none"> 1. Kidmore End Neighbourhood Plan and supporting documents 2. National Planning Policy Framework (2021) 3. National Planning Policy Guidance (July 2014 and subsequent updates) 4. South Oxfordshire Local Plan 2035 5. South Oxfordshire SEA/HRA Screening Statement 6. Representations submitted in response to the Kidmore End Neighbourhood Plan 7. Relevant Ministerial Statements 																				
Declarations/conflict of interest? Declaration of other councillor/official consulted by the Cabinet member?	None																				
List consultees	<table border="1"> <thead> <tr> <th></th> <th>Name</th> <th>Outcome</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Ward councillors</td> <td>Cllr Dragonetti</td> <td></td> <td>Consulted 12.08.22 – 18.08.22</td> </tr> <tr> <td>Legal legal@southandvale.gov.uk</td> <td>Vivien Williams</td> <td>Approved</td> <td>19.08.22</td> </tr> <tr> <td>Finance Finance@southandvale.gov.uk</td> <td></td> <td></td> <td>Consulted 12.08.22 – 18.08.22</td> </tr> <tr> <td>Human resources hadminandpayroll@southandvale.gov.uk</td> <td></td> <td>Agree</td> <td>17.08.2022</td> </tr> </tbody> </table>		Name	Outcome	Date	Ward councillors	Cllr Dragonetti		Consulted 12.08.22 – 18.08.22	Legal legal@southandvale.gov.uk	Vivien Williams	Approved	19.08.22	Finance Finance@southandvale.gov.uk			Consulted 12.08.22 – 18.08.22	Human resources hadminandpayroll@southandvale.gov.uk		Agree	17.08.2022
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	Climate and biodiversity climateaction@southandvale.gov.uk		Agree	12.08.2022
	Diversity and equality equalities@southandvale.gov.uk		No comments to add	15.08.2022
	Health and safety healthandsafety@southandvale.gov.uk		No comment	18.08.2022
	Risk and insurance risk@southandvale.gov.uk	Allison Holliday	Agreed: Possible risk of legal challenge and reputational risk if not agreed	15.08.2022
	Communications communications@southandvale.gov.uk			Consulted 12.08.22 – 18.08.22
	SMT		Approved	24.08.22
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?				
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature _____ Councillor Anne-Marie Simpson _____ Date _____ 30 August 2022 _____			

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

For Democratic Services office use only		
Form received	Date: 30 August 2022	Time: 13:55
Date published to all councillors	Date: 30 August 2022	
Call-in deadline	Not applicable as this is not a key decision.	

Appendix 1

Section	Agreed Change	Justification/Reason
Appendix D1-D6 – Page 12 – View 8	Remove image of view 8	The qualifying body requested the removal of this image.