

Joint Scrutiny Committee



Report of Head of Planning

Author: Adrian Duffield

Telephone: 01235 422600

E-mail: adrian.duffield@southandvale.gov.uk

Wards affected: All in South and Vale

Cabinet member responsible: South

Cllr. Felix Bloomfield

Tel: 01491 832690

E-mail: felix.bloomfield@southoxon.gov.uk

Cabinet member responsible: Vale

Cllr. Roger Cox

Tel: 01367 243360

E-mail: roger.cox@whitehorsedc.gov.uk

To: Joint Scrutiny Committee

DATE: 20 September 2018

Oxfordshire Joint Spatial Plan

Scrutiny Recommendation

To consider the report, recommendations and attachments and provide comments to both Cabinets.

Purpose of Report

1. To seek comments on the draft project and programme documents for the Oxfordshire Joint Statutory Spatial Plan (JSSP). The recommendations to Cabinet are to
 - (a) To approve the Local Development Scheme (LDS) for the Joint Statutory Spatial Plan (JSSP) presented at Appendix 1.
 - (b) To approve the draft Statement of Community Involvement 2018 (Appendix 2) for the JSSP for a six week period of formal public consultation.
 - (c) To approve the Scoping Document presented at Appendix 3

(d) To authorise the Head of Planning, in agreement with the other councils' equivalent, to make any necessary minor and presentational changes to the draft Local Development Scheme 2018 and draft JSSP Scoping Document before publication, and, the draft Statement of Community Involvement 2018 before formal consultation commences.

Background

2. The six Oxfordshire Councils and the Oxfordshire Local Enterprise Partnership (OXLEP) have agreed the Oxfordshire Housing and Growth Deal with Government in March 2018. Under the terms of the Deal the councils have committed to producing an Oxfordshire Joint Statutory Spatial Plan (JSSP) for submission to the Planning Inspectorate for independent examination by 31 March 2020 and adoption by 31 March 2021, subject to the examination process.
3. When the councils agreed the Oxfordshire Housing and Growth Deal through Council meetings in February 2018, one of the resolutions was to participate in the preparation of a Joint Statutory Spatial Plan in the timescales set out in the Growth Deal Delivery Plan and in accordance with S28 of the Planning and Compulsory Purchase Act 2004.
4. The JSSP will provide an Oxfordshire-wide, integrated strategic planning framework and associated evidence base to support sustainable growth across the county to 2050, including the planned delivery of the new homes and economic development, and the anticipated supporting infrastructure needed.
5. The JSSP will be a formal Development Plan Document (DPD), prepared under Section 28 of the Planning and Compulsory Purchase Act 2004 (as amended) which enables two or more local planning authorities (LPAs) to agree to prepare a joint Plan. In this case the partner LPAs are; Cherwell District Council, Oxford City Council, South Oxfordshire District Council, West Oxfordshire District Council and Vale of White Horse District Council. Oxfordshire County Council and the LEP will support the plan preparation process.
6. At a meeting of Vale's Cabinet and Council in February 2018, which considered the Oxfordshire Housing and Growth Deal, a list of matters deemed to be not negotiable were agreed. These outstanding matters are set out at Appendix 4. Some of these matters are directly relevant to the consideration of this report. A significant matter was the publication of a Written Ministerial Statement by MHCLG. At the time of writing, this document has yet to be published.

Options

JSSP Local Development Scheme (LDS)

7. Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires Local Planning Authorities to prepare and maintain an LDS setting out a timetable for the production of DPDs.

8. The LDS must specify:
- which are local development documents and development plan documents;
 - the subject matter and geographical area to which each development plan document is to relate;
 - which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
 - any matter or area in respect of which the authority has agreed (or propose to agree) to the constitution of a joint committee;
 - the timetable for the preparation and revision of the development plan documents; and
 - such other matters as are prescribed.
9. The Development Plan Documents must be prepared in accordance with the LDS and this must be demonstrated at public examination. The LDS will be used by officers, consultees, developers, agents and the public in determining when important milestones in the production of the JSSP and key stages of consultation can be expected. Implementation of the LDS will be monitored and the LDS will be periodically reviewed if there are significant changes in circumstances.
10. The proposed draft JSSP LDS is presented in Appendix 1. This relates solely to the preparation of the JSSP for Oxfordshire. The partner Local Planning Authorities (LPAs) will also have their own individual LDSs concerned with the production of their individual Local Plans and other planning documents. The key milestones for production of the JSSP are as follows:

Early Stakeholder Engagement	October 2018
Consultation on Preferred Strategy Options (Reg. 18)	February/March 2019
Consultation on Proposed Submission Draft Plan (Reg. 19)	October/November 2019
Submission (Reg. 22)	March 2020
Examination (Reg. 24)	September 2020 TBC
Receipt and Publication of Inspector's Report	December 2020 TBC
Adoption (Reg 26) by each partner LPA	March 2021 (subject to examination)

10. Officers recommend that councillors support and adopt the LDS as set out at Appendix 1.

Draft JSSP Statement of Community Involvement

11. The Statement of Community Involvement (SCI) is a requirement of Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended). It needs to comply with statutory requirements and Government policy for plan making and consultation on planning matters. However, the Government no longer provides guidance on how to produce a SCI. It is for planning authorities to decide how they will prepare their own SCI.

12. As part of the preparation and adoption of the JSSP the Oxfordshire partner authorities will be producing a number of documents, requiring consultation. It is therefore important to have an up-to-date SCI that sets out the requirements and strategy for engaging with communities and key stakeholders.
13. The draft SCI (Appendix 2) clearly sets out the key stages for preparing the JSSP and how the Oxfordshire authorities intend to inform, involve and consult stakeholders on the preparation of the plan. It sets out what is required from the partner authorities, how and when. This SCI only relates to and is specific to the production of the JSSP. The partner LPAs will also have their own individual SCIs concerned with the production of their individual Local Plans and other planning documents.
14. The SCI for the JSSP will ensure that the plan is shaped by early, proportionate and meaningful engagement between plan makers and communities, local organisations, businesses, infrastructure providers and statutory consultees.
15. The outcomes of the consultation processes set out in this SCI will be an important element of the considerations by the partner LPAs in developing the JSSP. However, they are one element of the considerations alongside other material matters such as the evidence base and the Sustainability Appraisal, etc. Consultees and those engaged should recognise the multi-faceted considerations that will go towards the conclusions in the JSSP that are submitted for consideration by an independent Examiner at Examination.
16. Officers recommend that the draft SCI (Appendix 2) is subject to a six week public consultation period, following which comments and any amendments to the draft will be considered by each partner LPA before adoption. This will assist in the production of a robust SCI.

JSSP Scoping Document

17. The JSSP Scoping Document (Appendix 3) is an informal document, not required by regulations, but is a helpful project planning tool that seeks to set out the understanding between the partner LPAs on the objectives of the JSSP and the processes that will be followed. This will form an agreed framework for the project and it will be used to inform the work programme for the plan.
18. The JSSP will provide an overall strategy for the scale and distribution of development up to 2050. It will be a strategic document which will identify future growth areas, and will not allocate specific sites itself. It will not contain detailed policies, as these will be covered by future Local Plan reviews as necessary. The JSSP will address the strategic and cumulative implications of growth and set out a long term framework covering the whole of Oxfordshire. A common evidence base will be developed to underpin the JSSP and future Local Plan reviews. This will include work on environmental quality and natural capital, as well as on strategic transport and other infrastructure requirements. The JSSP will take into account the commitments made in emerging and adopted Local Plans.
19. The non-negotiable matters for the Vale of White Horse District Council is attached at Appendix 4. A number of issues are raised, some of which can be considered and addressed below.

20.

Item	Commentary
<p>Scope of joint statutory spatial plan (JSSP) must be agreed by cabinet and full council.</p>	<p>This report and the attached draft Scoping document at Appendix 3 seek to meet this request. The table set out within that document at paragraph 3.7 provides a broad indication of the policy coverage of the JSSP and the existing and future Local Plans, if agreed.</p>
<p>No substantive work on the JSSP (for example, commissioning of evidence) is to begin until the government has finalised the new National Planning Policy Framework (NPPF) and published a written ministerial statement establishing the Oxfordshire planning freedoms and flexibilities.</p>	<p>The NPPF was published on 24 July.</p> <p>The Ministry for Housing, Communities and Local Government have confirmed their intention to publish a Written Ministerial Statement (WMS) granting some flexibility to our housing land supply for Oxfordshire as soon as possible when Parliament returns in the Autumn. The publication of this WMS is critical for Vale Council to progress with the Joint Statutory Spatial Plan.</p> <p>Other than the attached LDS, draft SCI and Scoping Document, no substantive work has been progressed on the JSSP.</p> <p>No work to gather an evidence base for the JSSP has progressed. A list of evidence likely to be required is set out in the scoping document at paragraph 7.1.</p>
<p>The JSSP will not allocate housing sites.</p>	<p>The commentary provided at February's Cabinet and Council meetings recognised that the allocation of sites would be a matter for agreement among the partner LPAs when the scope of the JSSP was defined.</p> <p>The Scoping Document confirms that no sites will be allocated.</p>
<p>Annual housing targets, trajectories and objectively assessed need (OAN) may not be increased for any year in the life of the current local plan (to 2031); nor may land supply and housing delivery calculations be based on higher baselines than those already built into the adopted local plan.</p>	<p>The revised NPPF introduces a local calculation of housing need to inform the minimum number of houses needed, unless exceptional circumstances justify an alternative approach. Any unmet housing needs from neighbouring areas should also be taken into account. The draft practice guidance (PPG) which was published alongside the draft NPPF in March referred to specific instances where an uplift to the minimum figure would be appropriate, which included Growth Deals. The revised PPG is awaited. The minimum number of houses</p>

	derived from the new calculation is lower across Oxfordshire, and for the Vale of White Horse District Council.
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Officers consider that the scope of the JSSP as set out at Appendix 3 meets the minimum requirements of the Council and recommend the approval of the scoping document, subject to Councillors being satisfied that the red lines have been met.

Approval Processes

21. The JSSP is a formal DPD prepared under Section 28 of the Planning and Compulsory Purchase Act 2004 (as amended) which enables two or more local planning authorities to agree to prepare a joint Plan. It also necessitates that approval of that plan and relevant stages of its production to be formally agreed by the individual partner authorities.
22. The February Council resolutions included the principle of preparing a JSSP in accordance with S28 of the Planning and Compulsory Purchase Act 2004. Vale of White Horse District Council raised a number of matters which were deemed to be not negotiable and the progress of the JSSP and the attached documentation is subject to the agreement that the relevant concerns have been addressed.
23. Each of the five partner LPAs are considering the draft LDS, the Draft SCI and the draft JSSP Scoping Document during the month of September. All the partner meetings will be presented with the same draft documents and recommended to agree them.
24. The documents will also be discussed at Oxfordshire County Council's Cabinet where they are invited to note and support these documents in their capacity as a key Growth Board partner and statutory consultee for the JSSP.
25. Following the partner LPA decision, the JSSP Project Team will commence consultation on the Draft SCI for a six week period in October 2018. Following this consultation period, a final SCI (amended as appropriate in response to comments received) will be reported to Cabinet for final approval in December.
26. The development of the JSSP under the s28 process will be overseen and informed by a sub-group of the Growth Board made up of member representatives of each of the local authorities.
27. Please note that these documents are part of the on-going preparation to produce the JSSP. Approval of these documents and formal commencement of the JSSP process is subject to the delivery of the Planning Freedoms and Flexibilities that are part of the Deal with the Government. Consultation on the Draft SCI will not commence until the Government has confirmed the delivery of the 3 year housing land supply flexibility. The Ministry for Housing, Communities and Local Government have confirmed their intention to publish a Written Ministerial Statement granting this flexibility to Oxfordshire as soon as possible when Parliament returns in the Autumn.

Financial Implications

28. As part of the Oxfordshire Housing and Growth Deal, the government has agreed £2.5 million capacity funding over three years to support the development of the JSSP. The business case will be reviewed in light of the scoping document and timescales set out in the Local Development Scheme, with the intention of delivering the project within this funding envelope. Any costs over and above this would be subject to further agreement by the Oxfordshire Authorities and met from existing Planning Policy budgets. The revised business case will also examine future savings that will result from the JSSP and its joint evidence base to the five local planning authorities in their work on future Local Plan reviews.
29. Any work directly commissioned by the Vale of White Horse District Council will be claimed back from the capacity fund held by Oxfordshire County Council as the Accountable Body for the Deal, or from other Local Plan Authorities over and above the capacity funding.
30. The cost of implementing the updated SCI 2018 as proposed will be met within existing budgets of the Oxfordshire Housing and Growth Deal.

Legal Implications

31. The Council has a legal duty to produce an SCI under the Planning and Compulsory Purchase Act 2004 (as amended), if it is producing a development plan document

Risks

32. The SCI is a requirement of Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended). To not adopt an SCI would leave the production of the JSSP and the soundness of the development plan document open to challenge.
33. The draft SCI has been produced having regarded to statutory and policy requirements for plan-making. Examples of recently approved SCIs have been considered. It is considered by officers to be an appropriate consultation document.
34. The JSSP SCI seeks to ensure opportunities for participation in the JSSP process, including fair access for all regardless of a person's protected characteristic as defined by the Equality Act 2010¹. The way that the JSSP team consults on the preparation of the JSSP could have an impact on people who may have challenges in accessing information, such as those that do not have English as their first language, disabled people or those who are unable to access the internet. Therefore, an Equality Impact Assessment will be produced when preparing JSSP documents for each stage of consultation.

¹ A "protected characteristic" under the Act - age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race includes (colour, nationality, ethnic or national origin), religion, belief, sex and sexual orientation.

Conclusion

35. The Council and its partner LPAs are at an early stage in the production of a Statutory Spatial Plan for Oxfordshire. Once adopted the JSSP will form part of the Council's Development Plan against which formal planning decisions will be made and other local planning documents prepared. The Council has a statutory duty to prepare and maintain an LDS under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). The preparation of the plan will require community and stakeholder involvement and the production of a SCI is a legal requirement under Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) to ensure compliance with statutory requirements and Government policy for plan making and consultation on planning matters.
36. These documents, if agreed, will not replace the Councils existing LDSs and SCIs, they will remain relevant to all other planning documents.

Background Papers

None

Appendices

1. Local Development Scheme.
2. Draft Statement of Community Involvement.
3. JSSP Scoping Document.
4. Oxfordshire Housing and Growth Deal - Outstanding matters for the Vale of the White Horse.