




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)	07/02/2025
Name and job title of officer requesting the decision	Cheryl Soppet Planning Policy Officer (Neighbourhood)
Officer contact details	Tel: 01235 422600 Email: cheryl.soppet@southandvale.gov.uk
Decision	To recommend to Council: 1. To make the Berinsfield Neighbourhood Development Plan, 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 – Berinsfield Parish Council, the making of minor (non-material) modifications, 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 Berinsfield 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. In order to comply with the basic condition on the European Union legislation, South Oxfordshire District Council undertook a screening exercise (dated May 2024) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not

	<p>require SEA.</p> <ol style="list-style-type: none"> 2. 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 2024. 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. 3. 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. <p>Referendum</p> <ol style="list-style-type: none"> 4. A referendum relating to the adoption of the Berinsfield Neighbourhood Development Plan was held on Thursday 6 February 2025. 5. The question which was asked in the Referendum was: ‘<i>Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Berinsfield to help it decide planning applications in the neighbourhood area?</i>’ 6. The result was as follows: <ol style="list-style-type: none"> a. Yes = 132 votes (65.3%) b. No = 70 votes (34.7%) (Unmarked/void = 0.0%) c. Turnout = 10.5% 7. The majority of local electors who voted, voted in favour of the Plan; therefore, the Berinsfield Neighbourhood Development Plan has become part of the council’s development plan. 8. 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 Berinsfield Neighbourhood Development Plan 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</p>

	<p>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 Berinsfield Neighbourhood Development 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 Berinsfield Development Plan would not breach or be incompatible with EU obligations or human rights legislation.</p>
<p>Legal implications</p>	<p>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. 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>The Government grant funds the process of progressing neighbourhood plans through the formal stages, including the referendum. 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>Climate implications</p>	<p>Neighbourhood plans are high level planning policy documents. Their preparation is subject to Environment Impact Assessment Regulations and once adopted they influence the determination of planning applications.</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. The output from the climate impact assessment tool below highlights the policies in the plan which have a positive impact for climate change and nature recovery.</p>

	 <table border="1" data-bbox="1085 224 1372 481"> <thead> <tr> <th colspan="2">KEY</th> </tr> </thead> <tbody> <tr> <td style="background-color: #2e8b57; width: 20px;"></td> <td>Significant and/or long-term positive impact identified. No changes needed.</td> </tr> <tr> <td style="background-color: #90ee90; width: 20px;"></td> <td>Slight or short-term positive impact identified. No changes needed but could be reviewed to improve.</td> </tr> <tr> <td style="background-color: #a9a9a9; width: 20px;"></td> <td>No net change/not applicable</td> </tr> <tr> <td style="background-color: #ffd700; width: 20px;"></td> <td>Slight or short-term negative impact identified. Review to identify possible improvements.</td> </tr> <tr> <td style="background-color: #ff0000; width: 20px;"></td> <td>Significant and/or long-term negative impact identified. Changes needed before proceeding.</td> </tr> </tbody> </table> <table border="1" data-bbox="430 604 1388 1332"> <thead> <tr> <th colspan="2">Justification</th> </tr> </thead> <tbody> <tr> <td>Greenhouse gas emissions</td> <td>Policy BERIN2: Housing Mix & Design - encourages use of sustainability features including net-zero carbon technologies. Policy BERIN5: Community-led Renewable Energy Generation - supports renewable energy projects.</td> </tr> <tr> <td>Air quality</td> <td>No specific policy on air pollution, other environmental policies may slightly improve air quality.</td> </tr> <tr> <td>Sustainable Transport</td> <td>Policy BERIN10: Traffic - requires development to deliver new linked-up foot and cycle paths.</td> </tr> <tr> <td>Land use change</td> <td>Not possible to assess.</td> </tr> <tr> <td>Biodiversity</td> <td>Policy BERIN4: Biodiversity - safeguards existing wildlife habitats and requires delivery of 20% Biodiversity Net Gain.</td> </tr> <tr> <td>Soil and waterway health</td> <td>Policy BERIN7: Water - requires development to meet or exceed appropriate standards of sewerage, drainage provision and flood alleviation.</td> </tr> <tr> <td>Climate Change Adaptation</td> <td>No related policies in the plan.</td> </tr> <tr> <td>Energy Use</td> <td>Policy BERIN2: Housing Mix & Design - encourages use of sustainability features including net-zero carbon technologies.</td> </tr> <tr> <td>Sustainable Materials</td> <td>No related policies in the plan.</td> </tr> <tr> <td>Waste</td> <td>No related policies in the plan.</td> </tr> </tbody> </table>	KEY			Significant and/or long-term positive impact identified. No changes needed.		Slight or short-term positive impact identified. No changes needed but could be reviewed to improve.		No net change/not applicable		Slight or short-term negative impact identified. Review to identify possible improvements.		Significant and/or long-term negative impact identified. Changes needed before proceeding.	Justification		Greenhouse gas emissions	Policy BERIN2: Housing Mix & Design - encourages use of sustainability features including net-zero carbon technologies. Policy BERIN5: Community-led Renewable Energy Generation - supports renewable energy projects.	Air quality	No specific policy on air pollution, other environmental policies may slightly improve air quality.	Sustainable Transport	Policy BERIN10: Traffic - requires development to deliver new linked-up foot and cycle paths.	Land use change	Not possible to assess.	Biodiversity	Policy BERIN4: Biodiversity - safeguards existing wildlife habitats and requires delivery of 20% Biodiversity Net Gain.	Soil and waterway health	Policy BERIN7: Water - requires development to meet or exceed appropriate standards of sewerage, drainage provision and flood alleviation.	Climate Change Adaptation	No related policies in the plan.	Energy Use	Policy BERIN2: Housing Mix & Design - encourages use of sustainability features including net-zero carbon technologies.	Sustainable Materials	No related policies in the plan.	Waste	No related policies in the plan.
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<p>Other implications</p>	<p>There are no other implications.</p>																																		
<p>Background papers considered</p>	<ol style="list-style-type: none"> 1. Berinsfield Neighbourhood Plan and supporting documents 2. National Planning Policy Framework (2024) 3. National Planning Policy Guidance (July 2014 and subsequent updates) 4. South Oxfordshire Local Plan 2035 5. South Oxfordshire District Council SEA/HRA Screening Statement May 2024 6. Representations submitted in response to the Berinsfield Plan 7. Relevant Ministerial Statements 																																		
<p>Declarations/ conflict of</p>	<p>None</p>																																		

<p>interest? Declaration of other councillor/officer consulted by the Cabinet member?</p>				
<p>List consultees</p>		<p>Name</p>	<p>Outcome</p>	<p>Date</p>
	<p>Ward councillors</p>	<p>Cllr Robin Bennett</p>	<p>Support.</p>	<p>20/01/25</p>
	<p>Legal legal@southandvale.gov.uk</p>	<p>Nick Bennett</p>	<p>No concerns to raise.</p>	<p>21/01/25</p>
	<p>Finance Finance@southandvale.gov.uk</p>		<p>No comments</p>	<p>23/01/25</p>
	<p>Climate and biodiversity climateaction@southandvale.gov.uk</p>		<p>No comments</p>	<p>23/01/25</p>
	<p>Diversity and equality equalities@southandvale.gov.uk</p>	<p>Ruth Lewin-Leigh</p>	<p>No comments.</p>	<p>23/01/25</p>
	<p>Property property@southandvale.gov.uk</p>		<p>No comments</p>	<p>23/01/25</p>
	<p>Communications communications@southandvale.gov.uk</p>		<p>No comments</p>	<p>23/01/25</p>
<p>Confidential decision? If so, under which exempt category?</p>	<p>No</p>			
<p>Call-in waived by Scrutiny Committee chairman?</p>	<p>n/a</p>			
<p>Has this been discussed by Cabinet members?</p>	<p>n/a</p>			
<p>Cabinet portfolio holder's signature To confirm the decision as set out in this notice.</p>	<p>Signature Councillor Anne-Marie Simpson Date 07/02/2025</p>			

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

For Democratic Services office use only		
Form received	Date: 07/02/2025	Time: 12.32
Date published to all councillors	Date: 07/02/2025	
Call-in deadline	Date: n/a	Time: n/a