

SOUTH OXFORDSHIRE DISTRICT COUNCIL

WATLINGTON NEIGHBOURHOOD DEVELOPMENT PLAN: FINAL DECISION STATEMENT

DATE OF PUBLICATION – 26 April 2019

1. Decision

- 1.1. Following an Independent Examination and a positive referendum result South Oxfordshire District Council decided at the Council meeting on 23 August 2018:
1. To make the Watlington 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 Watlington was designated as a Neighbourhood Area on 5 November 2015,
- 2.2 Following the submission of the Watlington 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 28 January 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 8 May 2018 that the Plan, as modified by the Examiner's recommendations, should proceed to referendum.

2.5 A referendum was held on Thursday, 28 June 2018 and 80.9% 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 8 May 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 5.1 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 how it was developed in an iterative fashion with the wider preparation of the plan itself (Figure 1). Section 4.3 sets out a comprehensive range of sustainability issues in the parish to which the plan responds to. Section 4.3 also describe the principal environmental characteristics of the plan area. Section 5 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 considers reasonable alternatives. Section 7 then provides an assessment of the neighbourhood plan policies against the sustainability objectives. Section 7.2

covers the Identification and mitigation of predicted effects. Section 8 sets out proposed local monitoring indicators.

- 3.5 The council issued a revised Habitats Regulations Assessment (HRA) Screening Report in July 2018 taking into account the judgment 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 Watlington 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 Watlington Neighbourhood Development Plan was held on Thursday 28 June 2018.
- 3.8 The question which was asked in the Referendum was: “*Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Watlington to help it decide planning applications in the neighbourhood area?*”

- 3.9 The result was as follows:

Response	Votes	Per cent of total
Yes	808	80.9%
No	191	19.1%
Turnout	1001	47.4%

- 3.10 The majority of local electors voted in favour of the plan; therefore, the Watlington 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 Watlington 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 23 August 2018 to make the Watlington 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 Watlington 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/watlington-neighbourho>

4.2 Hard copies of this Decision Statement and the Watlington 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
Watlington Parish Council Community Office 1 Old School Place Watlington Oxon OX49 5QH	Opening Times: Monday to Friday 9.30am to 12.30pm

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 Watlington 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 Watlington Neighbourhood Plan into legal force under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) on 23 August 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 - Watlington Parish Council - asked the Council to make the following modifications:

Section	Proposed change	Reason/Justification
Front cover	Replace 'referendum version' with 'Plan Made – August 2018'. Replace 'September 2018' in footnote with 'April 2019'.	Factual correction
Page 3	Delete 'and' in the sentence that reads "...the town centre Conservation Area and, Air Quality Management..."	Grammatical correction
Page 3	Delete 'together with two further sites to meet specific housing needs.'	Factual correction to ensure the supporting text is consistent following modifications proposed by the examiner.
Page 10	Insert '(HRA)' after 'Habitats Regulations Assessment' and '(W NDP 15a)' after 'SODC made arrangements for this to be done'.	Grammatical correction
Page 10	Replace ' <i>SODC has made an assessment of the impact of development in the district, including Watlington, regarding the EU Habitat Directive Sites or Species. This has been done in the South Oxfordshire Local Plan: Habitats Regulations Assessment Report March 2017. SODC also commissioned a screening report on the impact of development proposed in the W NDP on EU Special Areas of Conservation (SACs) and this was completed in September 2017 (W NDP 15). The screening report concludes that development in Watlington is unlikely to have an</i>	Factual correction

	<p><i>impact on the designated SACs within a 17km radius of Watlington: Aston Rowant, Chilterns Beechwoods, Little Wittenham and Hartslock Wood. However, it is not possible at this stage to screen out likely significant effects of air pollution and recreational pressure on Aston Rowant SAC and the Chilterns Beechwoods SAC when the planned development in Watlington is assessed in combination with other plans and projects.’ with ‘An updated Assessment was published in July 2018 (W NDP 15b) following a judgement from the European Court of Justice. The HRA concludes that the W NDP (Referendum Version April 2018) would not give rise to likely significant effects on European Sites, either alone or in combination with other plans or projects, and an Appropriate Assessment is therefore not required.’</i></p>	
Page 10	<p><i>Insert: ‘All references to the NPPF relate to the version published in 2012. The revised NPPF was published in July 2018 between the W NDP referendum on 28th June 2018 and the Plan being made by SODC on the 23rd August 2018’.</i></p>	Factual correction
Page 13	<p>Insert:</p> <ul style="list-style-type: none"> • W NDP 15a: Habitats Regulations Assessment – Watlington • W NDP 15b: Habitats Regulations Assessment – Watlington (July 2018) 	Factual correction

Page 18	Replace '17th' with '17 th '	Typographical correction
Page 21	Replace 'principal' with 'principle'	Typographical correction
Page 22	Replace 'pm25' with 'PM25'	Typographical correction
Page 38 - Policy 7	Replace 'Includes' with 'Include'	Grammatical correction
Page 47	Delete 'This site was included in the 'SODC Strategic Housing Land Availability Assessment 2013, Appendix 15: Watlington'. In that Assessment it was referred to as two sites: WAT 11 and WAT 12.'	Repeated text

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

Adrian Duffield

Head of Planning South Oxfordshire and Vale of White Horse District Councils

Date: 26 April 2019