



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	Robyn Tobutt Senior Planning Policy Officer (Neighbourhood)
Officer contact details	Tel: 01235 422600 Email: robyn.tobutt@southandvale.gov.uk
Decision	To recommend to Council: 1. To make the Wallingford Neighbourhood Development Plan Review, so that it continues to be part of the council's development plan. 2. To delegated to the Head of Policy and Programmes, in consultation with the appropriate Cabinet Member and in agreement with the Qualifying Body, Wallingford Town 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 Wallingford 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. In order to comply with the basic condition on the European Union legislation, South Oxfordshire District Council prepared a Strategic Environmental Assessment (SEA) screening (May 2024), which concluded that the Plan is unlikely to have a significant effect on the environment and therefore a full SEA is not required.

	<p>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 was therefore not required.</p> <p>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> <p>Referendum</p> <p>4. A referendum relating to the adoption of the Wallingford Neighbourhood Development Plan Review was held on Thursday 6 February 2025.</p> <p>5. The question which was asked in the Referendum was: <i>‘Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Wallingford to help it decide planning applications in the neighbourhood area?’</i></p> <p>6. The result was as follows:</p> <ul style="list-style-type: none"> a. Yes = 1,413 votes (93.8%) b. No = 92 votes (6.1%) <p style="padding-left: 40px;">(Unmarked/void = 0.1%)</p> <ul style="list-style-type: none"> c. Turnout = 22.9% <p>7. The majority of local electors who voted, voted in favour of the Plan; therefore, the Wallingford Neighbourhood Development Plan Review has become part of the council’s development plan.</p> <p>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 Wallingford Neighbourhood Development Plan Review so that 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</p>

	<p>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 Wallingford Neighbourhood Development Plan Review 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 Wallingford Neighbourhood Development Plan Review would not breach or be incompatible with EU obligations or human rights legislation.</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 Wallingford 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 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>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>

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.



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	The Wallingford Neighbourhood Plan Review seeks to have a positive impact. It contains Policy HD2: Sustainable Design, which focuses on sustainable design and seeks to ensure that development is built to improve resilience to the effects of climate change. Policy WS1: The Local Strategy for Wallingford also encourages development that limits greenhouse gas emissions. The plan also contains policies protecting Wallingford's green network, encouraging public transport use, and supporting the provision of electric vehicle charging points.
Air quality	No specific policy on air pollution, other environmental policies may slightly improve air quality.
Sustainable Transport	The Wallingford Neighbourhood Plan Review contains policies supporting access to public transport, the provision of cycle storage, support for active travel and support for the provision of
Land use change	The Wallingford Neighbourhood Plan Review is not proposing any additional allocations.
Biodiversity	Policy WS3: Development Within The Built-Up Area supports for no loss of trees and hedgerows, and no unacceptable impact on the biodiversity and flood resilience of adjacent watercourses. Policy EV1: Green Spaces and Green Corridors protects existing amenity space and supports deliver of new green spaces and corridors.
Soil and waterway health	Policy EV1: Green Spaces and Green Corridors contains minimum 10m wildlife buffer to Bradford's Brook and the River Thames.
Climate Change Adaptation	No related policies in the plan.
Energy Use	Policy HD2: Sustainable Design, which focuses on sustainable design and seeks to ensure that development is built to improve resilience to the effects of climate change.
Sustainable Materials	Policy HD1 states that new development should be of a high quality and sustainable design.
Waste	No related policies in the plan.

Equalities implications

No implications

Other implications

The council is required to comply with the statutory requirements (to consider whether the Wallingford 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.			
Background papers considered	<ol style="list-style-type: none"> 1. Wallingford Neighbourhood Plan Review and supporting documents 2. National Planning Policy Framework (2023 and 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 Wallingford Neighbourhood Development Plan Review 7. Relevant Ministerial Statements 			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	Councillor Katharine Keats-Rohan did not comment as they declared an interest as a member of the steering group.			
List consultees		Name	Outcome	Date
	Ward councillors	Cllr James Barlow	Support	20/01/2025
		Cllr Katharine Keats-Rohan	N/A	N/A
	Legal legal@southandvale.gov.uk	Nick Bennett Solicitor	No concerns to raise	21/01/25
	Finance Finance@southandvale.gov.uk		No comments	23/01/25
	Climate and biodiversity climateaction@southandvale.gov.uk		No comments	23/01/25
	Diversity and equality equalities@southandvale.gov.uk	Ruth Lewin-Leigh	No comments.	23/01/25
	Property property@southandvale.gov.uk		No comments	23/01/25
	Communications communications@southandvale.gov.uk		No comments	23/01/25
Confidential decision?	No			

If so, under which exempt category?	
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.	Signature Councillor Anne-Marie Simpson Date 07/02/2025

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