

DOES EYNESHAM NEED A NEIGHBOURHOOD PLAN?

Your feedback will be very welcome – please see foot of document



1. What is it? – A creature of statute

Properly, it's called a 'neighbourhood development plan' (NDP) in the Localism Act 2011 which amends the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004. The Localism Act also provides for The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (Referendums) Regulations 2012, as well as some other legislation.

It is designed to allow communities to 'choose where they want new homes, shops and offices to be built and have their say on what those new buildings should look like and what infrastructure should be provided,' according to the Department for Communities and Local Government (DCLG). The DCLG says, 'the government wants to put power back in the hands of local residents, employees and business, councils and civic leaders – those who know best the needs of their local areas'.

'Neighbourhood Plans are a new opportunity for communities to produce a plan which steers development and land use in the local area by setting out policy and proposals against which local planning applications will be assessed.... With a Neighbourhood Plan, communities will be able establish planning policies for the development and use of land in a neighbourhood. ... The Neighbourhood Plan will set a vision for the future. It can be detailed, or general, depending on what your local community want.' (West Oxfordshire District Council (WODC)).

'Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.' National Planning Policy Framework (NPPF), para 183.

2. So, can we say in the NDP whether or not we want any new development? – Not really

If the local planning authority (WODC) says that an area needs to grow, then communities cannot use neighbourhood planning to block the building of new homes and businesses. NDPs must contribute to achieving sustainable development and incorporate the strategic housing targets for the area as a minimum but may propose additional development. They can, however, 'influence the type, design, location and mix of new development' (DCLG).

In addition, a NDP must:

- Be compliant with the WODC Local Plan (or Core Strategy);
- Be compliant with national policies and advice and guidance from the Secretary of State including statutes, Planning Policy Statements and Guidance, Circulars and the National Planning Policy Framework (including the 'presumption in favour of sustainable development'); and

- Be compliant with EU obligations and human rights requirements.

3. If we want to have our say with a NDP, what do we have to do? – It's a 5 stage process

Stage 1 - Defining the neighbourhood. For parish councils (who are 'qualifying bodies' for this purpose), this is usually the whole parish. But, we would have to apply to WODC for approval, with a map of the proposed neighbourhood and a statement explaining why this area is considered appropriate. WODC must then publicise this, including on their website, to the people who live, work or carry on business in the area of the application, with at least a six week period for representations to be received. WODC then decide whether to designate the plan area.

Stage 2 – Preparing the plan. It's a community thing. Creating a dedicated steering group is recommended, with the involvement from the start of not just the residents and community groups but local businesses and landowners, schools, the health centre, and anyone else who might be interested and affected. Some councils publish draft terms of reference for steering groups.

It's not just one document. First, you should do some – Scoping. This is an initial research stage where you gather data about the neighbourhood area, its size, population, demographics, existing housing, traffic and transport, health care requirements, its environment and landscape. For Eynsham the starting point would be the Eynsham Parish Plan produced in 2007. This will involve updating and comparing statistics gathered from the likes of Office of National Statistics, the Environment Agency, Oxfordshire County Council, WODC, etc.

This scoping document should identify the key issues and opportunities, develop objectives and priorities and even create a vision, answering such deep questions as: Where are we now? Where do we want to be? How do we get there? It can be the basis of the next step, which should include local surveys, open days and community consultation with those in the neighbourhood area to find out what they want. All this should be the basis for your draft plan.

Then there is compliance. The draft plan needs to be accompanied by a detailed statement that the draft plan complies with all the requirements set out in No 2 above. And, a detailed statement that you have undertaken the correct procedures in relation to consultation and publicity with details of who, when and how people were consulted.

You will also probably produce a few more supplementary documents as well, such as the results of your housing needs survey, traffic and transport study, design considerations and any other survey or study on which you are relying. Then there will be your Sustainability Analysis, and maybe a Strategic Environmental Assessment and habitats regulations assessment as well, if required.

All of this then gets submitted to WODC. They will consider whether the draft plan and accompanying documents comply with their rules for submission and satisfy the other criteria for a plan. If so, they will publicise it for a six week consultation period. Once this expires, WODC will then be in a position to submit the plan for examination.

See the Case Study below for the documents produced by one parish council for their plan.

Stage 3 – Independent check. The draft plan must be checked by an independent examiner arranged by WODC and agreed by the parish council. As a general rule examinations are by written representations but the examiner can hold a public hearing, if required. The independent examiner will assess the plan to see if it complies with the appropriate regulations, local plan and national framework and the basic standards. If the plan doesn't meet the right standards, the examiner will recommend changes, which WODC will need to consider and decide whether to accept. If the examiner recommends significant changes, the parish council may need to go back for another community consultation before proceeding.

Stage 4 – Community referendum. Once approved, WODC must organise a referendum on the plan for people registered to vote in local elections in the approved neighbourhood. The plan must receive more than 50% support before it can be brought into force.

Stage 5 – Legal force. Once approved, WODC are obliged to consider proposals for development in the neighbourhood against the NDP as it becomes part of the statutory development plan.

A collateral benefit of a NDP is that, if and when the Community Infrastructure Levy (CIL) is adopted by WODC, the district council must pay 15% (capped at £100 per dwelling) of any CIL money received to the parish council where the development is to take place. However, if there is a NDP in place, the parish council is entitled to receive 25%, uncapped.

4. Who's there to help? – It varies, such as, among others

WODC www.westoxon.gov.uk would be the first stop as they have the statutory obligation to approve the neighbourhood area, conduct the consultations, submit the draft plan for independent examination and organize the referendum, as well as taking it into consideration as the local planning authority, when adopted. Some Oxfordshire district councils have been proactive in providing guidance and making funding available. WODC says it will provide 'appropriate support' to parish councils wishing to develop a NDP, including 'provision of technical advice', but is not more specific. It simply says that once a parish has an idea what it wants to achieve it should contact their Community Planning Officer to discuss how it can assist.

Department for Communities and Local Government

www.gov.uk/government/organisations/department-for-communities-and-local-government is the government agency in charge of, and promoting, neighbourhood planning, with dedicated website pages for general advice and links to policy documents and legislation. In aid of this they have commissioned Locality (a network of community-led organizations), in partnership with the Royal Town Planning Institute/Planning Aid England, Community Development Foundation, Urban Vision Enterprise and others to operate a website, www.mycommunityrights.org.uk for the provision of advice and grants.

The DCLG made available £10.5m in 2013 for grants and support for the creation of NDPs but this appears to be running out and is being rationed on a monthly basis. There are funds for direct support by Locality and Planning Aid England to provide expert advice to complete the various stages of the NDP. In addition, grants of £500 to £7,000 per neighbourhood area can be applied for, if a parish council has a plan for how to spend it and the costs cannot be met from other sources. Grants are to cover things like start-up costs, training sessions, surveys, site allocations, required assessments, materials and printing. However, all

grants received must be spent (or at least the work commissioned) by the end of December 2014 and it appears no further grants will be available.

Apart from funds made available to parish councils and forums, DCLG says it has provided funds to local authorities to establish NDPs and a 'boost' to local authorities of up to £25,000 or more for each successful examination pass or for establishing Forums in areas where there is no parish council.

www.mycommunityrights.org.uk also provides access to two guides to NDPs, Quick Guide to Neighbourhood Plans (9 pages) under the Understanding Neighbourhood Planning button and the more comprehensive (54 pages) Neighbourhood Plans Roadmap Guide.

Oxfordshire Rural Community Council www.oxonrcc.org.uk offers a Neighbourhood Planning Service 'at an affordable price' on all aspects of producing a NDP including questionnaire design, production of needs surveys and reports and sustainability appraisals, etc.

Planning Advisory Service www.pas.gov.uk Another government agency offering advice on the NDP process which can do neighbourhood planning workshops for councillors.

5. Has anybody actually produced a NDP? – Some

According to DCLG, as of April 2014, 'around 1000' areas have begun the process, 80 have produced a draft plan for consultation, and 13 NDPs have been approved in referendums. As for Oxfordshire:

In West Oxfordshire, Chipping Norton made a bid in July 2011 to DCLG for 'front runner' status, which included a £20,000 grant. The proposed time scale in the bid was 18 months. It has produced a draft plan and consultation closed in September 2013 but it is not yet to the referendum stage. Broadwell does not have a parish council but has applied to be recognized as the Broadwell Village Neighbourhood Forum and to have the whole parish designated the Broadwell Neighbourhood Area.

In Oxford, both Wolvercote and Summertown and St Margaret's have been designated neighbourhood areas and Headington has applied.

Cherwell District Council has received applications from Deddington, Merton, Adderbury, Hook Norton, Bloxham and Stratton Audley. Wroxton was awarded funding by DCLG in June 2011.

In Vale of White Horse, Blewbury, Charney Bassett, Drayton, Faringdon, Great Coxwell, Longworth, Stanford in the Vale and Wantage have applied. The Oxford Mail reported in April that Grove was to consider a neighbourhood plan at the Annual Parish Meeting, but no decision has yet been made.

In South Oxfordshire, Thame's NDP was adopted in July 2013. Woodcote voted in favour of adopting its plan in April 2014 (see Case Study). Chalgrove, Benson, Berinsfield, Brightwell-cum-Sotwell, Dorchester on Thames and Watlington have applied. Sonning Common has made an application including areas of neighbouring parishes and Henley Town Council and Harpsden Parish Council have made a joint application.

6. CASE STUDY – Woodcote Parish Council Neighbourhood Development Plan

Woodcote is a village of around 2,600 people in the Chiltern Hills of South Oxfordshire, roughly between Didcot and Henley. It is five miles southeast of Wallingford, about 10 miles northwest of Reading, and the parish is entirely in the Chiltern Area of Outstanding Natural Beauty.

In 2008 Woodcote Parish Council produced a Parish Plan but in June 2011 resolved to build on this by adopting a NDP. This was prompted by increasing pressure on the parish from developers and the presumption in favour of sustainable development to be introduced by the NPPF. The DCLG granted Woodcote “front runner” status in August 2011 (with grant money) and at an extraordinary parish meeting in September a volunteer Advisory Group was formed of about 15 (by the end, a total of 23) people to work on six areas to be included in a draft NDP: Site Identification, Site Selection Criteria, Housing Need, Living in the Village, Design and Sustainability Analysis. A public drop-in event was held in March 2012 and survey data was collected from residents.

Woodcote Parish Council applied to have the whole parish designated as a neighbourhood area in December 2011. After the consultation period, this was approved by SODC in April 2012.

The parish council commissioned Oxfordshire Rural Community Council in March 2012 to produce a Housing Survey Report. A survey questionnaire was delivered to every household and after a 34% response the 27 page Report was published in July 2012.

The Advisory Group invited submissions from landowners for possible sites to be considered. This submission closed in July 2012 but resulted later in some landowners leafleting residents to get their sites included. The parish council says 22 sites had been put forward. In the same month the parish council conducted two site selection criteria workshops to allow residents to consider possible development sites. In the end, the NDP basically adopted the sites previously identified in the South Oxfordshire DC Strategic Housing Land Availability Assessment.

An evidence data base was collected on population, employment, car ownership, housing and housing need, deprivation, flood risk and landscape from the Office of National Statistics, the Environment Agency and SODC among others. In August 2012 a Sustainability Appraisal – Scoping Report was published. This 31 page document set out the methodology and objectives as well as compliance with SODC and national policy. By September 2012 the parish council had spent £2,000 with a remaining budget of £9,000. Regular updates were published in the monthly parish magazine and a dedicated website was set for the NDP, in addition to the parish’s existing website.

In February 2013 a further drop-in event was held for consultation in light of changes to the law created by the NPPF. In the same month the parish council produced a first draft NDP (with a four page summary hand-delivered to all households, including a response form) together with supplementary material - Living in the Village: Survey Report (6 pages) and a Landscape Assessment of allocated and reserve development sites (8 pages). This was followed in April 2013 by a 15 page Supplementary Material and Background Data document and in September 2013 a Basic Conditions Statement (27 pages) was published, setting out compliance with the SODC Core Strategy, County, national, EU and Human Rights policies. This was accompanied by a Sustainability Assessment (64 pages) and an Equality Assessment (6 pages).

After a second draft, a final NDP was submitted to SODC in July 2013 for a further six week consultation period. The independent examination started in November and was finished in December 2013, with recommended modifications. A revised, post-examination version of the

NDP was published in January 2014 (55 pages). The referendum on this final version was scheduled by SODC on 3 April 2014. The NDP was adopted by 91% of residents voting with a 60% turnout.

The adopted NDP has been taken into consideration and incorporated in part by the SODC draft Core Strategy. It identifies and allocates 73-76 new homes to be built to 31 March 2027 on five allocated sites and two contingency sites. The parish council reports that even before adoption a proposed development of 10 houses was refused by SODC as it was not in the draft NDP. As well as housing and housing site policies, the Woodcote NDP also covers policies on design, community wellbeing, traffic and transport, employment and skills, and the countryside and the environment.

The parish council says the three documents submitted for examination (draft Plan, Consultation Statement and Basic Conditions Statement) totalled over 200 pages, plus the other supporting documents. It took 15 people five man-years to produce and as of January 2014 cost around £10,000. Some of this was covered by the grant from DCLG, with financial support from SODC, but the balance came out of the parish precept. The referendum expenses were about £2,500.

Below is Woodcote Parish Council's 'road map' showing the whole process and time scale.

7. Is there any place I can see an actual NDP so I can judge for myself? – Try ...

Woodcote Neighbourhood Plan 2013-2017 www.woodcotendp.org.uk or www.southoxon.gov.uk
Thame Neighbourhood Plan (see also Annual Update May 2014) www.thametowncouncil.gov.uk
Chipping Norton (unadopted) www.chippingnortontown.info
Upper Eden, Cumbria www.uecp.org.uk/upper-eden-neighbourhood-development-plan/
St James, Exeter www.exeter.gov.uk
Cringeliford, South Norfolk <http://www.south-norfolk.gov.uk/democracy/6514.asp>

8. Is there anything else? – Yes

The legislation that brought you NDPs also allows further things like:

Neighbourhood Development Orders – which allow the parish council to grant planning permission (which can be specific or outline) for development within a specified area, which may be the whole or part of the neighbourhood area, which complies with the Order. In which case there is no need for a planning application to be submitted to the local planning authority.
Community Right to Build Orders – which give permission for small-scale, site-specific developments by a parish council, or community groups that meet certain criteria.

Then there is the Community-Led Plan. This can cover areas of the community, transport, recreation, the environment and economy, etc. not directly connected to planning and development. It is to be taken into consideration by the local planning authority but lacks the legal force of an NDP. This is the current equivalent of the Parish Plan adopted by Eynsham in 2007.

9. References

Statutes and Government Publications

Localism Act 2011, Section 116.

NDOs - Schedule 9, Part 1 (inserting sections 61E to 61Q into the Town and Country Planning Act 1990).

NDPs - Schedule 9, Part 2 (inserting sections 38A-38C into the Planning and Compulsory Purchase Act 2004).

The Neighbourhood Planning (General) Regulations 2012, SI2012/637

The Neighbourhood Planning (Referendum) Regulations 2012, SI2012/2031

Neighbourhood Planning - DCLG, November 2012 (pub. March 2013).

Supporting Communities in Neighbourhood Planning 2013-15 – DCLG, March 2013

Other Publications

Neighbourhood Planning in South Oxfordshire, November 2012, South Oxfordshire District Council

Neighbourhood Planning in The Vale of White Horse, September 2013, Vale of White Horse DC

Neighbourhood Plans Roadmap Guide, Locality, mycommunityrights.org.uk

Protocol for Preparing Neighbourhood Plans, February 2012, Cherwell District Council

Quick Guide to Neighbourhood Plans, Locality, mycommunityrights.org.uk

Your Place, Your Plan – Town & Country Planning Association website

Access to some sites

www.cdf.org.uk Community Development Foundation website

www.cherwell.gov.uk Cherwell District Council website

www.gov.uk General Government website (access to DCLG)

www.legislation.gov.uk Government website for current legislation, including statutory instruments

www.locality.org.uk Locality website

www.mycommunityrights.org.uk DCLG funded Locality advice website

www.oxford.gov.uk Oxford City Council website

www.oxonrcc.org.uk Oxfordshire Rural Community Council

www.pas.gov.uk Planning Advisory Service

www.scpc-ndp.co.uk Sonning Common Parish Council neighbourhood plan website

www.southoxon.gov.uk South Oxfordshire District Council website

www.tcpa.org.uk Town and Country Planning Association website

www.uvns.org Urban Vision Enterprise CIC website

www.westoxon.gov.uk West Oxfordshire District Council website

www.whitehorsedc.gov.uk Vale of White Horse District Council website

www.woodcotendp.org.uk Woodcote Parish Council neighbourhood plan website

YOUR FEEDBACK WILL BE WELCOME – please get in touch

Dennis Stukenbroeker for Eynsham Parish Council, May 2014

email dennis.stukenbroeker@eynsham-pc.gov.uk