

## **SOUTH OXFORDSHIRE DISTRICT COUNCIL**

### **BRIGHTWELL-CUM-SOTWELL NEIGHBOURHOOD DEVELOPMENT PLAN: FINAL DECISION STATEMENT**

**DATE OF PUBLICATION – 3 May 2019**

#### **1. Decision**

- 1.1. Following an Independent Examination and a positive referendum result South Oxfordshire District Council decided at the Council meeting on 12 October 2017 to make the Brightwell-cum-Sotwell Neighbourhood Development Plan so that it continues to be part of the council's development plan.

#### **2. Background**

- 2.1 The parish of Brightwell-cum-Sotwell was designated as a Neighbourhood Area on 13 April 2015.
- 2.2 Following the submission of the Brightwell-cum-Sotwell Neighbourhood Plan Examination Version ('the Plan') to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 28 April 2017.
- 2.3 South Oxfordshire District Council appointed an independent Examiner, Andrew Ashcroft, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.
- 2.4 The Examiner's Report concluded, subject to the modifications proposed in his report, that the plan meets the Basic Conditions. The council determined on 28 July 2017 that the Plan, as modified by the Examiner's recommendations, should proceed to referendum.
- 2.5 A referendum was held on Thursday, 14 September 2017 and 95.5% of those who voted were in favour of the plan.

### **3. Reason for Decision**

- 3.1 Section 38A(4)(a) of the 2004 Act requires the Council to make the neighbourhood plan if more than half of those voting in the referendum have voted in favour of the plan being used to help decide planning applications in the neighbourhood area. Section 38A (6) of the 2004 Act states that the Local Planning Authority is not subject to the duty if it considers that the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights.
- 3.2 The council determined on 28 July 2017 that the Plan, as modified by the Examiner's recommendations, meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.
- 3.3 Section 6.3 of the Basic Conditions Statement submitted in support of the Plan outlined the Qualifying Body's considerations to the European Convention on Human Rights (ECHR), in particular their regard to the fundamental rights and freedoms guaranteed under the ECHR and the Human Rights Act. The council is satisfied that the preparation of the Plan had regard to the fundamental rights and freedoms guaranteed under the European ECHR and that it complies with the Human Rights Act. The Council is satisfied that 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.
- 3.4 The Parish Council has prepared a Sustainability Appraisal Report. This report incorporates Strategic Environmental Assessment. The Sustainability Appraisal sets out how it was developed in an iterative fashion with the wider preparation of the plan itself (Section 1). Section 4 sets out a comprehensive range of sustainability issues in the parish to which the plan responds. Section 5 goes on to describe the principal environmental characteristics of the plan area. Section 7 makes an assessment of the neighbourhood plan objectives against a wider set of sustainability objectives. Section 8 then provides an assessment of the neighbourhood plan policies against the sustainability objectives. Section 9 concludes the report by making an assessment of reasonable policy alternatives. Paragraph 9.3 sets out the relationship between the Sustainability Appraisal and the Site Assessments Report. Paragraph 9.6 of the Sustainability Appraisal explains that site assessments were undertaken to ascertain the availability and capacity of land in and around the main village. Each site was then identified as being part of one of five spatial options. The alternative options are described in

paragraphs 9.7 to 9.20 and tested in Table F. Once the Brightwell-cum-Sotwell Neighbourhood Plan was made, the District Council commissioned the production of an SEA adoption statement template from external consultants, to ensure that the SEA adoption statement complied with the relevant regulations.

- 3.5 The council issued a Revised Habitats Regulations Assessment (HRA) Screening Determination in March 2017 confirming that the Plan was not likely to have any significant effect on a European site. The Examiner noted that the council 's screening determination was comprehensive in its scope. It addresses six Special Areas of Conservation considered to be within influencing distance of the neighbourhood area. Four of the SACs are elsewhere in the South Oxfordshire District, one is in the Vale of White Horse District and the other in Oxford City. Natural England confirmed its agreement to the conclusions of the council's screening determination.
- 3.6 Therefore, the Council is satisfied that the making of the Brightwell-cum-Sotwell Neighbourhood Development Plan, incorporating the modifications recommended by the Examiner and accepted by the council, would not breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights.
- 3.7 A referendum relating to the adoption of the Brightwell-cum-Sotwell Neighbourhood Development Plan was held on Thursday 14 September 2017.
- 3.8 The question which was asked in the Referendum was: "*Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Brightwell cum Sotwell to help it decide planning applications in the neighbourhood area?*"
- 3.9 The result was as follows:

Response	Votes	Per cent of total
Yes	602	95.5%
No	25	3.9%
Turnout	630	51.89%

- 3.10 The majority of local electors voted in favour of the plan; therefore, the Brightwell-cum-Sotwell Neighbourhood Plan has become part of the council's development plan.
- 3.11 As the plan was approved at the local referendum and the council is satisfied it would not breach and be otherwise incompatible with EU obligations or human rights legislation, the council is required make the Brightwell-cum-

Sotwell Neighbourhood Development Plan so that it continues to be part of the council's development plan.

- 3.12 The Council decided at the Council meeting on 12 October 2017 to make the Brightwell-cum-Sotwell Neighbourhood Plan part of the Development Plan for South Oxfordshire.

#### 4. Other Information

- 4.1 In accordance with Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012, this Decision Statement and the made Brightwell-cum-Sotwell Neighbourhood Plan can be viewed on the Council's website:

<http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/neighbourhood-plans/brightwell-cum-sotwell>

- 4.2 Hard copies of this Decision Statement and the Brightwell-cum-Sotwell Neighbourhood Plan can be inspected at:

Reception <b>South Oxfordshire District Council</b> 135 Eastern Avenue, Milton Park, Milton, OX14 4SB	Mon - Thurs, 8.30am - 5pm and Friday, 8.30am - 4.30pm
<b>The Village Stores</b> West End, Brightwell-cum-Sotwell Oxfordshire OX10 0RY	Weekdays 8.30am - 6pm Saturdays 9.00am - 1.00pm Sunday 9.00pm - 12.00pm

- 4.3 In accordance with Regulation 19(b) and Regulation 30 of the Neighbourhood Planning (General) Regulations 2012, a copy of this Decision Statement has been sent to:

- The qualifying body, namely Brightwell-cum-Sotwell Parish Council
- The persons who asked to be notified of the decision

Adrian Duffield  
Head of Planning South Oxfordshire and Vale of White Horse District Councils

Date: 3 May 2019