

## **SOUTH OXFORDSHIRE DISTRICT COUNCIL**

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

**DATE OF PUBLICATION – 9 JANUARY 2023**

#### **1. Decision**

- 1.1. Following an Independent Examination and a positive referendum result South Oxfordshire District Council decided at the Council meeting on 11 April 2019:
1. to make the Pyrton neighbourhood development plan so that it continues to be part of the council's development plan. And
  2. authorise the head of planning, in agreement with the Qualifying Body, to correct any spelling, grammatical, typographical or factual errors, together with any improvements from a presentational perspective.

#### **2. Background**

- 2.1 The parish of Pyrton was designated as a Neighbourhood Area on 16 July 2015.
- 2.2 Following the submission of the Pyrton 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 25 April 2018.
- 2.3 South Oxfordshire District Council appointed an independent Examiner, Timothy Jones 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 24 January 2019 that the Plan, as modified by the Examiner's recommendations, should proceed to referendum.

2.5 A referendum was held on Thursday, 14 March 2019 and 98.7% 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 24 January 2019 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 7.1 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 the background of how it was developed in Section 1 and 2. It details the visions and objectives of the Neighbourhood Plan in Section 3. Section 4 includes the baseline data. Section 5 details the sustainability issues. Section 6 identifies the SA objectives. Section 7 details the scoping consultation responses. Section 8 identifies the compatibility of the Neighbourhood Plan and sustainability objectives. Section 9 details an appraisal of alternatives. Section 10 includes the prediction and evaluation of the potential effects of the plan. Section 11 details the mitigation. Section 12 details the monitoring.

- 3.5 The council issued a revised Habitats Regulations Assessment (HRA) Screening Report in August 2018 taking into account the judgement from the Court of Justice of the European Union ‘People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17) (Commonly referred to as ‘Sweetman judgement’). The revised report concluded that likely significant effects on the integrity of European sites in the South Oxfordshire District and adjacent Planning Authority areas from policies in the Neighbourhood Plan, either alone or in combinations with other plans or projects will not occur, and that an Appropriate Assessment would not be required. This conclusion was endorsed by Natural England.
- 3.6 Therefore, the Council is satisfied that the making of the Pyrton 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 Pyrton Neighbourhood Development Plan was held on Thursday 14 March 2019.
- 3.8 The question which was asked in the Referendum was: *“Do you want South Oxfordshire to use the Neighbourhood Plan for Pyrton to help it decide planning applications in the neighbourhood area?”*

3.9 The result was as follows:

Response	Votes	Per cent of total
Yes	76	98.7%
No	1	1.3%
Turnout	77	49.04%

- 3.10 The majority of local electors voted in favour of the plan; therefore, the Pyrton 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 Pyrton 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 11 April 2019 to make the Pyrton 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 Pyrton Neighbourhood Plan can be viewed on the Council's website:

<http://www.southoxon.gov.uk/Pyrton-NP>

4.2 The Decision Statement and the Pyrton Neighbourhood Plan can be inspected at:

Reception <b>South Oxfordshire District Council</b> Abbey House, Abbey Close, Abingdon OX14 3JE	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> to book an appointment.
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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 Pyrton Parish Council
- The persons who asked to be notified of the decision

Signed:



Date: 21/10/2022

**Ricardo Rios**

Planning Policy Team Leader (Neighbourhood)