

SOUTH OXFORDSHIRE DISTRICT COUNCIL

JOINT HENLEY AND HARPSDEN NEIGHBOURHOOD DEVELOPMENT PLAN REVIEW: FINAL DECISION STATEMENT

DATE OF PUBLICATION – 07/06/2024

1. Decision

- 1.1. Following an Independent Examination and a positive referendum result South Oxfordshire District Council decided at the Council meeting on 8 December 2022:
1. To make the Joint Henley and Harpsden Neighbourhood Development Plan Review so that it continues to be part of the council's development plan.
 2. To delegate to the Head of Policy and Programmes, in agreement with the Qualifying Body, the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.

2. Background

- 2.1 The parishes of Henley-on-Thames and Harpsden were designated as a Neighbourhood Area on 10 June 2013.
- 2.2 Following the submission of the Joint Henley and Harpsden Neighbourhood Plan Review 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 16 March 2022.
- 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 11 October 2022 that the Plan, as modified by the Examiner's recommendations, should proceed to referendum.

- 2.5 A referendum was held on Thursday, 24 November 2022 and 81.6% 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 11 October 2022 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 In order to comply with the basic condition on the European Union legislation, the Qualifying Body produced a Strategic Environmental Assessment, dated September 2021. The Strategic Environmental Assessment sets out the introduction in section 1, what the plan is seeking to achieve in section 2, and the scope of the SEA in section 3. Section 5 defines scenarios, section 7 develops the preferred approach, and section 8 details the methodology. The assessment of the revised the plan is set out in section 9 and sections 11 and 12 set out the next steps and monitoring. The Environmental Report is well-considered and detailed. It assesses the environmental conditions in the neighbourhood area and appraises the policies (and reasonable alternatives)

against the framework developed through the Scoping Report. The SEA is fit for purpose and conforms with the Practical Guide to the SEA Directive (Office of the Deputy Prime Minister 2005).

- 3.5 The reviewed Plan would not give rise to significant environmental effects on European sites. The Council screened the Plan potential impact on EU Special Areas of Conservation (SACs) in June 2019. 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.
- 3.6 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.
- 3.7 A referendum relating to the adoption of the Joint Henley and Harpsden Neighbourhood Development Plan Review was held on Thursday 24 November 2022.
- 3.8 The question which was asked in the Referendum was: *“Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Henley and Harpsden to help it decide planning applications in the neighbourhood area?”*
- 3.9 The result was as follows:

Response	Votes	Per cent of total
Yes	1207	81.6%
No	266	18.0%
Turnout	1479	15.3%

- 3.10 The majority of local electors voted in favour of the plan; therefore, the Joint Henley and Harpsden Neighbourhood Plan Review has become part of the council's development plan.
- 3.11 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 Joint Henley and Harpsden Neighbourhood Development Plan Review so that it continues to be part of the council's development plan.

3.12 The Council decided at the Council meeting on 8 December 2022 to make the Joint Henley and Harpsden Neighbourhood Plan Review part of the Development Plan for South Oxfordshire.

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 Joint Henley and Harpsden Neighbourhood Plan Review can be viewed on the Council's website:

<http://southoxon.gov.uk/henley-and-harpsden-np>

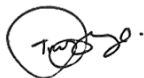
4.2 Hard copies of this Decision Statement and the Joint Henley and Harpsden Neighbourhood Plan can be inspected at:

Reception South Oxfordshire District Council 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: planning.policy@southandvale.gov.uk to book an appointment.
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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 Henley-on-Thames Town Council
- The persons who asked to be notified of the decision

Signature:



Date: 07/06/2024

Tim Oruye

Head of Policy and Programmes