

## Record of an 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 Felix Bloomfield
<b>Key decision?</b>	No
<b>Date of decision</b> (same as date form signed)	
<b>Name and job title of officer requesting the decision</b>	Ricardo Rios Senior Planning Policy Officer (Neighbourhood)
<b>Officer contact details</b>	Tel: 07801203535 Email: <a href="mailto:ricardo.rios@southandvale.gov.uk">ricardo.rios@southandvale.gov.uk</a>
<b>Decision</b>	<ol style="list-style-type: none"> <li>1. To accept all modifications recommended by the Examiner; <ol style="list-style-type: none"> <li>a) to determine that the Dorchester on Thames 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>b) to take all appropriate actions to progress the Dorchester on Thames Neighbourhood Development Plan to referendum on Thursday 1 March (tbc). The referendum area should not extend beyond the neighbourhood area approved by the District Council on 07 June 2013.</li> </ol> </li> </ol>
<b>Reasons for decision</b>	<ol style="list-style-type: none"> <li>1 The Dorchester on Thames 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 and does have a significant effect. The principal document in which national planning policy is contained is the National Planning Policy Framework (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 Having considered all relevant information, including</li> </ol>

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 its Green Belt location. The Plan has developed a suite of policies that aim to safeguard its character and appearance and to promote sensitive development appropriate to this character, Green Belt location and the position of the village in the local settlement hierarchy.

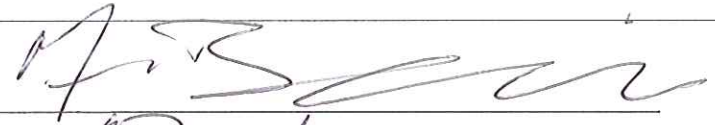
- 3 The Plan, as modified by the Examiner's recommendations, contributes to the achievement of sustainable development. This condition relates to the making of the plan as a whole. It does not require that each policy in it must contribute to sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. In the economic dimension the Plan includes policies for infill residential development (DOT8), tourism development (DOT12), and for business use (DOT15). In the social role, it includes a policy on sporting and leisure uses (DOT13) and on affordable housing (DOT9). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on the built environment (DOT1-3) and on the natural environment and wildlife (DOT4-6).
- 4 As a whole, the council is satisfied that the Plan sets out to achieve sustainable development in the plan area. It promotes sensitive development, appropriate to the character of the village, its location within the Green Belt, and its position in the local settlement hierarchy.
- 5 The Plan, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the Development Plan for the area. The adopted Development Plan does not require small villages to make site allocations. In this context, proposals for development in Dorchester on Thames should be consistent with the overall strategy of supporting its role and function within the wider network of settlements. The Plan proposes that new development is strictly controlled in the Plan area to reflect its location within the Green Belt.
- 6 The council's emerging Local Plan, which will replace the Core Strategy, continues to direct development to the most sustainable locations and supports neighbourhood planning groups who wish to promote development in the smaller villages. The Plan proposes that new development is strictly controlled in the Plan area to reflect its location within the Green Belt. The Plan allows

for Limited infilling within the built-up form of Dorchester, limited affordable housing for local community needs, leisure facilities and employment opportunities.

- 7 The Plan, as modified by the Examiner's recommendations, would not breach, and be otherwise incompatible with EU 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 issue arises in respect of equality under general principles of EU law or any EU equality directive. The Council issued a Strategic Environmental Assessment (SEA) on 12 June 2017, which confirmed to the qualifying body that a SEA the Dorchester on Thames Neighbourhood Development Plan was not required. The relevant statutory bodies were consulted on the council's Screening Opinion and raised no concerns with its conclusions.
- 8 The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites and on the Little Wittenham SAC in particular. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination on 12 June 2017, which confirmed to the qualifying body that a SEA and a full HRA were not required on the Dorchester on Thames Neighbourhood Development Plan. The relevant statutory bodies were consulted on the council's screening opinion and raised no concerns with its conclusions. Natural England confirmed its agreement to the conclusions of the council's screening determination.
- 9 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.
- 10 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

	<p>'excluded development'.</p> <p>11 The council cannot make a decision that differs from the Examiner's recommendations about the referendum area. Therefore, there is no reason to extend the referendum area beyond the boundaries of the designated plan area as they are currently defined.</p> <p>12 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 reasons for them. The Examiner's Report is attached along with this report.</p> <p>13 The council has taken account of all the representations received.</p>
<b>Alternative options rejected</b>	<p><b>Make a decision that differs from the Examiner's recommendation</b> If the council deviates from the 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>Refuse the Plan</b> 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> 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>
<b>Legal implications</b>	The process undertaken and proposed accords with planning legislation.
<b>Financial implications</b>	<p>The progress to referendum is funded by the council and budget is available. The budget is funded by the Govt grant to the council.</p> <p>The LPA can claim £20,000 in Govt grant in relation to NDPs. The claim can be made once the date for the referendum on an Order has been set.</p>
<b>Other implications</b>	There are no other implications.

<b>Background papers considered</b>	<ol style="list-style-type: none"> <li>1. Dorchester on Thames Neighbourhood Plan and supporting documents.</li> <li>2. National Planning Policy Framework (2012)</li> <li>3. National Planning Practice Guidance (March 2014 and subsequent updates).</li> <li>4. South Oxfordshire Core Strategy 2012</li> <li>5. Saved policies from the South Oxfordshire Local Plan 2011</li> <li>6. South Oxfordshire District Council Emerging Local Plan 2033</li> <li>7. South Oxfordshire District Council SEA/HRA Screening Statement.</li> <li>8. Representations submitted in response to the Dorchester on Thames Neighbourhood Plan</li> <li>9. Relevant Ministerial Statements.</li> </ol>			
<b>Declarations/conflict of interest?</b> <b>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 councillor	John Cotton	No comment received	15/12/2017
	Legal	Ian Price	No comment received	15/12/2017
	Finance	Paul Sheppard	Amended report to add suggested further info on timing of Govt grant in financial implications	12/12/2017
	Human Resources	Capita HR	No comment received	15/12/2017
	Sustainability	Heather Saunders	No comment received	15/12/2017.
	Diversity and equality	Cheryl Reeves	No comment received	15/12/2017
	Communications	Gavin Walton	No comment received	15/12/2017
	Head of Service	Adrian Duffield	No comment received	17/12/2017
	Elections	Lesley Blue	Provided dates for referendum (1 and 8 March) added to report.	15/12/2017
	Dorchester Parish Council	Chris Hill	Unanimous support to accept examiners modifications.	14/12/2017
<b>Confidential decision?</b> If so, under which exempt category?	NO			

<b>Call-in waived by Scrutiny Committee chairman?</b>	N/A
<b>Cabinet member's signature</b> To confirm the decision as set out in this notice.	Signature  Date <u>19<sup>th</sup> December 2017</u>

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

For Democratic Services office use only		
Form received	Date: <u>22 December 2017</u>	Time: <u>09:00</u>
Date published to all councillors	Date: <u>22 December 2017</u>	
Call-in deadline	Date: <u>Not applicable</u>	Time: <u>—</u>

Appendix 1

Policy/ Section	Examiner's recommendations	Council's Decision	Justification/Reason
<p>Policy DOT1 &amp; Supporting Text</p>	<p><b>Replace the policy as follows:</b>  <i>Within the identified Dorchester/Overy Heritage Area as shown in Appendices 1 and 2 development proposals should demonstrate how they have addressed the existing built and archaeological historic environment and its character and appearance.</i>  <i>Proposals that would maintain or enhance the historic environment in the identified Heritage Area will be supported.</i></p> <p><b>At the end of the supporting text in 4.1.7:</b>  <i>Policy DOT 1 acknowledges that the proposed extension of the two conservation areas is a separate matter for the District Council to address in due course. On this basis the Plan identifies a Heritage Area within which the policy will apply. This is an interim measure. Its longer-term requirement will be assessed when the Plan is reviewed or when the conservation area extension process has been concluded.</i></p> <p><b>Delete the Explanation after the policy</b></p>	<p>Agree</p>	<p>The National Planning Policy Framework (NPPF) indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.</p> <p>The council considers the modifications proposed by the examiner necessary to ensure that the Plan achieves the clarity required by the NPPF and addresses land use issues in particular.</p>





<p>Policy DOT2 &amp; Supporting Text</p>	<p><b>Replace the policy to read:</b>  <i>The buildings shown in Appendix 5 are identified as important character buildings. Proposals for the demolition, redevelopment or substantial alterations to the important character buildings should demonstrate the consideration that has been given to retaining:</i></p> <ul style="list-style-type: none"> <li>• <i>the important character building itself;</i></li> <li>• <i>its most distinctive and important features;</i></li> <li>• <i>the positive elements of its setting and its relationship to its immediate surroundings; and</i></li> <li>• <i>the contribution that the building and its setting makes to the character of the local area.</i></li> </ul> <p><b>Delete the first sentence of the second paragraph of the supporting text at 4.1.6.</b></p> <p><b>Insert the following at the end of the supporting text in 4.1.7:</b>  <i>Policy DOT 2 acknowledges that the proposed expansion of the list of non-designated assets is a separate matter for the District Council to address in due course. On this basis the Plan identifies the buildings in Appendix 5 as 'important character buildings' and to which the policy will apply. This is an interim measure. Its longer-term requirement will be assessed when the Plan is reviewed or when the District Council's consideration of increasing the number of non-designated assets has been concluded'.</i></p> <p><b>Delete the Explanation after the policy</b></p>	<p>Agree</p>	<p>The council considers the modifications recommended by the Examiner necessary to ensure this policy achieves the clarity required by the NPPF.</p>
<p>Policy DOT3 &amp;</p>	<p><b>Replace the policy to read:</b>  <i>Development proposals should preserve the views and vistas as shown in the schedule and maps at</i></p>	<p>Agree</p>	<p>The council considers the modifications recommended by the Examiner necessary to ensure this policy achieves the clarity required</p>

Supporting Text	<p>Appendices 1 and 2 Subject to the provisions of other policies in this Plan development proposals will be supported where they demonstrate how they have taken account of the various views and vistas and the contribution that they make to the setting of heritage assets as appropriate.</p> <p>In Appendices 1 and 2 add a schedule of the views shown on the maps including the heritage asset(s) to which they make a contribution.</p>		by the NPPF.
Policy DOT4 & Supporting Text	<p><b>Insert a new component at the start of the policy as follows:</b>  <i>Development of land that contains or is adjacent to either the River Thames or to the River Thame should protect and enhance the function and setting of the watercourse and its biodiversity.</i></p> <p><b>Modify the submitted policy to sit as the second component of the policy and to read:</b>  <i>Subject to the provisions of other policies in this Plan development proposals will be supported where they:</i></p> <ul style="list-style-type: none"> <li>• <i>protect or enhance the biodiversity of the river concerned;</i></li> <li>• <i>are located at least 10 metres away from the banks of the river concerned; and</i></li> <li>• <i>preserve the tranquillity and the natural environment of the affected part of the Plan area.</i></li> </ul>	Agree	The modifications recommended by the Examiner is considered necessary to ensure this policy is supported by appropriate evidence and achieves the clarity required by the NPPF.
Policy DOT5 & Supporting Text	<p><b>Insert '2' after 'Map' and delete 'the' before 'Policy'</b></p>	Agree	The modification recommended by the Examiner is considered necessary to ensure this policy achieves the clarity required by the NPPF.

Policy DOT6 & Supporting Text	Insert '4' after 'Map' and delete 'the' before 'Policy'	Agree	The modification recommended by the Examiner is considered necessary to ensure this policy achieves the clarity required by the NPPF.
Policy DOT7 & Supporting Text	<p><b>Replace the policy to read:</b>  <i>'Proposals for development on land outside the built-up part of the Plan area in the areas shown as Excellent and Very Good on Map 6 will not be supported.'</i></p> <p><b>Insert a new paragraph of supporting text after the third paragraph of supporting text in 4.2.2 to read:</b>  <i>'Policy DOT7 sets out a policy approach to safeguard the best and most versatile agricultural land. This approach has regard to national planning policy (NPPF 112). Its effect will be to safeguard a non-renewable land resource and to assist in agricultural-related employment opportunities.'</i></p> <p><b>Reconfigure Map 6 so that it excludes land within the built-up area of the village and shows only the agricultural land identified as 'Excellent' and 'Very Good' and to ensure full consistency with Natural England maps and the associated Technical Information Note (TIN 049) on this matter.</b></p>	Agree	The modifications recommended by the Examiner is considered necessary to ensure this policy is supported by appropriate evidence and achieves the clarity required by the NPPF.
Policy DOT8 & Supporting Text	<p><b>Replace the first two paragraphs of the policy to read:</b>  <i>New residential development in the Plan area will be strictly controlled to reflect its location within the Green Belt.</i>  <i>Limited infilling within the built-up form of Dorchester</i></p>	Agree	Having regard to national policy and guidance, in particular section nine of the NPPF, the council considered the modifications recommended by the Examiner necessary to ensure the Plan meets basic conditions.

- and limited affordable housing for local community needs will be supported where those developments:*
- reflect the character of their immediate area in terms of their scale, design and layout;*
  - contribute towards a balanced mix of housing in the Plan area; and*
  - where applicable are consistent with the special characteristics of their location as described in the Dorchester and Overy Character Appraisals*

**In the final paragraph of the policy replace ‘must’ with ‘should’ and delete ‘sites’**

**Delete the remainder of the policy**

**Insert the following additional text at the end of the existing supporting text on page 43:**  
*‘Policy DOT8 sets out a policy context whereby limited new residential development could take place in the neighbourhood area. It follows the approach set out in the NPPF. On this basis it is likely that any new residential development would be of the limited scale anticipated by the adopted Core Strategy for smaller villages. This would continue the approach that has been followed in recent years and has resulted in pockets of sensitively-designed new houses within the built-up area of the village.*

*Developments above 5 or 6 dwellings are unlikely to come forward given the character, appearance and layout of the village. However, in the event that they come forward and are otherwise acceptable [insert here the deleted third paragraph of the policy]*

In the council’s view, the proposed modifications also ensure the plan achieves the clarity required by the NPPF and is general conformity with strategic policies in the adopted Development Plan, particularly Policies CS EN2 and CS R1 from South Oxfordshire’s Core Strategy 2012.

	<p><b>Insert here the deleted fourth paragraph of the policy followed by:</b></p> <p><i>'The criteria for a strong local connection are:</i></p> <ul style="list-style-type: none"> <li><i>• where the applicant(s) have lived in the parish for five years out of the last eight years and are currently resident in the parish</i></li> <li><i>• where the applicant(s) had previously lived in the parish for at least five years and their parents or children still live there and have done so for at least ten years</i></li> </ul> <p><i>If no persons meeting these criteria are in housing need when a property becomes available a local connection with South Oxfordshire criteria will be applied'.</i></p>		
<p>Policy DOT9 &amp; Supporting Text</p>	<p><b>Replace the policy with the following:</b></p> <p><i>Proposals for small scale affordable housing sites will be supported where they are accompanied by an up to date housing needs assessment that justifies the need for the houses and their location outside the built-up area of Dorchester.</i></p> <p><i>Proposed developments should:</i></p> <ul style="list-style-type: none"> <li><i>• reflect the character of their immediate surroundings in terms of scale, design and layout and contribute to a balanced housing mix in the Plan area;</i></li> <li><i>• not compromise the purposes of the Green Belt; and</i></li> <li><i>• be predominantly of one, two or three-bedroom houses.</i></li> </ul> <p><i>All new affordable homes will be subject to a planning</i></p>	<p>Agree</p>	<p>Having regard to national policy and guidance, in particular section nine of the NPPF, the council considered the modifications recommended by the Examiner necessary to ensure the Plan meets basic conditions.</p> <p>In the council's view, the modifications recommended by the Examiner are necessary to ensure this policy achieves the clarity required by the NPPF and addresses land use issues.</p>

	<p><i>obligation restricting their occupancy in general, and to persons with a strong local connection in particular.</i></p> <p><b>Insert the following additional text at the end of the recommended additional supporting text earlier in this report in relation to Policy DOT8:</b></p> <p><i>'Policy DOT9 provides specific guidance for the potential development of affordable housing exception sites. It sets out to ensure that any proposals are properly justified and take account of national Green Belt policy. The expectation is that the resulting houses will be small in scale and size. The definition of a strong local connection is identical to that applied in Policy DOT8.'</i></p>		
<p>Policy DOT10 &amp; Supporting Text</p>	<p><b>In the first sentence of the first part of the policy replace 'will be encouraged to' with 'will be supported where they would'</b></p> <p><b>Delete the second sentence of the first part of the policy.</b></p> <p><b>In the second part of the policy insert 'Where appropriate new' before 'developments'</b></p> <p><b>In the second part of the policy delete 'where appropriate' from the end of the third criterion Include ';' and' at the end of the third criterion</b></p> <p><b>Reposition the deleted second sentence of the first part of the policy to the end of the second paragraph of the supporting text in section 4.3.3 under the sub heading 'Environmental issues'</b></p>	<p>Agree</p>	<p>Having regard to national policy and guidance, particularly the written ministerial statement on March 2015, which sets out that qualifying bodies preparing neighbourhood plans should not set in their emerging neighbourhood plans any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings, the council considers the modifications recommended by the Examiner necessary to ensure the Plan meets basic conditions.</p>
<p>Policy</p>	<p><b>Replace the policy to read:</b></p>	<p>Agree</p>	<p>The modification recommended by the</p>

<p>DOT11 &amp; Supporting Text</p>	<p><i>'Proposals for new houses in the Dorchester Conservation Area should provide the appropriate number of car parking spaces to development plan standards unless it can be demonstrated that such provision is either impracticable to deliver or would detract from the character and appearance of the Conservation Area. In circumstances where development plan car parking standards cannot be met the planning application concerned should include measures to mitigate the consequential impact of additional on-street car parking'.</i></p>		<p>Examiner is considered necessary to ensure this policy achieves the clarity required by the NPPF.</p>
<p>Policy DOT12 &amp; Supporting Text</p>	<p><b>Delete the first sentence of the policy.</b></p> <p><b>Insert the following paragraph to replace the remainder of the first part of the policy in the submitted plan up to the two criteria:</b></p> <p><i>Proposals that would support tourism and leisure in the Plan area will be supported where they:</i></p> <ul style="list-style-type: none"> <li><i>• Preserve or enhance the character and appearance of the village and its natural environment;</i></li> <li><i>• [insert at this point the two criteria in the submitted Plan as criteria 2 and 3]</i></li> </ul> <p><b>Replace the coloured numbers 1 and 2 with bullet points</b></p> <p><b>Reposition the deleted first sentence of the policy to the beginning of the first paragraph of the supporting text in section 4.4.2.</b></p>	<p>Agree</p>	<p>The modifications recommended by the Examiner is considered necessary to ensure this policy achieves the clarity required by the NPPF.</p>

<p>Policy DOT13 &amp; Supporting Text</p>	<p><b>Delete the first and third sentences of the policy.</b></p> <p><b>Replace the second sentence with:</b>  <i>'New developments which broaden and extend the accessibility and use of sporting and leisure facilities by residents and visitors will be supported where they retain the character and appearance of the village and preserve its natural environment.'</i></p> <p><b>Reposition the deleted first sentence of the policy to become the second sentence of the third paragraph of supporting text on page 50.</b></p> <p><b>Insert the following additional text at the end of the final paragraph of the supporting text on page 50:</b>  <i>'Policy DOT13 sets out a positive context within which improvements to these various facilities can take place to improve their accessibility and use by local residents and visitors alike.'</i></p> <p><b>Reposition the deleted third sentence of the policy to become the final sentence of the final paragraph of the supporting text on page 50.</b></p>	<p>Agree</p>	<p>The modifications recommended by the Examiner is considered necessary to ensure this policy achieves the clarity required by the NPPF.</p>
<p>Policy DOT14 &amp; Supporting Text</p>	<p><b>Replace the first sentence to read:</b>  <i>'All new development should respect and take account of the peace and tranquillity.'</i></p>	<p>Agree</p>	<p>The modification recommended by the Examiner is considered necessary to ensure this policy achieves the clarity required by the NPPF.</p>
<p>Policy DOT15 &amp; Supporting Text</p>	<p><b>In the first sentence replace 'encouraged' with 'supported'</b></p> <p><b>In the second sentence replace 'These developments.... significant' with 'All such</b></p>	<p>Agree</p>	<p>The modification recommended by the Examiner is considered necessary to ensure this policy achieves the clarity required by the NPPF.</p>