



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	Councillor Anne Marie Simpson
Key decision?	No
Date of decision (same as date form signed)	5 December 2023
Name and job title of officer requesting the decision	Tom Gill Senior Planning Policy Officer (Neighbourhood)
Officer contact details	Tel: 07510 921689 Email: thomas.gill@southandvale.gov.uk
Decision	To recommend to Council: 1. To make the Wheatley Neighbourhood Development Plan Review, so that it becomes part of the council's development plan. 2. To delegate to the Head of Policy and Programmes, in consultation with the appropriate Cabinet Member and in agreement with the Qualifying Body – Wheatley Parish Council, the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.
Reasons for decision	1. The making of the Wheatley 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. 2. In order to comply with the basic condition on the European Union legislation, the Qualifying Body commissioned a Strategic Environmental Assessment (SEA) dated June 2022. The Strategic Environmental Assessment sets out the introductions and background in Sections 1 and 2. Section 3 sets out the scope of the SEA. Section

5 identifies the growth scenarios and Section 6 assesses the scenarios. Section 7 sets out the preferred approach, and Sections 8, 9, and 10 set out the SEA findings and recommendations. Section 12 of the report covers monitoring. The Environmental Report is fit for purpose and well considered. 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 did not identify any potential for significant negative effects that would require closer monitoring.

3. The Plan 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 May 2022. 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 was 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 Wheatley Neighbourhood Development Plan Review was held on Thursday 23 November 2023.
6. The question which was asked in the Referendum was: *'Do you want South Oxfordshire District Council to use the Neighbourhood Plan Review for Wheatley to help it decide planning applications in the neighbourhood area?'*
7. The result was as follows:
 - a. Yes = 514 votes (87.6%)
 - b. No = 72 votes (12.3%)
 - (Unmarked/void = 0.1%)
 - c. Turnout = 16.4%
8. The majority of local electors who voted, voted in favour of the Plan; therefore, the Wheatley Neighbourhood Development Plan Review 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 not breach, or otherwise be incompatible with, any EU or human rights obligations, the council is required to make the Wheatley Neighbourhood Development Plan Review so that it continues to be part of the council's development plan.

<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 Wheatley Neighbourhood Development Plan Review 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 Wheatley Neighbourhood Development Plan Review 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.</p> <p>In terms of climate and ecological implications, the Plan seeks to have a positive impact, containing objectives concerned with promoting enhancement of wildlife sites and preserving the Green Belt in line with national and local strategic planning policies.</p> <p>The plan contains a Biodiversity policy (EN1) with the purpose of supporting development which protects or enhances urban and rural biodiversity, and proposals which result in a biodiversity net gain. It also contains an Individual and Community Energy Projects policy (DQS1) which supports individual and community renewable energy projects, providing they have regard to existing design guidance.</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 Wheatley Neighbourhood Development Plan Review. The process undertaken and proposed accords with planning legislation.</p>
<p>Financial implications</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</p>

	<p>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 within 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 Wheatley 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>Background papers considered</p>	<ol style="list-style-type: none"> 1. Wheatley Neighbourhood Development Plan Review and supporting documents 2. National Planning Policy Framework (2023) 3. National Planning Policy Guidance (July 2014 and subsequent updates) 4. South Oxfordshire Local Plan 2035 5. Strategic Environmental Assessment (SEA) (2022) 6. South Oxfordshire SEA/HRA Screening Statement (2022) 7. Representations submitted in response to the Wheatley Neighbourhood Development Plan Review 8. Relevant Ministerial Statements 			
<p>Declarations/ conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</p>	<p>None</p>			
<p>List consultees</p>		<p>Name</p>	<p>Outcome</p>	<p>Date</p>
	<p>Ward councillors</p>	<p>Councillor Alexandrine Kantor: Wheatley</p>	<p>No Comments</p>	<p>16/11/23</p>
		<p>Councillor Tim Bearder: Forest Hill and Holton</p>	<p>No Comments</p>	<p>16/11/23</p>
	<p>Legal legal@southandvale.gov.uk</p>	<p>Vivien Williams</p>	<p>No Comments</p>	<p>16/11/23</p>

	Finance Finance@southandvale.gov.uk	Roger McLeod	No Comments	13/11/23
	Human resources hadminandpayroll@southandvale.gov.uk	Trina Mayling	No Comments	16/11/23
	Strategic property Property@southandvale.gov.uk	Christopher Mobbs	No Comments	15/11/23
	Climate and biodiversity climateaction@southandvale.gov.uk	Jessie Fieth	No Comments	16/11/23
	Diversity and equality equalities@southandvale.gov.uk	Lynne Mitchell	No Comments	15/11/23
	Health and safety healthandsafety@southandvale.gov.uk	Debbie Porter	No Comments	16/11/23
	Risk and insurance risk@southandvale.gov.uk	Yvonne Cutler Greaves	No Comments	16/11/23
	Communications communications@southandvale.gov.uk	Andrea Busiko	No Comments	16/11/23
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	n/a			
Has this been discussed by Cabinet members?	n/a			
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	<p>Signature Councillor Anne-Marie Simpson</p> <p>Date 5 December 2023</p>			

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

For Democratic Services office use only		
Form received	Date: 5 December 2023	Time: 12:14
Date published to all councillors	Date: 5 December 2023	
Call-in deadline	Not applicable as this decision contains recommendations to Council.	