

## Delegated authority officer decision notice

<b>Decision made by</b>	Tim Oruye Head of Policy and Programmes
<b>Lead officer contact details</b>	Cheryl Soppet Planning Policy Officer (Neighbourhood) Tel: 01235 422422 Email: cheryl.soppet@southandvale.gov.uk
<b>Decision</b> (Keep this succinct)	<ol style="list-style-type: none"> <li>1. To accept all modifications recommended by the Examiner;</li> <li>2. To determine that the Berinsfield 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;</li> <li>3. To take all appropriate actions to progress the Berinsfield Neighbourhood Plan to referendum.</li> </ol>
<b>Key decision?</b> (see notes below)	No
<b>If key decision, has call-in been waived by the Scrutiny Committee chair(s)?</b>	Not applicable.
<b>Confidential decision, and if so under which exempt category?</b>	No
<b>Delegated authority reference from the constitution</b>	Head of Policy and Programmes ref 3.3 (Page 178).
<b>Risks</b>	<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>
<b>Reasons for decision</b>	<ol style="list-style-type: none"> <li>1. The Berinsfield 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 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</li> </ol>

(NPPF) and this conclusion is reached bearing this in mind. It should be noted that the NPPF was revised in December 2024. The revised NPPF replaces the previous NPPF December 2023. For neighbourhood plans, the policies in the 2024 Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025. 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 policies. 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 includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. 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 policies for residential development (Policies BERIN1, BERIN 2 and BERIN3), for employment activity (Policy BERIN 20), and for village centre activities (Policies BERIN 9, 10, 13, 14, 18 and 19). In the social role, it includes policies on community facilities (Policies BERIN 18 and 19), and for local services (Policy BERIN 14). In the environmental dimension, the plan positively seeks to protect its natural, built environment. It has specific policies on design (Policies BERIN 2), biodiversity

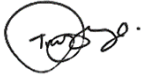
(Policy BERIN 4), renewable energy generation (Policy BERIN 5) Brownfield (Policy BERIN 6), and Water (Policy BERIN 7).

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.
1. The plan, as modified by the Examiner's recommendation, is in general conformity with the strategic policies contained in the current Development Plan for the area. Berinsfield is identified as a 'larger village' in the adopted Local Plan (Appendix 7). Policy H4 (Housing in the Larger Villages) set housing requirements for larger villages to meet during the plan period. However, no housing requirement was set for Berinsfield because of the strategic allocation at Land at Berinsfield Garden Village (Policy STRAT10i). The Local Plan does not expect Berinsfield to deliver additional growth over and above what is already planned for the strategic allocation.
7. The plan recognises and respects the approach in the Local Plan dealing with development in larger villages. The plan delivers a local dimension to the strategic context and supplements the detail already included in the adopted South Oxfordshire Local Plan 2035.
8. The plan, as modified by the Examiner's recommendation, would not breach, and be otherwise incompatible with EU obligations, retained in UK law, including the following Directives: the strategic Environmental Assessment (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 issue arises in respect of equality under general principles of EU law or any EU equality directive.
9. In order to comply with the basic conditions on the European Union legislation, South Oxfordshire District Council undertook a screening exercise (dated May 2024) 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 May 2024. 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

	<p>programmes and that an Appropriate Assessment is therefore not required.</p> <p>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.</p> <p>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’.</p> <p>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.</p> <p>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.</p> <p>15. The Examiner noted in his report, paragraph 7.103, that it will be appropriate to make any necessary consequential changes to the general text. 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.</p> <p>16. The Council has taken account of all the representations received.</p> <p>17. The Counting Officer is responsible for determining the date of the referendum. The Electoral Service Team advises that the referendum is planned for the week commencing 3 February 2025.</p>
<p><b>Alternative options rejected</b></p>	<p><b>Make a decision that differs from the Examiner’s recommendation</b></p> <p>If the council deviates from the Examiner’s recommendations, the council is required to:</p> <ol style="list-style-type: none"> <li>1. Notify all those identified on the consultation statement of the parish council and invite representation, during a period of six weeks,</li> <li>2. Refer the issue to a further independent examination if appropriate.</li> </ol> <p><b>Refusing to progress the Plan</b></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>  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>												
<b>Legal implications</b>	<p>The process undertaken and proposed accords with planning legislation.</p>												
<b>Financial implications</b>	<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 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>												
<b>Climate implications</b>	<p>Neighbourhood plans are high level planning policy documents. Their preparation is subject to Environment Impact Assessment Regulations and once adopted they influence the determination of planning applications.</p> <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. The output from the climate impact assessment tool below highlights the policies in the plan which have a positive impact for climate change and nature recovery.</p> <div data-bbox="507 1727 1193 2072" style="text-align: center;"> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="2">KEY</th> </tr> </thead> <tbody> <tr> <td style="background-color: #4CAF50; width: 20px;"></td> <td>Significant and/or long-term positive impact identified. No changes needed.</td> </tr> <tr> <td style="background-color: #C8E6C9; width: 20px;"></td> <td>Slight or short-term positive impact identified. No changes needed but could be reviewed to improve.</td> </tr> <tr> <td style="background-color: #9E9E9E; width: 20px;"></td> <td>No net change/not applicable</td> </tr> <tr> <td style="background-color: #FFEB3B; width: 20px;"></td> <td>Slight or short-term negative impact identified. Review to identify possible improvements.</td> </tr> <tr> <td style="background-color: #F44336; width: 20px;"></td> <td>Significant and/or long-term negative impact identified. Changes needed before proceeding.</td> </tr> </tbody> </table> </div>	KEY			Significant and/or long-term positive impact identified. No changes needed.		Slight or short-term positive impact identified. No changes needed but could be reviewed to improve.		No net change/not applicable		Slight or short-term negative impact identified. Review to identify possible improvements.		Significant and/or long-term negative impact identified. Changes needed before proceeding.
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<b>Equalities implications</b>	There are no equalities implications.																									
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<b>Background papers considered</b>	<ol style="list-style-type: none"> <li>1. Berinsfield Neighbourhood Plan and supporting documents</li> <li>2. National Planning Policy Framework (2023)</li> <li>3. National Planning Policy Guidance (July 2014 and subsequent updates)</li> <li>4. South Oxfordshire Local Plan 2035</li> <li>5. South Oxfordshire District Council SEA/HRA Screening Statement May 2024</li> <li>6. Representations submitted in response to the Berinsfield Neighbourhood plan</li> <li>7. Relevant Ministerial Statements</li> </ol>																									
<b>Declarations/ conflict of interest?</b>	None																									
<b>Consultees</b>		<b>Name</b>	<b>Outcome</b>	<b>Date</b>																						
	Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a>	Nick Bennett	No comments – the report thoroughly explains the position.	6 Dec 24																						
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>	Hannah Makins	Approved	11 Dec 24																						
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>	Jessie Fieth	Completed climate impact assessment tool	12 Dec 24																						

	Equality and diversity <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a>	Ruth Lewin-Leigh	No comments	12 Dec 24
	Strategic property <a href="mailto:property@southandvale.gov.uk">property@southandvale.gov.uk</a>	Christopher Mobbs	No comments	12 Dec 24
	Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>	Peter Truman	No comments	12 Dec 24
	Relevant Cabinet member	Cllr Anne-Marie Simpson	No comments	12 Dec 24
	Ward councillors	Cllr Robin Bennett	No comments	12 Dec 24
<b>Decision maker's signature</b> To confirm the decision as set out in this notice.	Signature:  Date: 17/12/2024			

## Appendix 1: Examiner's recommendations

Policy/ Section	Examiner's recommendations	Council's Decision	Justification/Reason
Page 6 para 2.1	<p><i>At the end of 2.1 add: 'The neighbourhood area is shown on [insert map/figure number]'</i></p> <p><i>Insert the map in the Plan.</i></p>	Agree	The council consider modification to the supporting text necessary to provide the clarity required by the NPPF.
Page 14 Policy BERIN1: Affordable Housing	<p><b>Replace the policy with:</b></p> <p><b>'Development proposals with a net gain of ten or more dwellings (Use Class C3) or where the site has an area of 0.5 hectares or more should deliver 40% affordable housing. Any proposed alternative levels of affordable housing should be supported by robust information (including the impact on commercial viability where appropriate).</b></p> <p><b>Except for the allocated Garden Village Site as allocated in the Local Plan, the affordable housing tenure should be as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Social Rent: approximately 35%</b></li> <li>• <b>Affordable Rent: approximately 25%</b></li> <li>• <b>First Homes: approximately 25%</b></li> <li>• <b>Other routes to affordable home ownership: approximately 15%</b></li> </ul>	Agree	The council consider the modifications to the policy necessary to allow for the flexibility required by the adopted Local Plan.



Page 14 para 4.7	<i>Replace paragraph 4.7 with: 'Policy BERIN1 has been designed to be in general conformity with Policy STRAT10i of the Local Plan. In addition, it responds to the specific circumstances which will apply to the development of the Berinsfield Garden Village. The policy provides the flexibility on housing mix and tenure as set out in the adopted Local Plan and is designed to allow the full and proper the delivery of the Garden Village. The policy also has the necessary flexibility for the scale of the BGV and the time which its development will take.'</i>	Agree	The council consider the modification to the supporting text necessary to be consistent with the modified policy changes.
Page 14 Policy BERIN 2: Housing Mix and Design	<b>Replace the opening sentence of the part C of the policy with: 'Wherever practicable, the need for housing which caters to the needs of an ageing population should be met by smaller dwellings and extra-care housing.'</b>	Agree	The council consider the modification to the policy necessary to provide the clarity required by the NPPF.
Page 16	<i>Delete paragraph 4.10</i>	Agree	The council consider the modification to the policy necessary to provide the clarity required by the NPPF.
Page 17 Policy BERIN 4: Biodiversity	<b>Replace the policy with: 'Wherever practicable, development proposals should ensure that existing wildlife habitats are safeguarded, and retain and enhance hedgerows, waterways, and scrubland.'</b>	Agree	The council considers the modification to the policy necessary due to the suggested 20% level has not been independently tested for soundness and there is no need for a neighbourhood plan to restate the national requirement for 10% biodiversity net gain.

Page 18 para 5.4	<i>Replace paragraph 5.4 with: 'The policy complements the provisions of the Environment Act 2021 which sets out how the national requirements for biodiversity net gain will be delivered.'</i>	Agree	The council considers the modification to the supporting text necessary as a consequential change from the modification to the policy.
Page 18 Policy BERIN5: Community-led Renewable Energy Generation	<b>In the final sentence replace 'encouraged' with 'supported'</b>	Agree	The council consider the modification to the policy necessary to provide the clarity required by the NPPF and to allow for it to be applied through the development management process.
Page 20 Policy BERIN7: Water	<b>Replace the policy with:  'A. All new housing development proposals should demonstrate that there are, or will be, adequate water supply and water treatment facilities in place to serve the whole development. Where development proposals are phased, each phase should demonstrate sufficient water supply and water treatment capacity.  B. Any development proposal should demonstrate that it meets or exceeds appropriate standards of sewerage, drainage provision and flood alleviation to minimise unacceptable impacts on immediate neighbours, the local environment, and the wider community of Berinsfield.'</b>	Agree	The council consider the modifications to the policy necessary to provide the clarity required by the NPPF and to allow for it to be applied through the development management process.
Page 22 Policy BERIN9: Crime Prevention &	<b>Replace the policy with: 'As appropriate to their scale, nature, and location, and where it is practicable to do so, new developments and</b>	Agree	The council consider the modifications to the policy necessary to provide the clarity required by the NPPF.

Reduction	<b>improvements to existing buildings and spaces should incorporate the principles of Secured by Design and achieve ‘Secured by Design’ accreditation to ensure that a safe and sustainable community is maintained.’</b>		
Page 23 Policy BERIN10: Traffic	<b>Replace ‘must’ with ‘should’</b>	Agree	The council consider the modification to the policy necessary to provide the clarity required by the NPPF.
Page 23 Policy BERIN11: Roman Road	<b>Replace the policy with: ‘Proposals to install a hard-surface sustainable travel track along that part of the Roman Way bridlepath within Berinsfield as part of the Garden Village masterplan will be supported.’</b>	Agree	The council consider the modifications to the policy necessary to avoid the plan commenting on proposals on land outside of the parish.
Page 24 Policy BERIN12: Parking	<b>Replace Part A of the policy with: ‘Proposals for new residential development should incorporate parking provision in accordance with Oxfordshire County Council parking standards.’</b>  <b>Replace Part C of the policy with: ‘Proposals for commercial buildings/sites should also provide parking provision in accordance with the Oxfordshire County Council parking standards.’</b>	Agree	The council consider the modifications to the policy necessary to provide the clarity required by the NPPF.
Page 26 Policy BERIN13: Health Facilities	<b>Replace ‘encouraged’ with ‘supported’</b>	Agree	The council consider the modification to the policy necessary to provide the clarity required by the NPPF.

Page 26 para 7.2	<i>Replace paragraph 7.2 with: ‘The existing Health Centre and dispensary provides a valued service to patients from Berinsfield and the surrounding rural area. There is also an NHS dental practice. However, residents currently need to travel to one the nearby towns to visit an optician. The policy therefore supports the retention of, improvements to and expansion of existing healthcare facilities, alongside provision of new facilities, in the neighbourhood area. Development proposals which would directly or indirectly result in the loss, removal, or degradation of existing healthcare facilities will not be considered appropriate by the local community.’</i>	Agree	The council consider the modification to the supporting text necessary to provide the clarity required by the NPPF.
Page 27 Policy BERIN16: Allotments	<b>Replace the second sentence of the policy with: ‘Wherever practicable’ new allotments should include raised beds.’</b>	Agree	The council consider the modifications to the policy necessary to provide the clarity required by the NPPF.
Page 27 Policy BERIN18: Sports & Recreational Facilities	<b>Replace Part A with: ‘Development proposals which would improve the buildings, facilities and associated infrastructure of existing sport and recreational sites will be supported. Proposals which would provide greater employment or tourism benefits and/or they would improve access to sport, recreation and or exercise for all ages will be particularly supported. Proposals to change the use of part of a sports or recreational facility will be supported, provided it can be demonstrated that the facility concerned is surplus to requirements or that the facility can be relocated within the parish and that the</b>	Agree	The council consider the modifications to the policy necessary to provide the clarity required by the NPPF and can be implemented through the development management process.

	<p><b>change of use will not undermine the overall viability and importance of the facility.'</b></p> <p><b>Replace Part B with: 'Proposals to replace or redevelop the Abbey Sports Centre, as shown on the Policies Map, to serve the new Garden Village will be supported.'</b></p>		
Page 29 para 7.11	<p><i>End of 7.11 add: 'Part B of the policy offers support for proposals to replace or redevelop the Abbey Sports Centre, as shown on the Policies Map, to serve the new Garden Village. The community expects that the replacement or redeveloped facilities will include an improved swimming pool and deliver better access to a wider range of sports and leisure services.'</i></p>	Agree	The council considers the modifications necessary to the supporting text to provide the clarity required by the NPPF.
Page 32 Policy BERIN19: Community & Education Facilities	<p><b>Replace Part B of the policy with:</b></p> <p><b>'Proposals for new community facilities, including primary school provision, to be delivered as part of the comprehensive masterplan for the strategic allocation STRAT10i Land at Berinsfield Garden Village should respond positively to the following principles:</b></p> <ul style="list-style-type: none"> <li>• they will be accessible to the village population as a whole and, in combination with existing facilities, meet the needs of the population of the village;</li> <li>• they can be accessed by all village</li> </ul>	Agree	The council considers the modifications necessary to the supporting text to provide the clarity required by the NPPF.

	<p>residents in a safe and convenient way that does not rely solely on making car journeys; and</p> <ul style="list-style-type: none"> <li>they will ensure a comprehensive approach and avoid two distinct parts of the village each being served by its own facilities.'</li> </ul>		
Page 36 Policy BERIN20: Employment Uses	<p><b>Replace Part A of the policy with:</b></p> <p><b>'Proposals for the development or regeneration of the industrial units on the Deacon's Estate, as shown on the Policies Map, will be supported where they provide improved local employment facilities or contribute positively towards the Garden Village principles.'</b></p>	Agree	The council considers the modifications to the policy necessary as they relate to a typographic issues.
Other Matters-Specific	<p><i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i></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.
Other Matters-Specific	<p><i>Revise the Plan to incorporate the SODC points 1-6, and 9.</i></p>	Agree	The council consider these modifications necessary as they relate to factual corrections and updates or the examiner's recommendations.



