

Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Councillor Andy Foulsham
Key decision?	No
Date of decision (same as date form signed)	3 May 2024
Name and job title of officer requesting the decision	Michael Folayan Planning Policy Officer (Neighbourhood)
Officer contact details	Tel: 07548 955909 Email: michael.folayan@southandvale.gov.uk
Decision	To recommend to Council: 1. To make the East Hanney Neighbourhood Development Plan, so that it becomes part of the council's development plan. 2. To delegate to the Head of Policy and Programmes, in consultation with the appropriate Cabinet Member and in agreement with the Qualifying Body, East Hanney Parish Council, the making of minor (non-material) modifications, the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.
Reasons for decision	1. The making of the East Hanney Neighbourhood Development Plan (the Plan) would not breach, or otherwise be incompatible with, any EU or human rights obligations, including the following Directives: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). In addition, no issues arise in respect of equality under general principles of EU law or any EU equality directive. In order to comply with the basic condition on the European Union legislation, Vale of White Horse District Council prepared a Strategic Environmental Assessment (SEA) screening (January 2023), which concluded that the Plan is unlikely to have a significant effect on the environment and therefore a full SEA is not required.

	<p>2. The Plan would not give rise to significant environmental effects on European sites. The council screened the Plan's potential impact on EU Special Areas of Conservation (SACs) and this was completed in January 2023. The HRA screening report concluded that the Plan would not have any likely significant effects on the integrity of European sites in or around Vale of White Horse, either alone or in combination with other plans or programmes and that an Appropriate Assessment was therefore not required.</p> <p>3. The council is satisfied that the Plan is in all respects fully compatible with Convention rights contained in the Human Rights Act 1988. 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.</p> <p>Referendum</p> <p>4. A referendum relating to the adoption of the East Hanney Neighbourhood Development Plan was held on Thursday 11 April 2024.</p> <p>5. The question which was asked in the Referendum was: <i>'Do you want Vale of White Horse District Council to use the Neighbourhood Plan for East Hanney to help it decide planning applications in the neighbourhood area?'</i></p> <p>6. The result was as follows:</p> <ul style="list-style-type: none"> a. Yes = 186 votes (93%) b. No = 14 votes (7%) (Unmarked/void = 0%) c. Turnout = 19.4% <p>7. The majority of local electors who voted, voted in favour of the Plan; therefore, the East Hanney Neighbourhood Development Plan has become part of the council's development plan.</p> <p>8. As the Plan was approved at the local referendum and the council is satisfied that the making of the Plan would not breach, or otherwise be incompatible with, any EU or human rights obligations, the council is required to make the East Hanney Neighbourhood Development Plan so that it continues to be part of the council's development plan.</p>
<p>Alternative options rejected</p>	<p>The council's options are limited by statute. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 sets out that the council must make a neighbourhood plan if more than half of those voting at the referendum have voted in favour of the plan being used to help decide planning applications in the plan area.</p> <p>The only circumstance where the district council should not make this decision is where the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the</p>

	<p>Convention rights (within the meaning of the Human Rights Act 1998).</p> <p>Section 3 of the Neighbourhood Planning Act 2017, which came into force on 19 July 2017, amends section 38 of the Planning and Compulsory Purchase Act 2004 to ensure that neighbourhood plans have full legal effect once they have passed their local referenda. In the very limited circumstances that the council might decide not to make the neighbourhood development plan, it will cease to be part of the development plan for the area.</p> <p>In this case, the referendum result was in favour of the plan, and so the East Hanney Neighbourhood Development Plan has become part of the council's development plan. For the reasons set out in paragraphs 1 to 3, the council is satisfied that the East Hanney Neighbourhood Development Plan would not breach or be incompatible with EU obligations or human rights legislation.</p>
Climate and ecological implications	<p>The Plan contributes to the achievement of sustainable development, it includes objectives addressing this. Sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.</p> <p>In terms of climate and ecological implications, the Plan seeks to have a positive impact, containing an objective concerned with maintaining and improving the natural environment. The plan contains policies on a number of topics, including nature recovery and biodiversity (EHNP 9), the retention of trees and hedgerows (EHNP 6) and, flood mitigation and climate change in relation to new housing (ENHP 16).</p>
Legal implications	<p>The legal implications are set out elsewhere in the report on the basis of which it is considered that the council should now proceed to make the East Hanney Neighbourhood Development Plan. The process undertaken and proposed accords with planning legislation.</p>
Financial implications	<p>The Government makes funding available to local authorities to help them meet the cost of their responsibilities around neighbourhood planning. A total of £20,000 can be claimed for each neighbourhood planning area. In the case of neighbourhood plan reviews, a local planning authority may make only one claim for substantive modifications to a specific neighbourhood plan in their area within each 5-year window from the date that plan was first made. The council becomes eligible to apply for this additional grant once the council issue a decision statement detailing the intention to send the plan to referendum.</p> <p>Any costs incurred in the formal stages in excess of Government grants is borne by the council. Staffing costs associated with supporting community groups and progressing neighbourhood plans through the formal stages are funded by the council. It is expected that costs associated with progressing this neighbourhood plan can be met from within the existing neighbourhood planning budget.</p>
Equalities implications	<p>No implications.</p>

Other implications	The council is required to comply with the statutory requirements (to consider whether the East Hanney Parish Neighbourhood Development Plan should be made following successful local referendum), which this recommendation seeks to achieve. In view of the considerations referred to elsewhere in this report, as the majority of those voting have voted in favour of the plan at its local referendum, a decision not to make the plan would place the council at risk of a legal challenge.			
Background papers considered	<ol style="list-style-type: none"> 1. East Hanney Neighbourhood Development Plan and supporting documents 2. National Planning Policy Framework (2023) 3. National Planning Policy Guidance (July 2014 and subsequent updates) 4. Vale of White Horse District Council Local Plan 2031 Part 1 5. Vale of White Horse District Council Local Plan 2031 Part 2 6. Vale of White Horse SEA/HRA Screening Statement (2023) 7. Representations submitted in response to the East Hanney Neighbourhood Development Plan 8. Relevant Ministerial Statements 			
Declarations/ conflict of interest? Declaration of other councillor/ officer consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Ward councillors	Councillor Sally Povolotsky	No comments	05/04/24
	Legal legal@southandvale.gov.uk		No comments	05/04/24
	Finance Finance@southandvale.gov.uk		No comments	05/04/24
	Climate and biodiversity climateaction@southandvale.gov.uk	Jessie Fieth	No comments	28/03/24
	Diversity and equality equalities@southandvale.gov.uk	Equalities Team	No implications	28/03/24
	Property property@southandvale.gov.uk	Chris Mobbs	No comments	28/03/24
	Communications communications@southandvale.gov.uk		No comments	05/04/24

Confidential decision? If so, under which exempt category?	No
Call-in waived by Scrutiny Committee chairman?	n/a
Has this been discussed by Cabinet members?	n/a
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature Councillor Andy Foulsham Date 3 May 2024

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date: 7 May 2024	Time: 11:25
Date published to all councillors	Date: 7 May 2024	
Call-in deadline	Not applicable as this is not a key decision but instead contains a recommendation to Council on 22 May 2024.	