

SOUTH OXFORDSHIRE DISTRICT COUNCIL

LITTLE MILTON NEIGHBOURHOOD DEVELOPMENT PLAN: FINAL DECISION STATEMENT

DATE OF PUBLICATION – 27 June 2019

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 Little Milton 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 Little Milton was designated as a Neighbourhood Area on 4 August 2016.
- 2.2 Following the submission of the Little Milton 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 20 June 2018.
- 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 26 September 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 97.81% 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 26 September 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 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 South Oxfordshire produced a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in December 2016, which confirmed that a SEA and a full HRA were not required on 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 26 September 2018 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 Little Milton 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 Little Milton Neighbourhood Development Plan was held on Thursday 22 November 2018.

3.6 The question which was asked in the Referendum was: “*Do you want South Oxfordshire to use the Neighbourhood Plan for Little Milton to help it decide planning applications in the neighbourhood area?*”

3.7 The result was as follows:

| Response | Votes | Per cent of total |
|----------|-------|-------------------|
| Yes | 134 | 97.81% |
| No | 3 | 2.19% |
| Turnout | 137 | 35.31% |

3.8 The majority of local electors voted in favour of the plan; therefore, the Little Milton 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 Little Milton 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 20 December 2018 to make the Little Milton 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 Little Milton 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/little-milton-neighbou>

4.2 Hard copies of this Decision Statement and the Little Milton 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 Lamb Inn High Street Little Milton OX44 7PU | Opening Times: 12pm to 3pm, then 6.30pm to 12pm |

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

5. Modifications 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 Little Milton 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.


5.3 The Qualifying Body – Little Milton Parish Council - asked the Council to make the following modifications:

| Section | Proposed Change | Reason/Justification |
|-------------|--|----------------------|
| Front Cover | Replace ‘referendum version’ with ‘Plan Made – November 2018’ Replace ‘referendum version’ in header with ‘Plan Made –November 2018’. Replace ‘September 2018’ with ‘June 2019’. | Factual correction |

| | | |
|--|---|------------------------|
| Contents - Page 5 Page 2 Page 25 | Replace 'spacial' with 'spatial' | Grammatical correction |
| Page 25 – para 6.3 | Replace 'as' with 'has' | Grammatical correction |
| Page 33 – para 6.15 and para 6.16 Page 47 – para 8.11 | Insert ', para' between 'NPPF 112' Insert ', para' between 'NPPF 76-78' | Grammatical correction |
| Page 37 – para 7.1 | Replace 'shows' with 'show' | Grammatical correction |
| Page 43 ** | Insert 'of' between 'as yet' | Grammatical correction |
| Page 60 – para 9.10 | Remove duplicate word 'works' in sentence that reads 'Little Milton Waste Water Treatment Works Works has sufficient capacity'. | Grammatical correction |

5.4 The Council accepts the modifications proposed by Little Milton Parish Council for the purposes of correcting minor spelling, grammatical and typographical errors. These modifications have been incorporated into the made version of the Little Milton Neighbourhood Development Plan.

Authorised by: Holly Jones
On behalf of Head of Planning

Signed: 

Date: 21/06/2019