

## **SOUTH OXFORDSHIRE DISTRICT COUNCIL**

### **BINFIELD HEATH NEIGHBOURHOOD DEVELOPMENT PLAN: FINAL DECISION STATEMENT**

**DATE OF PUBLICATION – 25/10/2024**

#### **1. Decision**

- 1.1. Following an Independent Examination and a positive referendum result South Oxfordshire District Council decided at the Council meeting on 24 October 2024:
1. To make the Binfield Heath Neighbourhood Development Plan so that it continues to be 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, Binfield Heath 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.

#### **2. Background**

- 2.1 The Binfield Heath Neighbourhood Plan Area was designated on 20 July 2021.
- 2.2 Following the submission of the Binfield Heath Neighbourhood Plan Submission Version ('the Plan') to the Council, the plan was publicised, and comments were invited from the public and stakeholders. The consultation period closed on 25 January 2024.
- 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 the report, that the plan meets the Basic Conditions. The council determined on 16 July 2024 that the Plan, as modified by the Examiner's recommendations, should proceed to referendum.
- 2.5 A referendum was held on Thursday 5 September 2024 and 95.4% 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 16 July 2024 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 South Oxfordshire District Council produced a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in May 2022, which confirmed that a SEA and a full HRA were not required on the Plan. The screening determination has been subject to consultation with the relevant statutory consultees, who confirmed the decision. The Council's Decision Statement issued on 16 July 2024 under Regulation 18(2) confirmed that the modifications accepted by the Council,

both separately and combined, produce no likely significant environmental affects and are unlikely to have any significant effects on European Designated Sites. Therefore, the Council is satisfied that the making of the Binfield Heath 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.

3.5 A referendum relating to the adoption of the Binfield Heath Neighbourhood Development Plan was held on Thursday 5 September 2024.

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

3.7 The result was as follows:

Response	Votes	Per cent of total
Yes	185	95.4%
No	9	4.6%
Turnout	194	34.4%

3.8 The majority of local electors voted in favour of the plan; therefore, the Binfield Heath Neighbourhood Plan has become part of the council’s development plan.

3.9 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 Binfield Heath Neighbourhood Development Plan so that it continues to be part of the council’s development plan.

3.10 The Council decided at the Council meeting on 24 October 2024 to make the Binfield Heath 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 Binfield Heath Neighbourhood Plan can be viewed on the Council’s website: [southoxon.gov.uk/binfieldheath-np](https://southoxon.gov.uk/binfieldheath-np)

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

Reception <b>South Oxfordshire District Council</b> Abbey House, Abbey Close, Abingdon, OX14 3JE	If you would like to view these documents at the Council offices, please contact us on 01235 422600 or email: <a href="mailto:planning.policy@southandvale.gov.uk">planning.policy@southandvale.gov.uk</a> to book an appointment.
---	--

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 Binfield Heath Parish Council
- The persons who asked to be notified of the decision

Signed: 

Date: 25/10/2024

**Ricardo Rios**

Planning Policy Team Leader (Neighbourhood)