

SOUTH OXFORDSHIRE DISTRICT COUNCIL

CROWMARSH PARISH NEIGHBOURHOOD DEVELOPMENT PLAN: FINAL DECISION STATEMENT

DATE OF PUBLICATION – 13 May 2022

1. Decision

1.1. Following an Independent Examination and a positive referendum result South Oxfordshire District Council decided at the Council meeting on 7 October 2021:

1. To make the Crowmarsh Parish 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 parish of Crowmarsh was designated as a Neighbourhood Area on 1 June 2017.
- 2.2 Following the submission of the Crowmarsh Parish 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 9 March 2021.
- 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 20

July 2021 that the Plan, as modified by the Examiner's recommendations, should proceed to referendum.

- 2.5 A referendum was held on Thursday 02 September 2021 and 97% 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 20 July 2021 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 6 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 conditions on the European Union Legislation, the Qualifying Body produced a Strategic Environmental Assessment. The Strategic Environmental Assessment sets out the introduction and background in sections 1 and 2. Section 3 set out the Neighbourhood Plan objectives and section 4 identified the local environment characteristics and issues. Section 5 sets out the assessment of the framework and section 6, 7 and 8 contain the assessment of the objectives, plan policies, and reasonable plan alternatives. Section 9 sets out cumulative effects of policies. Section 10 and 11 cover the summary and monitoring of the assessment.

3.5 The Council screened the Plan’s potential impact on EU Special Areas of Conservation (SACs) and this was completed in March 2018. 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.

3.6 Therefore, the Council is satisfied that the making of the Crowmarsh Parish 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 Crowmarsh Parish Neighbourhood Development Plan was held on Thursday 2 September 2021.

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

3.9 The result was as follows:

| Response | Votes | Per cent of total |
|----------|-------|-------------------|
| Yes | 374 | 97% |
| No | 13 | 3% |
| Turnout | 387 | 28.3% |

3.10 The majority of local electors voted in favour of the plan; therefore, the Crowmarsh Parish 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 Crowmarsh Parish 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 7 October 2021 to make the Crowmarsh Parish 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 Crowmarsh Neighbourhood Plan can be viewed on the Council's website:

<https://www.southoxon.gov.uk/Crowmarsh-NP>

4.2 This Decision Statement and the Crowmarsh Neighbourhood Plan can be inspected at:

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| Reception South Oxfordshire District Council 135 Eastern Avenue, Milton Park, Milton, OX14 4SB | 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. |
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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 Crowmarsh Parish Council
- The persons who asked to be notified of the decision

Signed:



Date: 13/05/2022

Ricardo Rios

Planning Policy Team Leader (Neighbourhood)