

Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Councillor Leigh Rawlins
Key decision?	No
Date of decision (same as date form signed)	
Name and job title of officer requesting the decision	Cheryl Soppet Planning Policy Officer (Neighbourhood)
Officer contact details	Tel: 07917088314 Email: cheryl.soppet@southandvale.gov.uk
Decision	<ol style="list-style-type: none"> 1. To accept all modifications recommended by the Examiner; 2. To determine that the Sydenham Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and 3. To take all appropriate actions to progress the Sydenham Neighbourhood Development Plan to referendum.
Reasons for decision	<ol style="list-style-type: none"> 1. The Sydenham Neighbourhood Development Plan (the plan) as modified by the Examiner's recommendations, has had regard to national policies and advice contained in guidance issued by the Secretary of State. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but it is intended to have and does have a significant effect. The principal document in which national planning policy is contained is the National Planning Policy Framework (February 2019) (NPPF) and this conclusion is reached bearing this in mind. The advice within National Planning Practice Guidance ("NPPG") has also been borne in mind in reaching this conclusion. 2. Having considered all relevant information, including representations submitted in response to the Plan, the Examiner's considerations and recommendations, the council has come to the view that the Plan recognises

and respects relevant constraints. The Plan has developed a positive suite of policies that seek to bring forward positive and sustainable development in the neighbourhood area by guiding the design of future development. There is a clear focus on safeguarding the separation between the various settlements and safeguarding the attractive character of the area.

3. The Plan, as modified by the Examiner's recommendations, contributes to the achievement of sustainable development. This condition relates to the making of the plan as a whole. It does not require that each policy in it must contribute to sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for infill development and housing mix (Policies SYD1 and 2 respectively). In the social role, it includes a policy on community facilities (Policy SYD8). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy SYD3), on the designation of a local green space (Policy SYD5) and on a proposed local gap and important views (Policies SYD 6/7).
4. As a whole, the council is satisfied that the policies in the Plan pursue net gains across each of the different dimensions of sustainability in a mutually supportive way.
5. The Plan, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the Development Plan for the area. The adopted Development Plan does not require smaller villages or other villages to make housing allocations. In this context, proposals for development in the neighbourhood area should be consistent with the overall strategy of supporting its role and function within the wider network of settlements. The Plan proposes that new development in the Plan area is directed to the most sustainable locations.
6. The Secretary of State wrote to South Oxfordshire District Council on 9th October 2019 and imposed a Temporary Holding Direction on the Council which means we are unable to take any steps in connection with the adoption of our emerging Local Plan 2034. The Temporary Holding Direction means the

emerging Local Plan 2034 has no effect while the direction is in force (Housing and Planning Act 2016 (145) (5)(2)). Given the current position of the South Oxfordshire Emerging Local Plan it should therefore not be relied on. The Adopted Development Plan will be referred to instead (which comprises the Local Plan 2011, Core Strategy 2012 and any adopted NDPs). The plan allows for infilling within the settlement boundaries, maintaining the separation between the various settlements in the Plan area. The plan identifies and protects locally important views and designates a number of local green spaces in the plan area. It guides the design of new development, supports and seeks to support and retain community facilities.

7. The Plan, as modified by the Examiner's recommendation, would not breach, and be otherwise incompatible with EU obligations, including the following Directives: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). In addition, no issue arises in respect of equality under general principles of EU law or any EU equality directive. In order to comply with the basic condition on European Union legislation the Council has prepared a Screening Opinion on the determination of the need for a Strategic Environment Assessment (SEA). This process concluded that the Plan is unlikely to have significant environmental effects and therefore a SEA is not required. Consultation was carried out with the relevant statutory bodies (Natural England, Historic England, Environment Agency and Oxfordshire County Council). The responses received agreed with the conclusion that a SEA was not required. Taking the consultation responses into account, the council issued a Screening Statement on 27th March 2019.
8. The Plan, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination on 27 March 2019, which confirmed to the qualifying body that an Appropriate Assessment would not be required. In response to the council's screening opinion, Natural England confirmed on 23 January 2019 that the proposals in

	<p>the plan will not have significant effects on sensitive sites and that an Appropriate Assessment is therefore not required.</p> <p>9. The Plan, as modified by the Examiner's recommendations, is in all respects fully compatible with Convention rights contained in the Human Rights Act 1988. 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.</p> <p>10. The Plan, as modified by the Examiner's recommendations, complies with the definition of an NDP and the provisions that can be made by a NDP. The Plan sets out policies in relation to the development and use of land in the whole of the neighbourhood area; it specifies the period for which it is to have effect and it does not include provision about development that is 'excluded development'.</p> <p>11. The council is satisfied that it is not necessary to extend the referendum area beyond the boundaries of the designated plan area as they are currently defined.</p> <p>12. The individual modifications proposed by the Examiner are set out in Appendix 1 alongside the council's decision in response to each recommendation and the reasons for them. The Examiner's Report is available in Appendix 2.</p> <p>13. The examiner noted in his report that nothing in his report should deter appropriate updating prior to the referendum in respect of incontrovertible issues of primary fact. To ensure that the plan reads as a coherent document the qualifying body and the council have agreed factual and consequential updates.</p> <p>14. The Plan was submitted in August 2019, and as such it is assessed against the February 2019 National Planning Policy Framework.</p> <p>15. The council has taken account of all the representations received.</p> <p>16. The Counting Officer is responsible for determining the date of the referendum. The Electoral Service team advise that the referendum is planned for Thursday 26th March 2020.</p>
<p>Alternative options rejected</p>	<p>Make a decision that differs from the Examiner's recommendation</p>

	<p>If the council deviates from the Examiner's recommendations, the council is required to:</p> <ol style="list-style-type: none"> 1. notify all those identified on the consultation statement of the parish council and invite representations, during a period of six weeks, 2. refer the issue to a further independent examination if appropriate. <p>Refuse the Plan</p> <p>The council can decide that it is not satisfied with the plan proposal with respect to meeting basic conditions, compatibility with Convention rights, definition and provisions of the NDP even if modified. Without robust grounds, which are not considered to be present in this case, refusing to take the Plan to a referendum could leave the Council vulnerable to a legal challenge.</p> <p><u>Reason for rejecting alternative options:</u></p> <p>These options were rejected because the district council is minded to agree with all of the Examiner's modifications and his conclusion that the Plan, as modified, meets the basic conditions and relevant legal requirements.</p>
Legal implications	The process undertaken and proposed accords with planning legislation.
Financial implications	The Government makes funding available to local authorities to help them meet the cost of their responsibilities around neighbourhood planning. A total of £20,000 can be claimed for each neighbourhood planning area. The council becomes eligible to apply to receive this single payment once a date is set for the referendum, after a successful examination. The Government grant funds the process of progressing neighbourhood plans through the formal stages, including the referendum. Any costs incurred in the formal stages in excess of £20,000 is borne by the council. Staffing costs associated with supporting community groups and progressing neighbourhood plans through the formal stages are funded by the council.
Other implications	There are no other implications.
Background papers considered	<ol style="list-style-type: none"> 1. Sydenham Neighbourhood Plan and supporting documents. 2. National Planning Policy Framework (2019) 3. National Planning Practice Guidance (July 2014 and subsequent updates) 4. South Oxfordshire Core Strategy 2012 5. Saved policies from the South Oxfordshire Local Plan 2011 6. South Oxfordshire District Council SEA/HRA Screening Statement. 7. Representations submitted in response to the Sydenham Neighbourhood Plan

8. Relevant Ministerial Statements.				
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Ward councillors	Lynn Lloyd Ian White	Agreed	29.01.2020
	Legal	Ian Price	Agreed	24.01.2020
	Finance	Richard Spraggett Roger Mcleod	Agreed	27.01.2020
	Human resources	Capita HR	No comment.	24.01.2020
	Sustainability	Heather Saunders	No comment.	31.01.2020
	Diversity and equality	Yvonne Cutler	No comment.	31.01.2020
	Communications	Communications team	No comment.	31.01.2020
	Senior Management Team	Andrew Down	No comment.	31.01.2020
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	N/A			
Has this been discussed by Cabinet members?	No			
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature <u></u> Date <u>6/2/2020</u>			

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date:	Time:
Date published to all councillors	Date:	
Call-in deadline	Date:	Time:

Appendix 1: Examiner's recommendations

Policy/Section	Examiner's recommendations	Council's Decision	Justification/Reason
Page 28 Policy SYD1- Village Boundary and Infill Development	<p>In the opening part of the policy replace the text in brackets with:</p> <p>(Sydenham West and Sydenham East)</p> <p>In the second part of the policy replace 'relative to....and requirements' with 'which is consistent with their status in the South Oxfordshire Core Strategy Settlement hierarchy*'</p> <p>At the end of the policy (and within the policy box) add: *Sydenham West is classified as a 'Smaller Village' and Sydenham East as an 'Other Village' in the South Oxfordshire Core Strategy 2012'</p>	Agree	The council consider the proposed modifications to the policy to be necessary to ensure there is clarity that is required by national policy and guidance.
Page 29	<p>At the end of paragraph 5.8 add:</p> <p>'Within the context of this policy the following definitions apply:</p> <p>Sydenham West – the principal settlement in the neighbourhood area (based around St Mary's Church and the Crown Inn). Sydenham West is the 'Smaller Village' of Sydenham in the South Oxfordshire settlement hierarchy.</p> <p>Sydenham East – the smaller settlement in the neighbourhood area (based around the Emmington Inn at the junction of Sydenham Road and the B4445 Chinnor to Thame Road). Sydenham East was assessed as part of Emmington and classified as the 'Other</p>	Agree	The council consider the proposed modifications to the supporting text to be necessary to ensure there is clarity that is required by national policy and guidance in relation to the modifications made to SYD1.

	<p>Villages’ of Emmington in the South Oxfordshire settlement hierarchy.</p> <p>For clarity and completeness, the definition of Emmington as an ‘Other village’ in the settlement strategy refers also to Emmington itself which lies approximately 300 metres to the north east of the crossroads of the B4445/Sydenham Road. Emmington is outside the neighbourhood area and within Chinnor Parish’</p> <p>In paragraph 5.9 and the sentence beginning ‘For the purpose of this policy...’ replace for the boundary comprising.... plot sizes for infill development in the village’ with:</p> <p>‘as sites of up to 0.2 hectares in Sydenham West and as sites of up to 0.1 hectares in Sydenham East. This reflects the limited opportunities for such development and the restricted plot sizes in the two defined village boundaries’</p> <p>In paragraph 5.11 replace ‘small/other villages like Sydenham’ with ‘Smaller Village or of an ‘Other Village’ and delete ‘and by.... emerging Local Plan’</p>		
<p>Page 31 Policy SYD2 – Housing Mix</p>	<p>Replace the policy with: ‘New infill residential developments should provide homes which meet local or District wide housing needs.</p> <p>The development of two- or three-bedroom homes will be particularly supported’</p>	<p>Agree</p>	<p>The council considers the modifications to be necessary to ensure that the policy is supported by appropriate evidence and supports the development of new dwellings which meet local or District housing needs.</p>

Page 31	<p>In paragraph 5.12 replace:</p> <p>‘(and emerging.... local housing needs’ with ‘It requires new infill residential developments to provide homes which meet local or District wide housing needs. It offers particular support to the development of two- or three-bedroom homes’</p> <p>In paragraph 5.14 delete the two sentences beginning:</p> <ul style="list-style-type: none"> • ‘If all the new infill’ • ‘The smaller homes’ 	Agree	<p>The council considers the modifications to the supporting text to be necessary to help provide the necessary clarity required by national policy and guidance in relation to the modifications made to SYD2, in particular to ensure clarity regarding the policy’s support for the development of new dwellings which meet local or District housing needs.</p>
Page 33 Policy SYD3 - Design	<p>In the first sentence replace ‘village’ with ‘neighbourhood area’</p> <p>In the second sentence:</p> <ul style="list-style-type: none"> • replace ‘The use of building forms’ with ‘Development proposals should use building forms’ • Insert a full stop after ‘Parish’ • Replace the remainder of the sentence with ‘Proposals that use sustainable methods of construction will be supported’ <p>In the third sentence add at the beginning: ‘As appropriate to their scale, nature and location’ and thereafter delete ‘where relevant.... the Parish’ at the end of the sentence.</p>	Agree	<p>The council consider the modifications proposed by the examiner to be necessary to ensure that the policy is not repetitive and to ensure that the policy is concise and precise as required by national guidance and to address a series of formatting issues in order to provide the clarity required by national policy and guidance.</p>

	<p>Delete the bullet points preceding the following lines of the policy (and thereafter incorporate the relevant wording into the previous bullet point):</p> <ul style="list-style-type: none"> • detached dwellings • from within the village • through the village • buildings within their plot • requiring the landscaping • countryside beyond <p>In the various bullet points (as reconfigured) replace the various references to 'the village' with 'the neighbourhood area'</p>		
Character Appraisal	Correct the address details for 'The Green' in the Character Appraisal	Agree	The council consider the recommended modification necessary to provide factual accuracy and clarity as required by national policy and guidance.
Page 37 Policy SYD5 – Local Green Space	Replace the second part of the policy with: 'Proposals for development within designated Local Green Space will only be supported in very special circumstances'	Agree	The council considers the recommended modification necessary to ensure the policy uses appropriate policy language and directly relates to the designated LGS. The recommended changes will ensure the policy provides sufficient clarity as required by national policy and guidance.
Page 40 Policy SYD6- Local Gap	Replace the policy with:	Agree	The council considers the recommended modifications to be necessary. The proposed

	<p>Policy SYD6 Separation of Settlements</p> <p>‘Development proposals between Sydenham West and Sydenham East should conserve the open and tranquil character of the intervening landscape and its views.</p> <p>Development proposals within the landscape between Sydenham West and Sydenham East for the re-use of rural buildings, for agricultural and forestry related development, for playing fields and other open land uses will be supported where they would preserve the separation between the two settlements. Proposals which would, either individually or cumulatively, unacceptably detract from the separation between the two settlements will not be supported’</p>		<p>gap used artificial boundaries which would make it difficult to apply the policy in a clear and consistent fashion as required by national planning policy and guidance.</p> <p>The modifications to the policy result in a more general separation of settlements policy. This approach recognises and acknowledges the separate identity of the two settlements in the wider landscape and the relatively limited distance between them.</p>
Page 41	<p>Delete the Local Gap hatching and the relevant key from Inset Maps A and B.</p> <p>Replace paragraph 5.21 with: ‘Policy SYD6 provides a context that recognises the sensitivity of the existing gap between the two separate settlements in the neighbourhood area. It reflects the contribution that the separation between the two settlements makes to the visual and historic character and appearance of the wider neighbourhood area.’</p> <p>Replace paragraph 5.22 with: ‘The importance of retaining separation between the two settlements in the neighbourhood area has been recognised in recent planning decision and related appeal decisions for parcels of land on either side of the Sydenham Road to the immediate west of the Emmington Inn (P/17/S3659/O and P/18/S0423/O). Policy SYD6 seeks to reinforce the approach taken in these decisions and to provide a</p>	Agree	<p>The council consider the modifications necessary to provide factual accuracy and clarity as required by national policy and guidance, due to the consequential changes made to the wording of the associated policy.</p>

	context within which any future such applications would be considered and determined'		
Page 43 Policy SYD7 – Important Views	<p>Replace the final sentence of the policy with:</p> <p>'Development proposals should preserve or enhance the local character of the landscape and through their design, height and massing should recognise and respond positively to the various Important Views. Development proposals which would have a significant adverse impact on an identified Important View will not be supported.'</p>	Agree	The council considers the modification necessary to make the policy more general in its application and less restrictive, in accordance with national policy and guidance.
Page 45 Policy SYD8 – Community Facilities	<p>In the list of community facilities delete the numbering.</p> <p>At the end of the first sentence of the second paragraph of the policy add: 'of the development plan'</p> <p>In the second sentence of the second paragraph of the policy replace 'be resisted' with 'not be supported'</p> <p>In the second sentence of the second paragraph of the policy replace 'the Village.... SYD1' with 'the village boundaries of Sydenham or Emmington Inn'</p>	Agree	<p>The council considers the proposed modifications necessary to ensure the policy provides clarity required by the national policy and guidance.</p> <p>The examiner found that the numbering of the community facilities brings no value or significance to the integrity of the policy itself. The qualifying body has not raised any concerns in regards to this approach. The council agrees to accept the modification.</p>
Page 50-52	Modify Insert Maps A and B so that the Community Facilities colour is more distinctive.	Agree	The council considers the proposed modification necessary so that the community facilities colour is clearer and to provide clarity that is required by national policy and guidance.
Other Matters	Modification of the general text (where necessary) to	Agree	The council agrees with the examiner that it may

	achieve consistency with modified policies.		be necessary to amend the plan where consequential changes to the text are required directly as a result of the examiners recommended modifications.
Page 6 para. 1.6	Replace the first sentence with 'In addition, the Parish Council will need to demonstrate to an independent examiner that it has successfully engaged with the local community in preparing the Plan. The examiner will then produce a report which recommends if the plan meets basic conditions (which may include a series of modifications). Following the recommendations made by the examiner, the District Council will then determine if the plan should proceed to referendum of the local electorate'	Agree	The council consider the modification necessary to provide clarity.
Page 12 para 2.7	Replace 'crutch' with 'cruck'	Agree	The council consider the modification necessary to provide clarity.
Page 17 para. 3.4	Replace the submitted paragraph with: 'The South Oxfordshire Core Strategy includes a settlement hierarchy. It has significant implications on future development in the neighbourhood area. In summary Sydenham West is the principal settlement in the neighbourhood area (based around St Mary's Church and the Crown Inn). It is a Smaller Village in the SODC settlement hierarchy Sydenham East is the smaller settlement in the neighbourhood area (based around Emmington Inn at the junction of Sydenham Road and the B4445 Chinnor to Thame Road). It is one of a series of 'Other Villages' in the SODC settlement hierarchy. The overall strategy aims to support rural communities. It allocates growth to the larger villages and allows some limited development in other rural communities'	Agree	The council consider the modification necessary to provide clarity.

Page 20 para. 3.9	Replace 'The Crown end and the Emmington Inn end' with 'Sydenham West and Sydenham East'	Agree	The council consider the modification necessary to provide clarity.
Para 5.28 Monitoring and Review	At the end of paragraph 5.28 add: 'The eventual adoption of a new Local Plan for the District would represent an initial opportunity to assess whether any elements of a made neighbourhood plan need to be reviewed at that time'.	Agree	The council consider the modification necessary to provide clarity.

Appendix 2 - Examiner's Report

The Examiner's Report is available here: <http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/neighbourhood-plans/sydenham-neighbourhood>

Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must hand-sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.
Tel. 01235 422520 or extension 2520.
Email: democratic.services@southandvale.gov.uk
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
 - refer the decision back to the Cabinet portfolio holder for reconsideration or
 - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
 - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:

- (a) to incur expenditure, make savings or to receive income of more than £75,000;**
- (b) to award a revenue or capital grant of over £25,000; or**
- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
 - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
 - Changes to the household waste collection policy (affects all households in the district)
 - Reviewing a housing strategy (could have a significant impact on residents in many wards)
 - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
 - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.