

**To:** Cabinet  
**Date:** 16 June 2021  
**Report of:** Head of Planning Services  
**Title of Report:** Wolvercote Neighbourhood Plan

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	Cabinet is requested to recommend to Council that the Wolvercote Neighbourhood Plan be “made”
<b>Key decision:</b>	Yes- affects more than one ward
<b>Cabinet Member:</b>	Councillor Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery
<b>Corporate Priority:</b>	Support thriving communities, Pursue a zero carbon Oxford.
<b>Policy Framework:</b>	Once approved at referendum, the Wolvercote Neighbourhood Plan forms part of the statutory development plan and should be used to assess planning applications in the Wolvercote Neighbourhood Area.
<b>Recommendations:</b> That Cabinet resolves to:	
<ol style="list-style-type: none"> <li>1. <b>Recommend</b> to Council that the Wolvercote Neighbourhood Plan be “made”; and</li> <li>2. <b>Recommend</b> to Council that the Head of Planning Services after consultation with the Cabinet Member for Planning and Housing Delivery, be authorised to make any necessary editorial corrections to the Wolvercote Neighbourhood Plan prior to final publication. This will include a final desktop published version of the Wolvercote Neighbourhood Plan.</li> </ol>	

<b>Appendices</b>	
Appendix 1	Wolvercote Neighbourhood Plan 2019-2034 (referendum version)
Appendix 2	Risk register

## Introduction and background

1. The purpose of this report is to ask Cabinet to recommend to Council that the Wolvercote Neighbourhood Plan be “made” (Appendix 1).
2. 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. The decision to “make” the plan has to be taken by Council.
3. There are detailed statutory requirements for the process both prior to the referendum taking place and once the plan has been approved at referendum.
4. The Wolvercote Neighbourhood Forum was initially established in January 2014 and the Wolvercote Neighbourhood Area was approved by Oxford City Council on 22 January 2014. The Neighbourhood Forum designation expires after five years, therefore a public consultation for the re-designation of the Forum and its Area took place for the statutory 6 week period from 29 January 2019 to 12 March 2019. The re-designation of the Wolvercote Neighbourhood Area and Forum was approved by Oxford City Council on 13 March 2019.
5. It is worth noting that the boundary of the Wolvercote Neighbourhood Area aligns with the Wolvercote ward boundary prior to its alteration in the 2020 review, which came into effect in May 2021. Consequently, the south eastern part of the Wolvercote Neighbourhood Area now lies within the ward of Cutteslowe and Sunneymead although this administrative change does not affect the Plan.
6. The draft Wolvercote Neighbourhood Plan 2019-2034 was submitted to Oxford City Council by the Wolvercote Neighbourhood Forum on 24 July 2018. The submission stage consultation (Regulation 16) took place for 6 weeks between 9 October 2018 and 20 November 2018.
7. The Wolvercote Neighbourhood Plan was examined by an independent examiner during summer 2019 after the Wolvercote Neighbourhood Area and Forum had been re-designated.
8. The Examiner’s Report was received in July 2019. The examiner was satisfied that subject to modifying a number of recommended changes to policies and supportive text in the Plan, it should proceed to referendum.
9. On 9 October 2019, Cabinet approved the modifications to the policies in the Wolvercote Neighbourhood Plan as recommended by the Examiner’s Report from July 2019 and agreed that the Wolvercote Neighbourhood Plan as modified should proceed to referendum.
10. The referendum was due to take place in spring 2020 but was delayed due to government postponing all neighbourhood planning referendums that were scheduled to take place between 16 March 2020 and 5 May 2020 in line with the [Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020](#) until 6 May 2021.

## **The referendum**

11. On Thursday 6 May 2021, the referendum on the Wolvercote Neighbourhood Plan took place. The question asked of residents within the Wolvercote Neighbourhood Plan Area was:

*“Do you want Oxford City Council to use the neighbourhood plan for Wolvercote to help it decide planning applications in the neighbourhood area?”*

Results were announced late on Monday 10 May 2021 and were as follows:

Yes: 93.61% No: 6.39% (Turnout: 52%)

## **Oxford City Council’s responsibility following the referendum**

12. 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 (4)(a)(as amended)*).
13. Oxford City Council would not be under a duty to ‘make’ the Plan if it considered 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 Council has a duty to ‘make’ the Plan.
14. Officers are pleased that the Neighbourhood Development Plan has been supported by the community and recognise the hard work undergone by the Wolvercote Neighbourhood Forum to get to this position.

## **Environmental Impact**

15. 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 Plan was unlikely to have significant effects on a European site and that an appropriate assessment was not required. The Habitat Regulations Assessment (HRA) has concluded that none of the policies within the Wolvercote Neighbourhood Plan are likely to have adverse effects on the integrity of the Oxford Meadows SAC.
16. The City Council has 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 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 (June 2018) remains appropriate and no changes are considered necessary in the light of the ‘People Over Wind’ judgement.

## **Financial implications**

17. Regulation 59A of the Community Infrastructure Levy Regulations 2010 requires the charging authority, Oxford City Council, to spend 15% of Community Infrastructure Levy (CIL) receipts (known as the Neighbourhood Portion) within the area where the CIL was generated.

18. Once the Wolvercote 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.
19. 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

20. Under Schedule 4B of the Town and Country Planning Act 1990 (as amended) Oxford 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.
21. The scheduling of the next available Council meeting on 26 July 2021 would mean that the Wolvercote Neighbourhood Plan would not be 'made' within the 8 week period as prescribed in the regulations referred to in the previous paragraph. It is therefore considered necessary to hold a special meeting of Council before the expiry of the 8 week period.

### Level of Risk

22. The Risk Register is attached at Appendix 2. It sets out the risk in more detail if the Council were to fail to meet its statutory duty to "make" the neighbourhood plan within the 8 week period after the referendum occurs as referred to in paragraphs 20 and 21 of this report.

### 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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