

SOUTH OXFORDSHIRE DISTRICT COUNCIL

LONG WITTENHAM NEIGHBOURHOOD DEVELOPMENT PLAN: FINAL DECISION STATEMENT

DATE OF PUBLICATION – 30 SEPTEMBER 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:

1. To make the Long Wittenham 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.

1.2. For clarity, this Decision Statement relates to the Long Wittenham Neighbourhood Plan made on 12 October 2017. Long Wittenham Parish Council decided to embark on an immediate review of its made neighbourhood plan. The Long Wittenham Neighbourhood Plan Review proposal reached the independent examination stage at the time of publication of this Decision Statement. If successful at examination and made by South Oxfordshire District Council, the Long Wittenham Neighbourhood Plan Review will replace the Long Wittenham Neighbourhood Plan made in 2017.

2. Background

2.1 The parish of Long Wittenham was designated as a Neighbourhood Area on 26 September 2014.

2.2 Following the submission of the Long Wittenham 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, 7 September 2017 and 92% 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 Long Wittenham 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 28 July 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 Table 2.2 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) (the Convention), 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 March 2017, which confirmed that a SEA and a full HRA were not required for 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 28 July 2017 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 Long Wittenham 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 Long Wittenham Neighbourhood Development Plan was held on Thursday 7 September 2017.
- 3.6 The question which was asked in the Referendum was: *"Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Long Wittenham to help it decide planning applications in the neighbourhood area?"*
- 3.7 The result was as follows:

Response	Votes	Per cent of total
Yes	418	92%
No	30	7%
Turnout	452	64.75%

- 3.8 The majority of local electors who voted, voted in favour of the plan; therefore, the Long Wittenham 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 Long Wittenham 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 12 October 2017 to make the Long Wittenham 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 Long Wittenham 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/long-wittenham-neighbo>

4.2 Copies of this Decision Statement and the Long Wittenham 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
The Plough Inn 24 High Street, Long Wittenham Abingdon, Oxfordshire, OX14 4QH	Everyday 12.00 - 11pm

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 Long Wittenham 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: 30 September 2019