

SOUTH OXFORDSHIRE DISTRICT COUNCIL

GORING NEIGHBOURHOOD DEVELOPMENT PLAN: FINAL DECISION STATEMENT

DATE OF PUBLICATION – 02 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 18 July 2019:
1. To make the Goring 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. Goring on Thames Parish Council successfully applied for the entire parish area to be designated as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations (2012).
- 2.2. The preparation of the plan was led by the parish council ('the qualifying body') and a group of volunteers from the local community.
- 2.3. Following the formal submission of the Goring Neighbourhood Development Plan (the Plan) to the council, the council publicised the Plan and invited comments from the public and stakeholders.
- 2.4. The council appointed Mr Timothy Jones (Barrister, Fellow of the Chartered Institute of Arbitrators, Independent Examiner) to examine the Plan. Examiners are tasked with reviewing whether a neighbourhood plan meets the basic conditions required by legislation and whether it should proceed to referendum. The examiner's report concluded that the Plan meets the basic

conditions, and that subject to the modifications proposed in the report, the Plan should proceed to referendum. The council determined on 1 May 2019 that the Plan, as modified by the Examiner's recommendations, should proceed to referendum.

- 2.5. In addition to accepting the examiner's recommendations, the council exercised its power to make modifications to correct errors and ensure the Plan meets Basic Conditions. The modifications were largely minor in nature; factual updates, re-wording and restructuring of the Plan. More significant modifications relate to factual corrections in response to updated Environment Agency's flood map concerning Site GNP3 allocated for residential development under Policy 7. Within this context, requirement five of Policy 7 was modified in response to the updated flood map, and to ensure the policy wording provides the clarity required in the National Planning Policy Framework.
- 2.6. A referendum was held on Thursday, 4 July 2018 and 62.9% of those who voted were in favour of the plan.

2. Reason for Decision

- 2.1 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.
- 2.2 The council determined on 1 May 2019 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.
- 2.3 Page 33 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.

- 2.4 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 2.2). Section 3.3 sets out a comprehensive range of sustainability issues in the parish to which the plan responds. Section 3.1 describes the principal environmental characteristics of the plan area. Section 7 then provides an assessment of the neighbourhood plan policies against the sustainability objectives. Section 6 consider reasonable alternatives and identifies mitigation of predicted effects. Section 8 sets out proposed local monitoring indicators.
- 2.5 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 July 2018. The Habitats Regulations Assessment Screening Report has concluded that the Goring Neighbourhood Plan will not have any likely significant effects on the integrity of European sites around South Oxfordshire. Natural England was consulted on the screening opinion and agreed with its conclusions.
- 2.6 Therefore, the Council is satisfied that the making of the Goring Neighbourhood Development Plan, incorporating the modifications recommended by the Examiner and those made by the council, would not breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights.
- 2.7 A referendum relating to the adoption of the Goring Neighbourhood Development Plan was held on Thursday 4 July 2019.
- 2.8 The question which was asked in the Referendum was: "*Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Goring to help it decide planning applications in the neighbourhood area?*"
- 2.9 The result was as follows:

Response	Votes	Per cent of total
Yes	835	62.9%
No	492	37.1%
Turnout	1327	46.9%

- 2.10 The majority of local electors voted in favour of the plan; therefore, the Goring Neighbourhood Plan has become part of the council's development plan.
- 2.11 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 Goring Neighbourhood Development Plan so that it continues to be part of the council's development plan.
- 2.12 The Council decided at the Council meeting on 18 July 2019 to make the Goring Neighbourhood Plan part of the Development Plan for South Oxfordshire.

3. Other Information

- 3.1 In accordance with Regulations 19 of the Neighbourhood Planning (General) Regulations 2012, this Decision Statement can be viewed on the Council's website:

<http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/neighbourhood-plans/goring-neighbourhood-p>

- 3.2 This Decision Statement 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
Goring-on-Thames Parish Council Old Jubilee Fire Station, Red Cross Road, Goring on Thames, Reading RG8 9HG	Usually open to the public on Mondays from 2pm to 5pm and on Wednesdays from 10am to 1pm; other times by appointment. It is always advisable to ring first (01491) 874444 as there is often only one member of staff who may occasionally need to be elsewhere.

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

- The qualifying body, namely Goring Parish Council

- The persons who asked to be notified of the decision

Adrian Duffield
Head of Planning

Date: 02 August 2019