

To: City Executive Board
Date: 9 March 2017
Report of: Head of Planning and Regulatory
Title of Report: Headington Neighbourhood Plan

Summary and recommendations	
Purpose of report:	To consider the Examiner's Report, approve modifications to the Headington Neighbourhood Plan and agree that the Headington Neighbourhood Plan is submitted to a referendum.
Key decision:	Yes
Executive Board Member:	Cllr Alex Hollingsworth, Planning and Regulatory Services
Corporate Priority:	Strong and Active Communities; Meeting Housing Needs; A Vibrant and Sustainable Economy; A Clean and Green Oxford
Policy Framework:	None
Recommendations: That the City Executive Board resolves to:	
<ol style="list-style-type: none"> 1. Approve the Modifications to Policies in the Headington Neighbourhood Plan as recommended by the Examiner's Report (January 2017); 2. Approve the factual modifications that have been made for the purpose of correcting errors and approve the factual modifications relating to textual changes in the introductory chapters or in terms of the justification for the policies in the Headington Neighbourhood Plan; 3. Agree that the Headington Neighbourhood Plan (as modified in the form at Appendix 3) is submitted to a referendum. 	

Appendices	
Appendix 1	Map of neighbourhood plan area
Appendix 2	Headington Neighbourhood Plan 2017 – 2032 Submission Version A Report to Oxford City Council on the Examination of the Headington Neighbourhood Plan'
Appendix 3	Headington Neighbourhood Forum Draft Neighbourhood Plan 2017 – 2032 showing proposed modifications

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. There are detailed statutory requirements for the process prior to submission of a draft neighbourhood plan and once such a plan has been submitted.
3. The draft Headington Neighbourhood Plan 2017-2032 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 Submission Stage Consultation (Regulation 16) took place for 6 weeks between Friday 26 August 2016 and Friday 7 October 2016. Following on from this an independent Examiner was appointed. The Neighbourhood Plan received responses from 20 organisations and individuals.
4. The draft neighbourhood plan is for the area formally designated on 23 April 2014. A map of this area is shown in Appendix 1.

The Examiner's conclusions

5. Under the terms of the neighbourhood planning legislation the Examiner is required to make one of three possible recommendations these being:-
 - (i) that the plan should proceed to referendum on the basis that it meets all the legal requirements; or
 - (ii) that the plan should proceed to referendum if modified; or
 - (iii) that the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
6. On January 4th, the City Council received the Examiner's Report (see Appendix 2). The Examiner was satisfied with the Plan subject to a number of recommended changes to policies in the plan. He did not make changes to the supporting text of the plan (see para. 10 below). His recommended amendments included the deletion of policies relating to protecting the views of Headington from outside the Plan area which are intended to protect its green setting, as these policies would relate to land which falls outside the plan area.
7. Whilst the Examiner acknowledged that he may have had to make some recommendations that will disappoint the Forum, he specified that he did so only to ensure that the Plan meets its statutory tests which enable him to recommend that the Plan goes forward. Notwithstanding the changes that he has had to recommend, he is certain that the main thrust of the Submission Version of the Neighbourhood Plan remains.
8. The Examiner's overall conclusions are that:-
 - (1) if the Plan is amended in line with his recommendations, it will meet all the statutory requirements including the Basic Conditions test; and

- (2) if the amended Plan is successful at referendum, it is appropriate that it be made.

The Examiner was therefore 'delighted' to recommend to Oxford City Council that the Headington Neighbourhood Development Plan, as modified by his recommendations, should now proceed to referendum. His report stated that "The Neighbourhood Forum are to be congratulated on such a locally distinctive plan, which confronts the challenges facing the Headington area."

9. The Council is now required to consider each of the Examiner's recommendations (and the reasons given) and decide what action to take in response to each of those recommendations.
10. The Council must decide to proceed to the holding of a referendum if it is satisfied that:
 - a. Having regard to national policies and the advice of the Secretary of State's guidance, it is appropriate to make the Plan
 - b. The Plan would contribute to the achievement of sustainable development
 - c. The Plan would be in general conformity with the strategic policies of the Development Plan
 - d. The Plan would not breach (and would be compatible with) EU obligations
 - e. Requirements imposed by regulations (e.g. as to consultation) are complied with
 - f. The Plan would be compatible with rights established in UK law by the Human Rights Act 1988
11. The Examiner has considered all of these matters in reaching his recommendation that the Plan should proceed to referendum, officers respectfully adopt the reasoning of the Examiner and see no basis for coming to contrary conclusions as to any of his recommendations. Should CEB resolve as recommended (recommendations 1 and 3) it will be on the basis of accepting all of the Examiner's recommendations and his reasoning.
12. The Council can proceed with the Plan in a modified form but there are limits to the power to modify. These are limited to modifications to ensure that the Plan meets the requirements set out in paragraph 10 above (recommendation 1) and error corrections (recommendation 2).

Subsequent steps undertaken with the Neighbourhood Forum

13. Officers met with two members of the Neighbourhood Forum to outline the Examiner's recommendations with them and to set out proposed changes to the supporting text. The proposed textual changes (which feature in Appendix 3) are intended to both align the text with the policy changes and ensure that the document reads as a planning document. They also include factual modifications that have been made for the purpose of correcting errors. Those Forum members subsequently took the proposed changes to their Steering Committee meeting. The message received back from the Chair of the Neighbourhood Forum was as follows:

"Our Steering Committee was happy to recommend to the Forum that it should endorse the amended plan. We will hopefully convene the forum in early February

- so you'll have plenty of notice of any views that CEB ought to know about before they meet.”

Next steps towards Referendum

14. Regulations require the decisions on the Examiner’s recommendations to be made within five weeks of receipt of the Examiner’s report unless some other date has been agreed with the Neighbourhood Forum. In this case the date 9th March (date of this CEB meeting) has been agreed.
15. Once CEB has made its decision as to the Inspector’s recommendations that decision together with its reasoning and the Examiner’s report will be publicised and the Council will proceed with the referendum in conjunction with the local government elections scheduled for Thursday 4 May 2017. The referendum will be fully publicised.

Policies in the Headington Neighbourhood Plan that will form part of the Development Plan

16. The Headington Neighbourhood Plan contains two types of policies. It contains policies that relate to the control of development (planning policies) which are labelled ‘P’. These are the policies in the plan which will form part of the development plan and will be used to determine planning applications within the Headington Neighbourhood Area. Appendix 5 shows a full list of all the planning policies (as amended by the examiner). There is another type of policy in the Headington Neighbourhood Plan. These policies relate to wider community aspirations and are called community policies. These policies have been labelled ‘C’ and do not relate to land-use matters or form part of the statutory development plan.

Linkages between the Local Plan and the Neighbourhood Plan

17. If more than half of those voting in the referendum vote in favour of the Plan the Council is required to make that plan at which point the Headington Neighbourhood Plan will form part of the statutory development plan. The significance of this is that where future planning decisions have to be made in accordance with the development plan unless material considerations indicate otherwise the Neighbourhood Plan will have the same status as, for example, the Core Strategy and the Sites and Housing Plan. If there is conflict between the documents making up the development plan, the Neighbourhood Plan will prevail as it will be the most recent.

Environmental Impact

18. A combined Strategic Environmental Assessment and Habitat Regulations Assessment Screening Statement was 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 concluded that it is unlikely to impact on the Oxford Meadows SAC. The accuracy and adequacy of these documents has been assessed in subsequent parts of the neighbourhood planning process.

Financial Implications

19. The City Council must run the referendum. This requirement 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 be noted that from adoption of a neighbourhood plan the neighbourhood portion of the CIL receipts generated locally that can be retained and spent locally increases from 15 to 25%.

Legal Issues

21. The legal issues relevant to the decisions before CEB are rehearsed through this report.

Level of risk

22. The Risk Register is attached at Appendix 4. There are no abnormal risks

Equalities Impact

23. 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.

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Background Papers: None

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