

Delegated authority officer decision notice

| | |
|---|---|
| Decision made by | Tim Oruye Head of Policy and Programmes |
| Lead officer contact details | Tom Gill Planning Policy Officer (Neighbourhood) Tel: 07510 921689 Email: thomas.gill@southandvale.gov.uk |
| Decision (Keep this succinct) | <ol style="list-style-type: none"> 1. To accept all modifications recommended by the Examiner; 2. To determine that the Garsington Neighbourhood Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by an NDP; 3. To take all appropriate actions to progress the Garsington Neighbourhood Development Plan to referendum |
| Key decision? (see notes below) | No. |
| If key decision, has call-in been waived by the Scrutiny Committee chair(s)? | N/A. |
| Confidential decision, and if so under which exempt category? | No. |
| Delegated authority reference from the constitution | Head of Policy and Programmes ref 3.3. |
| Risks | <p>The local community will have the opportunity to vote on the neighbourhood plan at referendum; there is a risk that the local community will vote against the plan. This risk is low given the level of support shown for the plan as detailed in the consultation statement.</p> <p>The legislation makes provision for the council's decision at this stage to be challenged via a judicial review. The process undertaken and proposed accords with planning legislation.</p> |
| Reasons for decision | <ol style="list-style-type: none"> 1. The Garsington Neighbourhood Development Plan (the plan) as modified by the Examiner's recommendations, has had regard to policies and advice contained in guidance issued by the Secretary of State. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but it is intended to have and does have to a significant effect. A neighbourhood plan must not constrain the delivery of important national policy objectives. The principal document in which national planning |

policy is contained is the National Planning Policy Framework (NPPF) and this conclusion is reached bearing this in mind. It should be noted that the NPPF was revised on 20 December 2023. The revised NPPF replaces the previous NPPF published in March 2012 and revised in July 2018, February 2019, July 2021 and September 2023. The advice within National Planning Practice Guidance (“NPPG”) has also been borne in mind in reaching this conclusion.

2. Paragraph 13 of the NPPF is clear that neighbourhood plans should support the delivery of strategic policies contained in local plans and spatial development strategies. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside these strategic polices. More specifically paragraph 29 of the NPPF states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.
3. Beyond this, the content of a draft neighbourhood plan will determine which other aspects of national policy are or are not a relevant consideration to take into account. The basic condition allows qualifying bodies, the independent examiner and local planning authority to reach a view in those cases where different parts of national policy need to be balanced.
4. Having considered all relevant information, including representations submitted in response to the Plan, the Examiner’s considerations and recommendations, the council has come to the view that the Plan recognises and respects relevant constraints. The Plan has developed a positive suite of policies that seek to bring forward positive and sustainable development in the neighbourhood area. There is a clear focus on maintaining the character, quality and appearance of the neighbourhood area, as well as aims to enhance biodiversity and wildlife, as supported by National Planning Policy Framework paragraph 185. The Plan also contains policies which focus on the delivery of sustainable development, as supported by National Planning Policy Framework paragraph 29.
5. The plan, as modified by the Examiner’s recommendations, contributes to the achievement of sustainable development. This condition relates to the making of the plan as a whole. It does not require that each policy in it must contribute to sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the

economic dimension, the plan includes a policy on Community Facilities (GARS1) In the social role, it includes policies on the Housing Mix (GARS5), New Housing (GARS6) and Design Guidance (GARS7). In the environmental dimension, the plan positively seeks to protect its natural, built, and historic environment. It includes policies on Footpaths, Bridleways and Cycleways (GARS2), Important Views (GARS3), Settlement Identity (GARS4), and Biodiversity (GARS8).

6. As a whole, the council is satisfied that the policies in the plan pursue net gain across each of the different dimensions of sustainability in a mutually supportive way.
7. The plan, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the current Development Plan for the area. Garsington is identified as a 'smaller village' in the adopted Local Plan (Appendix 7). Policies H8 (Housing in the Smaller Villages) and H16 (Infill development and redevelopment) of the Local Plan set the context for the scale and nature of new development which would be supported in smaller villages in the district. Policy H8 advises that smaller villages have no defined requirement to contribute towards delivering additional housing, however where a Parish Council wishes to prepare a Neighbourhood Development Plan to support further growth, the Council will support this provided that the levels of growth supported are commensurate to the size of the village. The Neighbourhood Plan does not include any new housing allocations; however, it does introduce a settlement boundary for Garsington within which new housing through infilling will be supported in line with national Green Belt policy. Policy GARS4 seeks to maintain the separate identity of Garsington and compliments policies within the Local Plan without undermining the delivery of the Land at Northfield Strategic Allocation (STRAT12), which falls within the Garsington Neighbourhood Area.
8. The Plan, as modified by the Examiner's recommendation, would not breach, and otherwise be compatible with, the assimilated obligations of EU legislation as consolidated in the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023.
9. In order to comply with the basic condition on the European Union legislation, South Oxfordshire District Council undertook a screening exercise (dated January 2023) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. As a result of this process,

it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.

10. 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 South Oxfordshire, either alone or in combination with other plans or programmes and that an Appropriate Assessment is therefore not required.

11. The Plan, as modified by the Examiner's recommendations, 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.

12. The Plan, as modified by the Examiner's recommendations, complies with the definition of an NDP and the provisions that can be made by an NDP. The Plan sets out policies in relation to the development and use of land in the whole of the neighbourhood area; it specifies the period for which it is to have effect and it does not include provision about development that is 'excluded development'.

13. The council is satisfied that it is not necessary to extend the referendum area beyond the boundaries of the designated neighbourhood area as they are currently defined.

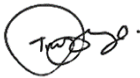
14. The individual modifications proposed by the Examiner are set out in Appendix 1 alongside the council's decision in response to each recommendation and the reason for them. The Examiner's Report is available at Appendix 2.

15. The Examiner noted in his report, paragraph 7.61, that it will be appropriate to make any necessary changes to the general text insofar as they are necessary to ensure that the Plan meets the basic conditions. To ensure that the plan reads as a coherent document, the qualifying body and the council have agreed factual, consequential, and typographical updates. These are set out in Appendix 3.

16. The modifications set out in Appendix 1 and Appendix 3, both

| | |
|--|---|
| | <p>separately and combined, produce no likely significant environmental effects and are unlikely to have any significant effects on the integrity of European Designated Sites.</p> <p>17. The council has taken account of all the representations received.</p> <p>18. The Counting Officer is responsible for determining the date of the referendum. The Electoral Service team advises that the referendum is planned for 5 September 2024.</p> |
| <p>Alternative options rejected</p> | <p>Make a decision that differs from the Examiner's recommendation</p> <p>If the council deviates from the Examiner's recommendations, the council is required to:</p> <ol style="list-style-type: none"> 1. Notify all those identified on the consultation statement of the parish council and invite representation, during a period of six weeks, 2. Refer the issue to a further independent examination if appropriate. <p>Refusing to progress the Plan</p> <p>The council can decide that it is not satisfied with the plan proposal with respect to meeting basic conditions, compatibility with Convention rights, definition and provisions of the NDP even if modified. Without robust grounds, which are not considered to be present in this case, refusing to take the Plan to a referendum could leave the Council vulnerable to a legal challenge.</p> <p><u>Reason for rejecting alternative options</u></p> <p>These options were rejected because the district council is minded to agree with all of the Examiner's modifications and his conclusion that the Plan, as modified, meets the basic conditions and relevant legal requirements.</p> |
| <p>Legal implications</p> | <p>The process undertaken and proposed accords with planning legislation.</p> |
| <p>Financial implications</p> | <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. 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>The Government grant funds the process of progressing neighbourhood plans through the formal stages, including the</p> |

| | | | | |
|--|---|--------------|------------------|-------------|
| | <p>referendum. 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 with existing neighbourhood planning budget.</p> | | | |
| Climate implications | <p>The Plan contributes to the achievement of sustainable development. 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. The plan also contains a Biodiversity policy (GARS8) with the purpose of supporting development which enhances biodiversity through Local Nature Recovery schemes and through biodiversity offsetting.</p> | | | |
| Equalities implications | No implications. | | | |
| Other implications | There are no other implications. | | | |
| Background papers considered | <ol style="list-style-type: none"> 1. Garsington Neighbourhood Plan and supporting documents 2. National Planning Policy Framework (2023) 3. National Planning Policy Guidance (July 2014 and subsequent updates) 4. Soth Oxfordshire Local Plan 5. South Oxfordshire District Council SEA/HRA Screening Statement January 2023 6. Representations submitted in response to the Garsington Plan 7. Relevant Ministerial Statements | | | |
| Declarations/ conflict of interest? | None | | | |
| | | | | |
| Consultees | | Name | Outcome | Date |
| | Legal legal@southandvale.gov.uk | | No comments | 28/06/24 |
| | Finance Finance@southandvale.gov.uk | | No comments | 28/06/24 |
| | Climate and biodiversity climateaction@southandvale.gov.uk | Jessie Fieth | Agree to proceed | 27/06/24 |
| | Equality and diversity equalities@southandvale.gov.uk | Lorne Grove | Agree to proceed | 28/06/24 |

| | | | | |
|---|---|-------------------------------|--|----------|
| | handvale.gov.uk | | | |
| | Strategic property property@southandvale.gov.uk | Christopher Mobbs | No comments | 26/06/24 |
| | Communications communications@southandvale.gov.uk | Victoria Nickless | Noted for comms | 25/06/24 |
| | Relevant Cabinet member | Councillor Anne-Marie Simpson | Happy to progress | 24/06/24 |
| | Ward councillors | Councillor Sam James-Lawrie | Updated paragraph 7 to clarify the relationship between the neighbourhood plan and the strategic policies in the development plan. | 24/06/24 |
| Decision maker's signature To confirm the decision as set out in this notice. | Signature:  Date: 01/07/2024 | | | |

Appendix 1: Examiner's recommendations

| Policy/Section | Examiner's recommendations | Council's Decision | Justification/Reason |
|---|---|--------------------|--|
| The initial parts of the Plan (Sections 1 to 5) | <p>On the front cover of the Plan insert '2022 to 2035'</p> <p>At the end of the Introduction add 'The Plan period is 2022 to 2035'</p> | Agree | The council consider the modifications necessary to bring the clarity required by the NPPF and to ensure the Plan is consistent with the prescribed conditions; the modifications ensure that the plan period is clearly indicated on the front page and in the introduction of the Plan. |
| Policy GARS1 Community Assets | <p>Replace the second element of part A with:</p> <p>'Development proposals that would result in the loss of a community facility listed in part A of this policy through a change of use or redevelopment will only be supported if:</p> <ul style="list-style-type: none"> it would lead to the significant improvement of an existing facility or the replacement of an existing facility equally convenient to the local community it serves and with an equivalent or improved facility; or information is available to identify that the facility is no longer needed, or in the case of commercial services, it is not economically viable.' <p>Replace the final element of part B of the policy with:</p> <p>'Development proposals on a Community Space</p> | Agree | The council consider the modifications necessary to bring the clarity required by the NPPF; the modifications to the second element of part A of the policy ensure that the policy is clear on what information is required to demonstrate that the facility concerned is no longer needed and the modifications to the final element of part b ensure that the policy is clear on its impact relating to proposals which directly affect an identified space and those which are adjacent to such space as the submitted policy makes no distinction between these matters. |

| | | | |
|---|--|-------|---|
| | <p>that would undermine its essential social value will not be supported.</p> <p>Development proposals adjacent to a Community Space should respond positively to the community space concerned and be designed to complement its essential social value. Development proposals adjacent to a Community Space which would undermine the essential social value of the space will not be supported.'</p> | | |
| | | | |
| Policy GARS2 Footpaths, Bridleways and Cycleways | <p>In A and C replace 'Developments' with 'Development proposals'</p> <p>Replace B with:</p> <p>'As appropriate to their scale, nature, and location, and where it is practicable to do so, development proposals should provide safe and accessible pedestrian and cycle connections with existing or proposed footpaths and cycle routes.'</p> | Agree | <p>The council consider the modifications necessary to bring the clarity required by the NPPF and to ensure that the policy can be applied in a proportionate way by recognising that it will not always be practicable for development to deliver safe and accessible pedestrian and cycle connections with existing or proposed footpaths and cycle routes.</p> |
| | | | |
| Policy GARS3 Important Views | <p>Replace the opening part of the policy with:</p> <p>'The scale, massing and height of development proposals should be designed to preserve or, where practicable, to enhance the local character of the landscape and respond positively to following important views (as shown on Map 5 - Policies Map):'</p> <p>Delete Views 4, 6a and 6b from the policy</p> <p>Delete Views 4, 6a and 6b from Map 5</p> | Agree | <p>The council considers the modifications to the policy necessary. The examiner's modifications recast the opening element of the policy to bring the clarity required by the NPPF and to ensure that the policy can be applied in a proportionate way by recognising that it will not always be practicable for development to enhance the local character of the landscape and respond positively to the identified important views. The modification to delete views 4, 6a and 6b are also necessary as</p> |

| | | | |
|--|---|-------|---|
| | | | these views were positioned within or looking into the strategic allocation land at Northfield (Policy STRAT12 in the Local Plan), including covering areas shown on the indicative concept plan as high density development, medium density development, lower density development and green infrastructure. Policy GARS 3, as modified by the Examiner's recommendations, states that development proposals should be designed to preserve or, where practicable, to enhance the local character of the landscape and respond positively to (the identified) important views. There will be significant changes to the landscape of the area related to the strategic allocation. |
| | | | |
| Policy GARS4 Settlement Identity | Replace 'the character of Garsington as a unique settlement.' with 'the character, setting and location of Garsington.' Delete the two references to 'within the neighbourhood area' | Agree | The council consider the modifications necessary to bring the clarity required by the NPPF; the modifications ensure that the policy wording is clear and unambiguous and that unnecessary references to the impact of the policy within the neighbourhood area are removed. |
| | | | |
| Policy GARS5 Housing Mix | Replace the second bullet point with: 'address the shortage of smaller and affordable houses, as identified in the Garsington Housing Needs Assessment, and' In paragraph 6.6 replace 'The Garsington Housing Needs Assessment (HNA) demonstrated a clear requirement for affordable homes within the current boundaries of the built parish' with 'The Garsington | Agree | The council consider the modifications to the policy and to the supporting text necessary to bring the clarity required by the NPPF; the modified wording in the policy tightens the relationship between the policy and the supporting Housing Needs Assessment and the modification to the supporting text ensures that it accurately reflects the findings of the Housing Needs |

| | | | |
|---------------------------------|--|-------|--|
| | Housing Needs Assessment (HNA) demonstrated a clear requirement for affordable homes within the parish; 86% of respondents to the housing needs questionnaire produced to support the HNA expressed the view that affordable housing should ideally be provided in small sites scattered throughout the parish.' | | Assessment. |
| Policy GARS6 New Housing | In A delete 'limited' In B replace the first bullet point with 'they retain the rural character of the parish' Reinstate Stable View and the full garden area to Field House (off Pettivell) within in the settlement boundary. | Agree | The council considers the modifications to the policy necessary. The modifications to part A and part B will bring the clarity required by the NPPF and the modification to the boundary itself will ensure that a logical part of the built form of the settlement is included within the boundary. |
| Policy GARS7 Design Guidance | Delete part A. Replace the opening element of part B with: 'New development should demonstrate good quality design and respect the character and appearance of the surrounding area. As appropriate to their scale, nature and location, development proposals should respond to, and integrate with, their local surroundings and comply with the following design principles:' Replace part C with: 'New developments shall be similar in density, plot width, footprint, separation, scale, and bulk to the buildings in the surrounding area generally and of neighbouring properties, unless it can be | Agree | The council consider the modifications necessary to bring the clarity required by the NPPF; the modifications delete part A of the policy which was unnecessary to the function of the policy, recasts part B so that it more clearly focuses on what is required for new development and ensures that the policy can be applied in a proportionate way, and simplifies the wording of part C to remove ambiguity. |

| | | | |
|---------------------------|---|-------|--|
| | demonstrated that the proposed development would not harm local character or would compromise the efficient use of land.' | | |
| Policy GARS8 Biodiversity | <p>Replace 'D and E' with 'A and B'</p> <p>In D (as submitted) replace 'will be resisted' with 'will not be supported'</p> | Agree | The council consider the modifications necessary to bring the clarity required by the NPPF; the modifications amend an error in the numbering of the parts of the policy and amend the wording of part D to avoid ambiguity. |
| Other Matters - General | <p>Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.</p> <p>Update any references in the Plan to the NPPF to reflect the December 2023 version (including its paragraph numbers).</p> | Agree | Modifying the general text to ensure it is consistent with amended policies/supporting text is necessary to provide the clarity required by national policy and guidance. The update of references in the Plan to the NPPF to the latest version are also necessary to ensure that the Plan is up to date. |
| Other Matters – Specific | <p>Ensure that each of the paragraphs within the plan are numbered consistently and uniquely.</p> <p>A consistent approach to numbering the clauses within policies should be taken throughout the plan and replace the varied use of numbers, letters, or bullet points.</p> <p>Replace the final sentence of paragraph 2.1 with: 'If approved at referendum a neighbourhood plan comes into force as part of the statutory development plan. Therefore, planning applications must be determined in accordance with it as part of the development plan, unless material</p> | Agree | The identified suggested modifications by SODC to the general text are necessary to ensure that the Plan meets the basic conditions. |

| | | | |
|--|--|--|--|
| | considerations indicate otherwise.’ At the end of the first paragraph of Section 3 add: ‘In addition the Plan should have regard to national policies and advice contained in guidance issued by the Secretary of State.’ | | |
| | | | |

Appendix 2 – Examiner’s Report

The Examiner’s Report is available here:

<https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2024/05/Garsington-Neighbourhood-Development-Plan-Examiners-Report-003.pdf>

Appendix 3 – Consequential and/or Factual Changes

Please note that new text is shown in bold and deleted text as strike through.

| Section | Agreed change | Justification/Reason |
|---------|--|-------------------------|
| Page 4 | Delete photograph 19 and 21 Renumber: “photograph 20” As: “photograph 19” | Consequential amendment |
| Page 5 | Replace “National Planning Policy Framework” With “National Planning Policy Framework 2023” | Factual correction |

| | | |
|----------------|--|-------------------------|
| Page 13 | <p>Replace: “This consists of all the parish councillors together with the advisory team members as set in Table 1. The members are all Garsington residents.”</p> <p>With: “This consists of all the parish councillors in post at the commencement of the process together with the advisory team members as set out in Table 1. The members were all or have been Garsington residents”</p> | Factual correction |
| Page 23 | <p>Replace: “The pub is registered as a Community Asset, which affords it some protection against closure.”</p> <p>With: “The pub has been registered as a Community Asset and at the present time (June 2024) a process of re-registration is being pursued.”</p> | Factual correction |
| Page 35 | Remove reference to view 4 and photograph 19 | Consequential amendment |
| Page 35 | <p>Renumber: “view 5”</p> <p>As: “view 4”</p> | Consequential amendment |
| Page 35 | <p>Renumber: “photograph 20”</p> <p>As: “photograph 19”</p> | Consequential amendment |
| Page 36 | Remove reference to view 6 and photograph 21 | Consequential amendment |
| Page 39 para 1 | <p>Replace: “certainly”</p> <p>With: “certainty”</p> | Factual correction |
| Page 39 para 2 | Replace: “built-up area” | Factual correction |

| | | |
|-------------------|--|-------------------------|
| | With: "settlement" | |
| Page 39 last line | Replace: "of" With: "or" | Factual correction |
| Page 42 | Replace: "will be" With: "was" | Factual correction |
| Page 43 | Remove word "draft" | Factual correction |
| Page 44 (map) | Re-number "5" As "4" | Consequential amendment |
| Annex D page 2 | Replace "three horseshoes" With: "Manor" (twice) | Factual correction |
| Annex D page 2 | Replace: "The pub is registered as a Community Asset.." With: "The pub has been registered as a Community Asset and at the present time (June 2024) a process of re-registration is being pursued." | Factual correction |