

## 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>	Cllr Felix Bloomfield
<b>Key decision?</b>	Yes
<b>Date of decision</b> (same as date form signed)	
<b>Name and job title of officer requesting the decision</b>	Rona Knott Senior Planning Policy Officer
<b>Officer contact details</b>	Tel: 07717 271934 Email: <a href="mailto:rona.knott@southandvale.gov.uk">rona.knott@southandvale.gov.uk</a>
<b>Decision</b>	<ol style="list-style-type: none"> <li>1. To accept all modifications recommended by the Examiner;</li> <li>2. To determine that the Benson 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>3. To take all appropriate actions to progress the Benson Neighbourhood Development Plan to referendum. A date for the referendum is set for 28 June 2018.</li> <li>4. To agree that the referendum area should extend beyond the neighbourhood area to include properties in Rokemarsh (as recommended by the Examiner)</li> </ol>
<b>Reasons for decision</b>	<ol style="list-style-type: none"> <li>1. The council has committed to supporting neighbourhood planning in its Strategic Objective on facilitating sustainable communities, and more specifically through the commitment in the Corporate Plan 2016-2020 of 'Strongly supporting the development of neighbourhood plans for our towns and villages'.</li> <li>2. The Benson 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 mean such policy and advice must necessarily be followed, but it is intended to have and does have a significant effect. The conclusion has been reached in line with national planning policy contained in the National Planning Policy Framework (March 2012) (NPPF). The</li> </ol>

advice within National Planning Practice Guidance (NPPG) has also been considered in reaching this conclusion.

3. Benson Parish Council submitted the Plan to SODC in December 2017, and after an assessment that the plan met the Basic Conditions as stipulated in the legislation, the council appointed Mr John Slater as independent Examiner to examine the Plan. The Plan has been successful at examination, with the Examiner's report, received in April 2018, concluding that subject to the modifications proposed, the Benson Neighbourhood Plan should proceed to referendum.
4. 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 new residential development (NP2-4) and the village centre (NP16). In the social role, it includes policies for community facilities (NP13), a burial ground (NP5), allotments (NP21) and for the protection and creation of Local Green Spaces (NP24-25). In the environmental dimension, the plan positively seeks to protect the natural, built and historic environment. It has specific policies on design (NP7), conservation and heritage (NP6) and wildlife corridors (NP27).
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 Plan makes appropriate allocations for Benson. This is having regard to the requirement for 125 homes derived from the cabinet report agreed by councillors in September 2013 as a distribution of housing from the Core Strategy. The Plan has regard to the emerging Local Plan 2033. This sets out the proposed provision of homes in the larger villages. Benson is expected to provide 383 homes (based on Core Strategy plus 15% growth), but has already provided for 514 home through completions and commitments, and therefore the village has a target of 0 homes to deliver. The Plan sets out a positive strategy for managing future growth in Benson, and its surroundings, by allocating in excess of the requirements set out in the emerging Local Plan. This will enable the delivery of a relief road, which is identified in the Plan as a priority for the village. It will also help the district in securing a five-year housing land supply, and ensures that development is planned positively, rather

than dealing with developments on an ad hoc basis.

6. The land for the Benson relief road is safeguarded in the emerging Local Plan (policy TRANS3), and the neighbourhood plan sets out plans for its delivery. The Examiner is satisfied, having seen correspondence, documents, planning applications and legal agreements, that the relief road can be delivered; that land and funding is available; and that there are delivery mechanisms in place to allow this.
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. In order to comply with the basic condition on European Union legislation the Parish Council has prepared a Sustainability Appraisal Report. This report incorporates Strategic Environmental Assessment. The Sustainability Appraisal sets out how it was developed in an iterative fashion with the wider preparation of the plan itself (Section 2). Section 4 sets out a comprehensive range of sustainability issues in the parish to which the plan responds. Section 5 describes the principal environmental characteristics of the plan area. Section 7 makes an assessment of the neighbourhood plan objectives against a wider set of sustainability objectives. Section 8 then provides an assessment of the neighbourhood plan policies against the sustainability objectives. Section 9 consider reasonable alternatives and identifies mitigation of predicted effects. Section 11 sets out proposed local monitoring indicators.
5. The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites. The Council commissioned a screening report on the impact of development proposed in the Plan on EU Special Areas of Conservation (SACs) and this was completed in December 2017 (W NDP 15). The HRA screening report has concluded that the Benson Neighbourhood Plan will not have any likely significant effects on the integrity of European sites around South Oxfordshire. Natural England was consulted on the council's screening opinion and agreed with its conclusions.

	<p>6. 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.</p> <p>7. 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 'excluded development'.</p> <p>8. The council cannot make a decision that differs from the Examiner's recommendations about the referendum area. The Examiner considered whether it would be appropriate to extend the referendum area to include properties in Rokemarsh. In doing so he invited representations from the council, and the relevant parish councils. The examiner concluded that residents of Rokemarsh would be impacted by the allocation of BEN3/4 and that it is therefore appropriate to extend the referendum area to include specific properties in Rokemarsh. The Democratic Services team has confirmed that this is feasible.</p> <p>9. 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.</p> <p>10. The council has taken account of all the representations received.</p>
<p><b>Alternative options rejected</b></p>	<p>Alternative options would be:</p> <p>1) to reject some or all of the independent Examiner's recommendations. This option is not necessary as officers and the parish council accept all the recommendations made by the Examiner, and to reject any changes could trigger a further period of public consultation.</p> <p>2) to decide not to proceed to referendum on the Neighbourhood Plan. This option is not recommended as officers and the parish council support the plan for the reasons set out in the recommendations section.</p>
<p><b>Legal implications</b></p>	<p>The Neighbourhood Plan will become part of the development plan and will be used to make planning decisions in the Neighbourhood Area.</p>

	The process undertaken, and proposed, accords with planning legislation.			
<b>Financial implications</b>	The progress to referendum is funded by the council and budget is available. The budget is funded by the Govt grant to the council.			
<b>Other implications</b>	None			
<b>Background papers considered</b>	<ol style="list-style-type: none"> <li>1. Benson 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. Representations submitted in response to the Watlington Neighbourhood Plan</li> <li>8. Relevant Ministerial Statements.</li> <li>9. Examiner's Report on the Benson Neighbourhood Plan</li> </ol>			
<b>Declarations/conflict of interest? 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 councillors	Felix Bloomfield	Agree to proceed to referendum	20.04.18
	Legal	Ian Price	Agree	19.04.08
	Finance	Paul Sheppard	Agree	19.04.18
	Human resources	Capita HR	No comment	23.04.18
	Sustainability	Heather Saunders	No comment	24.04.18
	Diversity and equality	Cheryl Reeves	No objection	20.04.18
	Communications	Samantha Marlow	Suggested edits to bring in line with council's style guide	23.04.18
	Head of Service	Adrian Duffield	No response	-
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee</b>	N/A			

<b>chairman?</b>	
<b>Has this been discussed by Cabinet members?</b>	No
<b>Cabinet portfolio holder's signature</b> To confirm the decision as set out in this notice.	Signature _____ Cllr Felix Bloomfield ____ Date _____ 04/05/2018 _____

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

For Democratic Services office use only		
Form received	Date:	Time:
Date published to all councillors	Date:	
Call-in deadline	Date:	Time:

## 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. 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 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 540307 or extension 7307.  
Email: [democratic.services@southandvale.gov.uk](mailto: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). The 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 the decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If the 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.

Appendix1: Table of changes recommended by the Examiner

Policy/ Section	Examiner's recommendations	Council's Decision	Justification/Reason
Policy NP1	<p>Insert at the end of the first sentence “as shown on Housing allocation sites and the Proposed Relief Road Map”</p> <p>In the first bullet point delete “viable”</p> <p>In the second paragraph, replace all the text after “Benson” with “and on sites of up to 0.1ha within the settlement of Preston Crowmarsh, where the proposals accord with the other policies in this plan and the other parts of the development plan.”</p>	Agree	<p>This modification will add clarity to the plan and is needed as a map is referred to in policies NP2-4</p> <p>We agree with the Examiners view that classing the relief road as ‘viable’ could lead to uncertainty as to whether the road needs to be demonstrated as viable. This could delay its delivery</p> <p>The site size of 0.1ha accords with the existing Core Strategy and the emerging local plan</p>
Policy NP2	<p>In the first paragraph replace “on the proposals map” with “as BEN1 on the Housing allocation and the Proposed Relief Road Map”</p> <p>Replace bullet point 1 with “Provision of a new road across the full extent of the housing development on this site, to a specification adequate to serve the completed relief road (as defined in appendix 6 of the signed section 106 agreement attached to planning permission 16/1139/OUT) and with the alignment shown on the Housing Allocation and Relief Road map. This new road must connect at its north-east edge to allocated site BEN2 (covered by the policy NP3). The route of the final western section of the relief road linking the western edge</p>	Agree	<p>The modifications recommended by the Examiner are considered necessary to ensure this policy achieves the clarity required by the NPPF.</p> <p>The Council agrees that housing mix is a</p>



	<p>of this housing development with the junction on Oxford Road near Elm Bridge roundabout, as shown on the Housing Allocation and Relief Road map, must be safeguarded, regardless of any alternative access routes provided to the site.”</p> <p>Delete the second bullet point.</p> <p>In the third bullet remove “NP22 and NP23 including” and replace with “and NP22, plus”</p> <p>In the fourth bullet replace “identified in” with “informed by the SHMA 2014 or updated versions identifying housing need and”</p> <p>Delete bullet point 6.</p>		<p>strategic issue that needs a robust evidence base. The Oxfordshire SHMA is the most up to date evidence on housing mix</p> <p>The Examiner is correct in highlighting that neighbourhood plan policies cannot prescribe how CIL monies will be spent from a particular development.</p>
Policy NP3	<p>In the first paragraph replace “on the proposals map” with “as BEN2 on the Housing Allocations and the Relief Road Map”</p> <p>In the second bullet after “Road” insert “within the allocation site”</p> <p>Delete bullet point 6 and 7</p> <p>In the final bullet point after “3 metre” insert “wide”.</p>	Agree	<p>The modification recommended by the Examiner provides clarity and ensures there is no undue obligation on the developer of a particular site to deliver a section of the road not within their control.</p> <p>The Examiner has correctly identified that bullet point 6 effectively double counts contributions towards recreation infrastructure</p> <p>To provide clarity on the intention of the policy (ie. wide not high) as required by the NPPF</p>

Policy NP4	<p>In the first paragraph replace “on the proposals map” with “as BEN3/4 on the Housing Allocations and the Relief Road Map”</p> <p>In the third bullet replace “identified in” with “informed by the SHMA 2014 or updated versions identifying housing need and”</p> <p>In the fifth bullet after “provision” insert “within the site”.</p> <p>Delete the seventh bullet point</p> <p>In the ninth bullet point after “3 metre” insert “wide” and insert at the end “subject to securing safe access and visibility”</p>	Agree	<p>The Council agrees that housing mix is a strategic issue that needs a robust evidence base. The Oxfordshire SHMA is the most up to date evidence on housing mix</p> <p>The modifications recommended by the Examiner are considered necessary to ensure this policy achieves the clarity required by the NPPF</p> <p>The Examiner is correct in highlighting that neighbourhood plan policies cannot prescribe how CIL monies will be spent from a particular development.</p> <p>To provide clarity on the intention of the policy (ie. wide not high) as required by the NPPF</p>
Policy NP5	After “ground” in the first paragraph, insert “will be approved”	Agree	The modification recommended by the Examiner is necessary to ensure this policy achieves the clarity required by the NPPF.
Policy NP6	<p>In the second sentence of the third bullet, remove “and to other such buildings as shall be considered to have similar value”</p> <p>At the start of the fourth bullet, insert “Where appropriate”.</p>	Agree	These modifications are required to remove ambiguity and provide clarity as required by the NPPF.

Policy NP7	No changes	-	-
Policy NP8	Replace “New” with “Major housing development”	Agree	This modification is required to bring the policy in line with the NPPF and to prevent the policy being overly onerous.
Policy NP9	That the policy be deleted	Agree	Oxfordshire County Council parking standards set maximum standards, not minimum. There is no robust evidence to deviate from these standards. The council agrees with the recommendation to delete this policy.
Policy NP10	Replace “New” with “Major housing development”	Agree	This modification is required to bring the policy in line with the NPPF and to prevent the policy being overly onerous.
Policy NP11	Replace “New” with “Major housing development”	Agree	This modification is required to bring the policy in line with the NPPF and to prevent the policy being overly onerous.
Policy NP12	No changes	-	-
Policy NP13	No changes	-	-
Policy NP14	No changes	-	-
Policy NP15	At the start insert “In so far as planning permission is required”	Agree	Under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), planning permission is not required for a change of use

	Replace “the Policies Map” with “Figures 7 and 8”		in some cases  This directs readers of the Plan to the correct maps
Policy NP16	Replace “the Policies Map” with “Figure 8”	Agree	For clarity
Policy NP17	No changes	-	-
Policy NP18	That the policy be deleted with the wording included either as a Community Aspiration or included within the supporting text.	Agree	The Examiner is correct in highlighting that neighbourhood plan policies cannot prescribe how CIL monies will be spent. This is more appropriately set out as an appendix or in the supporting text.
Policy NP19	Replace “future-proofed” with “telecommunication” and delete “such as fast internet access”  In the second sentence delete “contain a Connectivity Statement and developers will also be required to” with “demonstrate how they will”	Agree	Developers have little control over the delivery of telecommunication infrastructure, which is normally delivered by Telecommunication Operators  We agree that a neighbourhood plan cannot influence the validation checklist needed for applications
Policy NP20	No changes	-	-
Policy NP21	No changes	-	-
Policy	Delete the second paragraph	Agree	We agree with the Examiners conclusion that

NP22			developers cannot be required to pay CIL and also contribute towards off-site play facilities.
Policy NP23	That the policy be deleted.	Agree	This is not a planning policy. The requirements are set out in policy NP2.
Policy NP24	Replace “the map below” with “Figure 9”	Agree	For clarity
Policy NP25	No changes	-	-
Policy NP26	Delete “delivering “net gain” in line with the District Council’s core strategy”  Delete the second sentence of the first paragraph  At the start of the second paragraph insert “Where appropriate”	Agree	These modifications are required to remove ambiguity and provide clarity as required by the NPPF.
Policy NP27	After “residential development” insert “as proposed by Policies NP2, NP3 and NP4”  In the final sentence replace” should be designed” with “are encouraged”	Agree	These modifications are required to remove ambiguity and provide clarity as required by the NPPF.
Policy NP28	Replace “funding for a 15-year period to ensure the establishment of” with “proposals including funding for the”	Agree	These are matters that would usually be agreed between the appropriate parties and is likely to be negotiated at planning application stage. It is agreed that it is not appropriate to for funding to be required for a specific period as a requirement of the policy.

Policy NP29	Delete “and executed”	Agree	
Policy NP30	No change	-	-
Policy NP31	In the second paragraph after “planning applications” insert “affecting the riverside area and on the fringes of the built-up area of Benson”		
Policy NP32	Replace “Development proposals” with “Major residential development on the fringe of the village of Benson”		
Policy NP33	At the start of the policy, insert “Where it is appropriate”		
Policy NP34	That the policy be deleted	Agree	Conflict with national planning policy

Appendix 2: Table of changes made to supporting text (following the recommendations made by the Examiner)

Paragraph/line	Change to supporting text	Justification/Reason
Page 10, final para, 4 <sup>th</sup> line	Add additional wording: ‘During the development of the Plan it became clear significant development outside Benson (such as <i>potential development at Chalgrove Airfield, Berinsfield and Culham</i> )...’	As the Plan is not submitted or examined yet
Para 6.1, last	Delete ‘The 187 dwellings do not count towards the housing allocation target for Benson as the application was	The 187 dwellings are included in the commitments and completions for Benson.

sentence	approved prior to March 2016.'	
New para 6.8	A map showing the housing allocation sites and Relief Road is shown below (Figure 3)	The map is referred to in policy, in line with the Examiners recommendation and to provide clarity.
Para 6.8.3, last line	Refer to policy NP23 instead of NP26	As the policy references have been updated
Para 6.8.4	Delete 2 <sup>nd</sup> and 3 <sup>rd</sup> sentence. Add new sentence: The Parish Council has included the expansion of the Doctors Surgery as a potential recipient of CIL funding from the developments planned within Benson (see Appendix I)	In line with updated policy text and to reflect the addition of Appendix I.
Para 6.8.6	4 <sup>th</sup> line – change NP27 to NP22  5 <sup>th</sup> line – Delete 'requires a net positive gain for' and replace with 'maintains and enhances'	As the policy references have been updated  To bring the supporting text in line with updated policy text
Para 6.8.12	Delete last sentence: 'Given the limited nature of this allocation and its need to accommodate both the Relief Road itself and its junction arrangements with Hale Road there may be merit in providing the appropriate amount of open space off site.'	To bring the supporting text in line with updated policy text
Para 6.8.13	Replace policy NP31 with NP28	As the policy references have been updated
Para 6.8.14	Delete 2 <sup>nd</sup> and 3 <sup>rd</sup> sentence. Add new sentence: The Parish Council has included the expansion of the Doctors Surgery as a potential recipient of CIL funding from the developments planned within Benson (see Appendix I)	In line with updated policy text and to reflect the addition of Appendix I

Para 6.8.22	Last sentence: replace NP31 with NP28	As the policy references have been updated
Para 6.8.23	2 <sup>nd</sup> sentence – add ‘through the site’	For clarity and in line with updated policy text
Para 6.8.24	Delete 2 <sup>nd</sup> and 3 <sup>rd</sup> sentence. Add new sentence: The Parish Council has included the expansion of the Doctors Surgery as a potential recipient of CIL funding from the developments planned within Benson (see Appendix I)	In line with updated policy text and to reflect the addition of Appendix I
Para 6.8.32	3 <sup>rd</sup> sentence: replace NP25 with NP22	As the policy references have been updated
Para 6.8.33	Last sentence: replace ‘securing a net gain for’ with ‘maintaining and enhancing’  Replace policy NP26 with NP23	To bring the supporting text in line with updated policy text  As the policy references have been updated
Para 9.5.7	Replace Figure 4 with Figure 5	To correct an error
Para 9.5.9	Replace Figure 5 with Figure 6	To correct an error
Para 9.5.10	Replace Figure 6 with Figure 7	To correct an error
Para 9.13.1	3 <sup>rd</sup> sentence – replace NP13 with NP12	As the policy references have been updated



Para 10.2	Last sentence- replace Figure 7 and Figure 8 with Figure 8 and Figure 9	To correct an error
Para 10.13.5	2 <sup>nd</sup> sentence – add ‘is taken into account’ to end of sentence	To complete sentence
Para 10.13.6	Replace policy NP14 with NP13	As the policy references have been updated
Para 10.14.1	6 <sup>th</sup> and 7 <sup>th</sup> sentences – replace NP15 and NP16 with NP14 and NP15	As the policy references have been updated
Para 10.17.1	Final sentence – delete ‘both’ and ‘and the local planning authority’, replace ‘population’ with ‘expansion’	The parish council will be responsible for 25% of CIL receipts from development in Benson and the expansion of the surgery is identified as project in Appendix I
Para 10.20.4	Delete the last 2 sentences	To reflect updated policy wording
Para 11.10.6	Delete ‘for an appropriate period’ from end of last sentence	To reflect updated policy wording
Para 11.11.3	Replace Figure 10 with Figure 11	To correct an error