

## **SOUTH OXFORDSHIRE DISTRICT COUNCIL**

### **DORCHESTER ON THAMES 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 19 April 2018:
1. To make the Dorchester on Thames Neighbourhood Development Plan so that it continues to be part of the council's development plan.
  2. To delegate to the Head of Planning, in agreement with the Qualifying Body, the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.

#### **2. Background**

- 2.1 The parish of Dorchester on Thames was designated as a Neighbourhood Area on 7 June 2013.
- 2.2 Following the submission of the Dorchester on Thames 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 27 October 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 19 December 2017 that the Plan, as modified by the Examiner's recommendations, should proceed to referendum.

- 2.5 A referendum was held on Thursday, 15 March 2018 and 95.9% 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 19 December 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 Paragraph 5.4 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 South Oxfordshire District Council produced a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in June 2017, which confirmed that a SEA and a full HRA were not required on the Plan. The screening determination has been subject to consultation with the relevant statutory consultees, who confirmed the decision. The Council's Decision Statement issued on 2 February 2018 under Regulation 18(2) confirmed that the modifications accepted by the Council, both separately and combined, produce no likely significant environmental affects and are unlikely to have any significant effects on European

Designated Sites. Therefore, the Council is satisfied that the making of the Dorchester on Thames 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.

3.5 A referendum relating to the adoption of the Dorchester on Thames Neighbourhood Development Plan was held on Thursday 15 March 2018.

3.6 The question which was asked in the Referendum was: “*Do you want South Oxfordshire to use the Neighbourhood Plan for Dorchester on Thames to help it decide planning applications in the neighbourhood area?*”

3.7 The result was as follows:

Response	Votes	Per cent of total
Yes	398	95.9%
No	17	4.1%
Turnout	416	51.16%

3.8 The majority of local electors voted in favour of the plan; therefore, the Dorchester on Thames Neighbourhood Plan has become part of the council's development plan.

3.9 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 Dorchester on Thames Neighbourhood Development Plan so that it continues to be part of the council's development plan.

3.10 The Council decided at the Council meeting on 19 April 2018 to make the Dorchester on Thames 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 Dorchester on Thames 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/dorchester-thames-neig>

4.2 Hard copies of this Decision Statement and the Dorchester on Thames 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 George Hotel</b> High Street, Dorchester on Thames, Oxon, OX10 7HH	Opening Times: 7.00am to midnight every day

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 Dorchester on Thames 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