

SOUTH OXFORDSHIRE DISTRICT COUNCIL

BENSON NEIGHBOURHOOD DEVELOPMENT PLAN: FINAL DECISION STATEMENT

DATE OF PUBLICATION – 16 August 2019

1. Decision

- 1.1. Following an Independent Examination and a positive referendum result South Oxfordshire District Council decided at the Council meeting on 23 August 2018:
1. To make the Benson 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 Benson was designated as a Neighbourhood Area on 9 January 2013.
- 2.2 Following the submission of the Benson 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 January 2018.
- 2.3 South Oxfordshire District Council appointed an independent Examiner, John Slater, 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 10 May 2018 that the Plan, as modified by the Examiner's recommendations, should proceed to referendum.

- 2.5 A referendum was held on Thursday, 28 June 2018 and 93.1% of those who voted were in favour of the plan. The question asked was:

Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Benson to help it decide planning applications in the neighbourhood area?

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 10 May 2018 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 Page 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 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 2). Section 4 sets out a comprehensive range of sustainability issues in the parish to which the plan responds. Section 5 describes 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 consider reasonable alternatives and identifies mitigation of predicted effects. Section 11 sets out proposed local monitoring indicators.

3.5 The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites. The Council commissioned a screening report on the impact of development proposed in the Plan on EU Special Areas of Conservation (SACs) and this was completed in December 2017 (W NDP 15). The HRA screening report has concluded that the Benson Neighbourhood Plan will not have any likely significant effects on the integrity of European sites around South Oxfordshire. Natural England was consulted on the council's screening opinion and agreed with its conclusions.

3.6 Therefore, the Council is satisfied that the making of the Benson 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 Benson Neighbourhood Development Plan was held on Thursday 28 June 2018.

3.8 The question which was asked in the Referendum was: "*Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Benson to help it decide planning applications in the neighbourhood area?*"

3.9 The result was as follows:

Response	Votes	Per cent of total
Yes	1001	93.1%
No	74	6.9%
Turnout	1076	35%

3.10 The majority of local electors voted in favour of the plan; therefore, the Benson 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 Benson 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 23 August 2018 to make the Benson 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 Benson 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/benson-neighbourhood-p>

4.2 This Decision Statement and the Benson Neighbourhood Plan can be inspected at:

Reception South Oxfordshire District Council 135 Eastern Avenue, Milton Park, Milton, OX14 4SB	Mon - Thurs, 8.30am - 5pm and Friday, 8.30am - 4.30pm
Benson Library Castle Square Benson Oxfordshire OX10 6SD	Monday 2pm - 6pm Tuesday 9am - 12.30pm & 2 - 5pm Thursday 2pm - 7pm Friday 9am - 12.30pm & 2pm - 5pm Saturday 9.30am - 12.30pm Wednesday & Sunday Closed
Parish Council offices The Parish Hall Sunnyside Benson OX10 6LZ	Mon – Fri 9.30-12.30

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 Benson Parish Council
- The persons who asked to be notified of the decision

Adrian Duffield
Head of Planning

Date: 16 August 2019