

To: City Executive Board
Date: 8 August 2016
Report of: Head of Planning and Regulatory Services
Title of Report: Headington Neighbourhood Plan

Summary and recommendations	
Purpose of report:	To endorse the consultation required by regulations for the Headington Neighbourhood Plan
Key decision:	Yes
Executive Board Member:	Councillor Hollingsworth, Board Member for Planning and Regulatory Services
Corporate Priority:	None
Policy Framework:	None
Recommendations: That the City Executive Board resolves to:	
<ol style="list-style-type: none"> 1. AGREE that the legal tests have been met. 2. ENDORSE the consultation on the submitted Headington Neighbourhood Plan 3. PROCEED with the neighbourhood planning process by submitting with the outcome of the consultation exercise, the draft plan for independent examination 	

Appendices	
Appendix 1	Map of Neighbourhood Plan Area
Appendix 2	Submission Materials Accompanying Neighbourhood Plan
Appendix 3	Proposed Timetable to Referendum
Appendix 4	Risk Register

Introduction and background

1. The Localism Act introduced new rights and powers to enable communities to get directly involved in planning for their areas. Neighbourhood planning allows interested communities to come together through a Neighbourhood Forum to produce a neighbourhood plan. Once a neighbourhood plan is adopted or 'made' it

will become part of the statutory development plan, and therefore an important consideration when making decisions on planning applications.

2. Regulations set out the requirements for the process prior to submission of a neighbourhood plan and once a neighbourhood plan is submitted.
3. The draft neighbourhood plan was submitted by the Headington Neighbourhood Forum on 13 June 2016. The contents of the Headington Neighbourhood Plan, has been shaped by the local community. The draft plan and submission materials received are set out at Appendix 2. The draft neighbourhood plan is for the area formally designated on 23 April 2014. A map of this area is shown in Appendix 1.
4. It is worth noting that the Plan as submitted has been produced by the Headington Neighbourhood Forum. It is not the role of the City Council at this stage, to comment on the content of the Headington Neighbourhood Plan. The City Council will be given the opportunity to provide comments and representations on the content of the plan as part of the consultation which it is recommended that the City Executive Board endorse.

Programme Timetable for the Headington Neighbourhood Plan

5. Appendix 3 shows the proposed timetable going forward. The reason for the Headington Neighbourhood Plan coming to this City Executive Board meeting is that it enables, potentially and should the timetable run to plan, a referendum that coincides with the elections in May 2017. There are risks to the timetable and these are set out in the risk register at Appendix 4.

Compliance

6. On receipt of a draft Neighbourhood Plan the Council must consider whether the body that submitted it is authorised to do so. The Headington Neighbourhood Forum was designated for this purpose by a prior meeting of CEB so is authorised. The Council must also consider whether any relevant regulations relating to that authorisation are complied with. There is no relevant breach of regulations.
7. The Council is required to consider whether the regulations made concerning neighbourhood planning have been complied with.
8. The Neighbourhood Planning (General) Regulations 2012 include the supporting documentation that must be included when a Neighbourhood Plan has been submitted. These documents are:
 - a map or statement which identifies the area to which the proposed neighbourhood development plan relates;
 - a consultation statement – which contains details of those consulted, how they were consulted, summarises the main issues and concerns raised and how these have been considered, and where relevant addressed in the proposed neighbourhood plan;
 - the proposed neighbourhood development plan; and
 - a statement explaining how the proposed neighbourhood development plan meets the ‘basic conditions’, i.e. requirements of paragraph 8 of Schedule 4B to the 1990 Act;

- a statement of reasons for determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects;
 - a Habitat Regulations Assessment Screening statement.
9. The submission materials provided are attached in Appendix 2 and a map of the area is provided at Appendix 1.
10. Officers are of the view that the submission materials meet those regulatory requirements. It is important to note that the issue is whether these documents have been submitted, nothing more. The Council is not, at this point, considering issues such as whether it agrees that the 'basic conditions' have been met. If the Council is satisfied that it has received the required documents it is required to publicise the Plan proposal inviting representations which will be taken into account in the independent examination of the draft Plan.
11. In addition to this, it is important that the Neighbourhood Plan has been produced in accordance with the requirements of the 2012 Regulations. The previous statutory stage "Pre-submission consultation and publicity" requires that, before submitting a plan or proposal to the local planning authority, a qualifying body must:
- Publicise, in a manner that is likely to bring to the attention of people who live, work or carry on business in the area –
 - Details of the proposal for a neighbourhood development plan;
 - Details of where and when the proposals for a neighbourhood development plan may be inspected;
 - Details of how to make representations;
 - The date by which those representations must be received being not less than 6 weeks from the date on which the draft plan is first publicised;
 - Consult any consultation body referred to in paragraph 1 of schedule 1 whose interests the qualifying body considers may be affected by the proposals for a neighbourhood development plan;
 - Send a copy of the proposals for a neighbourhood development plan to the local planning authority.

Pre-submission Consultation

12. The consultation statement outlines the details of the various consultation stages including the statutory consultation stage.
13. City Council officers have checked the submission material and are confident that all the relevant documentation is in order. In legislative terms, officers are able to recommend that submission has 'satisfied' the requirements of the regulations. The plan was publicised in accordance with the Regulations. The City Council has been consulted and has provided input to the process through an on-going dialogue including meetings and email correspondence which has resulted in amendments and improvements to policies in the plan.

14. If the Council is satisfied that these requirements have been complied with it must notify the Headington Neighbourhood Forum and make arrangements for the independent examination of the draft Plan.

Contents of the Plan

15. The plan itself contains a vision for Headington. The vision for the plan is as follows:

Headington Neighbourhood Plan celebrates the diversity and identity of Headington. Working with our partners and neighbours we plan to balance the opportunities in Headington to provide a healthy, positive and vibrant environment for people to live, work and study in."

16. The plan also contains three objectives for the plan. These are as follows:
 - Improving the quality of life for residents, workers and students;
 - Establishing and promoting an identity which embraces the diverse nature of Headington;
 - Fostering beneficial development.
17. The plan contains two types of policies. The first are planning policies which will, once adopted, form part of the statutory development plan for the area. Planning policies have been labelled 'P' (i.e. TRP is a Transport Spatial Planning Policy).
18. The second type of policies, are community policies. These will not form part of the development plan, once adopted, and relate to the delivery of change within Headington. Community Policies are distinctly labelled as 'C' (i.e. HGC is a Housing Community Policy) in order to set them apart from the planning policies.
19. The Headington Neighbourhood Plan contains policies to guide the development of the Headington Neighbourhood Area. The policy covers six different areas:
 - Green Spaces and Amenity (planning and community policies)
 - Business and Retail (community policies only)
 - Character and Identity (planning and community policies)
 - Education (planning policies only)
 - Housing (community policies only)
 - Transport (planning and community policies)
20. The Headington Neighbourhood Plan does not contain any site allocations.
21. At this stage the role of the City Council is to be 'satisfied' that the legal requirements have been met. The City Council will have the opportunity to provide comments on the content of the plan as part of the six week consultation stage following endorsement from CEB. The types of comments that the City Council is likely to be providing will relate to the following :
 - Ensuring that the policies within the Headington Neighbourhood Plan align with both Oxford's adopted Local Plan and future proofing them in order to ensure they do not prejudice the forthcoming Local Plan 2036.

22. Our work with the Neighbourhood Forum has already led to the transformation of the Housing Planning Policy to a Community Policy where the Neighbourhood Forum will be raising awareness of the issue of the need for Key Worker Housing in the Local Plan 2036.

Linkages between the Local Plan and the Neighbourhood Plan

23. The Headington Neighbourhood Plan, once adopted (or 'made') will form part of the statutory development plan framework. As such it will be considered alongside the existing Local Plan. The National Planning Policy Framework provides that it is the most recent development plan document that takes precedence. Therefore once made, the Headington Neighbourhood Plan will take precedence over the existing Local Plan if there is a non-strategic policy conflict.

Environmental Impact

24. A combined Strategic Environmental Assessment and Habitat Regulations Assessment Screening Statement, has been submitted as part of the supporting evidence. The conclusions of this statement consider that the Headington Neighbourhood Plan is unlikely to have significant environmental effects on the environment. It also concludes that it is unlikely to impact on the Oxford Meadows SAC. The accuracy or adequacy of these documents is to be assessed in subsequent parts of the neighbourhood planning process.

Financial Implications

25. The City Council must consult on the draft Plan, 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.
26. It should also be noted that, on adoption of a neighbourhood plan, the local community will be entitled to an increase in the Neighbourhood Proportion of the 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.

Legal Issues

27. Officers consider that the information submitted by the Neighbourhood Forum is sufficient for the City Council to be "satisfied" and for the consultation to proceed and that the other statutory requirements are met so that, with the benefit of the outcome of that consultation, the draft Plan is to be submitted for independent examination.

Level of risk

28. The risk register is attached at Appendix 4. There are several risks associated with undertaking this timetable. These are as follows:
- The timetable assumes an examination that is undertaken by written representations and takes six weeks for the examiner to complete. This is an unknown element of the timetable. Depending on the amount of

representations, and their complexity, the examination could take longer than the six weeks in the timetable. The City Council has no control over this element of the timetable. The six week period is a best-guess estimate from information provided from conversations with other local authorities who have produced neighbourhood plans and from information provided by Planning Aid on the likely length of examinations. If the examiner decides that the Neighbourhood Plan should take place via hearing sessions, this length of time could be up to three months. The majority of neighbourhood plans are undertaken by written representations; however it is necessary to highlight this as a potential risk to the timetable.

- The timetable means that there is an overlap of one day between the end of one of the legal challenge periods – the CEB Decision Notice legal challenge period - and the start of the consultation on the referendum. If there was a legal challenge at this stage then it is possible that the referendum would not go ahead as planned in May. However the fact that the periods overlap would not preclude the fact that a legal challenge could come in at the end of the legal challenge period and if a legal challenge arose at this stage then we would have to deal with it, regardless of whether the periods overlapped or not.
- There are several other risks to the timetable including only having three weeks for the City Council to agree any modifications to the Neighbourhood Plan with the Neighbourhood Forum once the Inspector's Report is received. Any delay in the receipt of the Inspector's Report would reduce this period, which is currently set at 3 weeks. If we stick to this timetable then the City Council requests that key representatives from the Neighbourhood Forum are available between the start of the week commencing 21 November 2016 until the end of the week commencing 5 December 2016 for detailed discussions on any potential changes that the examiner recommends as part of their report.
- With any plan that is written, there is a risk that it will not be found sound. If following the examination period, this is the case, then the plan would need to be resubmitted and the process started again.

Equalities Impact

29. Consideration has been given to the public sector equality duty imposed by s149 of the Equalities 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. The consultation meets the requirements of the Statement of Community Involvement for Planning, which has undergone its own Equalities Impact Assessment. Again, the impact of the Plan on these issues would be a matter for subsequent parts of the neighbourhood planning process

Report author	Richard Wyatt
Job title	Planner (Planning Policy)
Service area or department	Planning Policy
Telephone	01865 252704
e-mail	rwyatt@oxford.gov.uk

Background Papers: None

This page is intentionally left blank