

SOUTH OXFORDSHIRE DISTRICT COUNCIL

CHALGROVE NEIGHBOURHOOD DEVELOPMENT PLAN: FINAL DECISION STATEMENT

DATE OF PUBLICATION – 16 July 2020

1. Decision

1.1. Following an Independent Examination and a positive referendum result South Oxfordshire District Council decided at the Council meeting on 20 December 2018:

1. To make the Chalgrove 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 Chalgrove was designated as a Neighbourhood Area on 21 December 2012.

2.2 Following the submission of the Chalgrove 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 14 March 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 11 October 2018 that the Plan, as modified by the Examiner's recommendations, should proceed to referendum.

2.5 A referendum was held on Thursday, 22 November 2018 and 94.38% 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 11 October 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 Section 5, paragraph 5.5 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 (Figure 2.1). Table 4.2 sets out a comprehensive range of sustainability issues in the parish to which the plan responds to. Section 4.3 describes the principal environmental characteristics of the plan area. Section 5.2 makes an assessment of the neighbourhood plan objectives against a wider set of sustainability objectives. Section 6 assesses potential development sites against the sustainability objectives and consider reasonable alternatives. Section 7 then provides an assessment of the neighbourhood plan policies against the sustainability objectives. Section 5, 6

and 7 also cover the prediction of effects and mitigation. Section 8 sets out proposed local monitoring indicators.

- 3.5 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 November 2017. The HRA screening report concluded that the 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 raised no concerns with its conclusions. The council decided to commission an update to the screening report in light of the recent judgment from the Court of Justice of the European Union 'People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17)' which ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment and should not be taken into account at the screening stage. The revised screening assessment concluded that the Plan will not have any likely significant effects on the integrity of European sites. Natural England confirmed on 23 August 2018 that they agree with the conclusion of the report that the Chalgrove Neighbourhood Plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and Appropriate Assessment is therefore not required.
- 3.6 Therefore, the Council is satisfied that the making of the Chalgrove 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 Chalgrove Neighbourhood Development Plan was held on Thursday 22 November 2018.
- 3.8 The question which was asked in the Referendum was: "*Do you want South Oxfordshire to use the Neighbourhood Plan for Chalgrove to help it decide planning applications in the neighbourhood area?*"
- 3.9 The result was as follows:

Response	Votes	Per cent of total
Yes	773	94.38%
No	46	5.62%
Turnout	819	38.85%

- 3.10 The majority of local electors voted in favour of the plan; therefore, the Chalgrove 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 Chalgrove 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 20 December 2018 to make the Chalgrove 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 Chalgrove 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/chalgrove-neighbourhoo>
- 4.2 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 Chalgrove Parish Council
 - The persons who asked to be notified of the decision

5. Modification Statement

- 5.1 Regulation 30 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ("the Regulations") allows the Council to modify a neighbourhood development plan to correct errors with the permission of the Qualifying Body.
- 5.2 The Council brought the Chalgrove Neighbourhood Plan into legal force under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) on 20 December 2018; and Delegated 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.

