

## **SOUTH OXFORDSHIRE DISTRICT COUNCIL**

### **WHEATLEY NEIGHBOURHOOD DEVELOPMENT PLAN: FINAL DECISION STATEMENT**

**DATE OF PUBLICATION – 11 November 2021**

#### **1. Decision**

- 1.1. Following an Independent Examination and a positive referendum result South Oxfordshire District Council decided at the Council meeting on 20 May 2021:
1. To make the Wheatley 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 consultation with the appropriate Cabinet Member and 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 area of the Wheatley Neighbourhood Area was designated on 31 March 2016.
- 2.2 Following the submission of the Wheatley 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 18 October 2019.
- 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 2 April 2020 that the Plan, as modified by the Examiner's recommendations, should proceed to referendum.

- 2.5 A referendum was held on Thursday, 6 May 2021 and 88% 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 2 April 2020 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 7 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 commissioned consultants to produce a Strategic Environmental Assessment (SEA). The SEA sets out what the plan is seeking to achieve and the scope of the SEA in section 2 and 3. Part 2 of the SEA sets out what the plan making and SEA involved up to this point, including establishing the reasonable alternatives, appraising the reasonable alternatives and developing the preferred approach. Part 2 of the SEA sets out the SEA findings, including an assessment of the draft plan and conclusions at this stage. Part 3 is the final section which sets out the plan finalisation and monitoring.

2.1 South Oxfordshire District Council produced a Habitat Regulations Assessment (HRA) screening report on the impact of development proposed in the Plan on European sites which was published in November 2019. The HRA screening report concluded that the Plan would not have any likely significant effects on the integrity of European sites in South Oxfordshire, either alone or in combination with other plans or programmes. Natural England confirmed on 7 November 2019 that the proposals in the plan will not have significant effects on sensitive sites and that an Appropriate Assessment was not therefore required.

2.2 Therefore, the Council is satisfied that the making of the Wheatley 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.

2.3 A referendum relating to the adoption of the Plan was held on Thursday 6 May 2021.

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

2.5 The result was as follows:

Response	Votes	Per cent of total
Yes	1359	88%
No	189	12%
Turnout	1548	43%

2.6 The majority of local electors voted in favour of the plan; therefore, the Wheatley Neighbourhood Plan has become part of the council’s development plan.

2.7 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 Plan so that it continues to be part of the council’s development plan.

2.8 The Council decided at the Council meeting on 20 May 2021 to make the Wheatley Neighbourhood Plan.

### 3. Other Information

3.1 In accordance with Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012, this Decision Statement and the made Wheatley Neighbourhood Plan can be viewed on the Council's website:  
<https://www.southoxon.gov.uk/wheatleynp>

3.2 This Decision Statement and the Plan can be inspected at:

Reception <b>South Oxfordshire District Council</b> 135 Eastern Avenue, Milton Park, Milton, OX14 4SB	We currently have Covid-19 safety procedures in place at the council offices that mean public visits are by appointment only, so if you would like to view these documents at the council offices, please contact us on 01235 422600 or email <a href="mailto:planning.policy@southandvale.gov.uk">planning.policy@southandvale.gov.uk</a>
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3.3 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 Wheatley Parish Council
- The persons who asked to be notified of the decision

Signed:



Date: 05/11/2021

**Ricardo Rios**

Planning Policy Team Leader (Neighbourhood)