



## Record of 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. Anne Marie Simpson
<b>Key decision?</b>	Yes, the neighbourhood plan covers two parish areas (Henley on Thames and Harpsden), and this decision affects two wards (Henley on Thames and Sonning Common).
<b>Date of decision</b> (same as date form signed)	29 November 2022
<b>Name and job title of officer requesting the decision</b>	Robyn Tobutt Senior Planning Policy Officer (Neighbourhood)
<b>Officer contact details</b>	Tel: 07717271942 Email: robyn.tobutt@southandvale.gov.uk
<b>Decision</b>	<p><b>To recommend to Council:</b></p> <ol style="list-style-type: none"> <li>To make the Joint Henley and Harpsden Neighbourhood Development Plan Review, so that it continues to be part of the council's development plan.</li> <li>To delegate to the Head of Policy and Programmes, in consultation with the appropriate Cabinet Member and in agreement with the Qualifying Body, Henley Town Council the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.</li> </ol>
<b>Reasons for decision</b>	<ol style="list-style-type: none"> <li>The making of the Joint Henley and Harpsden Neighbourhood Development Plan Review (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.</li> <li>In order to comply with the basic condition on the European Union legislation, the Qualifying Body produced a Strategic</li> </ol>

Environmental Assessment, dated September 2021. The Strategic Environmental Assessment sets out the introduction in section 1, what the plan is seeking to achieve in section 2, and the scope of the SEA in section 3. Section 5 defines scenarios, section 7 develops the preferred approach, and section 8 details the methodology. The assessment of the revised the plan is set out in section 9 and sections 11 and 12 set out the next steps and monitoring. The Environmental Report is well-considered and detailed. It assesses the environmental conditions in the neighbourhood area and appraises the policies (and reasonable alternatives) against the framework developed through the Scoping Report. The SEA is fit for purpose and conforms with the Practical Guide to the SEA Directive (Office of the Deputy Prime Minister 2005).

3. The reviewed Plan would not give rise to significant environmental effects on European sites. The Council screened the Plan potential impact on EU Special Areas of Conservation (SACs) in June 2019. 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 and that an Appropriate Assessment is therefore not required.
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 Joint Henley and Harpsden Neighbourhood Development Plan Review was held on Thursday 24 November 2022.
6. The question which was asked in the Referendum was: *‘Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Joint Henley and Harpsden to help it decide planning applications in the neighbourhood area?’*
7. The result was as follows:
  - a. Yes = 1,207 (81.6%)
  - b. No = 266 (18%)
  - c. Turnout = 1,479 (15.3%)
8. The majority of local electors who voted, voted in favour of the Plan; therefore, the Joint Henley and Harpsden Neighbourhood Plan has become part of the council’s development plan.

	<p>9. As the Plan was approved at the local referendum and the council is satisfied that the making of the Plan would not breach, or otherwise be incompatible with, any EU or human rights obligations, the council is required make the Joint Henley and Harpsden Neighbourhood Development Plan Review so that it continues to be part of the council's development plan.</p>
<p><b>Alternative options rejected</b></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 Joint Henley and Harpsden Neighbourhood Plan has become part of the council's development plan. For the reasons set out in paragraphs 1 to 3, the council is satisfied that the Joint Henley and Harpsden Neighbourhood Development Plan would not breach or be incompatible with EU obligations or human rights legislation.</p>
<p><b>Climate and ecological implications</b></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.</p> <p>In terms of the climate and ecological implications the Plan seeks to have a positive impact, containing a number of objectives concerned with the environment, sustainability and design quality. The plan contains a suit of environment policies covering air quality (Policy ENV1), biodiversity (Policy ENV2), trees (Policy ENV3), Local Green Spaces (Policy ENV4), and watercourses (Policy ENV5). In addition to environmental policies, there are sustainability policies which cover minimising carbon emissions (Policy SD1) and community energy projects (Policy SD2).</p>
<p><b>Legal implications</b></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 Joint Henley and Harpsden Neighbourhood Plan. The process undertaken and proposed accords with planning legislation.</p>

<p><b>Financial implications</b></p>	<p>The Government makes funding available to local authorities to help them meet the cost of their responsibilities around neighbourhood planning. A total of £20,000 can be claimed for each neighbourhood planning area. In the case of neighbourhood plan reviews, a local planning authority may make only one claim for substantive modifications to a specific neighbourhood plan in their area within each 5-year window from the date that plan was first made. The council becomes eligible to apply for this additional grant once the council issue 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 with existing neighbourhood planning budget.</p>										
<p><b>Other implications</b></p>	<p>The council is required to comply with the statutory requirements (to consider whether the Joint Henley and Harpsden Neighbourhood Development Plan Review 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><b>Background papers considered</b></p>	<ol style="list-style-type: none"> <li>1. Joint Henley and Harpsden Neighbourhood Plan Review and supporting documents</li> <li>2. National Planning Policy Framework (2021)</li> <li>3. National Planning Policy Guidance (July 2014 and subsequent updates)</li> <li>4. South Oxfordshire Local Plan 2035</li> <li>5. Strategic Environmental Assessment for the Revised Joint Henley and Harpsden Neighbourhood Plan</li> <li>6. South Oxfordshire District Council HRA Screening Statement</li> <li>7. Representations submitted in response to the Joint Henley and Harpsden Neighbourhood Plan Review</li> <li>8. Relevant Ministerial Statement</li> </ol>										
<p><b>Declarations/ conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</b></p>	<p>None</p>										
<p><b>List consultees</b></p>	<table border="1"> <thead> <tr> <th></th> <th>Name</th> <th>Outcome</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Ward councillors</td> <td>Cllr David Bartholomew</td> <td>Support</td> <td>08/11/2022</td> </tr> </tbody> </table>		Name	Outcome	Date	Ward councillors	Cllr David Bartholomew	Support	08/11/2022		
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Ward councillors	Cllr David Bartholomew	Support	08/11/2022								

		Cllr Leigh Rawlins Cllr Stefan Gawrysiak Cllr Kellie Hinton Cllr Ken Arlett	Support	08/11/2022  Consulted 09/11/2022 – 17/11/2022
	Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a>	Vivien Williams	No comments or suggested amends	08/11/2022
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>			Consulted 08/11/2022 – 17/11/2022
	Human resources <a href="mailto:hadminandpayroll@southandvale.gov.uk">hadminandpayroll@southandvale.gov.uk</a>	Trina Mayling	No further comments	16/11/2022
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>	Jessie Fieth	Support	08/11/2022
	Diversity and equality <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a>	Lynne Mitchell	No further comments	08/11/2022
	Health and safety <a href="mailto:healthandsafety@southandvale.gov.uk">healthandsafety@southandvale.gov.uk</a>			Consulted 08/11/2022 – 17/11/2022
	Risk and insurance <a href="mailto:risk@southandvale.gov.uk">risk@southandvale.gov.uk</a>			Consulted 08/11/2022 – 17/11/2022
	Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>		Support	08/11/2022
	SMT			
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>	n/a			
<b>Has this been discussed by Cabinet members?</b>	n/a			
<b>Cabinet portfolio holder's signature</b> To confirm the decision as set out in this notice.	Signature Anne Marie Simpson via email Date 29 November 2022			

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

For Democratic Services office use only		
Form received	Date: 29 November 2022	Time: 17:15
Date published to all councillors	Date: 29 November 2022	
Call-in deadline	Date: N/A	Time: N/A