

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

Decision made by	Councillor Felix Bloomfield
Key decision?	No
Date of decision (same as date form signed)	15 August 2018
Name and job title of officer requesting the decision	Cheryl Soppet Planning Policy Officer (Neighbourhood)
Officer contact details	Tel: 07917088314 Email: cheryl.soppet@southandvale.gov.uk
Decision	<ol style="list-style-type: none"> 1. To accept all modifications recommended by the Examiner; 2. to determine that The Warborough and Shillingford 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 3. to take all appropriate actions to progress The Warborough and Shillingford Neighbourhood Development Plan to referendum. A date for referendum is set for 4th October 2018. 4. the referendum area should not extend beyond the neighbourhood area approved by the District Council on 02 March 2016.
Reasons for decision	<ol style="list-style-type: none"> 1 The Warborough and Shillingford 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 have and does have to a significant effect. The principal document in which national planning policy is contained is the National Planning Policy Framework (July 2018) (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.

- 2 Having considered all relevant information, including representations submitted in response to the Plan, the Examiner's considerations and recommendations the council has come to the view that the Plan has developed a suite of policies that aim to safeguard the character and appearance of the area and promote sensitive development, having appropriate regard to heritage assets, Green Belt constraints 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 (Policy H3), Housing mix (Policy H1) and site allocation (Policy H2), and enhancement for employment facilities (Policy E1). In the social role, it includes a policy on community infrastructure (Policy C1), improvements to community assets (Policy C2), pedestrian links (Policy H4), Safeguarding affordable housing (Policy H6). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on local green spaces, the village character and design (Policy VC1).
- 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, having appropriate regard to heritage assets, the character of the village, its partial 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 Warborough and Shillingford 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 in the Plan area is strictly controlled to preserve and enhance its heritage assets and its partial 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 preserve and enhance its heritage assets and its partial location within the Green Belt. The Plan allows for a site allocation of approximately 29 dwellings, infilling within the built-up form of Warborough and Shillingford, it identifies and protects locally significant green spaces and the intrinsic values of open countryside, it guides the design of new development and supports the retention and provision of community 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. 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 requirements. The Sustainability Appraisal sets out how it was developed in an iterative fashion with the wider preparation of the plan itself (Section 2). Section 3 sets out the policy and environmental context, Section 4 sets out a Sustainability Assessment, Section 5 covers an assessment of the policies in the plan, Section 6 sets out an assessment of reasonable policy alternatives, Section 7 sets out the current appraisal findings and Section 8 sets out the monitoring indicators.
- 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 20 March 2017 which confirmed to the qualifying body that an Appropriate Assessment would not be required. In response to the council's screening opinion, Natural England confirmed on 09 March 2017 that the proposals in the plan will not have significant effects on sensitive sites that they have a statutory duty to protect. A recent

judgment from the Court of Justice of the European Union 'People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17)' ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment, and should not be taken into account at the screening stage. The council did not take mitigation into effect when considering whether the submitted Plan would have adverse effects on the integrity of European sites. In terms of potential in-combination effects the assessment undertaken by the council relied on the Habitats Regulations Assessment (HRA) of the emerging Local Plan. Whilst that HRA considered mitigation during the screening phase, an Appropriate Assessment (AA) was prepared, and the conclusions of that AA informed the assessment of the submitted neighbourhood plan. In this context council concluded that the recent Sweetman judgement does not affect the integrity of the early Warborough and Shillingford HRA screening.

- 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 'excluded development'.
- 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.
- 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 available in Appendix 2.
- 13 The National Planning Policy Framework was revised on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. The policies in the previous Framework (published on 27 March 2012) will apply for the purpose

	<p>of examining plans, where those plans are submitted on or before 24 January 2019. Paragraph 213 sets out that policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The council is satisfied that the policies in the Warborough and Shillingford Neighbourhood Plan are consistent with the revised National Planning Policy Framework.</p> <p>14 The council has taken account of all the representations received.</p>
Alternative options rejected	<p>Make a decision that differs from the Examiner's recommendation If the council deviates from the Examiner's recommendations, the council is required to:</p> <ol style="list-style-type: none"> 1. notify all those identified on the consultation statement of the parish council and invite representations, during a period of six weeks, 2. refer the issue to a further independent examination if appropriate. <p>Refuse the Plan 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>
Legal implications	The process undertaken and proposed accords with planning legislation.
Financial implications	The progress to referendum is funded by the council and budget is available. The budget is funded by the Govt grant to the council.
Other implications	There are no other implications.
Background papers considered	<ol style="list-style-type: none"> 1. The Warborough and Shillingford Neighbourhood Plan and supporting documents. 2. National Planning Policy Framework (2012) 3. National Planning Practice Guidance (July 2014) and subsequent updates).

	4. South Oxfordshire Core Strategy 2012 5. Saved policies from the South Oxfordshire Local Plan 2011 6. South Oxfordshire District Council Emerging Local Plan 2033 7. South Oxfordshire District Council SEA/HRA Screening Statement. 8. Representations submitted in response to The Warborough and Shillingford Neighbourhood Plan. 9. Relevant Ministerial Statements. 10. National Planning Policy Framework (2018)			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Ward councillor	Felix Bloomfield	Agree	03.08.2018
	Legal	Ian Price	Agree	10.08.2018
	Finance	Richard Spraggett	No comment	03.08.2018
	Human Resources	Capita HR	No comment	07.08.2018
	Sustainability	Heather Saunders	No comment	07.08.2018
	Diversity and equality	Cheryl Reeves	Agree	09.08.2018
	Communications	Gavin Walton	No response received	-
	Head of Service	Adrian Duffield	No response received	-
	Elections	Lesley Blue	No comments received	-
Confidential decision? If so, under which exempt category?	NO			
Call-in waived by Scrutiny Committee chairman?	N/A			
Cabinet member's signature To confirm the decision as set out in this notice.	Signature ____ Councillor Felix Bloomfield _____ Date ____ 15 August 2018 _____			

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

For Democratic Services office use only		
Form received	Date: 15 August 2018	Time: 12:20
Date published to all councillors	Date: 28 August 2018	
Call-in deadline	Not applicable	

Appendix 1

Policy/ Section	Examiner's recommendations	Council's Decision	Justification/Reason
<p>Page 17 - Policy VC1- Village and rural character and design</p>	<p>Replace the opening part of the policy with the following: 'Proposals for new residential development within the built-up areas of the villages will be supported where they accord with the policies of this Plan and the development plan for the District and subject to the following criteria:</p> <p>A. They reflect the scale and character of the village concerned;</p> <p>B. As A in the submitted Plan with 'They' replacing 'The proposals' and 'full' replacing 'ffull' (sic)</p> <p>C. As B in the submitted Plan with 'Their materials' replacing 'Materials that' and deleting 'are used'</p> <p>D. As C in the submitted Plan</p> <p>E. As D in the submitted Plan with the insertion of 'Any' at the start</p> <p>F. As E in the submitted Plan with 'They' replacing 'New development'</p> <p>G. As F in the submitted Plan with 'Proposals' replacing 'Development'</p> <p>H. As G in the submitted Plan with 'Proposals should not result in unacceptable impacts on noise, odour, air pollution and light pollution in the immediate locality' replacing 'Development.... light pollution'</p> <p>Delete H as a criterion in the main body of the policy and include it in an unchanged fashion as a separate part of the policy.</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. We also consider in regards to structural terms various factors within the policy should become criteria within the context of the modified policy. This will provide clarity to the council when it seeks to implement the plan over time.</p>

	<p>Delete I as a separate criterion in the policy Include a separate part of the policy (not within the criteria in its main part) to read: ‘New residential development in the neighbourhood area will be focused in the housing allocation at Six Acres and as set out in Policy H2 of this Plan’. Include a further separate part of the policy to read: ‘Proposals for new residential development outside the built-up areas of the villages or outside the allocated housing site (H2) in this Plan will only be supported if they are suitable for a countryside location and are consistent with the policies in this Plan and the Development Plan for the District.’ Replace the title of the policy to read as follows: ‘Development principles and the character of the villages.’</p> <p><i>At the end of the supporting text on page 16 (and before table 1) add the following: ‘Policy VC1 also sets out an overarching strategy for the neighbourhood area. It focuses new development within the built-up areas and within the housing allocation as set out in Policy H2 of this Plan. Development outside these areas will only be supported where it is consistent with a countryside location. These key development principles overlap with the key elements of village design.’</i></p>		
<p>Page 21 - Policy H1 – Housing Mix</p>	<p>Delete the second sentence of Part A Delete Part B Immediately before the final two paragraphs of supporting text on page 21 insert the following new paragraph of text. <i>‘Policy H1 requires that new developments meet these identified local housing needs. [Insert at this point the deleted second</i></p>	<p>Agree</p>	<p>The council considers the deletion of the second sentence in Part A and its relocation as supporting text to be necessary as it describes a desired process rather than operating as a land use policy. We consider the proposed modification to delete Part B of the policy and relocate the text</p>

	<p><i>sentence of Part A of the policy].’</i> Immediately after the final paragraph of the supporting text on page 21 insert the following: ‘<i>On this basis the Plan will expect relevant new developments to secure the allocation of affordable dwellings to the District Council’s allocation policy. [Insert at this point the deleted Part B of the policy].’</i></p>		<p>within the supporting text to be necessary as the wording relates to the role of the council as the housing authority under the Housing Acts. The allocation of housing delivered is not considered a land use matter.</p>
<p>Page 25 - Policy H2- Allocation of Six Acres as a residential extension to Warborough Village</p>	<p>At the end of the first sentence add ‘subject to the following criteria: Replace the remainder of the first paragraph and the second paragraph of the policy with the following criteria:</p> <ul style="list-style-type: none"> • the development of the site must respond to and be in keeping with local character by demonstrating reference to the Warborough and Shillingford Character Assessment; • development proposals must be supported by a heritage appraisal and impact statement to describe the significance of any heritage assets affected including any contribution made by their setting. The statement should include an assessment of the impact of any proposed development on the character and appearance of the Warborough Conservation Area and the listed buildings to the north and west of the site; • development proposals must protect and where possible enhance existing tree and hedgerow boundaries to the site; • development proposals must protect and where possible enhance existing key community views identified in the Warborough 	<p>Agree</p>	<p>The Council consider the modifications proposed by the Examiner to the policy are necessary to ensure the policy has regard to national planning policy and guidance in that it has appropriate regard to the protection of heritage assets surrounding the site. In particular we are of the opinion the policy needs to make explicit reference to the need for any future planning applications to prepare a heritage appraisal and an associated impact assessment and to have due regard to the identified impacts.</p> <p>We consider that incorporating the final part of the policy (which deals with the long-term maintenance of the site) into the schedule of matters is necessary, as it would be supported as part of the development of the site.</p> <p>The Council considers the long-term maintenance of the site to be more a Community Issue rather than a land use policy.</p>

	<p>and Shillingford Character Assessment; • [as a in the submitted Plan];</p> <ul style="list-style-type: none"> • [as b in the submitted Plan]; • [as c in the submitted Plan]; and • [as d in the submitted Plan] <p>Replace the opening part of the third paragraph of the policy with the following: ‘Development proposals will be supported which, in addition to the criteria above, deliver the following measures:’ Delete v. Incorporate the final paragraph of the policy (on maintenance) into the previous paragraph (as recommended to be modified) as vi) and with the deletion of ‘The Parish Council will support’</p>		
<p>Page 26- Policy H3- Infill development</p>	<p>Delete the fourth criterion</p> <p>In the fifth criterion insert ‘and appropriate’ between ‘possible,’ and ‘retain’ and delete ‘such as.... streams’</p>	<p>Agree</p>	<p>The Council considers the proposed modification to delete the fourth criteria of Policy H3 to be necessary for the following two reasons.</p> <ol style="list-style-type: none"> 1. The first is a matter of definition- a small gap in an otherwise continuous built up frontage will naturally be infill development. 2. The Council considers the Plan offers no clarity on the definition of ‘the harm to rural character or appearance through the loss of glimpsed views to greenery beyond the building line’. The current criteria would be impractical for the Council to apply consistently throughout the Plan period and is not in general conformity with strategic policies in the development plan.

			The Council also considers the modifications to the 5 th criterion of the policy to be necessary. The list of examples are not required and have the potential to exclude other natural features which might have an influence on the development of the site or its detailed design layout.
Page 27- Policy H4 – Pedestrian links	<p>Replace the first part of the policy with: ‘New development proposals should be well-connected with the existing network of pedestrian links in the neighbourhood area. Where appropriate developments should be arranged so that their designs take account of the existing local footpath network in their immediate locality.’</p> <p>Replace the second part of the policy with: ‘Subject to other development plan policies proposals for new development will be supported where they protect or enhance existing public rights of ways and other forms of access. Proposals will also be supported which provide new public rights of ways and other forms of access which connect with existing routes.’</p> <p><i>‘Between the second and the third paragraphs of supporting text on page 27 add: Policy H4 sets out the Plan’s approach to this important matter. Part A sets out an expectation that new developments should be well-connected to the existing network. [Insert at this point the submitted part A of the policy replacing ‘Permission...that it is’ with ‘Where it is practical to do so developments should be’].</i></p>	Agree	<p>The Council considers as submitted the first part of the policy is too restrictive and unduly onerous. Therefore, the Council consider the proposed modifications to the policy to be necessary and should allow the policy to take a more positive and flexible approach.</p> <p>We also consider it to be necessary that some of the particular directions of the text should be relocated into the supporting text.</p> <p>The Council also considers it necessary for a similar approach to be applied to the second part of the policy. Its submitted format requires the decision-maker to look at specific details of the Plan’s preparation and at the same time come to judgements on the deficiencies both of the existing network and potentially the relationship between new developments and their accessibility to the same network. On this basis it would be impractical for the Council to implement on a consistent basis throughout the Plan period. In a similar way it would not offer certainty to potential developers. The modifications proposed by the examiner are necessary the policy becomes less onerous and capable of being applied consistently.</p>

	<i>Part B provides a supportive context for such proposals. When preparing development proposals developers should make reference to the Community Issues Project 3 (Pedestrian Links/Footpaths) and Community Issues Project 5 (Traffic Calming) and design their proposals accordingly.'</i>		
Page 29 - Policy H5 – Parking Provision	In the first part of the policy delete 'being proposed' and the letter 'A' at the start. Delete the second part of the policy. <i>Delete the supporting text under the heading 'School parking and traffic' on pp28/29</i> Include a new Project in Section 7.7 <i>Title: Project 8. School parking and traffic</i> <i>Initial text: To explore opportunities to provide additional short-term off-street car parking to cater for the parking demands for the school and morning and afternoon peak times.</i> <i>Evidence: Insert the deleted supporting text as included with the submitted part two of the policy.</i>	Agree	The council considers the examiners recommendation to delete 'being proposed' from the policy is necessary to ensure the policy has the clarity required by the NPPF. The Council considers that the second part of the policy and the supporting text are not site specific and they do not suggest any means by which matters would be implemented. There is no site being proposed or any delivery method identified and therefore the Council agrees with the examiner's recommendation and consider it to be necessary that part B of the policy should be deleted and the approach reproduced as a community project.
Page 30- Policy H6- Safeguarding Affordable Housing	Replace the policy with: 'Proposals that would result in the loss of existing affordable housing through either redevelopment or change of use will not be supported unless: • they would result in an increase in the number of affordable houses or a significant improvement in the quality of the existing stock of affordable housing on the site; or • the affordable houses to be lost are replaced elsewhere in the neighbourhood area; or • it can be demonstrated that the affordable	Agree	The Council considers the recommendation to simplify the policy in its structure and composition to be necessary to provide the clarity required by the NPPF. We are in agreement with the examiner's view that the Parish Council's commentary about the need for a developer to provide an independent assessment of the long-term retention of affordable housing is more of a process matter than a policy issue. In the council's view, this issue is adequately addressed in the modified

	houses concerned are no longer needed in the neighbourhood area.'		policy.
Page 35- Policy C1 – Community Infrastructure	<p>Delete the second part of the policy. In the third part of the policy replace 'be resisted' with 'not be supported'</p> <p>At the end of the supporting text on page 35 add the following paragraph: <i>The relationship between new development and community infrastructure is an important consideration in the neighbourhood area. In this context developers are advised to consult early with the Parish Council, SODC, Oxfordshire County Council and the relevant utility providers. This process will help to understand and assess the additional load that the proposed development may have on the neighbourhood area. It will also help to clarify the scale and nature of any appropriate mitigation'</i></p>	Agree	<p>The Council considers the deletion of the second part of the policy to be necessary. As it currently addresses development processes and consultation rather than policy matters directly. However, the council agrees with the examiner that it is appropriate to capture this with modifications in the supporting text instead.</p> <p>The proposed modifications to the third part of the policy are considered to be necessary to enable the clarity required by the NPPF.</p>
Page 35- Policy C2 – Improvements to Community Assets	<p>Replace: 'Proposals to buildings or land' with 'Proposals for the extension, adaptation or redevelopment of the community facilities identified in Table 2 (Community Facilities) 'design....in use' with 'resulting improved facilities'; and 'will not harm' with 'will not have an unacceptable impact on'.</p>	Agree	<p>The Council agrees with the examiner's view that the planning process primarily addresses development proposals in physical terms and therefore we consider the proposed modification is necessary to bring clarity to the policy.</p> <p>We also consider the deletion of any reference to the increased use of the community facility as a result of any physical works undertaken to be necessary, as the planning process controls the design and massing of buildings and does not exert direct control over the future levels of use.</p>

<p>Page 37- Policy C3- Local Green Space</p>	<p>Replace the policy to read: ‘The following green spaces are designated as Local Green Spaces: [List the local green spaces as submitted in WNDP10 as bullet points] New development will not be supported on land designated as Local Green Space except in very special circumstances.’</p>	<p>Agree</p>	<p>We consider the proposed modification to be necessary as it would help the policy fully deliver the expectations of the NPPF, particularly with regards to the management of those sites.</p>
<p>Page 38- Policy C4 – Community Infrastructure Levy Contributions</p>	<p>Delete the policy <i>Delete the associated supporting text</i> <i>Include a new Project in Section 7.7 Title: Project 9. Community Infrastructure Levy Contributions</i> <i>Initial text (in yellow)</i> <i>To ensure that the local element of CIL funding is focused in projects that have been identified by the community.</i> <i>Evidence: Insert the deleted supporting text as included with the submitted policy/supporting text</i> <i>Delete the last sentence of the opening paragraph of the supporting text and replace it with:</i> <i>‘The infrastructure projects (1-8 above) have been identified during the production of the Plan. They will be prioritised as CIL funding becomes available. In working through the various projects and coming to decisions on their relative priority and delivery, the Parish Council will work with partner organisations to identify their various costs. It will also have regard to the SODC Infrastructure Delivery Plan. This Project refers specifically to the Parish Council’s use of the local element of any CIL funding generated in the neighbourhood area.’</i></p>	<p>Agree</p>	<p>The Council is in agreement with the examiner it is necessary that Policy C4 should be deleted due to the approach taken not being a land-use based policy</p> <p>We also consider the recommendation to reintroduce the text into the Plan as a non-land use Project in section 7.7 of the document to be appropriate and the addition of a new sentence in the supporting text to bring absolute clarity to be necessary.</p>
<p>Page 39 -</p>	<p>In the first part of the policy insert ‘and’ after</p>	<p>Agree</p>	<p>The Council considers it to be necessary that</p>

<p>Policy E1 – Enhancement of Employment Facilities</p>	<p>the second criterion and replace ‘South Oxfordshire District Council’ with ‘Oxfordshire County Council’ in the third criterion. Replace the second part of the policy with the following: ‘Proposals for new or extended business premises outside the built-up areas of the neighbourhood area will be supported where they are appropriate to a countryside location and they are otherwise consistent with other development plan policies.’</p>		<p>the first part of the policy is amended as recommended by the examiner to ensure achieves the clarity required by the NPPF.</p> <p>The second part of the policy seeks to apply the same criteria for proposals within the built-up area to proposals outside the built-up area. The Council considers the recommendations proposed by the examiner necessary to ensure the policy has regard to national policy and is in general conformity with the strategic policies in the Development Plan.</p>
<p>Page 42 – Community Issues- 7.7</p>	<p>Two additional Projects – 8. School Parking and traffic 9. Community Infrastructure Levy contributions</p>	<p>Agree</p>	<p>The Council considers the addition of 2 more projects as identified earlier in this report to be appropriate as they largely repeat the contents of the policies that are recommended to be deleted and therefore the Council considers the contents to be more appropriate as an action for the Parish Council instead as they would not be appropriate as a land use policy.</p>
<p>Other matters</p>	<p>This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for SODC and the Parish Council to have the flexibility to make any necessary</p>	<p>Agree</p>	<p>We consider this recommendation is necessary to facilitate consequential changes to the general text of the Plan to achieve consistency with the modified policies.</p>

	consequential changes to the general text. I recommend accordingly. Modification of general text (where necessary) to achieve consistency with the modified policies.		

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 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 22520.
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 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.