

**To:** City Executive Board  
**Date:** 10 April 2019  
**Report of:** Acting Head of Planning Services  
**Title of Report:** Summertown and St. Margaret's Neighbourhood Plan

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To consider recommending to Council that the Summertown and St. Margaret's Neighbourhood Plan be "made".
<b>Key decision:</b>	Yes
<b>Executive Board Member:</b>	Councillor Alex Hollingsworth, Lead Member for Planning
<b>Corporate Priority:</b>	None.
<b>Policy Framework:</b>	Strong and Active Communities; Meeting Housing Needs; A Vibrant and Sustainable Economy; A Clean and Green Oxford
<b>Recommendation:</b> That the City Executive Board resolves to:	
<b>Recommend to Council</b> that the Summertown and St. Margaret's Neighbourhood Plan be "made".	

<b>Appendices</b>	
Appendix 1	Summertown and St. Margaret's Neighbourhood Plan 2018-2033
Appendix 2	Risk Register

## Introduction and background

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. A Neighbourhood Plan comes into force as part of the development plan once it has been approved at referendum and it is therefore an important consideration when making decisions on planning applications from that date. The Council has 8 weeks from the date of the referendum to "make" the plan if approved at referendum.

## 2. Stages to date:

- The Summertown and St. Margaret's Neighbourhood Area was designated by Oxford City Council on 10<sup>th</sup> July 2013
- The Summertown and St. Margaret's Neighbourhood Forum was then designated on the 22<sup>nd</sup> January 2014
- The Draft Summertown and St. Margaret's Neighbourhood Plan 2018-2033 was submitted to the City Council by the Summertown and St. Margaret's Neighbourhood Forum on 2<sup>nd</sup> January 2018
- The Submission Stage Consultation (Regulation 16) took place for 6 weeks between Wednesday 30<sup>th</sup> May to Wednesday 11<sup>th</sup> July 2018
- The Examination period began on the 30<sup>th</sup> July 2018 (via written representations)
- Examiners report was received on 29<sup>th</sup> September 2018. The Examiner was satisfied with the Plan subject to a number of recommended changes to policies in the plan and that the Plan should proceed to referendum.

## The Referendum

3. On Thursday 7<sup>th</sup> March 2019, the referendum on the Summertown and St. Margaret's Neighbourhood Plan took place. The question asked of residents within the Summertown and St. Margaret's Neighbourhood Plan Area was:

*Do you want Oxford City Council to use the neighbourhood plan for Summertown and St. Margaret's to help it decide planning applications in the neighbourhood area?*

Results were announced late on Thursday 7<sup>th</sup> March 2019 and were as follows:  
Yes: 93% No: 7% (Turnout: 18%)

## The City Council's responsibility following the referendum

4. As more than half of those voting in the referendum voted in favour of the Plan the Council has a duty to 'make' the plan. This is a legislative requirement (*Planning and Compulsory Purchase Act 2004 s38A (4a)(as amended)*).
5. The City Council would not be under a duty to 'make' the Plan if they consider that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998) (*Planning and Compulsory Purchase Act 2004 s38A(6)*). This is not considered to be the case and therefore the City Council has a duty to 'make' the Plan.
6. Officers are pleased that the Neighbourhood Development Plan has been supported by the community and recognise the hard work undergone by the Summertown and St. Margaret's Neighbourhood Forum to get to this position.

## Environmental Impact

7. A combined Strategic Environmental Assessment and Habitat Regulations Assessment Screening Statement was submitted as part of the supporting evidence to the examination. The conclusions of this statement considered that the Oxford Meadows Special Area of Conservation (SAC) is currently judged by Natural

England to be in a favourable condition. The Habitat Regulations Assessment (HRA) has concluded that none of the policies within the Summertown and St. Margaret's Neighbourhood Plan are likely to have adverse effects on the integrity of the Oxford Meadows SAC either 'alone or in combination' with other plans, projects or programmes.

8. The City Council have undertaken a review of the screening work in the context of the Court of Justice of the European Union judgement (People Over Wind, Peter Sweetman and Coillte Teoranta, April 2018), which has changed the basis for undertaking habitats regulations assessments. This review concluded that the recent Court of Justice judgement does not affect the integrity of its earlier screening work and that the HRA has been undertaken on the precautionary principle basis. It concludes that the HRA (October 2017) remains appropriate and no changes are considered necessary in the light of the 'People Over Wind' judgement.

### **Financial Implications**

9. The Community Infrastructure Regulations (CIL) (Regulation 59) requires the charging authority, Oxford City Council, to spend 15% of CIL receipts (known as the Neighbourhood Portion) within the area where the Community Infrastructure Levy (CIL) was generated.
10. Once the Summertown and St. Margaret's Neighbourhood Plan is 'made' the neighbourhood portion of the Community Infrastructure Levy receipts generated locally that can be retained and spent locally increases from 15% to 25%. The charging authority retains the Neighbourhood Portion but is required to engage with the Neighbourhood Forum, where development has taken place on how the Neighbourhood Portion will be spent. The use of the Neighbourhood Portion should be informed by the priorities expressed by the Neighbourhood Forum, including the priorities set out formally in the 'made' Neighbourhood Plan.
11. The Neighbourhood Portion of the levy can be spent on a wider range of things than the rest of the levy, provided that it meets the requirement to '*support the development of the area*'. This can include the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on an area.

### **Legal Issues**

12. Under Schedule 4B of the Town and Country Planning Act 1990 (as amended) the City Council has a statutory duty to support the neighbourhood planning process. Timely decision taking is important particularly at the start and at the end of the process and certain decisions must be taken within prescribed time periods. These are set out in the Neighbourhood Planning (General) Regulations 2012 (as amended). Importantly, Councils must now "make" a neighbourhood plan within 8 weeks of a "yes" vote at Referendum.
13. A neighbourhood plan comes into force as part of the development plan for the area concerned following its approval at referendum.

### **Level of risk**

14. The Risk Register is attached at Appendix 2.

## Equalities Impact

15. 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.

<b>Report author</b>	Tom Morris
Job title	Principle Planner
Service area or department	Planning Services
Telephone	01865 252143
e-mail	<a href="mailto:tmorris@oxford.gov.uk">tmorris@oxford.gov.uk</a>

**Background Papers:** None