

Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Cllr. Anne Marie Simpson
Key decision?	No
Date of decision (same as date form signed)	28 September 2021
Name and job title of officer requesting the decision	Robyn Tobutt Senior Planning Policy Officer (Neighbourhood)
Officer contact details	Tel: 01235 422600 Email: Robyn.Tobutt@southandvale.gov.uk
Decision	<p>To recommend to Council:</p> <ol style="list-style-type: none"> 1. To make the Crowmarsh Parish Neighbourhood Development Plan so that it continues to be part of the council's development plan. 2. To delegate to the Head of Planning, in consultation with the appropriate Cabinet Member and in agreement with the Qualifying Body, the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.
Reasons for decision	<ol style="list-style-type: none"> 1. The making of the Crowmarsh Neighbourhood Development Plan (the Plan) would not breach, or otherwise be incompatible with, any EU or human rights obligations, including the following Directives: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). In addition, no issues arise in respect of equality under general principles of EU law or any EU equality directive. 2. In order to comply with the basic conditions on the European Union legislation, the Qualifying Body produced a Strategic Environmental Assessment. The Strategic Environmental Assessment sets out the

introduction and background in sections 1 and 2. Section 3 set out the Neighbourhood Plan objectives and section 4 identified the local environment characteristics and issues. Section 5 sets out the assessment of the framework and section 6, 7 and 8 contain the assessment of the objectives, plan policies, and reasonable plan alternatives. Section 9 sets out cumulative effects of policies. Section 10 and 11 cover the summary and monitoring of the assessment. The Environmental Report is well-considered and detailed.


3. The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites. The council screened the Plan's potential impact on EU Special Areas of Conservation (SACs) and this was completed in March 2018. The HRA screening report concluded that the Plan would not have any likely significant effects on the integrity of European sites in or around South Oxfordshire, either alone or in combination with other plans or programmes.
4. The council is satisfied that the Plan is in all respects fully compatible with Convention rights contained in the Human Rights Act 1988. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known.

Referendum

5. A referendum relating to the adoption of the Crowmarsh Parish Neighbourhood Development Plan was held on Thursday 2 September 2021.
6. The question which was asked in the Referendum was: *'Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Crowmarsh to help it decide planning applications in the neighbourhood area?'*
7. The result was as follows:
 - a. Yes = 374 votes
 - b. No = 13 votes
 - c. Turnout = 28.3%
8. The majority of local electors who voted, voted in favour of the Plan; therefore, the Crowmarsh Parish Neighbourhood Plan has become part of the council's development plan.
9. As the Plan was approved at the local referendum and the council is satisfied that the making of the Plan would

	<p>not breach, or otherwise be incompatible with, any EU or human rights obligations, the council is required make the Crowmarsh Parish Neighbourhood Development Plan so that it continues to be part of the council's development plan.</p>
<p>Alternative options rejected</p>	<p>The council's options are limited by statute. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 sets out that the council must make a neighbourhood plan if more than half of those voting at the referendum have voted in favour of the plan being used to help decide planning applications in the plan area.</p> <p>The only circumstance where the district council should not make this decision is where the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).</p> <p>Section 3 of the Neighbourhood Planning Act 2017, which came into force on 19 July 2017, amends section 38 of the Planning and Compulsory Purchase Act 2004 to ensure that neighbourhood plans have full legal effect once they have passed their local referenda. In the very limited circumstances that the council might decide not to make the neighbourhood development plan, it will cease to be part of the development plan for the area.</p> <p>In this case, the referendum result was in favour of the plan, and so the Crowmarsh Parish Neighbourhood Plan has become part of the council's development plan. For the reasons set out in paragraphs 1 to 4, the council is satisfied that the Crowmarsh Parish Neighbourhood Development Plan would not breach or be incompatible with EU obligations or human rights legislation.</p>
<p>Climate and ecological implications</p>	<p>The Plan contributes to the achievement of sustainable development. Sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development through the planning system involves delivering on three overarching objectives – economic, social and environmental. The Crowmarsh Parish Neighbourhood Plan has set out to achieve sustainable development in the neighbourhood area. Contributing to the economic objective, the Plan includes policies for infill residential development (Policy CRP1) and for new employment development at Howbery Park (Policy CRP3). In the social role, it includes policies on green spaces (Policy CRP6) and on housing mix (Policy CRP2). In the environmental dimension the Plan positively seeks</p>

	<p>to protect its natural, built and historic environment. It has specific policies on the wider environment (Policy CRP4) and on wildlife and biodiversity (Policy CRP5).</p> <p>Taken as a whole, the council is satisfied that through its policies the Crowmarsh Parish Neighbourhood Plan pursues net gain across each of the different objectives of sustainable development in a mutually supportive way.</p> <p>In terms of the ecological implications, the Plan contains Policy CRP4 (Conservation of the environment), Policy CRP5 (Protection and enhancement of ecology and biodiversity), and Policy CRP6 (Green Space). These policies seek to preserve the rural character of the parish, pursue net gain for biodiversity, and identify important open and Local Green Spaces.</p>
<p>Legal implications</p>	<p>The legal implications are set out elsewhere in the report on the basis of which it is considered that the council should now proceed to make the Crowmarsh Parish Neighbourhood Plan.</p>
<p>Financial implications</p>	<p>Government grants are available to local authorities to help meet the cost of our responsibilities to progress neighbourhood plans through the formal stages, including the referendum. A total of £20,000 can be claimed for each neighbourhood planning area. The council becomes eligible to apply for this additional grant once the council issues a decision statement detailing the intention to send the plan to referendum.</p> <p>Any costs incurred in the formal stages in excess of Government grants is borne by the council. Staffing costs associated with supporting community groups and progressing neighbourhood plans through the formal stages are funded by the council. It is expected that costs associated with progressing this neighbourhood plan can be met from the existing neighbourhood planning budget.</p>
<p>Other implications</p>	<p>The council is required to comply with the statutory requirements (to consider whether the Crowmarsh Parish Neighbourhood Development Plan should be made following successful local referendum), which this recommendation seeks to achieve. In view of the considerations referred to elsewhere in this report, as the majority of those voting have voted in favour of the plan at its local referendum, a decision not to make the plan would place the council at risk of a legal challenge.</p>
<p>Background papers considered</p>	<p>1. Crowmarsh Neighbourhood Plan and supporting documents</p>

	<p>2. National Planning Policy Guidance (July 2014 and subsequent updates)</p> <p>3. South Oxfordshire District Council SEA/HRA Screening Statement</p>			
<p>Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</p>				
<p>List consultees</p>		Name	Outcome	Date
	Ward councillors	Clr Sue Cooper	Agreement	24/08/2021
		Clr Andrea Powell	Agreement	24/08/2021
	Legal	Vivien Williams	Consulted 24/08/21 – 02/09/21	
	Finance	Richard Spraggett	Consulted 24/08/21 – 02/09/21	
	Human resources		Consulted 24/08/21 – 02/09/21	
	Sustainability		Consulted 24/08/21 – 02/09/21	
	Diversity and equality	Lynne Mitchell	Responded	27/08/2021
	Climate and biodiversity		Consulted 24/08/21 – 02/09/21	
	Communications	Comms	Consulted 24/08/21 – 02/09/21	
	Senior Management Team	SMT meeting	Agreement	08/09/2021
<p>Confidential decision? If so, under which exempt category?</p>	No			
<p>Call-in waived by Scrutiny Committee chairman?</p>	N/A			
<p>Has this been discussed by Cabinet members?</p>	N/A			
<p>Cabinet portfolio holder's signature To confirm the decision as set out in this notice.</p>	<p>Signature </p> <p>Date 28/09/2021</p>			

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

For Democratic Services office use only		
Form received	Date: 28 September 2021	Time: 13:55
Date published to all councillors	Date: 28 September 2021	
Call-in deadline	Not applicable as this is not a key decision.	

Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must hand-sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.
Tel. 01235 422520 or extension 2520.
Email: democratic.services@southandvale.gov.uk
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
 - refer the decision back to the Cabinet portfolio holder for reconsideration or
 - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
 - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:

- (a) to incur expenditure, make savings or to receive income 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.