



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	Deborah Bryson Senior Planning Policy Officer (Neighbourhood)
Officer contact details	Tel: 07717271942 Email: deborah.bryson@southandvale.gov.uk
Decision	<p>To recommend to Council:</p> <ol style="list-style-type: none"> To make the Long Wittenham Review Neighbourhood Development Plan so that it continues to be part of the council's development plan. To delegate to the Head of Policy and Programmes, in consultation with the appropriate Cabinet Member and in agreement with the Qualifying Body, 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"> The making of the Long Wittenham Review 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, the Qualifying Body commissioned a Strategic Environmental Assessment dated October 2018, which was then updated in November 2021. The original Strategic Environmental Assessment sets out the background of how it was developed in section 1 and 2. Section 3 sets out the scope of the SEA. Section 5 identifies the growth scenarios and site options and section 6

	<p>assesses these alternative options. Section 7 develops the preferred approach. Section 8 details the methodology. Section 9 assess the submission plan. Section 12 covers monitoring. The updated Strategic Environmental Assessment followed a similar format but assessed the updated Long Wittenham Neighbourhood Plan which worked to address concerns previously raised by Historic England. The Environmental Report is well-considered and detailed. It assesses the environmental conditions in the neighbourhood area and appraises the policies (and reasonable alternatives) against the framework developed through the Scoping Report.</p> <ol style="list-style-type: none">2. The reviewed Plan 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 2018 and updated in January 2022. 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 is therefore not required.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>Referendum</p> <ol style="list-style-type: none">4. A referendum relating to the adoption of the Long Wittenham Review Neighbourhood Development Plan was held on Thursday 28 July 2022.5. The question which was asked in the Referendum was: <i>‘Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Long Wittenham to help it decide planning applications in the neighbourhood area?’</i>6. The result was as follows:<ol style="list-style-type: none">a. Yes = 278 (95.53%)b. No = 13 (4.47%)c. Turnout = 291 (40.76%)7. The majority of local electors who voted, voted in favour of the Plan; therefore, the Long Wittenham Review Neighbourhood Plan has become part of the council’s development plan.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 Long Wittenham Review Neighbourhood
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	<p>Development Plan so that it continues to be part of the council's development plan.</p>
<p>Alternative options rejected</p>	<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 Long Wittenham Review 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 Long Wittenham Review Neighbourhood Development Plan would not breach or be incompatible with EU obligations or human rights legislation.</p>
<p>Climate and ecological implications</p>	<p>The reviewed Long Wittenham 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>Achieving sustainable development through the planning system involves delivering on three overarching objectives – economic, social and environmental. The Long Wittenham Review Neighbourhood Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the reviewed Plan includes policies for residential development (Policies LW1, LW2 and LW3). In the social role, it includes policies on community facilities (Policies LW1 and LW2) and transport (Policies LW7 and LW8). In the environmental dimension the reviewed Plan positively seeks to protect its natural, built and historic environment. It has specific policies on the historic environment, design and key views (Policies LW5 and LW6) and ecology and the wider countryside (Policies LW4 and LW9).</p> <p>Taken as a whole, the council is satisfied that through its policies the Long Wittenham Review Neighbourhood Plan pursues net gain across each of the different objectives of sustainable development in a mutually supportive way.</p>

<p>Legal implications</p>	<p>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 Long Wittenham Review Neighbourhood Plan. The process undertaken and proposed accords with planning legislation</p>
<p>Financial implications</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. In the case of neighbourhood plan reviews, a local planning authority may 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>
<p>Other implications</p>	<p>The council is required to comply with the statutory requirements (to consider whether the Long Wittenham Review 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.</p>
<p>Background papers considered</p>	<ol style="list-style-type: none"> 1. Reviewed Long Wittenham 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 HRA Screening Statement 6. AECOM SEA Report 7. Representations submitted in response to the Reviewed Long Wittenham Neighbourhood Plan 8. Relevant Ministerial Statements
<p>Declarations/c onflict of interest? Declaration of other councillor/officer consulted</p>	

by the Cabinet member?				
List consultees		Name	Outcome	Date
	Ward councillors	Cllr Casey-Rerhaye	Supportive: aligns with Council's Corporate Plan objectives and recommend the plan review is adopted without any further delay and as soon as possible	16.08.2022
	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
	Climate and biodiversity climateaction@southandvale.gov.uk		Agree	12.08.2022
	Diversity and equality equalities@southandvale.gov.uk		No comment	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.	