

**To:** City Executive Board

**Date:** 23<sup>rd</sup> April 2014

**Report of:** Head of City Development

**Title of Report:** Designation of Headington Neighbourhood Area

### Summary and Recommendations

**Purpose of report:** To designate the Headington neighbourhood area. For clarification, this is not intended to be designated as business areas.

**Key decision?** Yes

**Executive lead member:** Councillor Colin Cook

**Policy Framework:** Designation of neighbourhood areas will be the first step for local groups wishing to produce neighbourhood plans. Adopted Neighbourhood plans will contain statutory planning policies to guide development in the neighbourhood plan areas.

**Recommendation(s):** That City Executive Board:

1. Designates the proposed Headington Neighbourhood Area.
2. Does not designate the area as a business area.

**Appendix 1 Map of the proposed neighbourhood area**

**Appendix 2 Application received**

**Appendix 3 Summary of comments received**

### Introduction

1. City Executive Board is asked to consider the proposed Headington neighbourhood area for designation. The applications to designate the neighbourhood area has been received from a group who wish to begin the neighbourhood planning process. A map of the areas is shown in **Appendix 1**.
2. The local group has applied for designation of the neighbourhood areas as a first step to preparing a neighbourhood plan. The Localism Act has introduced new rights and powers to enable communities to get directly involved in planning for their areas. Neighbourhood planning will allow interested communities to come together through a neighbourhood forum (or parish council where they exist) and produce a neighbourhood plan. The

contents of the neighbourhood plans will be shaped by the local communities. They are about being able to say where new houses, businesses, shops and so on should go and what they should look like. Once plans are adopted they will become part of the statutory development plan, and therefore an important consideration when making decisions on planning applications.

3. Planning Regulations set out the requirements for designation of a neighbourhood area. The neighbourhood area application received (see **Appendix 2**) should be judged against these criteria. The proposed neighbourhood area has been advertised for a statutory period of six weeks (14<sup>th</sup> February-28<sup>th</sup> March 2014) and comments were invited. A summary of comments received is shown in **Appendix 3**.

### **Compliance with planning regulations**

4. The Neighbourhood Planning (General) Regulations 2012 include the criteria that must be met in neighbourhood area applications. These are that:
  - a map is provided that identifies the area to which the area application relates;
  - a statement is provided explaining why the area is considered appropriate to be designated as a neighbourhood area; and
  - a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.
5. In addition to this, the City Council's own guidance suggests some other criteria are met, mainly for practical reasons. These are that:
  - The area should be at least the size of one Council ward, and only smaller if it is justified;
  - An area is expected to be contiguous with ward or existing electoral boundaries (for example polling station boundaries). This is so that it is possible to run the referendum in which all residents of the neighbourhood area will be given the opportunity to vote for whether a completed neighbourhood plan should be adopted;
  - Support from Ward Councillors is expected;
  - There should be support from a cross section of local groups not just one organisation.
6. The application received is attached in **Appendix 2** and a map of the area in **Appendix 1**. Information is provided to show that the applicant is capable of being a relevant body (i.e. of being designated a neighbourhood forum, which has its own set of requirements set out in the Neighbourhood Planning Regulations). Ward councillors have been involved in the application, as is suggested by the City Council's guidance note. The ward boundary of Headington was not felt to be an adequately representative boundary of the local community. The neighbourhood forum has put a lot of work into attempting to draw up a suitable boundary. The proposed boundary represents a fairly large area; certainly not one that is impractically small. It includes the whole of Headington Ward. It also includes the part of Quarry and Risinghurst outside of the parish boundary and the part of Churchill and Wood Farm Ward that is outside of the Wood Farm

regeneration area and excluding South Park, which is considered more of a city wide resource. It includes a polling district in Barton and Sandhills Ward that is within the ring road and the part of Headington Hill and Northway ward that falls within the Headington Hill conservation area and to include a portion of Jack Straws Lane. Electoral services were consulted by the local group with regards to electoral boundaries, to ensure the referendum can run smoothly.

### **Consultation responses**

7. The City Council has a statutory requirement to publicise for 6 weeks any qualifying applications we receive to designate a neighbourhood area (which is the first step for groups wishing to develop a neighbourhood plan) or a neighbourhood forum (which gives qualifying groups the status they need in order to develop a neighbourhood plan).
8. The receipt of the area application was publicized by direct letter and email and also posters, with the intention of raising awareness within and around the relevant area. Comments were invited, giving people the opportunity to raise objections. It was particularly important that local groups within or adjoining the proposed areas were made aware of the applications, because once an area is designated no other area within or partly within it can then be designated. Known local groups were contacted directly.
9. Nine consultees responded in support of the proposed neighbourhood area, including Friends of Old Headington, Highfield Residents' Association, Headington Action. Several of these acknowledged that the identification of a neighbourhood area representing Headington is a complicated task.
10. A few respondents were concerned that the proposed area was too large and did not represent a community. One respondent felt the area beyond Osler Road is really related to Marston. This area was included to ensure some major institutions and Brookes campuses, which are considered by the neighbourhood group to be relevant to Headington, can be included in the neighbourhood plan. There was support from several respondents for inclusion of major institutions within the area.
11. One respondent thought that the area was so large that it cannot cover local concerns; these local concerns will be different from, and sometimes antithetical to, opinions and needs of residents and institutions in different parts of the space. It is certainly the case that there will be different concerns and needs in such a large area. However, it could also be argued that that would be the case in a smaller area; even within one road people's concerns or needs will vary greatly. There may indeed be many who do not feel they share a community interest with those in a different part of the proposed area. However, there were a larger number of respondents concerned that the proposed area missed out places it should include, than there were respondents who thought the area was too large.
12. Six respondents objected to the proposed boundary coming in from the ring road at Trinity Road and excluding a triangular area including the Stansfeld

Outdoor Education Centre, Stansfield Close, Douglas Downes Close and Spring Lane. There is particular concern about this area because the Stansfeld Education Centre, owned by Birmingham City Council, is being marketed for sale. The site is protected as a SLINC, but there is a feeling among respondents that including the land in a neighbourhood plan would ensure residents have more of a say on what developments are permitted if the site is sold off. However, it would not be possible to include the area in a neighbourhood area, because it is within Risinghurst and Sandhills Parish Council's area. Schedule 9 of the Localism Act says in paragraph 4 of 61F that: 'An organisation or body may be designated for a neighbourhood area only if that area does not consist of or include the whole or any part of the area of a parish council.' Therefore, for a group to later be capable of being designated the neighbourhood forum for a designated neighbourhood area, that neighbourhood area cannot include any part of a parish council area. The neighbourhood forum state in their neighbourhood area application they envisage that residents excluded because of the parish boundary will still be consulted about any neighbourhood and community plans in the Headington neighbourhood area.

13. One respondent was concerned that there would be administration issues in the future because a part of the Old Headington Conservation area close to the boundary with Northway is not included in the proposed neighbourhood area. It is the case that the Dunstan Park is included in the conservation area but not in the neighbourhood plan area. However, there is no particular practical reason that an entire conservation area be included in a neighbourhood area. Adopted Planning Policies that relate to the conservation area will continue to apply. Friends of Old Headington responded in support of the initiative and said they feel the proposed area is appropriate.
14. Two respondents objected to much of Wood Farm being excluded from the proposed neighbourhood area. The neighbourhood area application notes that the part of the Churchill and Wood Farm ward that is within the Wood Farm regeneration area boundary is excluded from the proposed neighbourhood area. There is no technical reason why the designation of Wood Farm as a regeneration area should mean it is excluded from the Headington Neighbourhood Area. However, its designation as a regeneration area suggests that the Wood Farm area has previously been defined as a community itself.
15. The neighbourhood forum has worked hard to define the area. There are those who feel excluded. There are also those who feel the area is too large and does not represent a true community. However, clear reasons for the choice of the proposed Headington Neighbourhood Area were given in the application. The area chosen is said to include 'those residential areas having a clear association with Headington through the three historic villages and the approach from Headington Hill. It also includes the majority of hospital and University sites.' The proposed area is justified, as required by the Regulations, and also meets other requirements of the Regulations such as excluding parished areas. There is also evidence of local support for the proposed area.

### **Business Area Designation**

16. When the City Council designates a neighbourhood area it is required to also consider whether the area should be designated as a business area. An area should be designated as a business area only if the City Council considers that the area is wholly or predominantly business in nature. It is considered that the proposed neighbourhood area does not meet this criterion and, accordingly, should the neighbourhood area be designated it is recommended that it is not also designated as a business area.

### **Environmental impact**

17. This stage of the neighbourhood planning process only involves the defining of areas. No Sustainability Appraisal is required for this stage; although as plans are drafted it may be necessary to carry out Sustainability Appraisals for any plan assessed as having potentially significant environmental effects.

### **Equalities impact**

18. Consideration has been given to the public sector equality duty imposed by s149 of the Equality Act 2010. Having paid due regard to the need to meet the objectives of that duty the view is taken that the duty is met.

### **Financial implications**

19. Once applications are received for groups to be granted neighbourhood forum status, the city council is required to publicise these. The City Council is also obliged to offer a certain degree of help to groups as they produce their plans. As well as this, the City Council must consult on draft plans, organise an examination and run the referendum. These requirements will be met from the current resources of the Planning Policy team, supplemented by grants available from central government to district councils for each neighbourhood plan.

20. It should also be noted that, on adoption of a neighbourhood plan, the local community will be entitled to an increase in the proportion of CIL receipts that are to be spent in the locality with community input. This will rise from 15% of CIL receipts to 25% of CIL receipts. The City Council will retain all the CIL monies but engage with the communities where the development has taken place and agree with them how best to spend the neighbourhood funding element. The neighbourhood forum will not directly receive the money, as it will not be an "accountable body". All that would change on adoption of a neighbourhood plan would be that the proportion to spend locally in agreement with the community would rise from 15% to 25%.

## **Legal implications**

21. Officers consider that the information provided by the neighbourhood forum is adequate to show that the statutory requirements for the designation of the neighbourhood area are met.

## **Risk assessment**

22. A risk assessment has been undertaken. No significant risks were identified.

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**List of background papers:** None

Version 1