

To: City Executive Board
Date: 18 September 2018
Report of: Head of Planning, Sustainable Development and Regulatory Services
Title of Report: Wolvercote Neighbourhood Plan

Summary and recommendations	
Purpose of report:	To endorse the consultation on the Draft Wolvercote Neighbourhood Plan as required by Regulations
Key decision:	No
Executive Board Member:	Councillor Hollingsworth, Board Member for Planning, and Transport
Corporate Priority:	Strong and Active Communities
Policy Framework:	Consultation on a draft plan is an important step in the process of producing a neighbourhood plan. When adopted, neighbourhood plans will form part of the planning policy framework for the area and will be used in the determination of planning applications.
Recommendations: That the City Executive Board resolves to:	
<ol style="list-style-type: none"> 1. Agree that the legal tests have been met and to proceed with the consultation stage: 2. Endorse for public consultation the Draft Wolvercote Neighbourhood Plan; and 3. Proceed with the neighbourhood plan process by submitting the consultation responses and the draft plan for independent examination 	

Appendices	
Appendix 1	Draft Plan
Appendix 2	Appendices to Draft Plan
Appendix 3	Basic conditions statement and map
Appendix 4	SEA Screening Statement
Appendix 5	Consultation Statement
Appendix 6	Appendices to Consultation Statement

Appendix 7	Proposed timetable to Referendum
Appendix 8	Risk Assessment

1. The Localism Act 2011 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 'made' it will become part of the statutory development plan, and therefore is an important material consideration to be used 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. The process followed will be the same in broad principles as those carried out for the Headington Neighbourhood Plan, which has now been 'made'. The City Council has been consulted on this Plan prior to its submission and has provided advice and guidance on the process through an on-going dialogue including meetings and email correspondence which has resulted in amendments and improvements to policies in the plan.
3. The draft Neighbourhood Plan was submitted by the Wolvercote Neighbourhood Forum on 24th July 2018. The content of the Wolvercote Neighbourhood Plan has been shaped by the local community. The draft plan and submission materials received are set out in Appendix 2. The draft neighbourhood plan is for the area formally designated on 10 July 2013. A map of this area which covers the Wolvercote ward is shown in Appendix 1. It is worth noting that the current boundaries of the neighbourhood area are based on ward boundaries. In 2020, there is to be a ward boundary review of the City Council's wards, which may alter the ward boundaries (but not the neighbourhood area) as a result.
4. The Plan as submitted has been produced by the Wolvercote Neighbourhood Forum. It is not the role of the City Council at this stage to comment on the content of the Wolvercote 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 exercise which it is recommended that the City Executive Board (CEB) approve.

Programme Timetable for the Wolvercote Neighbourhood Plan

5. Appendix 3 shows the proposed timetable going forward. The public consultation will run for 6 weeks from 2nd October to 13th November 2018. If the project runs to this proposed estimated timetable, a referendum on the final plan would be held in June 2019. This would not coincide with any planned local or general elections and therefore the City Council would need to organise and fund a stand-alone referendum for this purpose. There are risks to the timetable and these are set out in the risk register in Appendix 4.

Legal compliance

6. On receipt of a draft Neighbourhood Plan the City Council must consider whether the body that submitted it is authorised to do so. The area to be covered by the Neighbourhood Plan was designated as the Wolvercote and Cutteslowe Neighbourhood Plan Area by CEB at their meeting on 10 July 2013. The Forum itself was designated on the 22 January 2014, so is authorised to make a submission. The Council must also consider whether any relevant regulations relating to that authorisation are complied with. Officers consider that there is no breach of relevant Regulations.
7. The Council is required to consider whether the regulations made concerning neighbourhood planning have been complied with. The Neighbourhood Planning (General) Regulations 2012 require that certain documents 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;
 - 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 that the proposal is unlikely to have significant environmental effects under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004; and
 - a Habitat Regulations Assessment Screening statement.
8. The submission materials provided are attached in Appendix 2 and a map of the area is provided at Appendix 1. 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.
9. In addition 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.”
10. Officers consider that these requirements have also been complied with.
11. The consultation statement outlines the details of the various consultation stages including the statutory consultation stage.
12. 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.
13. The Regulations state that if the Council is satisfied that these requirements have been complied with, it must notify the Wolvercote Neighbourhood Forum and make arrangements for the independent examination of the draft Plan.

Summary of the contents of the Plan

14. The Plan itself contains a vision for the Wolvercote area. The vision for the plan, in summary, is for the Wolvercote ward to be an attractive, economically vibrant and culturally lively area. It will be for people of all ages, backgrounds and interests, and will have a strong sense of community. All new building developments should be sustainable and of a high quality, designed to be sensitively integrated with existing buildings so that the valued character of the streets and the green open spaces in all of the ward’s distinct localities is retained and enhanced.
15. The broad aims of the proposals in the Plan seek to benefit all those who live and work in the ward and are for all age groups and future generations. It aims to provide a range of housing, employment opportunities, leisure facilities, green spaces and choice of environmentally sustainable travel options. New building developments will be supported by adequate services. Transport links throughout the city should be maintained and improved that respect the environment and allow safe and easy access. Precautionary measures are promoted to reduce the risk of flooding.
16. The vision and these broad aims will be delivered through fifteen general principles, which include community; schooling; local employment; local retail; mix of housing; building scale, density and design; sustainability and building standards; heritage; renewable energy; energy and resource conservation; noise and air pollution; green spaces and biodiversity; drains and infrastructure; risk of flooding; and traffic, parking and transport.
17. The policies of the Plan have been labelled according to the relevant policy area (eg. GB for Green spaces and biodiversity). 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 and which are referred to as spatial planning policies, which have been labelled as 'S' (eg. GBS is a Green Spaces and Biodiversity 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 the Wolvercote area. Community Policies are distinctly labelled as 'C' (i.e. GBC is an Green Spaces and Biodiversity Community Policy) in order to set them apart from the planning policies.
19. The Wolvercote Neighbourhood Plan contains policies to guide the development of the Wolvercote Neighbourhood Area. The policy covers five different areas:
 - Green spaces and Biodiversity
 - Built Environment
 - Commerce
 - Community, Transport and Health
 - Heritage and Local Character
20. The Wolvercote 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, as set out earlier in paragraphs 7-10. 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 this CEB. The types of comments that the City Council is likely to be providing will relate to the ensuring that the policies within the Wolvercote Neighbourhood Plan align with both Oxford's adopted Local Plan and future proofing them in order to ensure they do not prejudice emerging policies in the Local Plan 2036.

Linkages between the Local Plan and the Neighbourhood Plan

22. The Wolvercote Neighbourhood Plan, once made will form part of the statutory development plan framework. As such it will be considered alongside the all the adopted plans that make up the Development Plan. The National Planning Policy Framework provides that it is the most recent development plan document that takes precedence. Therefore once made, the Wolvercote Neighbourhood Plan will take precedence over the existing Local Plan if there is a non-strategic policy conflict. The emerging policies in the Oxford Local Plan 2036 will however, when adopted, then take precedence over the policies in the Neighbourhood Plan if there is a difference between them.
23. It is worth noting that the Local Plan 2036 timetable suggests submission of the Local Plan in March 2019, with examination hearings in June / July 2019. The likely adoption of the Local Plan 2036 would then be in late 2019. The neighbourhood plan timetable suggests that the neighbourhood plan would be 'made' (adopted) in early 2019, following a successful referendum. Following a successful referendum the neighbourhood plan policies would gain full material weight in planning decisions. Following the receipt of the Inspector's Report for the Local Plan 2036, the weight given to the Local Plan policies would then be significant having been supported by the Inspector. There would therefore be a

brief period when policies in the neighbourhood plan took precedence for a few months in the interim period until the adoption of the Local Plan 2036. In terms of potential policy conflicts, these would likely to be minor and non-strategic in nature given the current content of the Neighbourhood Plan.

Environmental Impact

24. A combined Strategic Environmental Assessment and Habitat Regulations Assessment Screening Statement, has been submitted as part of the supporting evidence. The SEA / HRA Screening Opinion was previously sent to the Statutory Consultees.
25. The Environment Agency responded by commenting that they were not going to provide a detailed response in cases where authorities have 'up to date' Local Plans.
26. Historic England considered a caveat should be included to Policy BES1 'requiring development not to harm the significance, special interest, character or appearance of heritage assets'. Subject to this change Historic England 'are content for now to agree with the Council's Screening Opinion that the Wolvercote Neighbourhood Plan need not be subject to a strategic environmental assessment,' although they wish to reserve their position, subject to any future changes to the wording of the policy.
27. Natural England have now responded to the Screening Consultation and agreed with the assessment that the Neighbourhood Plan does not require an SEA. Whilst in relation to the HRA Natural England consider it is not likely to have a significant effect either alone, or in combination with other plans or projects, on the feature for which Oxford Meadow SAC has been designated or classified. In addition Natural England have highlighted the requirement to conserve biodiversity and provide a net gain in biodiversity and connected green infrastructure and would support any further additions to the Plan.

Financial Implications

28. 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.
29. It should also be noted that, when a neighbourhood plan has been made, the local community will be entitled to an increase in the Neighbourhood Proportion of the Community Infrastructure Levy (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. At the point the Neighbourhood Plan is 'made' the element of Neighbourhood Portion of CIL which is allocated to Ward Members in this NP area will cease at the end of the financial year.
30. In relation to the referendum, the current estimation for its cost is about £9,000.

Legal Issues

31. 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 can be submitted for independent examination.

Level of risk

32. 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 however 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. Whilst the majority of neighbourhood plans are undertaken by written representations it is however necessary to highlight this as a potential risk to the timetable.
 - There are several other risks to the timetable including the period identified for the City Council to agree any modifications to the Neighbourhood Plan with the Neighbourhood Forum in response to the Inspector’s Report. Any delay in the receipt of the Examiner’s Report would reduce this period, which is currently set at 3 weeks.
 - 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 reviewed and resubmitted and the process started again.
 - There is the always a potential risk of a High Court challenge which would delay the project timetable while the legal challenge is being processed, and then depending on the outcome of the legal challenge, it could result in the plan being quashed if it is successful.

Equalities Impact

33. 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 has been 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	Tom Morris
Job title	Principal Planning Officer
Service area or department	Planning Policy
Telephone	01865 252143
e-mail	tmorris@oxford.gov.uk

Background Papers: None