

SOUTH OXFORDSHIRE DISTRICT COUNCIL

LONG WITTENHAM REVIEW NEIGHBOURHOOD DEVELOPMENT PLAN: FINAL DECISION STATEMENT

DATE OF PUBLICATION – 29 MARCH 2023

1. Decision

- 1.1. Following an Independent Examination and a positive referendum result South Oxfordshire District Council decided at the Council meeting on 8 September 2022:
1. To make the Long Wittenham Review Neighbourhood Development Plan so that it continues to be part of the Council's development plan.
 2. To authorise the head of policy and programmes, in consultation with the Cabinet member for planning, 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 parish of Long Wittenham was designated as a Neighbourhood Area on 26 September 2014.
- 2.2. The Long Wittenham Neighbourhood Plan was then made in October 2017. Following the adoption of the Long Wittenham Neighbourhood Plan the Parish Council embarked upon a review of the Neighbourhood Plan.
- 2.3. Following the submission of the Long Wittenham Review 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 13 December 2018.

- 2.4. 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. A further period of consultation was undertaken on a revised package of documents submitted during the examination period. It ended on 8 March 2022.
- 2.5. The Examiner's Report concluded, subject to the modifications proposed in his report, that the plan meets the Basic Conditions. The Council determined on 7 June 2022 that the Plan, as modified by the Examiner's recommendations, should proceed to referendum.
- 2.6. A referendum was held on Thursday 28 July 2022 and 95% 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 7 June 2022 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. Paragraph 20 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. In order to comply with the basic condition on the European Union legislation the Qualifying Body has prepared a Strategic Environmental Assessment dated October 2018, which was then updated in November 2021. The original Strategic Environmental Assessment sets out the background of how it was developed in section 1 and 2. Section 3 sets out the scope of the SEA. Section 5 identifies the growth scenarios and site options and section 6 assesses these alternative options. Section 7 develops the preferred approach. Section 8 details the methodology. Section 9 assess the submission plan. Section 12 covers monitoring. The updated Strategic Environmental Assessment followed a similar format but assessed the updated Long Wittenham Neighbourhood Plan which worked to address concerns previously raised by Historic England.
- 3.5. The Council screened the Plan’s potential impact on EU Special Areas of Conservation (SACs) and this was completed in October 2018 and updated in January 2022. The HRA screening report concluded that the Plan would not have any likely significant effects on the integrity of European sites in or around South Oxfordshire, either alone or in combination with other plans or programmes and that an Appropriate Assessment is therefore not required.
- 3.6. Therefore, the Council is satisfied that the making of the Long Wittenham Review 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 Long Wittenham Review Neighbourhood Development Plan was held on Thursday 28 July 2022.
- 3.8. The question which was asked in the Referendum was: *“Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Long Wittenham to help it decide planning applications in the neighbourhood area?”*
- 3.9. The result was as follows:

Response	Votes	Per cent of total
Yes	278	95.5%
No	13	4.5%
Turnout	291	40.8%

- 3.10. The majority of local electors voted in favour of the plan; therefore, the Long Wittenham Review 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 to make the Long Wittenham Review 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 8 September 2022 to make the Long Wittenham Review Neighbourhood Plan so that it continues to be part of the Council's development plan.

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 Long Wittenham Review Neighbourhood Plan can be viewed on the Council's website: <http://www.southoxon.gov.uk/LongWittenham-NP>
- 4.2. This Decision Statement and the Long Wittenham Review Neighbourhood Plan can be inspected at:

<p>Reception South Oxfordshire District Council Abbey House, Abbey Close, Abingdon OX14 3JE</p>	<p>If you would like to view these documents at the Council offices, please contact us on 01235 422600 or email planning.policy@southandvale.gov.uk to book an appointment.</p>
---	--

- 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 Long Wittenham Parish Council
- The persons who asked to be notified of the decision

Signed: 

Date: 29/03/2023

Ricardo Rios
 Planning Policy Team Leader (Neighbourhood)