

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)	2 March 2023
Name and job title of officer requesting the decision	Ricardo Rios Planning Policy Team Leader (Neighbourhood)
Officer contact details	Tel: 07801203535 Email: ricardo.rios@southandvale.gov.uk
Decision	<p>To recommend to Council:</p> <ol style="list-style-type: none"> To make the Sonning Common Neighbourhood Development Plan Review, 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, Sonning Common 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"> The making of the Sonning Common Neighbourhood Development Plan Review (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 incorporated into UK law, South Oxfordshire District Council undertook a screening exercise (dated December 2021) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. As a result of this process, it

	<p>concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.</p> <ol style="list-style-type: none"> 3. The 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 December 2021. 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. 4. 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"> 5. A referendum relating to the adoption of the Sonning Common Neighbourhood Plan was held on Thursday 23 February 2022. 6. The question which was asked in the Referendum was: <i>‘Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Sonning Common to help it decide planning applications in the neighbourhood area?’</i> 7. The result was as follows: <ol style="list-style-type: none"> a. Yes = 838 (95%) b. No = 45 (5%) c. Turnout = 883 (27.7%) 8. The majority of local electors who voted, voted in favour of the Plan; therefore, the Sonning Common Neighbourhood Plan has become part of the council’s development plan. 9. 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 Sonning Common Neighbourhood Development Plan Review so that it continues to be part of the council’s development plan.
<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</p>

	<p>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 Sonning Common 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 Sonning Common 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 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 seeks to have a positive impact, containing an objective concerned with the village's ecosystems and biodiversity and also an objective concerned with the delivery of high quality design which mitigates the effects of climate change as far as possible. The plan contains a suite of environment policies, covering green infrastructure (Policy RENV1), landscape (Policy RENV2), trees and hedgerows (Policy RENV3) and climate change (Policy RENV5).</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 Sonning Common 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>

Other implications	The council is required to comply with the statutory requirements (to consider whether the Sonning Common Neighbourhood Development Plan Review 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. Sonning Common Neighbourhood Plan Review 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. Strategic Environmental Assessment Screening Statement for the Sonning Common Neighbourhood Plan 6. Representations submitted in response to the Sonning Common Neighbourhood Plan Review 7. Relevant Ministerial Statement 			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Ward councillors	Cllr David Bartholomew	No comment	02/03/2023
		Cllr Leigh Rawlins	Support	24/02/2023
		Cllr Lorraine Hillier	No comment	02/03/2023
		Cllr Jo Robb	No comment	02/03/2023
		Cllr Peter Dragonetti	No comment	02/03/2023
	Legal legal@southandvale.gov.uk	Vivien Williams	No comment	28/02/2023
	Finance Finance@southandvale.gov.uk	Nicole Tyreman	No comment	24/02/2023
	Human resources hadminandpayroll@southandvale.gov.uk		No comment	02/03/2023

	Strategic property Property@southandvale.gov.uk	Chris Mobbs	No comment	24/02/2023
	Climate and biodiversity climateaction@southandvale.gov.uk	Jessie Fieth	No comment	28/02/2023
	Diversity and equality equalities@southandvale.gov.uk	Lynne Mitchel	Support	24/02/2023
	Health and safety healthandsafety@southandvale.gov.uk	Debbie Porter	No comment	28/02/2023
	Risk and insurance risk@southandvale.gov.uk	Yvonne Cutler Greaves	No comment	27/02/2023
	Communications communications@southandvale.gov.uk	Andrea Busiko	No comment	02/03/2023
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?	N/A			
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature ____ Councillor Anne-Marie Simpson _____ Date ____ 2 March 2023 _____			

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

For Democratic Services office use only		
Form received	Date: 3 March 2023	Time: 13:25
Date published to all councillors	Date: 3 March 2023	
Call-in deadline	Not applicable as this is not a key decision.	

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 (except government grant) 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.