

## **CABINET – 18 SEPTEMBER 2018**

### **Oxfordshire Joint Statutory Spatial Plan Local Development Scheme Draft Statement of Community Involvement 2018 Scoping Document**

**Report by the Director for Planning and Place**

#### **Introduction**

1. The six Oxfordshire Councils and the Oxfordshire Local Enterprise Partnership (OXLEP) agreed the Oxfordshire Housing and Growth Deal with Government in March 2018. Under the terms of the Deal the local authorities 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.
2. 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.
3. The JSSP will provide an Oxfordshire-wide, integrated strategic planning framework and supporting 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.
4. The JSSP will be a formal Development Plan Document (DPD), prepared by the City and District Councils 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.
5. Oxfordshire County Council is a Growth Board member, a key statutory consultee, strategic planning authority for Minerals and Waste, and a provider of many essential services to the communities and businesses of Oxfordshire. The County's role as Highway/Transport and Education Authority are particularly relevant and it is important that the County Council supports and provides extensive input to the JSSP preparation process.

## JSSP Local Development Scheme (LDS)

6. 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.
- (a) The LDS must specify:
- the local development documents which are to be 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.
7. The Development Plan Documents must be prepared in accordance with the LDS and this must be demonstrated at public examinations. The LDS will be used by officers, consultees, developers, agents, local organisations 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 document will be periodically reviewed if there are significant changes in circumstances.
8. The proposed LDS is presented in Annex 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 matters. The key milestones for production of the JSSP are as follows and as required by the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended):

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)	March 2021 (subject to examination)

## **Draft JSSP Statement of Community Involvement (SCI)**

9. The 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.
10. As part of the preparation and adoption of the JSSP, the Oxfordshire local 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.
11. The draft SCI clearly sets out the key stages for preparing the JSSP and how the Oxfordshire local authorities intend to inform, involve and consult stakeholders on the preparation of the plan at different stages. It will set out what is required from the partner Local authorities, how and when. This SCI relates only to - and is specific to - the production of the JSSP. As with their LDSs (referred to above), the partner Local Planning Authorities (LPAs) will also have their own individual SCIs concerned with the production of their individual Local Plans and other planning matters.
12. The SCI for the JSSP will ensure that plan is shaped by early, proportionate and meaningful engagement between plan makers and communities, local organisations, businesses, infrastructure providers and statutory consultees.
13. The outcomes of the consultation processes set out in this SCI will be an important element of the consideration of the 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 sent forward for Examination.
14. Cabinet is accordingly invited to note and support the Draft SCI, as proposed for consultation. A six-week period of consultation will assist in the finalisation of a robust SCI.

## **JSSP Scoping Document**

15. The JSSP Scoping Document is an informal document, not required by regulations, but which is a helpful project planning tool which seeks to set out the understanding between the various parties 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.
16. The Scoping Document will:
  - (a) Determine the geographical extent of the JSSP

- (b) Explain the policy context within which the JSSP is proposed
  - (c) Determine the plan period for the JSSP
  - (d) Set out the timetable, key milestones and procedures of the JSSP
  - (e) Set out the proposed structure of the JSSP
  - (f) Explain the evidence base which will be required to underpin the JSSP
  - (g) Clarify the linkages to other relevant work programmes
  - (h) Explain the governance arrangements of the JSSP project
  - (i) Set out the importance of communications and consultation
  - (j) Set out the JSSP team structure
17. As the document explains, the JSSP will provide an overall strategy for the scale and distribution of development up to 2050. It will be a genuinely strategic plan, which will set out future housing requirements and identify strategic locations or broad areas for future growth - but it **will not** allocate specific sites for development (any such decision to do this would require the explicit agreement of all the local authorities). Neither will it contain detailed local 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.
18. 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 any existing commitments made in emerging and adopted Local Plans, which will be of particular relevance in the first half of the JSSP period.
19. The JSSP will also build upon and reflect recent work undertaken by the Growth Board, particularly on the approved Oxfordshire Infrastructure Strategy, and take into account changes and updates to that work, including reflecting strategic decision making on national and/or regional infrastructure investment. The Plan will also need to link closely to other workstreams that are shaping the strategic future of Oxfordshire, for example the emerging Local Industrial Strategy being developed by the LEP.
20. Cabinet is accordingly invited to note and support the Draft JSSP Scoping Document.

## **Approval Processes**

21. The JSSP will be 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 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.

23. Oxfordshire County Council's Cabinet is one of six meetings at which the LDS, the Draft SCI and the JSSP Scoping Document will be considered during September and October. These documents will also be considered in parallel meetings at Oxford City Council, South Oxfordshire District Council, Vale of the White Horse District Council, Cherwell District Council and West Oxfordshire District Council.
24. Whilst the City and District Councils, as the plan-making bodies, will be asked to formally agree and approve these documents, the County Council is invited to note and support this material in its capacity as a key Growth Board partner and statutory consultee for the JSSP.
25. Following the anticipated agreement of this necessary supporting documentation, 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 the City and District Council Cabinets for final approval, and for information in the case of the County Council, 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 a part of the preparations that are on-going for the production of 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 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.

## **Conclusion and Reasons for Recommendations**

28. The Council and its partners are at an early stage in the production of a Joint Statutory Spatial Plan (JSSP) for Oxfordshire. Once adopted the JSSP will form part of the City and District's Development Plans against which formal planning decisions will be made and other local planning documents prepared. The Councils have 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 JSSP 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.
29. These documents will not replace Oxfordshire Councils existing LDSs and SCIs, they will remain relevant to all other planning matters.

## **Alternative Options and Reasons for Rejection**

30. To not adopt the draft SCI - 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.
31. To reconsider the content of the draft SCI - 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.

## **Financial and Staff Implications**

32. As part of the Housing and Growth Deal, the government has agreed £2.5million 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.
33. Any work directly commissioned by Oxfordshire County Council will be claimed back from the capacity fund held by the County Council as the Accountable Body for the deal, or from other Local Plan Authorities over and above the capacity funding.
34. There are no significant direct financial implications arising from this report. 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**

35. The constituent local planning authorities have a legal duty to produce an SCI under the Planning and Compulsory Purchase Act 2004 (as amended). There are no legal implications for the County Council.

## **Equalities Implications**

36. The JSSP SCI seeks to ensure opportunities for participation in the JSSP process, including fair access for equalities groups. The way that the JSSP team consults on the preparation of the JSSP could have an impact on equalities groups who may have challenges in accessing information, such as those that do not have English as their first language or those who are unable to access the internet. Therefore, an Equalities Impact Assessment will be produced when preparing JSSP documents for each stage of consultation.

## RECOMMENDATION

37. The Cabinet is **RECOMMENDED** to:
- (a) note and support the Local Development Scheme (LDS) for the JSSP presented at Annex 1.
  - (b) note and support the draft Statement of Community Involvement 2018 for the JSSP, presented at Annex 2, which will undergo a six-week period of formal public consultation.
  - (c) note and support the JSSP Scoping Document presented at Annex 3.

SUSAN HALLIWELL  
Director of Planning and Place

<b>Annex No</b>	<b>Title</b>
Annex 1	Draft Local Development Scheme
Annex 2	Draft Statement of Community Involvement 2018
Annex 3	JSSP Scoping Document
Annex 4	Vale of White Horse Red Lines
<b>Background Papers</b>	
None	

Contact Officer: Amanda Jacobs, Principal Infrastructure Planner

September 2018