

11 January 2022

Report to and resolution for the approval of Stonesfield Parish Council on the appointment of a Steering Group for the preparation of a draft neighbourhood plan and terms of reference of that Steering Group.

Summary

The use of land in England and Wales is governed by planning law and policy. Planning policy includes national policy and local policy. The law is that a planning application must, unless “material considerations” indicate otherwise, be determined in accordance with the development plan. The principal constituent of the “development plan” in our area is the West Oxfordshire Local Plan 2031.

In 2011 the government changed the law to allow local communities to draft neighbourhood plans, to reflect the priorities specified by local residents, landowners, businesses etc. An adopted neighbourhood plan becomes part of the development plan. Normally therefore a planning application inconsistent with the neighbourhood plan should be refused.

A parish council can initiate the process of creating a neighbourhood plan. It can also form a committee of the parish council, composed of some members of the parish council and other non-members who are local residents, to act as a Steering Group to do the work necessary to draft the neighbourhood plan for submission to the local planning authority with a view to adoption.

Stonesfield Parish Council is requested to form such a Steering Group and to set out its terms of reference. Details of this request are within the addendum which follows at the end of this document.

Proposal for appointment of a neighbourhood plan steering group

Members of Sustainable Stonesfield (SuSto, the community group which has concerned itself with planning matters in Stonesfield, e.g. by leading the successful opposition to the Cala planning application to carry out major development on the Woodstock Road site, and by leading the successful application to register Stockey Woods as a village green) have volunteered to be members of the Steering Group. It is therefore proposed that:

1. a Steering Group shall be established from residents of Stonesfield as a committee of the SPC;
2. the Group shall contain a minimum of seven, and a maximum of 13 residents;
3. two members of the Group shall be from the current Parish Council
4. subject to further resolution of the SPC, the following people should be appointed to the Steering Group:
 - Wendy Gould (parish councillor)
 - Simon Powell (parish councillor)
 - Richard Morris (chair of SuSto and a former chair of the Parish Council)
 - Philippa Lowe (member of SuSto)
 - Caroline Friend (member of SuSto)
 - Alan Kendall (member of SuSto)

- Jim Astle (member of SuSto)
 - Such other residents of Stonesfield as the SPC shall from time to time appoint on the recommendation of the Steering Group.
5. the term of office of the members of the Group shall, subject to further resolution of the parish council, cease on the adoption of a neighbourhood plan;
 6. the area within which the Group are to exercise their authority shall be as set out in their terms of reference.

Proposed terms of reference for the Steering Group

It is proposed that the terms of reference of the Steering Group should be as follows:

- a. to develop and secure the adoption of a neighbourhood plan (NP) for the parish of Stonesfield in consultation with SPC;
- b. the chair of the Steering Group shall be, until further resolution of SPC, Richard Morris;
- c. decisions of the Steering Group shall usually be by consensus but when a vote is required to make a decision it shall be on the basis of one member one vote;
- d. the parish councillor members of the Steering Group shall report to SPC on the activities of the Group at each meeting of the Parish Council;
- e. the Steering Group shall make available to SPC, and the public, minutes of all its meetings and such reports and other documents relating to its activities as the chair of the Steering Group shall deem appropriate, including publication on the Stonesfield NP website;
- f. to consult (as widely as is reasonable and practicable) the residents of Stonesfield, public bodies, landowners and businesses within Stonesfield while preparing the draft NP, as required by the Neighbourhood Planning (General) Regulations 2012 as amended;
- g. to consult with and, so far as is reasonably possible, to make and maintain good relations with the local planning authority during the preparation of the draft NP;
- h. to incur reasonable expenses, to be met by SPC, in preparation of the draft NP up to a maximum of £100 without the further authority of the Parish Council;
- i. to submit the final draft Neighbourhood Plan to SPC for its approval before its submission to the local planning authority and independent examination.

Addendum

The framework of planning law

The Localism Act 2011 provided for the creation of a “neighbourhood development plan” (“a neighbourhood plan”). The Act defines a neighbourhood plan as “a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.” There is a statutory process for the adoption of a neighbourhood plan. If and when a neighbourhood plan has gone through that process and been adopted it becomes part of the “development plan” for the area, i.e. in this area the West Oxfordshire Local Plan. Local planning authorities are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Therefore, unless material considerations, e.g. new national planning policy, indicate otherwise, a planning application which is inconsistent with a neighbourhood plan should be refused.

The process of creating a neighbourhood plan can be initiated only by what the 2011 Act calls a “qualifying body.” A parish council is a qualifying body. The “neighbourhood area” to be covered by a neighbourhood plan must be designated by the local planning authority within whose area the neighbourhood area lies. The local authority can exercise its power to designate only when a “relevant body” has applied to the local authority for designation. A parish council is a “relevant body” as well as a “qualifying body.” The “specified area” in an application by a parish council to the local planning authority must be one that consists of or includes the whole or any part of the area of the parish council.

The background – where we are now.

Stonesfield Parish Council (“SPC”) has applied to its local planning authority, West Oxfordshire District Council, for the designation of the parish of Stonesfield as a neighbourhood area for the purpose of the neighbourhood planning process. On the application of SPC the parish of Stonesfield has been designated as a neighbourhood area (*check that this is correct, i.e. that application has been made and designation also made*).

The very considerable work which needs to be done to bring a neighbourhood plan to adoption remains to be started. This is not something that SPC is likely to have the time or resources to do unaided. The community will need to be involved. The first step will be the appointment of a Steering Group.

The law and government guidance on appointing a steering group to prepare a neighbourhood plan.

Central Government Guidance says that “A parish council ... may choose to establish an advisory committee or sub-committee under section 102 (4) of the Local Government Act 1972 and appoint local people (who need not be parish councillors) to those bodies. Members of such committees or sub-committees would have voting rights... . The terms of reference for a Steering Group or other body should be published and the minutes of meetings made available to the public.”