

# Cabinet Report



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## **Making the Henley and Harpsden Neighbourhood Plan part of the Development Plan for South Oxfordshire**

### **Recommendation**

Cabinet is asked to recommend to council that it makes the Henley and Harpsden Neighbourhood Plan at appendix 1 part of the Development Plan for South Oxfordshire.

### **Purpose of Report**

1. To decide whether the Henley and Harpsden Neighbourhood Plan should be made part of the Development Plan for South Oxfordshire following the positive outcome of the referendum held on Thursday, 10 March 2016.

### **Corporate Objectives**

2. This Neighbourhood Plan helps to support the local community, meet housing needs and build the local economy. It is also an example of effective management of resources.

### **Background**

3. Henley and Harpsden Parish Councils were identified as the qualifying body and the parishes of Henley and Harpsden were designated a Neighbourhood Area on 10 June 2013, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012.
4. Henley and Harpsden parish councils jointly developed a neighbourhood plan with its local community and submitted it to the district council. The submitted version of the

plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 18 September 2015.

5. The district council appointed independent Examiner, Mr Nigel McGurk, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.
6. The Examiner concluded that, subject to the modifications proposed in his report, the plan meets the 'basic conditions' including those set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990 and that with these modifications he recommended the plan be submitted for Referendum.
7. Modifications were made as recommended (Appendix 1) and a referendum was held on 10 March 2016, where 81.7 per cent of those who voted (28.19 per cent) were in favour of the plan.

## **Proposal**

8. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 requires that the district council must make the neighbourhood plan if more than half of those voting have voted in favour of the plan being used to help decide planning applications in the plan area. The district council is not subject to this duty if (and only if) 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).
9. The neighbourhood plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). Therefore there are no options open to the Council other than to make the plan part of the Development Plan for South Oxfordshire.

## **Financial Implications**

10. There are no significant financial implications with this decision that cannot be accommodated within the existing budget for neighbourhood planning.

## **Legal Implications**

11. The decision to make the Henley and Harpsden Neighbourhood Plan part of the Development Plan is a legal requirement in the Localism Act 2011, subject to the conditions set out in paragraph eight above being met. There is a requirement that the district council will publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012.

## **Risks**

12. In view of the considerations referred to elsewhere in this report, a decision not to make the Plan would place the Council at risk of a legal challenge.

## **Conclusion**

13. The independent Examiner found that, subject to the modifications proposed in his report, the plan meets the basic conditions and other requirements prescribed by the relevant legislation.
14. The referendum held on the 10 March 2016 met the requirements of The Localism Act 2011 and The Neighbourhood Planning (Referendums) Regulations 2012. Greater than 50 per cent of those who voted were in favour of the plan being used to help decide planning applications in the plan area.
15. Accordingly it is recommended that the Henley and Harpsden Neighbourhood Plan is made part of the Development Plan for South Oxfordshire.
16. The district council will publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012.