

Cabinet Report



Report of Head of Planning

Author: Beryl Guiver

Telephone: 01491 823723

Textphone: 18001 01491 823723

E-mail: Beryl.Guiver@southandvale.gov.uk

Cabinet member responsible: Rev'd A Paterson

Tel: 01491 614033

E-mail: angie.paterson@btinternet.com

To: CABINET

DATE: 8 May 2014

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

Recommendation

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

Purpose of Report

1. To consider whether the Woodcote Neighbourhood Plan should be made part of the Development Plan for South Oxfordshire following the positive outcome of the referendum held on 3 April 2014.

Corporate Objectives

2. The Woodcote Neighbourhood Plan helps us to meet our Strategic Objectives for meeting housing need and for providing support for communities. The plan has been prepared by the local community in Woodcote with support from this Council.

Background

3. Woodcote Parish Council was identified as the qualifying body and Woodcote parish was designated as a Neighbourhood Area in April 2012, under the Neighbourhood Planning (General) Regulations (2012). Woodcote Parish 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 8 November 2014.

4. The district council appointed an independent Examiner to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.
5. 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.
6. The Examiner recommended 46 changes be made to the plan most of which were of a minor nature. He also recommended the removal of four policies one which was seeking to restrict extensions to new smaller homes, one seeking to prevent the establishment of a new pharmacy, one seeking to reduce the number of vehicles taking access from the Reading Road and one seeking that all market housing be made available to local residents first. All the examiner's changes are set out in the Woodcote Examiner's Report and the Woodcote Decision Statement which are available on our website
7. The council agreed the Examiner's changes and we issued our Decision Statement on 15 January 2014.
8. A referendum was held on 3 April 2014, where 91.2 per cent of those who voted (59.3 per cent of those on the electoral role) were in favour of the plan.
9. 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

10. 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). There are therefore no options open to the Council other than to make the plan part of the Development Plan for South Oxfordshire.

Financial Implications

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

Legal Implications

12. The decision to make the Woodcote 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

13. 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

14. 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.

15. The referendum held on the 3 April 2014 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.

16. Accordingly it is recommended that the Woodcote Neighbourhood Plan is made part of the Development Plan for South Oxfordshire.

17. The district council will publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012.

Background Papers

- Woodcote Neighbourhood Plan
- Woodcote Neighbourhood Plan Examiner's Report

This page is intentionally left blank