


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 Roger Cox
Key decision?	No
Date of decision (same as date form signed)	5 December 2016
Name and job title of officer requesting the decision	William Sparling – Senior Planning Policy Officer
Officer contact details	Tel: 07717 150693 Email: william.sparling@southandvale.gov.uk
Decision	To recommend that Vale of White Horse District Council makes the Faringdon Neighbourhood Plan part of the development plan for the district.
Reasons for decision	<p>The Neighbourhood Plan has followed the correct statutory process and this is the final step in its development.</p> <p>Faringdon Neighbourhood Plan was agreed through a local referendum held on 24 November 2016. A total number of 1,038 residents voted in the referendum. Of these, 944 residents voted in favour of the Neighbourhood Plan being made by the district council, 91 per cent of the turnout.</p> <p>The next step in the process is to consider making the Plan a part of the Development Plan for the Vale of White Horse and to recommend to Full Council that the Faringdon Neighbourhood Plan be adopted as a part of the Development Plan.</p> <p>Once adopted the Faringdon Neighbourhood Plan will form part of the statutory development plan for the district. Its policies will be relevant for the determination of planning applications in Faringdon parish.</p>
Alternative options rejected	More than half of people who voted, voted yes. The neighbourhood plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). There are therefore no options open to the Council other than to make the plan part of the Development Plan.

Legal implications	<p>Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 requires that the district council must make the neighbourhood plan if more than half of those voting have voted in favour of the plan being used to help decide planning applications in the plan area. The district council are not subject to this duty if (and only if) the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).</p> <p>It is not considered that the neighbourhood plan would breach, or would otherwise be incompatible with, any such obligation or rights. Therefore, and notwithstanding that a judicial review has been lodged challenging the council's decision to accept the modifications recommended by the examiner and to proceed to referendum (this legal challenge is centred around the inclusion in the plan of a policy or policies relating to Wicklesham Quarry and is currently at the 'application for permission' stage of judicial review), the council should now proceed to make the plan.</p>			
Financial implications	No new implications other than those considered in the report.			
Other implications	There are no further implications other than those mentioned in the report.			
Background papers considered	<ul style="list-style-type: none"> • Faringdon Neighbourhood Plan. • Cabinet Member Briefing Paper dated 5 December 2016. • Referendum Results Notice. 			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Ward councillor(s)	Cllr Roger Cox Cllr Mohinder Kainth	Agreed Agreed	5/12/2016 2/12/2016
	Legal	Ian Price	Comments noted	5/12/2016
	Finance	Paul Sheppard	Agreed	2/12/2016
	Human resources	N/A	N/A	N/A
	Sustainability	N/A	N/A	N/A
	Diversity and equality	Cheryl Reeves	Agreed	2/12/2016
	Communications	Andy Roberts	Agreed	2/12/2016
	Head of Service	Adrian Duffield	Agreed	5/12/2016
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee	N/A			

chairman?	
Cabinet member's signature To confirm the decision as set out in this notice.	Signature <u></u> Date <u>5th December 2016</u>

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

For Democratic Services office use only		
Form received	Date: 5-12-16	Time: 14:40
Date published to Scrutiny Committee	Date: 5-12-16	
Call-in deadline	Date: NOT APPLICABLE	Time: —