

# Public Document Pack



**Committee:** Executive  
**Date:** Monday 2 November 2015  
**Time:** 5.30 pm  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

## Membership

Councillor Barry Wood (Chairman)	Councillor G A Reynolds (Vice-Chairman)
Councillor Ken Atack	Councillor Norman Bolster
Councillor John Donaldson	Councillor Michael Gibbard
Councillor Tony Illott	Councillor Kieron Mallon
Councillor D M Pickford	Councillor Nicholas Turner

## AGENDA

### 1. Apologies for Absence

### 2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest that they may have in any of the items under consideration at this meeting.

### 3. Petitions and Requests to Address the Meeting

The Chairman to report on any requests to submit petitions or to address the meeting.

### 4. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

### 5. Minutes (Pages 1 - 20)

To confirm as a correct record the Minutes of the meeting held on 5 October 2015.

## 6. **Chairman's Announcements**

To receive communications from the Chairman.

## 7. **Graven Hill: MOD Bicester Sites D & E Ambrosden Road Upper Arncott** (Pages 21 - 52) **5.35pm**

Report of Head of Development Management

### **Purpose of report**

To inform Executive of the outcome of the consultation process in respect of the draft Local Development Order (LDO) previously agreed by Executive for Phase 0 and part of Phase 1 of the redevelopment of Graven Hill, and;

To seek a decision by Executive on whether to adopt the LDO, subject to the minor modifications outlined in this report.

### **Recommendations**

The meeting is recommended:

- 1.1 To note the outcome of the consultation process undertaken in respect of the draft LDO
- 1.2 To agree the proposed modifications to the draft LDO.
- 1.3 To adopt the modified LDO attached at Appendix B to this report.
- 1.4 To note the requirement to notify the Secretary of State of a decision to adopt a LDO as soon as practicable, and no later than 28 days after the Local Planning Authority has adopted the Order.

## 8. **Neighbourhood Planning: Application for Designation as Neighbourhood Area - Weston on the Green Parish** (Pages 53 - 72) **5.45pm**

Report of Head of Strategic Planning and the Economy

### **Purpose of report**

To consider an application to designate Weston-on-the-Green Parish as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan.

### **Recommendations**

The meeting is recommended:

- 1.1 To approve the application to designate the Parish of Weston-on-the-Green as a neighbourhood area under Section 61G of the Town and Country Planning Act 1990 (as amended).

- 1.2 To authorise the Head of Strategic Planning and the Economy to issue a Notification of Decision pursuant to recommendation 1.1.

**9. Notification of Urgent Action - Free Christmas Parking After 3.00pm** **5.55pm**  
(Pages 73 - 76)

Report of Director of Community and Environment

**Purpose of report**

To notify Members of urgent action taken by the Director of Community and Environment as set out below.

**Recommendations**

The meeting is recommended:

- 1.1 To note the urgent action taken by the Director of Community and Environment.

**10. A Business Case to Create a Joint Communications and Marketing Service with South Northamptonshire Council** (Pages 77 - 84) **6.00pm**

Report of Head of Transformation

**Purpose of report**

This report presents the final business case for a Joint Communications and Marketing Service across Cherwell District and South Northamptonshire Councils (hereafter “Cherwell” or “CDC” and “South Northamptonshire” or “SNC” respectively) following consultation with staff and Unison.

The report recommends the formation of a two way Joint Communications and Marketing Service, and in doing so seeks the Executive’s agreement for the non-staffing elements of the business case.

The proposal is part of the wider transformation programme across the two Councils.

**Recommendations**

The meeting is recommended:

- 1.1 To consider the attached final business case and the consultation responses in relation to non-staffing matters as outlined in section 5.1.
- 1.2 To note the decision of the Joint Commissioning Committee on 29 October 2015 with regard to staffing matters, which will be reported to Executive verbally.
- 1.3 To approve the proposed final business case to share a joint Communications and Marketing Service between CDC and SNC, subject to similar consideration and approval by SNC Cabinet.

- 1.4 To delegate to the Head of Transformation, in consultation with the Lead Member for Communications, any non-significant amendment/s that may be required to the business case following the decision of this meeting or SNC Cabinet.
- 1.5 To delegate to the Director of Resources and Head of Transformation, responsibility for implementation of the business case, including the costs of any potential redundancies, subject to the business case being agreed by both Councils.

## 11. **Exclusion of the Press and Public**

The following item contains exempt information as defined in the following paragraphs of Part 1, Schedule 12A of Local Government Act 1972.

1 – Information relating to any individual

2 – Information which is likely to reveal the identity of an individual

3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4 – Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

Members are reminded that whilst the following item has been marked as exempt, it is for the meeting to decide whether or not to consider it in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

No representations have been received from the public requesting that this item be considered in public.

Should Members decide not to make a decision in public, they are recommended to pass the following recommendation:

“That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraphs 1, 2, 3 and 4 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

## 12. **A Business Case to Create a Joint Communications and Marketing Service with South Northamptonshire Council - Exempt Appendix** (Pages 85 - 122)

**6.10pm**

**(Meeting scheduled to close at 6.20pm)**

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [natasha.clark@cherwellandsouthnorthants.gov.uk](mailto:natasha.clark@cherwellandsouthnorthants.gov.uk) or 01295 221589 prior to the start of the meeting.

### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

### **Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

This agenda constitutes the 5 day notice required by Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in terms of the intention to consider an item of business in private.

### **Evacuation Procedure**

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

### **Access to Meetings**

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

### **Mobile Phones**

Please ensure that any device is switched to silent operation or switched off.

### **Queries Regarding this Agenda**

Please contact Natasha Clark, Democratic and Elections  
[natasha.clark@cherwellandsouthnorthants.gov.uk](mailto:natasha.clark@cherwellandsouthnorthants.gov.uk), 01295 221589

**Sue Smith**  
**Chief Executive**

Published on Friday 23 October 2015

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## Cherwell District Council

### Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 5 October 2015 at 6.30 pm

Present: Councillor Barry Wood (Chairman), Leader of the Council  
Councillor G A Reynolds (Vice-Chairman), Deputy Leader of the Council

Councillor Ken Atack, Lead Member for Financial Management  
Councillor Norman Bolster, Lead Member for Estates and the Economy

Councillor John Donaldson, Lead Member for Housing  
Councillor Michael Gibbard, Lead Member for Planning  
Councillor Tony Ilott, Lead Member for Public Protection  
Councillor Kieron Mallon, Lead Member for Banbury Futures  
Councillor D M Pickford, Lead Member for Clean and Green

Also Present: Councillor Sean Woodcock, Leader of the Labour Group  
Councillor Lawrie Stratford

Apologies for absence: Councillor Nicholas Turner, Lead Member for Change Management, Joint Working and IT

Officers: Sue Smith, Chief Executive  
Ian Davies, Director of Community and Environment  
Martin Henry, Director of Resources / Section 151 Officer  
Kevin Lane, Head of Law and Governance / Monitoring Officer  
Paul Sutton, Head of Finance and Procurement  
Adrian Colwell, Head of Strategic Planning and the Economy  
Jo Pitman, Head of Transformation  
Ed Potter, Head of Environmental Services  
Natasha Clark, Team Leader, Democratic and Elections

#### 42 **Declarations of Interest**

##### **19. Build Programme - Site Negotiations and Acquisitions.**

Sue Smith, Declaration, as the Chair of the SEMLEP European Committee to which the bid would be made.

#### 43 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

44 **Urgent Business**

There were no items of urgent business.

45 **Minutes**

The minutes of the meeting held on 7 September 2015 were agreed as a correct record and signed by the Chairman.

46 **Chairman's Announcements**

The Chairman made the following announcement:

1. Members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

47 **Customer Satisfaction Survey Results 2015**

The Head of Transformation submitted a report to advise the Executive of the results of the 2015 annual customer satisfaction survey which illustrated a 79% level of overall satisfaction with the Council, and 55% satisfaction in relation to how the Council represented value for money; the highest levels of satisfaction since the survey began in 2006.

The report also identified areas to be considered for further improvement or investment within the District as part of the annual business planning and budget setting process for 2016/17.

In considering the report, Executive agreed that the survey reflected well on the service given by council employees and requested that the Chief Executive pass on their feedback.

In response to comments from Councillor Woodcock, Leader of the Labour Group, regarding participation levels in the survey, the Chairman confirmed that he had already addressed with officers the need to increase participation. The survey showed trends and was an important tool for obtaining people's views.

**Resolved**

- (1) That it be noted that overall satisfaction with the Council and perception of how the Council represents value for money was rated at 79% and 55% respectively amongst survey respondents, both of which represent the highest levels of satisfaction since the survey began in 2006.
- (2) That agreement be given to consider the areas identified as being of most importance to survey respondents, and those which may be identified for improvement or investment as part of the business



planning and budget setting process for 2016/17 based on survey respondent feedback.

- (3) That survey respondents be thanked for their contribution.

### **Reasons**

This report presents a summary of the findings from the 2015 customer satisfaction survey. It highlights an increasing trend of improvement across Council services, and how the Council is perceived to represent value for money as well as areas where continued focus is required.

The report also highlights customer priorities. These will be used to help inform budget setting, the development of the Council's Business Plan and Performance Pledges for 2016/17 and the Council's five year Strategy.

As well as these high level findings the survey includes a wealth of service specific detail that will be used by service managers to help underpin service planning.

### **Alternative options**

Option 1: To reject the recommendations and request additional work or alternative priorities arising from the survey findings.

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### **Air Quality Management Area in Bicester**

The Interim Public Protection and Environmental Health Manager which sought the agreement of Executive to declare an Air Quality Management Area in Bicester.

### **Resolved**

- (1) That an Air Quality Management Area including Kings End, Queens Avenue and Field Street, Bicester as shown on the plan (annex to the Minutes as set out in the Minute Book) be declared.

### **Reasons**

Due to exceedances of the annual mean air quality objective for nitrogen dioxide it is recommended that an AQMA is declared for Kings End / Queens Avenue / Field Street, Bicester as outlined in the annex to the Minutes (as set out in the Minute Book).

### **Alternative options**

Option 1: An alternative option would be to not declare the area as an AQMA. However, if an air quality objective is not being met then the Council is required to declare that area as an AQMA and so for this reason this is not an alternative option.

## **Recycling Strategy**

The Head of Environmental Services submitted a report to consider the future recycling strategy options which could be adopted to deal with the current environment of volatile commodity prices and potential changes to services delivered by Oxfordshire County Council.

The Chairman confirmed that Cherwell District Council had made written representations to the County Council consultation and other district and town and parish councils had also made representations.

### **Resolved**

- (1) That the exploration of the possibility of more local transfer stations and/or sorting facilities for future dry recycling contracts be supported.
- (2) That the principle of a new depot in Bicester with possible local transfer facilities and/or Household Waste Recycling facilities be endorsed and officers be requested to report back on this option at an appropriate future meeting.
- (3) That a dialogue with Oxfordshire County Council regarding the provision of Household Waste Recycling Centres (HWRCs) be continued.
- (4) That the promotion of the current recycling scheme to bring both environmental improvements and financial benefits by increasing recycling rates towards 60% be supported.

### **Reasons**

The waste hierarchy and the treatment costs for waste mean that the best financial outcome is usually achieved by reducing waste, reusing waste and recycling to very high levels.

Commodity prices are having an effect on recycling although for this Council the current contract insulates the Council from the full impact of commodity price falls. However, even if a gate fee were payable in the future, the best outcome for the taxpayer would still to recycle as much as possible

Residents having easy access to facilities to dispose of waste is important to minimise anti-social activities such as fly tipping. Currently the district is served by two Household Waste Recycling Centres (HWRCs) but in the future this may be reduced.

### **Alternative options**

Option 1 : To approve the revised recycling strategy.

Option 2: To reject the revised recycling strategy

Option 3: To ask officers to consider alternative amendments

50 **Bicester Sustainable Transport Strategy**

The Head of Strategic Planning and the Economy submitted a report which sought the Executive's endorsement and support for the Bicester Sustainable Transport Strategy as the Council's commitment to sustainable transport in the town recognising its role in accommodating growth and integrating new and existing neighbourhoods.

At the discretion of the Chairman, Councillor Lawrie Stratford addressed the meeting.

In response to the address, the Chairman confirmed that the future of Market Square would require reappraisal after Pioneer Square Phase 2 was embedded. Members subsequently agreed that the wording in Principles and Vision regarding Market Square should be amended to reflect this.

**Resolved**

- (1) That the Bicester Sustainable Transport Strategy be noted.
- (2) That, subject to resolutions (5) and (6), the Strategy's vision and principles be endorsed.
- (3) That the Strategy be supported as the basis of further work to inform Part 2 of the Cherwell Local Plan, the Oxfordshire Local Transport Plan and other documents.
- (4) That the next steps required to develop an action plan to deliver priorities in the short, medium and long term as schemes and funding opportunities be progressed.
- (5) That it be noted that the future of Market Square would require reappraisal after Pioneer Square Phase 2 was embedded.
- (6) That authority be delegated to the Head of Strategic Planning and the Economy, in consultation with the Lead Member for Planning, to amend the wording of the Principles and Vision regarding Market Square to reflect the sentiment of Members and resolution (5).

**Reasons**

The Bicester Sustainable Transport Strategy (STS) is a key document in supporting improvements to the Bicester transport network. It reviews and summarises the policy context and best practice from the UK and Europe. The vision and principles support the shift to more sustainable travel in the future providing a framework for infrastructure improvements and behaviour change. Detailed designs have been prepared by Sustrans for the central corridor route.

The Strategy is necessary to ensure that the future growth of Bicester can be accommodated. Improvements and enhancements to the public transport network will ensure that opportunities for bus and train journeys are optimised.

The Strategy will contribute to the creation of an attractive town by integrating new and existing neighbourhoods with easy access for pedestrians and cyclists linking to exemplary public transport facilities and services. It has an important role in integrating new development with the existing town through sustainable connections and enhancements to key routes in and around the town. By creating an attractive place to live, work and visit the STS will enhance Bicester's reputation as a place to invest and develop new neighbourhoods innovatively and sustainably. The proposed improvements to the peripheral routes form an essential part of the strategy by removing some of the vehicular through traffic from the town centre and providing the opportunity to integrate the existing and new development with sustainable transport connections.

The STS has informed policy documents and proposals such as the LTP4 Bicester Area Strategy and will continue to do so. By endorsing and supporting the STS it will give it weight and demonstrate the commitment of CDC to the delivery the sustainable transport ambitions for Bicester. Officers will continue to identify priorities and secure funding through developer contributions, CIL, LEP funding to deliver an action plan as a rolling programme of infrastructure improvements in Bicester.

### **Alternative options**

Option 1: To adopt the STS as a Supplementary Planning Document  
This option was rejected as it will lead to delay to the preparation of the document and is considered unnecessary as the STS will be used to inform CLP Part 2 and the LTP4. It would also require additional resources to complete.

Option 2: To await publication of the STS until further detail is received to complete the Delivery Plan  
This option was rejected given the uncertainty of funding streams. It would lead to undue delay, resulting in some sections becoming outdated and prevent the document being used to secure funding bids. The current delivery plan relates to the strategy document and demonstrates how the strategy could be delivered. As such, it is illustrative and will be worked up in greater detail by officers with elements incorporated into the Cherwell Local Plan Infrastructure Delivery Plan.

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### **Adoption ('Making') of Hook Norton Neighbourhood Plan**

The Head of Strategic Planning and the Economy submitted a report which sought a recommendation to Full Council to 'make', i.e. to adopt, the Hook Norton Neighbourhood Plan (HNNP) following the holding of a successful referendum in Hook Norton Parish on 3 September 2015. There was a majority vote in favour of adopting the neighbourhood plan so that it becomes part of the statutory development plan for Cherwell District Council under the provisions of Section 38A (4) and (6) the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011.

Executive commended Hook Norton Parish Council and the local community for their hard work in progressing the plan.

## **Resolved**

- (1) That the referendum result of 3 September 2015, where 97% of those who voted were in favour of the Plan which is above the required 50%, be noted.
- (2) That Full Council be recommended to resolve that Cherwell District Council as local planning authority 'make' the Hook Norton Neighbourhood Plan part of the statutory development plan for the District.
- (3) That Full Council be recommended to resolve to approve the issuing and publication of a decision statement, under regulation 19 of the Neighbourhood Planning (General) Regulations 2012, that Cherwell District Council has resolved to make the Hook Norton Neighbourhood Plan.
- (4) That Full Council be recommended to resolve to delegate to the Head of Strategic Planning and the Economy the correction of any spelling, grammatical or typographical errors, and the undertaking of any minor presentational improvements, prior to the Plan being adopted and published by Council.

## **Reasons**

This the first neighbourhood plan in Cherwell District to reach the referendum stage and the making of the plan is the final formal stage of the process of becoming part of the statutory development plan. The preparation of the HNNP has provided a better understanding and knowledge of the process which will help in progressing future neighbourhood plans in the District. The efforts and success of Hook Norton Parish Council and the local community in progressing the Plan is acknowledged by officers.

Local planning authorities are required by statute to 'make' any neighbourhood plan if more than half of those voting in the referendum vote in favour of the plan. Of those eligible to vote, 568 voted in favour of the Plan with 16 against. This represents a turnout of 34.8% of those eligible to vote in the Parish and gives a majority vote of 97.2%.

The Executive are recommended to resolve that the Hook Norton Neighbourhood Development Plan be 'made' by Council and that the associated statutory and administrative steps are undertaken

## **Alternative options**

Where a referendum poll results in more than half of those eligible to vote voting in favour of the Neighbourhood Plan, the local planning authority must 'make' the Plan as part of the statutory development plan. There are no alternative options available unless 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). There is no known breach or incompatibility.

A legal challenge can be made if a local planning authority declines to make a neighbourhood plan following a successful referendum.

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### **Budget Strategy 2015 to 2016 and Beyond**

The Head of Finance and Procurement submitted a report to set out the Budget Process for 2016/17, approve the 2016/17 Budget Strategy and agree the budget guidelines for issue to service managers. The report also presented the most recent Medium Term Revenue Plan (MTRP) and sought consideration of the Council Tax Reduction Scheme for 2016/17.

#### **Resolved**

- (1) That the updated Medium Term Revenue Plan for the Council's revenue budget for 2016/17 to 2020-21 be noted.
- (2) That the overall 2016/17 budget strategy and service and financial planning process be endorsed.
- (3) That the proposed budget guidelines and timetable for 2016/17 (annexes to the Minutes as set out in the Minute Book) be agreed.
- (4) That agreement be given to consult on the retention of the current Council Tax Reduction Scheme (CTRS) for 2016/17 and authority be delegated to the Director of Resources, in consultation with the Lead Member for Financial Management, to make the final decision on the scheme.

#### **Reasons**

The Council needs to set guidelines and a timetable for the preparation of draft estimates for 2016/17. These guidelines should support the objectives contained in the Council's Business Plan, Service Plans and enable an update to the Medium Term Financial Strategy.

From April 2013 Council Tax Benefit was abolished and replaced with a local Council Tax Reduction Scheme. Members are now required to agree, for consultation purposes, a Council Tax Reduction Scheme for the 2016-2017 financial year.

#### **Alternative options**

Option 1: To disagree with the recommendations. This is rejected as it will unnecessarily delay the formulation of the detailed budget for 2016/17.

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### **Business Rates Pooling Decisions 2016-2017**

The Director of Resources submitted a report which sought approval in principle for the Council to participate in a business rates pool for 2016-2017.

## **Resolved**

- (1) That the principle to join a business rates pool for participating authorities in Oxfordshire, noting the risks and benefits, be endorsed.
- (2) That the Council's participation in a pool for the 2016-2017 financial year be approved 'in principle'.
- (3) That delegated authority be granted to the Director of Resources, in consultation with the Lead Member for Financial Management, to conclude necessary due diligence and confirm the Council's final intention on whether or not to participate in a Oxfordshire business rates pool (however constituted) for 2016-2017 by 31 October 2015.

## **Reasons**

For the reasons set out in section 3 of the report it appears likely that the Council's financial interests will best be maximised by participating in a pooling arrangement. Given the 31 October deadline for confirming the Council's position and due to the fact that we are still modelling financial scenarios and discussing matters with other local authorities across the County it is necessary and appropriate to grant delegated authority to determine this to the Director of Resources in consultation with the Lead Member for Financial Management.

## **Alternative options**

Option 1: To not approve the recommendations set out above. Based on current guidance this is not an option as we need to make a decision on whether or not to pool by 31 October 2015.

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## **Expression of Interest for Devolution to Oxfordshire**

The Chief Executive submitted a report to advise Members of the recent proposal which set out the areas for devolution that Oxfordshire authorities are interested in exploring further with central government.

## **Resolved**

- (1) That the report be noted.

## **Reasons**

This report is to draw Members attention to the recently submitted expression of interest in respect to a Devolution deal for Oxfordshire.

## **Alternative options**

Not applicable. This report is for noting only.

55 **Exclusion of the Press and Public**

**Resolved**

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraphs 1, 2, 3 and 5 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

56 **Expression of Interest for Devolution to Oxfordshire - Exempt Appendix**

**Resolved**

- (1) That the exempt appendix be noted.

57 **Proposal for a Joint Transport Resource with South Northamptonshire Council**

The Head of Strategic Planning and the Economy submitted an exempt report which presented the final business case, following consultation, for a Joint Transport Resource across Cherwell District Council (CDC) and South Northamptonshire Council (SNC) and sought approval of the non-staffing elements of the business case.

The proposal was part of the wider transformation programme across the two Councils.

**Resolved**

- (1) That the final business case and the consultation responses in relation to non-staffing matters be noted.
- (2) That it be noted that the business case was agreed by the Joint Commissioning Committee with regard to staffing matters on 1 October 2015.
- (3) That the final business case to share a joint Transport Resource between Cherwell District Council (CDC) and South Northamptonshire Council (SNC), subject to similar consideration and approval by SNC Cabinet and following approval of the staffing implications by the Joint Commissioning Committee, be approved and implemented.
- (4) That authority be delegated to the Head of Strategic Planning and the Economy in consultation with the Leader of the Council to make any non-significant amendment that may be required to the business case following the decision by SNC Cabinet and/or the Joint Commissioning Committee.



## **Reasons**

The business case represents another milestone in the revised transformation programme across CDC and SNC. The proposal does represent a reduction in capacity for SNC, but is considered a cost effective way for SNC to retain and for CDC to gain access to a specialist transport function through a shared resource.

The proposal is considered a cost effective way for CDC to gain access to and for SNC to retain a specialist transport function through a shared resource.

## **Alternative options**

As set out in the exempt minutes

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## **Local Housing Company**

The Head of Regeneration and Housing submitted an exempt report which sought approval for a recommendation to Council to create a Local Housing Company as a vehicle to develop, own and manage affordable housing assets and ancillary activities including existing housing assets in the Council's ownership, both built (and occupied) and in development.

## **Resolved**

- (1) That Full Council be recommended to approve of the creation of a Local Housing Company, registered with the Financial Conduct Authority (FCA) as a Community Benefit Society, HMRC as an exempt charity and the Homes and Communities Agency (HCA) as a registered provider.
- (2) That Full Council be recommended to approve the sale of existing affordable housing assets (both completed and occupied and in development) as itemised in the exempt annex (as set out in the Minute Book) at existing market value as certified by an independent valuer to the Local Housing Company (once incorporated and registered with the FCA and the HCA) and it be noted that any proposed future disposals of Council owned assets to the Local Housing Company will form the subject of future reports to Executive or full Council as appropriate.
- (3) That Full Council be recommended to approve the lending of finance from the Council to the Local Housing Company as long as this is viable for both the Local Housing Company and the Council and is within the Council's peak borrowing limits and the legal requirements relating to the prohibition of unlawful State Aid.
- (4) That Full Council be recommended to approve the Council undertaking a key financial role in the Local Housing Company subject to such role complying with the legal requirements in relation to the prohibition of unlawful State Aid, in particular:

- Through the provision of loan finance on a formal loan arrangement with the Council
  - Through providing a contingent guarantee for external finance and lease arrangements
- (5) That Full Council be recommended to delegate authority to the Director of Resources, in consultation with the Leader of the Council, to approve the business plan of the Local Housing Company and to appoint Council Directors to the Board of the Local Housing Company (if incorporated and registered with the FCA and the HCA) including such future appointments as are necessary to fill vacancies that might arise.
- (6) That Full Council be recommended to delegate authority to the Head of Regeneration and Housing, in consultation with:
- The Leader of the Council
  - The Lead Member for Housing
  - The Lead Member for Estates and the Economy
  - The Lead Member for Financial Management
  - The Director of Resources
  - The Director of Development
  - The Head of Finance and Procurement
  - The Head of Law and Governance

to take the necessary operational, legal and financial steps to ensure effective implementation of the above, including the naming of the Local Housing Company and its subsidiary, subject to there being no conflict of interest arising for the Head of Regeneration and Housing between the Council and the Local Housing Company in respect of any actions to be taken following the Company's incorporation and registration with the FCA and HCA.

### **Reasons**

Members are asked to approve the recommendations as set out in this report. This is believed to deliver the best financial and strategic outcomes for the Council and local residents.

This proposal is a critical 'thread' to the future growth of the district, in particular affordable housing and challenging brownfield sites and its ability to attract further inward investment, in particular from the HCA who have been very supportive.

### **Local Housing Company**

Officers have worked with Directors from CCLT and external finance and legal; experts to consider the optimum model for Cherwell, taking into consideration the context:

- Cherwell as a non-stock holding Council, with a closed Housing Revenue Account (HRA)

- Cherwell as a Registered Provider (RP) in its own right, with a HCA funded development programme
- Cherwell as an outward-facing Council which seeks to work in partnership with the community, harnessing the skills, influence and knowledge for the best outcomes for residents
- Cherwell as a key growth area, with an on-going requirement for affordable housing and further opportunities for regeneration of brownfield sites.

In this context, it has been clear that a Community Benefit Society, registered as an exempt Charity with HMRC and registered with the HCA as a Registered Provider is the most ideal legal entity and as such recommended for approval

### **Alternative options**

#### **Local Housing Company**

Alternative options can be considered by members but are not recommended for the following reasons

**Option One: To retain all assets** (existing and in the pipeline) is not recommended as this, in the long term would most likely require the Council to re-open its Housing Revenue Account, bringing with it:

- caps on lending
- limitations on the opportunity to attract inward investment
- limitations on the opportunity to harness the investment of time and expertise from community/independent representation.

**Option Two: To sell all assets (existing and pipeline)** is not recommended as this would deliver a lesser financial return and would not guarantee local governance, management and retention of investment within district boundaries.

**Option Three: To establish an alternative vehicle** (e.g. a wholly owned company limited by shares) is not recommended as this would create further barriers in HCA registration and registration with HMRC as an exempt charity and the benefits this brings with regards to not paying SDLT or corporation tax.

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### **Build Programme - Site Negotiations and Acquisitions**

The Head of Regeneration and Housing submitted an exempt report to request approval to acquire land and proceed with a bid for EU funding.

#### **Resolved**

- (1) As set out in the exempt minutes.
- (2) That approval be given for Officers to facilitate negotiations between Graven Hill Development Company and the Local Housing Company (if approved, incorporated and registered as set out above) for the Local Housing Company to be the designated Registered Provider for the

affordable housing at Graven Hill, subject to approval from both of the companies' boards.

- (3) As set out in the exempt minutes.
- (4) That it be noted that the Council's application for EU funding (to undertake a Research and Development (R & D) project for 7 prototype system houses) is through to the final stage and as such give approval for
- a) The following Council owned sites to be made available (as part of match funding):
    - A single unit plot in Lincoln Close, Banbury;
    - A two unit plot in Angus Close Banbury;
    - Land to the rear of Orchard Way for four apartments.
  - b) The funding already allocated for the redevelopment of Orchard Way (external area) to be identified as capital match funding;
  - c) The schemes to proceed if funding is awarded.

**Reasons**

As set out in the exempt minutes.

**Alternative options**

As set out in the exempt minutes.

The meeting ended at 7.50 pm

Chairman:

Date:

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## Cherwell District Council

### Executive

2 November 2015

<p><b>Graven Hill: MOD Bicester Sites D &amp; E Ambrosden Road Upper Arccott</b></p>
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### Report of Head of Development Management

This report is public

#### Purpose of report

To inform Executive of the outcome of the consultation process in respect of the draft Local Development Order (LDO) previously agreed by Executive for Phase 0 and part of Phase 1 of the redevelopment of Graven Hill, and;

To seek a decision by Executive on whether to adopt the LDO, subject to the minor modifications outlined in this report.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To note the outcome of the consultation process undertaken in respect of the draft LDO
- 1.2 To agree the proposed modifications to the draft LDO.
- 1.3 To adopt the modified LDO attached at Appendix B to this report.
- 1.4 To note the requirement to notify the Secretary of State of a decision to adopt a LDO as soon as practicable, and no later than 28 days after the Local Planning Authority has adopted the Order.

#### 2.0 Introduction

- 2.1 Executive considered a report setting out the benefits and disadvantages of LDOs, and giving the reasons why officers recommended that an LDO should be prepared in respect of the redevelopment of Graven Hill, at its meeting on 2 March 2015.
- 2.2 The main reason for preparing a LDO in respect of Graven Hill was to facilitate the delivery of self-build dwellings on the site. It was envisaged that a LDO would achieve this by simplifying the planning process whilst providing certainty that

individuality and variety in design would be supported within the parameters set by the Masterplan and Design Code, which has subsequently been approved under the outline planning permission (ref: 11/01494/OUT).

- 2.3 Under Article 38 of The Town and Country Planning (Development Management Procedure) Order 2015, where a Local Planning Authority has prepared a draft LDO it must consult on that draft LDO giving a period of not less than 28 days for representations to be made. Executive agreed a draft LDO for consultation purposes at its meeting on 6 July 2015; a copy of the draft LDO is attached at Appendix A to this report.
- 2.4 The draft LDO was publicised in the Bicester Advertiser and by way of site notice on the 17 September 2015. Notification letters were also sent to Ambrosden Parish Council and Bicester Town Council, all relevant consultees, and to those with an interest in the land that would be affected by the LDO. The 28 day consultation period ended on 15 October 2015.
- 2.5 When considering what modifications should be made to the draft Order or whether it should be adopted, the Local Planning Authority must take into account all representations made in relation to the draft Order.

### 3.0 Report Details

#### The consultation responses

- 3.1 AMBROSDEN PARISH COUNCIL: **no comments** received
- 3.2 BICESTER TOWN COUNCIL: **no comments** received
- 3.3 HISTORIC ENGLAND: **no comments** and advise that the proposal should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.
- 3.4 ENVIRONMENT AGENCY: **no objections** but note that some of the conditions on the outline permission will need to be discharged before any of the plots can be developed. The conditions are in relation to surface water drainage and foul drainage infrastructure.
- 3.5 HIGHWAYS ENGLAND: **no objections**
- 3.6 NATURAL ENGLAND: **no comments**
- 3.7 CDC LANDSCAPE: **no objections** but comments that on-plot landscaping should be provided to the front gardens in "a consistent and planned format" to tie the different building styles together.
- 3.8 OXFORDSHIRE COUNTY COUNCIL: **no objections**, commenting that the outline planning permission and the associated s106 legal agreement should ensure that the necessary controls are in place to ensure the transport and highways impacts of the development are acceptable.



- 3.9 THAMES WATER: **no objections** on the understanding that no development will be allowed contrary to the conditions of the outline planning permission, and that no dwellings will be occupied until the approved drainage scheme is implemented.
- 3.10 CDC CONSERVATION AND URBAN DESIGN: **no objections**, but advises that it would be useful to have the flexibility to provide further design guidance, if required, in the future. It is suggested this could be achieved through a review of the plot passports, and it is recommended that a Design Panel is set up made up of design experts, local stakeholders and representatives from the development company and the Local Planning Authority. The Design Panel would meet regularly to assess any critical design issues that arise in the process, with expert design guidance provided to developers/householders throughout the build process. With regard to conservation matters, the development that would be permitted by the LDO is not considered to give rise to any significant or different impacts on nearby listed buildings (e.g. Langford Park Farm) to that considered at outline stage.
- 3.11 NATIONAL SELF AND CUSTOM BUILD ASSOCIATION (NaSCBA): **supportive of the overall approach** but makes the following comments:
- Specific design requirements should be kept out of the LDO and instead should be contained in the Design Code and Masterplan, which can be kept under review to deal with any irregularities.
  - The interpretations being used for “custom build” and “self-build” could be strengthened (e.g. refer specifically to residential, specify a minimum length of time of occupation).
  - Thought needs to be given to how the requirement for self-build and custom build will be policed (e.g. avoid plots being sold on).
  - A standard application form for confirmation of compliance should be provided, to make it easier for applicants. Consideration should be given to charging a fee for confirmation of compliance.
  - The plot passport needs to contain all the rules that apply to the plot.
- (N.B: these comments were received before the formal consultation).

### Proposed Modifications

- 3.12 The consultation response has not raised any significant issues or objections to the draft LDO. However, having regard to the comments received and following discussions with the Development Company, it is recommended that the following minor modifications are made:
- Insert section 1(4) under “Citation, commencement and application”, making provision for development that has commenced under the LDO to be completed in the event that the LDO is either revoked or revised.
  - Amend the definition of “custom build” and “self build” to reflect the definition used in the Housing and Planning Bill 2015, and amend the definition of “developer” to mean a custom builder or self builder.
  - Add a definition of “occupation”, to be consistent with that used in the s106 legal agreement and so that it is clear when a self build or custom build dwelling is to be treated as occupied.
  - Delete definition of “original dwellinghouse” as this term is not used elsewhere in the LDO.
  - Amend section 3(1) and 3(4) under “Permitted development” to clarify the scope of the LDO and in particular its status as a reserved matters approval pursuant to the outline planning permission.

- In Schedule 2, amend A.2(c) and A.2(d)(ii), to refer to a neighbouring dwellinghouse that has received either confirmation of compliance or planning permission. This is consistent with the terms used elsewhere in the LDO, and reflects the point at which the design for the neighbouring dwelling will have been agreed.
- In Schedule 2, amend A.2(c)(i) and B.2(b)(i) to allow for side windows above 1.7 metres to be clear glazed. This is because the potential for overlooking/loss of privacy is minimal at this height.
- In Schedule 3, amend paragraph (2)(a) to only require a written description of the proposed development. This is because the plans required to be submitted under paragraph (2)(b) will show the building or other operations proposed.

3.13 With regard to the suggestion made by CDC Urban Design of a Design Review Panel to monitor progress and assess any critical design issues, officers consider this could prove useful to evaluating the effectiveness of the LDO and Design Code, and will explore this possibility further with the development company.

3.14 With regard to the date the LDO would come into force, a date of 15 December 2015 is considered appropriate. This is because it allows for the potential for a legal challenge to be submitted in the six week period following the Council's decision whether to adopt the LDO.

### EIA Regulations

3.15 There is a requirement for the Council to adopt a screening opinion prior to making a LDO under Regulation 29 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

3.16 The Council adopted a screening opinion on 16 September 2015 to the effect that the Environmental Statement submitted to support the outline planning application 11/01494/OUT remains adequate to assess the environmental effects of the development that would be permitted by the LDO, and so a new Environment Impact Assessment is not required.

3.17 The development that would be permitted by the LDO is not considered to be materially different in scale or use to that which is permitted by the outline planning permission, and is not considered to give rise to materially different or significant greater impacts than the approved development.

3.18 The proposed modifications to the draft LDO are minor and relate to procedural matters and points of clarification, and do not alter or amend the nature, scale or type of development that would be permitted or the likely environmental impacts that will result.

3.19 Therefore, and having regard to the environmental information submitted with the outline planning application, the draft LDO as modified (attached as Appendix B to this report) is not considered to give rise to significant environmental effects above and beyond those which have already been assessed in the outline planning application.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The draft Local Development Order would facilitate and encourage self build and custom build housing at Graven Hill by simplifying the planning process whilst providing certainty that individuality and variety in design would be supported within the parameters set by the Masterplan and Design Code to be approved under the outline planning permission.
- 4.2 The consultation response has not raised any significant issues or objections to the draft LDO, and only minor modifications are proposed in response to the comments received, to clarify the requirements of the LDO and to ensure that it is effective in facilitating the delivery of custom build and self-build development.
- 4.3 It is therefore recommended that Executive agree to adopt the modified LDO as attached at Appendix B to this report, and that the Secretary of State is notified of the decision to adopt the LDO in accordance with Article 38(11) of the Town and Country Planning (Development Management Procedure) Order 2015.

## **5.0 Consultation**

- 5.1. Full details of the consultation on the draft LDO are set out in sections 2 and 3 of this report.
- 5.2. Consultation in respect of the content of this report was with:
- Councillor Michael Gibbard (Lead Member for Planning)
  - JP Planning on behalf of the Graven Hill Development Company

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

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.
- (a) Not to agree the draft LDO. Delivering the development through the traditional reserved matters route would not facilitate the desired level of individuality and variety in design.
- (b) To adopt the LDO without modifications. This would not address the issues raised in the consultation response and would fail to take the opportunity to clarify the requirements of the LDO and safeguard the delivery of custom and self-build development.

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 The Council has entered into a Planning Performance Agreement (PPA) with the Graven Hill Development Company to ensure that the Council is adequately resourced to carry out the work necessary to prepare and consult on the LDO.

Comments checked by:  
Paul Sutton, Head of Finance and Procurement, 0300 003 0106,  
[paul.sutton@cherwellandsouthnorthants.gov.uk](mailto:paul.sutton@cherwellandsouthnorthants.gov.uk)

### **Legal Implications**

- 7.2 The s106 Agreement entered into in respect of the outline planning permission (ref: 11/01494/OUT) will need to be varied to amend the definition of a Qualifying Permission to include reference to a Local Development Order.
- 7.3 There is a requirement under Article 38(11) of the Town and Country Planning (Development Management Procedure) Order 2015 to notify the Secretary of State of a decision to adopt a LDO no later than 28 days after the Local Planning Authority has adopted the Order.

Comments checked by:  
Nigel Bell, Team Leader – Planning, 01295 221687  
[nigel.bell@cherwellandsouthnorthants.gov.uk](mailto:nigel.bell@cherwellandsouthnorthants.gov.uk)

## **8.0 Decision Information**

### **Key Decision**

Financial Threshold Met?                      No

Community Impact Threshold Met?        No

### **Wards Affected**

All Bicester Wards, Ambrosden

### **Links to Corporate Plan and Policy Framework**

A District of Opportunity, in particular:

- Securing employment-generating development with necessary transport/other infrastructure
- Meeting local performance targets in terms of speed of determination of all forms of application

### **Lead Councillor**

Councillor Michael Gibbard  
Lead Member for Planning

## Document Information

Appendix No	Title
A	Draft LDO used for consultation
B	Modified LDO proposed for adoption
<b>Background Papers</b>	
None	
<b>Report Author</b>	Alex Keen, Development Management Team Leader
<b>Contact Information</b>	01295 221812 <a href="mailto:alex.keen@cherwell-dc.gov.uk">alex.keen@cherwell-dc.gov.uk</a>

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DISTRICT COUNCIL  
NORTH OXFORDSHIRE

Graven Hill Phase 1

Local Development Order 2015

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Cherwell District Council, in exercise of the powers conferred on the Council as local planning authority by sections 61A-61D of and Schedule 4A of The Town and Country Planning Act 1990 (as amended), and pursuant to Article 38 of The Town and Country Planning (Development Management Procedure) Order 2015, makes the following Order:

### **Citation, commencement and application**

1. (1) This Order may be cited as the Graven Hill Phase 1 Local Development Order 2015 and comes into force on.....
- (2) This Order applies to the land at Graven Hill Bicester outlined in red on the plan included as Schedule 1 to the Order.
- (3) Subject to the Council's power to revoke this Order under section 61A(6) of the Act, this Order will remain in force for a period of 5 years from the date the Order comes into force
- (4) Nothing in this Order removes, cancels, or otherwise makes void the national permissions granted by the General Order.

### **Interpretation**

2. (1) In this Order –

“access” has the same meaning as in the Procedure Order

“the Act” means The Town and Country Planning Act 1990 (as amended)

“appearance” has the same meaning as in the Procedure Order

“construction” means the carrying out of building or engineering operations in, on, over or under land and “construct” and “constructed” shall be construed accordingly

“completion” means that to all intents and purposes the dwellinghouse has been completed and is either occupied or capable of being occupied as a dwellinghouse, and “complete” and “completed” shall be construed accordingly

“the Council” means Cherwell District Council

“confirmation of compliance” means a formal written notification of the local planning authority confirming that a proposed development complies with the Masterplan and Design Code approved under the outline planning permission

“custom build” means development carried out for and on behalf of, or in partnership with, an individual or group of individuals who upon completion intend to occupy the development and who will become a freehold owner, or



owner of a long lease of not less than 99 years duration, of the development and “custom built” and “custom builder” shall be construed accordingly

“developer” someone constructing a dwelling either through self build or custom build

“development” has the same meaning as in section 55 of the Act

“dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building

“erection” means the carrying out of operations to erect a structure or building on or over land

“General Order” means The Town and Country Planning (General Permitted Development) Order 2015 and any subsequent amendment to that Order

“highway” has the same meaning as in the Highways Act 1980 (as amended)

“landscaping” has the same meaning as in the Procedure Order

“layout” has the same meaning as in the Procedure Order

“Masterplan and Design Code” means the master plan and design code required to be approved under condition 26 of the outline planning permission

“original dwellinghouse” means the dwellinghouse as so built at the time of first occupation as a dwellinghouse

“outline planning permission” means the planning permission dated 08 August 2014 granted by the Council pursuant to the application for outline planning permission dated 29 September 2011 and allocated reference number 11/01494/OUT, and any subsequent planning permission granted pursuant to an application under section 73 of the Act relating to that outline planning permission

“the Procedure Order” means The Town and Country Planning (Development Management Procedure) Order 2015 and any subsequent amendment to that Order

“scale” has the same meaning as in the Procedure Order

“self-build” means development carried out by an individual or group of individuals who upon completion intend to occupy the development and who will become a freehold owner, or owner of a long lease of not less than 99 years duration, of the development and “self built” and “self builder” shall be construed accordingly

### Permitted development

3. (1) Planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2.

(3) Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Act otherwise than by this Order.

(4) The permission granted by Schedule 2 does not apply if—

(a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;

(b) in the case of permission granted in connection with an existing use, that use is unlawful.

(5) The permission granted by Schedule 2 does not authorise any development which creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.

(6) Where a person uses electronic communications for making any application required to be made under any Class of Schedule 2, that person is taken to have agreed—

(a) to the use of electronic communications for all purposes relating to that person's application which are capable of being effected using such communications;

(b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, that person's application; and

(c) that the deemed agreement under this paragraph subsists until that person gives notice in writing revoking the agreement (and such revocation is final and takes effect on a date specified by the person but not less than 7 days after the date on which the notice is given).

**Adopted by Cherwell District Council on...**

The Common Seal of  
Cherwell District Council  
was affixed hereunto in  
the presence of:

Authorised Signatory

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**Schedule 1 – Land to which this Order applies**

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## Schedule 2 – Permitted Development

*Class A – the erection or construction of a dwellinghouse*

### Development Permitted

**A. The erection or construction of a dwellinghouse, including access and landscaping, pursuant to the outline planning permission**

### Development Not Permitted

A.1 Development is not permitted by Class A if –

- (a) the dwellinghouse is not a custom build or self build dwellinghouse;
- (b) the dwellinghouse is to be erected or constructed on land that is not identified for development as a dwellinghouse in the Masterplan and Design Code approved under the outline planning permission; or
- (c) the dwellinghouse does not comply with the Masterplan and Design Code approved under the outline planning permission

### Conditions

A.2 Development is permitted by Class A subject to the following conditions –

- (a) Prior to development commencing, the developer must apply to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission and the provisions of Schedule 3 of this Order apply in relation to that application
- (b) The principal elevation of the dwellinghouse must front a highway
- (c) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse and facing a boundary with a neighbouring dwelling that is either occupied or is being erected or constructed must be —
  - (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed
- (d) Any part of the dwellinghouse that would –
  - (i) have more than a single storey; and
  - (ii) would be within 2 metres of the boundary with a neighbouring dwelling that is either occupied or is being erected or constructed

must not extend beyond the rear wall of the neighbouring dwelling by more than 3 metres

- (e) Any hard surface to be provided on land between a wall forming the principal elevation of the dwellinghouse and the highway must either be made of porous materials, or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse
- (f) Development under Class A must be completed within a period of 3 years starting with the confirmation of compliance date

*Class B – the enlargement, extension or alteration of a dwellinghouse*

### **Development Permitted**

#### ***B. The enlargement, extension or alteration of a dwellinghouse erected or constructed under Class A of this Order***

### **Development Not Permitted**

B.1 Development is not permitted by Class B if –

- (a) the enlargement, extension or alteration does not comply with the Masterplan and Design Code approved under the outline planning permission; or
- (b) the enlarged part of the dwellinghouse would have more than a single storey and would be –
  - (i) within 2 metres of the boundary with a neighbouring dwelling that has received either confirmation of compliance or planning permission; and
  - (ii) would extend beyond the rear wall of the neighbouring dwelling by more than 3 metres

### **Conditions**

B.2 Development is permitted by Class B subject to the following conditions –

- (a) Prior to development commencing, the developer must apply to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission and the provisions of Schedule 3 of this Order apply in relation to that application
- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse and facing a boundary with a neighbouring dwelling that has received either confirmation of compliance or planning permission must be –
  - (i) obscure-glazed, and

- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed

*Class C – buildings etc incidental to the enjoyment of a dwellinghouse*

### Development Permitted

***C. The provision within the curtilage of a dwellinghouse that is being erected or constructed under Class A of this Order of –***

***(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such; or***

***(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas***

### Development Not Permitted

C.1 Development is not permitted by Class C if –

- (a) the dwellinghouse has been completed;
- (b) the development EITHER does not comply with the Masterplan and Design Code approved under the outline planning permission OR any of the following criteria would apply:
  - (i) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the dwellinghouse that is being erected or constructed) would exceed 50% of the total area of the curtilage (excluding the ground area of the dwellinghouse that is being erected or constructed);
  - (ii) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming, or proposed to form, the principal elevation of the dwellinghouse that is being erected or constructed;
  - (iii) the building would have more than a single storey;
  - (iv) the height of the building, enclosure or container would exceed –
    - (i) 4 metres in the case of a building with a dual-pitched roof
    - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
    - (iii) 3 metres in any other case;
  - (v) the height of the eaves of the building would exceed 2.5 metres;
  - (vi) it would include the construction or provision of a verandah, balcony or raised platform;

- (vii) it relates to a dwelling or a microwave antenna; or
- (viii) the capacity of the container would exceed 3, 500 litres

**Conditions**

C.2 Development is permitted by Class C subject to the following conditions –

- (a) Prior to development commencing and where any of the criteria at Paragraph C.1(b) of this Class would apply, the developer must apply to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission and the provisions of Schedule 3 of this Order apply in relation to that application

**Interpretation of Class C**

C.3 For the purposes of Class C, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for domestic needs or personal enjoyment of the occupants of the dwellinghouse

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## Schedule 3 – Procedure for Confirmation of Compliance under Schedule 2

(1) The following provisions apply where under this Order a developer is required to make an application to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission.

(2) The application must be accompanied by—

- (a) a written description of the proposed development, which must include any building or other operations;
- (b) a plan indicating the site and showing the proposed development;
- (c) a plan or plans showing the details of access, appearance, landscaping, layout and scale of the proposed development;
- (d) the developer's contact address, contact telephone number; and
- (e) the developer's email address if the developer is content to receive communications electronically

(3) The local planning authority may refuse an application where, in the opinion of the Authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in this Order as being applicable to the development in question.

(4) Where the Local Planning Authority refuses an application under paragraph (3), for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) The development must not begin before the occurrence of one of the following—

- (a) the receipt by the applicant from the Local Planning Authority of a written notice of their determination that the development complies with the Masterplan and Design Code approved under the outline planning permission;
- (b) the expiry of 28 days following the date on which the application under sub-paragraph (2) was received by the Local Planning Authority without the authority notifying the applicant as to whether confirmation of compliance is given or is refused.

(6) The development must be carried out in accordance with the details provided in the application referred to in sub-paragraph (2) unless the Local Planning Authority and the developer agree otherwise in writing.

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Graven Hill Phase 1

Local Development Order 2015

Cherwell District Council, in exercise of the powers conferred on the Council as local planning authority by sections 61A-61D of and Schedule 4A of The Town and Country Planning Act 1990 (as amended), and pursuant to Article 38 of The Town and Country Planning (Development Management Procedure) Order 2015 (the Procedure Order), makes the following Order:

### **Citation, commencement and application**

1. (1) This Order may be cited as the Graven Hill Phase 1 Local Development Order 2015 and comes into force on 15 December 2015.

(2) This Order applies to the land at Graven Hill Bicester outlined in red on the plan included as Schedule 1 to the Order.

(3) Subject to the Council's power to revoke this Order under section 61A(6) of the Act, this Order will remain in force for a period of 5 years from the date the Order comes into force.

(4) If the Order is revoked or revised such that it ceases to grant planning permission in respect of a development that has commenced and has received confirmation of compliance under this Order, that development may be completed.

(5) Nothing in this Order removes, cancels, or otherwise makes void the national permissions granted by The Town and Country Planning (General Permitted Development) Order 2015 (the General Order).

### **Interpretation**

2. (1) In this Order –

“access” has the same meaning as in the Procedure Order

“the Act” means The Town and Country Planning Act 1990 (as amended)

“appearance” has the same meaning as in the Procedure Order

“construction” means the carrying out of building or engineering operations in, on, over or under land and “construct” and “constructed” shall be construed accordingly

“completion” means that to all intents and purposes the dwellinghouse has been completed and is either occupied or capable of being occupied as a dwellinghouse, and “complete” and “completed” shall be construed accordingly

“the Council” means Cherwell District Council

“confirmation of compliance” means a formal written notification of the local planning authority confirming that a proposed development complies with the Masterplan and Design Code approved under the outline planning permission

“custom build” and “self build” means the erection or construction by (a) individuals, (b) associations of individuals, or (c) persons or companies working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals, and “custom built” and “custom builder” and “self built” and “self builder” shall be construed accordingly

“developer” means a custom builder or self builder

“development” has the same meaning as in section 55 of the Act

“dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building

“erection” means the carrying out of operations to erect a structure or building on or over land

“General Order” means The Town and Country Planning (General Permitted Development) Order 2015 and any subsequent amendment to that Order

“highway” has the same meaning as in the Highways Act 1980 (as amended)

“landscaping” has the same meaning as in the Procedure Order

“layout” has the same meaning as in the Procedure Order

“Masterplan and Design Code” means the master plan and design code approved under condition 26 of the outline planning permission

“occupation” means the first actual occupation of a dwellinghouse such as to render the occupier of the dwellinghouse liable to pay Council Tax, and “occupied” shall be construed accordingly

“outline planning permission” means the planning permission dated 08 August 2014 granted by the Council pursuant to the application for outline planning permission dated 29 September 2011 and allocated reference number 11/01494/OUT, and any subsequent planning permission granted pursuant to an application under section 73 of the Act relating to that outline planning permission

“the Procedure Order” means The Town and Country Planning (Development Management Procedure) Order 2015 and any subsequent amendment to that Order

“scale” has the same meaning as in the Procedure Order

### Permitted development

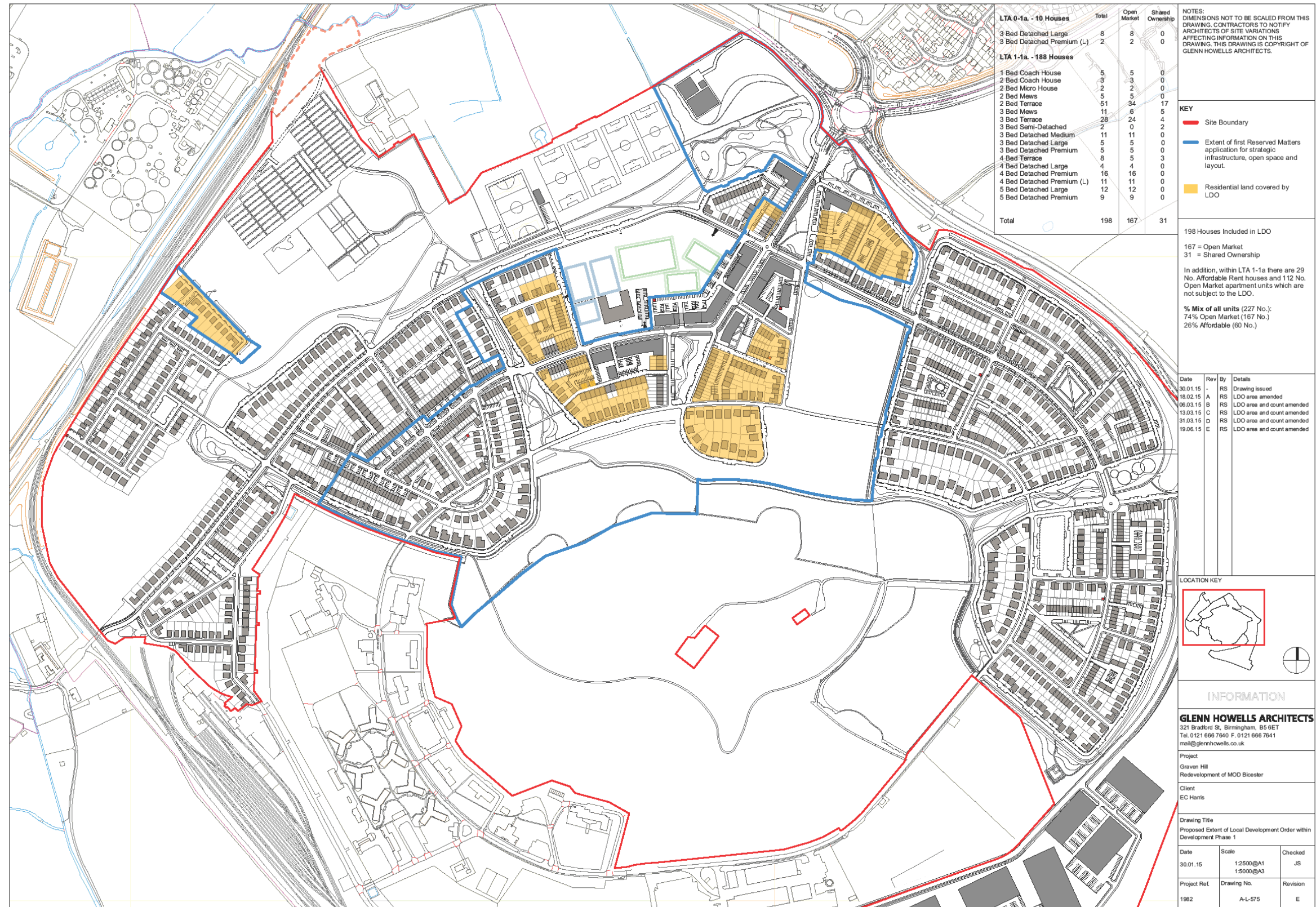
3. (1) Reserved matters approval pursuant to the outline planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.
- (2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2.
- (3) Nothing in this Order permits development contrary to or without compliance with any condition imposed by the outline planning permission.
- (4) The permission granted by Schedule 2 does not apply if—
  - (a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;
  - (b) in the case of permission granted in connection with an existing use, that use is unlawful.
- (5) The permission granted by Schedule 2 does not authorise any development which creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.
- (6) Where a person uses electronic communications for making any application required to be made under any Class of Schedule 2, that person is taken to have agreed—
  - (a) to the use of electronic communications for all purposes relating to that person's application which are capable of being effected using such communications;
  - (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, that person's application; and
  - (c) that the deemed agreement under this paragraph subsists until that person gives notice in writing revoking the agreement (and such revocation is final and takes effect on a date specified by the person but not less than 7 days after the date on which the notice is given).

**Adopted by Cherwell District Council on...**

The Common Seal of  
Cherwell District Council  
was affixed hereunto in  
the presence of:

Authorised Signatory

Schedule 1 – Land to which this Order applies





## Schedule 2 – Permitted Development

*Class A – the erection or construction of a dwellinghouse*

### Development Permitted

***A. The erection or construction of a dwellinghouse, including access and landscaping, pursuant to the outline planning permission***

### Development Not Permitted

A.1 Development is not permitted by Class A if –

- (a) the dwellinghouse is not a custom build or self build dwellinghouse;
- (b) the dwellinghouse is to be erected or constructed on land that is not identified for development as a dwellinghouse in the Masterplan and Design Code approved under the outline planning permission; or
- (c) the dwellinghouse does not comply with the Masterplan and Design Code approved under the outline planning permission

### Conditions

A.2 Development is permitted by Class A subject to the following conditions –

- (a) Prior to development commencing, the developer must apply to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission and the provisions of Schedule 3 of this Order apply in relation to that application
- (b) The principal elevation of the dwellinghouse must front a highway
- (c) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse and facing a boundary with a neighbouring dwellinghouse that has received either confirmation of compliance or planning permission must be —
  - (i) obscure-glazed unless the window is more than 1.7 metres above the floor of the room in which the window is installed; and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed
- (d) Any part of the dwellinghouse that would –
  - (i) have more than a single storey; and

- (ii) would be within 2 metres of the boundary with a neighbouring dwellinghouse that has received either confirmation of compliance or planning permission

must not extend beyond the rear wall of the neighbouring dwellinghouse by more than 3 metres

- (e) Any hard surface to be provided on land between a wall forming the principal elevation of the dwellinghouse and the highway must either be made of porous materials, or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse
- (f) Development under Class A must be completed within a period of 3 years starting with the confirmation of compliance date

*Class B – the enlargement, extension or alteration of a dwellinghouse*

### **Development Permitted**

#### ***B. The enlargement, extension or alteration of a dwellinghouse erected or constructed under Class A of this Order***

### **Development Not Permitted**

B.1 Development is not permitted by Class B if –

- (a) the enlargement, extension or alteration does not comply with the Masterplan and Design Code approved under the outline planning permission; or
- (b) the enlarged part of the dwellinghouse would have more than a single storey and would be –
  - (i) within 2 metres of the boundary with a neighbouring dwellinghouse that has received either confirmation of compliance or planning permission; and
  - (ii) would extend beyond the rear wall of the neighbouring dwellinghouse by more than 3 metres

### **Conditions**

B.2 Development is permitted by Class B subject to the following conditions –

- (a) Prior to development commencing, the developer must apply to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission and the provisions of Schedule 3 of this Order apply in relation to that application
- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse and facing a boundary with a neighbouring

dwellinghouse that has received either confirmation of compliance or planning permission must be —

- (i) obscure-glazed unless the window is more than 1.7 metres above the floor of the room in which the window is installed; and
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed

*Class C – buildings etc incidental to the enjoyment of a dwellinghouse*

### Development Permitted

***C. The provision within the curtilage of a dwellinghouse that is being erected or constructed under Class A of this Order of –***

***(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such; or***

***(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas***

### Development Not Permitted

C.1 Development is not permitted by Class C if –

- (a) the dwellinghouse has been completed;
- (b) the development EITHER does not comply with the Masterplan and Design Code approved under the outline planning permission OR any of the following criteria would apply:
  - (i) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the dwellinghouse that is being erected or constructed) would exceed 50% of the total area of the curtilage (excluding the ground area of the dwellinghouse that is being erected or constructed);
  - (ii) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming, or proposed to form, the principal elevation of the dwellinghouse that is being erected or constructed;
  - (iii) the building would have more than a single storey;
  - (iv) the height of the building, enclosure or container would exceed –
    - (i) 4 metres in the case of a building with a dual-pitched roof
    - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
    - (iii) 3 metres in any other case;

- (v) the height of the eaves of the building would exceed 2.5 metres;
- (vi) it would include the construction or provision of a verandah, balcony or raised platform;
- (vii) it relates to a dwellinghouse or a microwave antenna; or
- (viii) the capacity of the container would exceed 3, 500 litres

### **Conditions**

C.2 Development is permitted by Class C subject to the following conditions –

- (a) Prior to development commencing and where any of the criteria at Paragraph C.1(b) of this Class would apply, the developer must apply to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission and the provisions of Schedule 3 of this Order apply in relation to that application

### **Interpretation of Class C**

C.3 For the purposes of Class C, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for domestic needs or personal enjoyment of the occupants of the dwellinghouse

## Schedule 3 – Procedure for Confirmation of Compliance under Schedule 2

(1) The following provisions apply where under this Order a developer is required to make an application to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission.

(2) The application must be accompanied by—

- (a) a written description of the proposed development;
- (b) a plan indicating the site and showing the proposed development;
- (c) a plan or plans showing the details of access, appearance, landscaping, layout and scale of the proposed development;
- (d) the developer's contact address, contact telephone number; and
- (e) the developer's email address if the developer is content to receive communications electronically

(3) The local planning authority may refuse an application where, in the opinion of the Authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in this Order as being applicable to the development in question.

(4) Where the Local Planning Authority refuses an application under paragraph (3), for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) The development must not begin before the occurrence of one of the following—

- (a) the receipt by the applicant from the Local Planning Authority of a written notice of their determination that the development complies with the Masterplan and Design Code approved under the outline planning permission;
- (b) the expiry of 28 days following the date on which the application under sub-paragraph (2) was received by the Local Planning Authority without the authority notifying the applicant as to whether confirmation of compliance is given or is refused.

(6) The development must be carried out in accordance with the details provided in the application referred to in sub-paragraph (2) unless the Local Planning Authority and the developer agree otherwise in writing.

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## Cherwell District Council

### Executive

2 November 2015

<p style="text-align: center;"><b>Neighbourhood Planning: Application for Designation as Neighbourhood Area – Weston on the Green Parish</b></p>
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### Report of Head of Strategic Planning and the Economy

This report is public

#### Purpose of report

To consider an application to designate Weston-on-the-Green Parish as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the application to designate the Parish of Weston-on-the-Green as a neighbourhood area under Section 61G of the Town and Country Planning Act 1990 (as amended).
- 1.2 To authorise the Head of Strategic Planning and the Economy to issue a Notification of Decision pursuant to recommendation (1).

#### 2.0 Introduction

- 2.1 On 29 July 2015, the Council received an application (Appendix 1) from Weston-on-the-Green Parish Council to designate a neighbourhood area. The application states that the Parish Council wishes to prepare a Neighbourhood Plan. The application is made under Section 61G of The Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended). Under Section 61G, Weston on the Green is a 'relevant body' for the purpose of making the application. The area applied for covers the entire parish.
- 2.2 Neighbourhood Development Plans allow local communities to develop their own planning policies. If they conform with the Local Plan, are supported by the Local Planning Authority and successful at referendum, they are adopted as part of the statutory Development Plan and must be considered, where material, in the determination of applications for planning permission. Alternatively, Neighbourhood

Development Orders can be prepared which grant planning permission for development that complies with the Order or Community Right to Build Orders can be produced to give permission for small-scale, site-specific developments by a community group.

- 2.3 Under Schedule 4B of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities have a statutory duty to “give such advice or assistance to parish councils and designated Neighbourhood Forums as in all the circumstances, they consider appropriate for the purpose of or in connection with facilitating the preparation of Neighbourhood Development Plans”.
- 2.4 Neighbourhood planning is a community driven process and the first statutory step is defining and designating the neighbourhood area to which a neighbourhood development plan would apply. The Council as the local planning authority is required to formally determine such applications.
- 2.5 The District currently has seven designated neighbourhood areas: the parishes of Adderbury, Bloxham, Deddington, Hook Norton, Merton and Stratton Audley, and the multi-parished area of ‘Mid-Cherwell’. The Neighbourhood Plan for Hook Norton was approved by the Executive on 5 October 2015 and is to be presented to Council for adoption on 19 October 2015.

### **3.0 Report Details**

- 3.1 The application by the Parish Council is presented at Appendix 1. The application was made in accordance with the Regulations and formally consulted upon from 8 September to 6 October 2015. The application was placed on the Council’s website, advertised in the Bicester Advertiser by way of a public notice and notification letters were sent to relevant consultees registered on the Council’s Local Plan database. Public notices were also provided to the Parish Council to display. The representations received are presented at Appendix 2.
- 3.2 The Council is now required to formally determine the application taking into account the representations received.

#### *Requirements and Guidance*

- 3.3 In determining applications under Section 61G(4) of the Town and Country Planning Act (as amended), the Council must have regard to:
  - a) the desirability of designating the whole of the area of a parish council as a neighbourhood area; and
  - b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas (designated areas must not overlap).
- 3.4 Under Section 61G(5), if
  - a) a valid application is made to the authority,
  - b) some or all of the specified area has not been designated as a neighbourhood area, and
  - c) the authority refuse the application because it considers that the specified area is not an appropriate area to be designated as a neighbourhood area,



the authority must exercise its power of designation so as to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as neighbourhood areas.

3.5 Planning Practice Guidance (PPG) advises that the following should be considered when deciding the boundaries of a neighbourhood area:

- village or settlement boundaries, which could reflect areas of planned expansion
- the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities
- the area where formal or informal networks of community based groups operate
- the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style
- whether the area forms all or part of a coherent estate either for businesses or residents
- whether the area is wholly or predominantly a business area
- whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway
- the natural setting or features in an area
- size of the population (living and working) in the area

The PPG states that electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents.

3.6 Under Section 61G (9) the Council should designate the proposed neighbourhood area unless there are valid or reasonable reasons not to. If the Council considers the area not to be appropriate it must issue a refusal notice, explaining why, and then designate a revised neighbourhood area to include some or all of the originally proposed area.

### *Representations*

3.7 The application was advertised so that it would be brought to the attention of people who, live, work or carry on business in the area to which the application relates. A public notice was placed in the 10 September edition of the Bicester Advertiser. Letters or emails were sent to: District and relevant County Councillors; Oxfordshire County Council; contiguous Parish Councils; statutory stakeholders including the Highways England, Network Rail, Environment Agency, Natural England and Historic England; infrastructure providers including Thames Water, National Grid and Scottish and Southern Energy. Relevant consultees listed on the Council's Local Plan database made up of local members of the community and businesses that live or operate within the application area were also advised.

3.8 Seven responses to the application were received (Appendix 2), some raising no comments. These were from the Defence Infrastructure Organisation, Anglian Water, Natural England, Historic England, Scottish and Southern Energy Power Distribution, Highways England, and the Marine Management Organization. There were no comments objecting or suggesting that the proposed neighbourhood area would be inappropriate. The Ministry of Defence - Defence Infrastructure Organization points out that Weston on the Green is covered by statutory aerodrome safeguarding consultation zone surrounding RAF Weston on the Green. The

concern relates to all potential development in particular tall structures which could infringe air traffic operations. The organization has expressed a wish to be consulted on all proposed development within the area in the future.

#### *Officer Consideration*

- 3.9 Weston on the Green Parish Council area is largely rural centred upon the small village of Weston on the Green, about 4 miles southwest of Bicester and some 12 miles from Oxford. The Parish has an area of 1005 hectares. A large part of the village to the south is washed over by the Oxfordshire Green Belt. According to the Census, the parish had a population of 520 in 2001 and 523 in 2011. The Parish includes RAF Weston on the Green which is used for parachute training and for commercial sky-diving.
- 3.10 The proposed area falls wholly within the District Council's administrative area. The parish boundary represents an administratively coherent, consistent and appropriate boundary in land use planning terms for the proposed neighbourhood area. It is considered that the representations received do not prevent designation of the neighbourhood area and that the issues raised by the MOD are ones to be considered during plan preparation
- 3.11 Section 61H of the Act requires the Council to consider whether the area concerned should be designated as a 'business area'. This applies where an area is primarily or wholly business in nature. This does not apply here as the parish is predominantly rural in character with the village of Weston-on-the Green and the RAF airfield as the dominant features.
- 3.12 Having regard to statutory requirements, national guidance and the representations received, the proposed neighbourhood area is considered to an appropriate area upon which to base a neighbourhood plan.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The Parish Council of Weston-on-the Green has made an application for the designation of its administrative areas as a neighbourhood area for the purpose of preparing a Neighbourhood Development Plan. The application is valid, has been publicised and a number of representations have been received. None of the comments raised are considered to warrant the refusal of the application and it is considered that the proposed neighbourhood area would be coherent and appropriate.

## **5.0 Consultation**

- 5.1 Cllr Michael Gibbard, Lead Member for Planning

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

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

**Option 1** To refuse and amend the designation of the neighbourhood area providing reasons why

**Option 2** To defer consideration

## 7.0 Implications

### Financial and Resource Implications

7.1 Work on assisting the neighbourhood planning process is to be met within existing budgets. Designation of a neighbourhood area qualifies the Council for support from the government's neighbourhood planning grant.

Comments checked by:

Paul Sutton, Head of Finance and Procurement, 0300-003-0106,

[Paul.Sutton@cherwellandsouthnorthants.gov.uk](mailto:Paul.Sutton@cherwellandsouthnorthants.gov.uk)

### Legal Implications

7.2 The determination of this area application is a requirement of the Town and Country Planning Act 1990 (as amended) and associated regulations.

7.3 When a neighbourhood plan is finally made it becomes part of the statutory Development Plan for the area and must be considered in the determination of relevant applications for planning permission.

Comments checked by:

Nigel Bell, Team Leader – Planning, 01295 221687

[Nigel.Bell@cherwellandsouthnorthants.gov.uk](mailto:Nigel.Bell@cherwellandsouthnorthants.gov.uk)

### Risk Management

7.4 Decisions can be legally challenged.

7.5 Rejecting a Neighbourhood Area application should only be carried out in justifiable circumstances.

7.6 Decisions on Neighbourhood Planning may affect the ability of Parish Councils to qualify for a proportion of future Community Infrastructure Levy (CIL).

Comments checked by:

Nigel Bell, Team Leader – Planning, 01295 221687

[Nigel.Bell@cherwellandsouthnorthants.gov.uk](mailto:Nigel.Bell@cherwellandsouthnorthants.gov.uk)

## 8.0 Decision Information

### Key Decision -

**Financial Threshold Met** No

**Community Impact Threshold Met:** No

## Wards Affected

Kirtlington

## Links to Corporate Plan and Policy Framework

- Accessible, Value for Money Council
- District of Opportunity
- Safe and Healthy
- Cleaner Greener

## Lead Councillor

Councillor Michael Gibbard - Lead Member for Planning

## Document Information

Appendix No	Title
Appendix 1 Appendix 2	Weston on the Green Neighbourhood Area Application Representations
Background Papers	
None	
Report Authors	Shukri Masseri, Planning Policy
Contact Information	<a href="mailto:Shukri.masseri@cherwell-dc.gov.uk">Shukri.masseri@cherwell-dc.gov.uk</a> 01295 221851

# WESTON ON THE GREEN PARISH COUNCIL

Newby Cottage, Weston on the Green, Bicester, Oxon. OX25 3QL  
Tel: 01869 350662. [parishclerkwotg@f2s.com](mailto:parishclerkwotg@f2s.com)

Chairman: Miss Kate Hessian

Clerk: Mr Bob Hessian

Please reply to: The Clerk

18<sup>th</sup> July 2015

For the attention of Adrian Colwell – Head of Strategic Planning and Economy  
Cherwell District Council,  
Bodicote House  
Bodicote  
Banbury



## Application to Prepare a Neighbourhood Plan for Weston on the Green

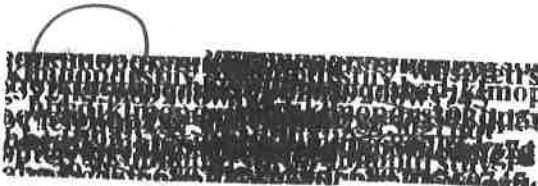
In keeping with recent government legislation, (specifically the Localism Act 2011, the National Planning Policy Framework published in March 2012 and the Neighbourhood Planning (General) Regulations 2012), Weston on the Green Parish Council wishes to prepare a Neighbourhood Plan that will form part of the Cherwell Local Plan.

In preparing a Neighbourhood Plan, the Parish Council will be guided by Cherwell District Council's "Protocol for Preparing a Neighbourhood Plan".

Weston on the Green Parish Council now seeks to "apply for designation of a neighbourhood area" in accordance with Part 2 Paragraph 5 of the Neighbourhood Planning (General) Regulations 2012. This application includes and makes the following statements:

- (a) A map that defines the area and boundary of the parish of Weston on the Green
- (b) This area is considered appropriate to be designated as a neighbourhood area since this is the area that constitutes the Parish of Weston on the Green
- (c) Weston on the Green Parish Council is a relevant body for the purposes of section 61G of the 1990 Act (inserted by paragraph 2 of Schedule 9 to the Localism Act 2011).

Regards



Bob Hessian  
Clerk to Weston on the Green Parish Council







**Ministry  
of Defence**

Mr A Colwell  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury



**Defence  
Infrastructure  
Organisation**

Safeguarding Department  
Statutory & Offshore

Defence Infrastructure Organisation  
Kingston Road  
Sutton Coldfield  
West Midlands  
B75 7RL

Tel: +44 (0)121 311 3656 Tel (MOD): 94421 3656

Fax: +44 (0)121 311 2218

E-mail: [DIO-safeguarding-statutory@mod.uk](mailto:DIO-safeguarding-statutory@mod.uk)

[www.mod.uk/DIO](http://www.mod.uk/DIO)

18 August 2015

Dear Sir/Madam

**Neighbourhood Plan Weston on the Green**

Thank you for consulting the Ministry of Defence (MOD) in relation to the above consultation.


The area Weston on the Green is covered by statutory aerodrome safeguarding consultation zones surrounding RAF Weston on the Green.

The MODs main concerns relates to all potential development in particular tall structures which could infringe/inhibit air traffic operations. The designated neighbourhood plan boundary falls within the statutory aerodrome height consultation zones of 10.7m/15.2m and 45.7m.

Therefore this office would need to be consulted on all proposed development within this area.

I trust this adequately explains our position on this matter.

Yours sincerely

  
Louise Dale  
Assistant Safeguarding Officer (Statutory & Offshore)  
DIO Safeguarding

By email:  
[planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk)

Our reference: 1218

9 September 2015

Dear Mr Masseri,

**Re: Neighbourhood Area Application – Weston on the Green**

Thank you for inviting the Marine Management Organisation (MMO) to comment on the above consultation. I can confirm that the MMO has no comments to submit in relation to this consultation as Weston on the Green Neighbourhood Area Application is not within our remit. Therefore, can I please ask that you remove MMO from you list of consultees for future reviews of this type.

If you have any questions or need any further information please just let me know. More information on the role of the MMO can be found on our website [www.gov.uk/mmo](http://www.gov.uk/mmo)

Yours sincerely,

Adam Kennedy  
Assurance Officer

Email: [consultations@marinemanagement.org.uk](mailto:consultations@marinemanagement.org.uk)



## Tony Crisp

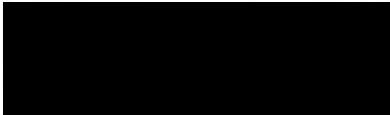
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**From:** Gaskell, Chris <chris.gaskell@sse.com>  
**Sent:** 12 September 2015 08:30  
**To:** Planning Policy  
**Subject:** Neighbourhood Area Application - Weston on the Green, Cherwell District, Oxfordshire.

Shukri,

I refer to your message below in respect of the above topic / location and I can confirm that, at this present time, I have no comments to make.

Regards,



Chris Gaskell  
Network Investment Engineer

T: +44 (0) 1865 845888  
Internal: 28888  
E: [chris.gaskell@sse.com](mailto:chris.gaskell@sse.com)

1 Woodstock Road, Yarnton, Kidlington, Oxfordshire, OX5 1NY  
SSE Power Distribution Web Site: [www.ssepd.co.uk](http://www.ssepd.co.uk)  
SSE Power Distribution RIIO-ED1 Web Site: <http://www.yourfutureenergynetwork.co.uk>



**Tony Crisp**

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**From:** Bull Sue <sBull@anglianwater.co.uk>  
**Sent:** 15 September 2015 08:53  
**To:** Planning Policy  
**Subject:** FW: Neighbourhood Area Application – Weston on the Green, Cherwell District, Oxfordshire.

Thank you for the opportunity to comment on the designation of Weston-on-the-Green Neighbourhood Area Designation.

However, we have no concerns to raise or comments to make at this stage. Should the plan progress we would be pleased to make comment on the draft neighbourhood plan document,

Regards

**Sue Bull**  
**Planning Liaison Manager**

**Office: 01733 414690 Mobile: 07885 135312 Thorpe Wood House, Thorpe Wood, Peterborough, PE3 6WT**

Date: 23 September 2015  
Our ref: 165166  
Your ref: Neighbourhood Area Application



Shukri Masseri  
Planning Officer  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury OX15 4AA

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6JC

T 0300 060 3900

**BY EMAIL ONLY**

[planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk)

Dear Sir/Madam,

**Neighbourhood Area Application – Weston on the Green, Cherwell District, Oxfordshire**

Thank you for notifying Natural England of/requesting information in respect of your Neighbourhood Planning Area dated 08/09/2015.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning. We must be consulted on draft Neighbourhood Development Plans where the Town/Parish Council or Neighbourhood Forum considers our interests would be affected by the proposals. We must be consulted on draft Neighbourhood Development Orders and Community Right to Build Orders where proposals are likely to affect a Site of Special Scientific Interest or 20 hectares or more of Best and Most Versatile agricultural land. We must also be consulted on Strategic Environmental Assessments, Habitats Regulations Assessment screening and Environmental Impact Assessments, where these are required. Your local planning authority will be able to advise you further on environmental requirements.

The following is offered as general advice which may be of use in the preparation of your plan.

Natural England, together with the Environment Agency, English Heritage and Forestry Commission has published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans and development proposals. This is available at: <https://www.gov.uk/consulting-on-neighbourhood-plans-and-development-orders>

Local environmental record centres hold a range of information on the natural environment. A list of local records centre is available at: <http://www.nbn-nfbr.org.uk/nfbr.php>

Protected landscapes

If your neighbourhood planning area is within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB), we advise that you take account of the relevant National Park/AONB Management Plan for the area. For Areas of Outstanding Natural Beauty, you should seek the views of the AONB Partnership.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity.



Their boundaries follow natural lines in the landscape rather than administrative boundaries, making them a good decision making framework for the natural environment.

<http://www.naturalengland.org.uk/publications/nca/default.aspx>

#### Protected species

You should consider whether your plan or proposal has any impacts on protected species. To help you do this, Natural England has produced standing advice to help understand the impact of particular developments on protected or Biodiversity Action Plan species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, you should undertake further consultation with Natural England.

[Natural England Standing Advice](#)

#### Local Wildlife Sites

You should consider whether your plan or proposal has any impacts on local wildlife sites, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) or whether opportunities exist for enhancing such sites. If it appears there could be negative impacts then you should ensure you have sufficient information to fully understand the nature of the impacts of the proposal on the local wildlife site.

#### Best Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. Paragraph 112 of the National Planning Policy Framework states that:

*'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.*

General mapped information on soil types is available as 'Soilscapes' on the [www.magic.gov.uk](http://www.magic.gov.uk) and also from the LandIS website; <http://www.landis.org.uk/index.cfm> which contains more information about obtaining soil data.

#### Opportunities for enhancing the natural environment

Neighbourhood plans and proposals may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Opportunities to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes should also be considered as part of any new development proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours faithfully,

Victoria Kirkham  
Consultations Team



**Tony Crisp**

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**From:** Gonet, Teresa <Teresa.Gonet2@highwaysengland.co.uk>  
**Sent:** 30 September 2015 08:53  
**To:** Planning Policy  
**Cc:** SE NDD BMT; Blake, Patrick; Yandell, Stephen  
**Subject:** No Comment response to Neighbourhood Area Application - Weston on the Green, Cherwell District, Oxfordshire

Dear Sirs ,

Thank you for your email notifying us of the forthcoming consultation for the Neighbourhood Area Application - Weston on the Green, Cherwell District, Oxfordshire

Please note that from 1 April 2015, we became Highways England, a government owned company. Highways England's role is to operate, maintain and modernise the strategic road network (SRN) in line with the Roads Investment Strategy, reflecting public interest and to provide effective stewardship of the network's long term operation and integrity. For Cherwell District Council this relates to the A34.

We have reviewed the consultation and have no comment at this time.

I hope this is helpful.

Your sincerely

**Teresa Gonet, Area 3 NDD South East Asset Development**  
Highways England | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ

Web: [www.highways.gov.uk](http://www.highways.gov.uk), [www.highwaysengland.co.uk](http://www.highwaysengland.co.uk)



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Shukri Masseri  
Planning Officer  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
Oxfordshire, OX15 4AA

Our ref: HD/P5352/02/PC1  
Your ref:  
Telephone 01483 252040  
Fax

2<sup>nd</sup> October 2015

Dear Shukri,

### **Proposed Weston on the Green Neighbourhood Plan Area**

Thank you for your notification that Weston on the Green Parish Council has applied to Cherwell District Council for the designation of a Neighbourhood Plan Area under Regulation 5 of the Neighbourhood Planning (General) Regulations 2012.

Historic England has no objection to the proposal. However, we would like to take the opportunity of your consultation to raise the following issues setting out the support Historic England is able to offer in relation to Neighbourhood Plans.

Research has clearly demonstrated that local people value their heritage<sup>1</sup> and Neighbourhood Plans are a positive way to help them manage it. Historic England wants to support you in helping communities protect what they care about.

Historic England is expecting that as Neighbourhood Planning Fora such as that for Weston on the Green come to you to seek advice on preparing Neighbourhood Plans they will value advice on how best to understand what heritage they have and assistance on preparing appropriate policies.

Information held by the Council and used in the preparation of your Core Strategy/ Local Plan is often the starting point for Neighbourhood Plans. Other useful information may be available from the Historic Environment Record Centres or local environmental and amenity groups. Historic England also publishes a wide range of relevant guidance, links to which can be found in the appendix to this letter.

Plan preparation also offers the opportunity to harness a community's interest in the historic environment by getting them to help add to the evidence base, perhaps by creating and or reviewing a local heritage list, inputting to the preparation of conservation area appraisals and undertaking historic characterisation surveys.

Cont'd

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<sup>1</sup> English Heritage, *Heritage Counts*, 2008



Historic England has a statutory role in the development plan process and there is a duty on either you as the Local Planning Authority or the Neighbourhood Planning Forum to consult Historic England on any Neighbourhood Plan where our interests are considered to be affected (as well as a duty to consult us on all Neighbourhood Development Orders and Community Right to Build Orders, and on the Sustainability Appraisal/Strategic Environmental Assessment for the Plan if one is necessary).

We will target our limited resources efficiently. We will directly advise on proposals with the potential for major change to significant, nationally important heritage assets and their settings. Our local offices may also advise communities where they wish to engage directly with us, subject to local priorities and our capacity.

Of course the nature of the locally-led neighbourhood plan process is that the community itself should determine its own agenda based on the issues about which it is concerned. At the same time, as a national organisation able increasingly to draw upon our experiences of neighbourhood planning exercises across the country, our input, agreed on a case by case basis, can help those communities reflect upon the special (heritage) qualities which define their area to best ensure that appropriate outcomes for the historic environment are achieved.

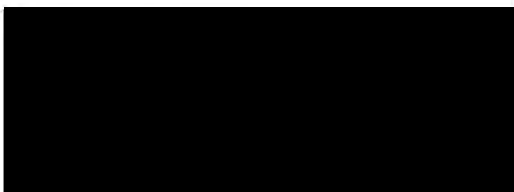
To this end information on our website might be of initial assistance:  
<http://www.historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

Should you wish to discuss any points within this letter, or if there are issues about the historic environment in this particular Neighbourhood Plan Area, please do not hesitate to contact me.

Could I respectfully ask that you copy this response to Weston on the Green Parish Council for its information.

Thank you.

Kind regards,



Martin Small  
Principal Adviser, Historic Environment Planning  
(Bucks, Oxon, Berks, Hampshire, IoW, South Downs National Park and Chichester)

E-mail: [martin.small@historicengland.org.uk](mailto:martin.small@historicengland.org.uk)



Historic England, Eastgate Court, 195-205 High Street, Guildford GU1 3EH  
Telephone 01483 25 2020 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.





## Appendix: Sources of Information

**The National Heritage List for England:** a full list with descriptions of England's listed buildings: <http://list.historicengland.org.uk>

**Heritage Gateway:** includes local records of historic buildings and features  
[www.heritagegateway.org.uk](http://www.heritagegateway.org.uk)

**Heritage Counts:** facts and figures on the historic environment  
<http://hc.historicengland.org.uk>

<http://www.historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/> has information on neighbourhood planning and the historic environment.

**HELM (Historic Environment Local Management)** provides accessible information, training and guidance to decision makers whose actions affect the historic environment.  
[www.helm.org.uk](http://www.helm.org.uk) or [www.helm.org.uk/communityplanning](http://www.helm.org.uk/communityplanning)

**Heritage at Risk** programme provides a picture of the health of England's built heritage alongside advice on how best to save those sites most at risk of being lost forever.  
<http://risk.historicengland.org.uk/register.aspx>

**Placecheck** provides a method of taking the first steps in deciding how to improve an area.  
<http://www.placecheck.info/>

**The Building in Context Toolkit** grew out of the publication 'Building in Context' published by EH and CABE in 2001. The purpose of the publication is to stimulate a high standard of design when development takes place in historically sensitive contexts. The founding principle is that all successful design solutions depend on allowing time for a thorough site analysis and character appraisal of context. <http://building-in-context.org/toolkit.html>

**Knowing Your Place** deals with the incorporation of local heritage within plans that rural communities are producing,  
<http://www.historicengland.org.uk/publications/knowning-your-place/>

**Planning for the Environment at the Neighbourhood Level** produced jointly by English Heritage, Natural England, the Environment Agency and the Forestry Commission gives ideas on how to improve the local environment and sources of information.  
<http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf>

**Good Practice Guide for Local Heritage Listing** produced by Historic England, uses good practice to support the creation and management of local heritage lists.  
<http://www.historicengland.org.uk/images-books/publications/good-practice-local-heritage-listing/>

**Understanding Place** series describes current approaches to and applications of historic characterisation in planning together with a series of case studies  
<http://www.helm.org.uk/server/show/nav.19604>

**Oxford Character Assessment Toolkit** can be used to record the features that give a settlement or part of a settlement its sense of place  
<http://www.oxford.gov.uk/PageRender/decP/CharacterAppraisalToolkit.htm>



Historic England, Eastgate Court, 195-205 High Street, Guildford GU1 3EH  
Telephone 01483 25 2020 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



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## Cherwell District Council

### Executive

2 November 2015

<p><b>Notification of Urgent Action – Free Christmas Parking After 3.00pm</b></p>
---

### Report of Director of Community and Environment

This report is public

#### Purpose of report

To notify Members of urgent action taken by the Director of Community and Environment as set out below.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To note the urgent action taken by the Director of Community and Environment.

#### 2.0 Introduction

- 2.1 The Council has in the past considered different means of assisting traders in its urban centres. One of these measures has been incentivising use of town centres by offering free car parking over the Christmas and New Year trading period. Free use at certain times such as the week end has been offered previously in some years but this needs to be balanced against the effectiveness of this when compared to other free car parking promotions and the Council's ability to fund the loss of income.
- 2.2 Consideration of the different options has concluded that offering free car parking every day after 3.00pm over the Christmas/New Year trading period for approximately six weeks would be the best balance of costs and benefits. However, even with this proposal, there is difficulty estimating with a reasonable degree of accuracy the actual loss of income as changes to residents' use of the urban centres and parking habits are so uncertain. In this respect, it is intended to undertake a pilot of a 'free after three' offer in 2015/16.

### **3.0 Report Details**

- 3.1 Two factors affect the start and finish dates of this proposed offer. If the whole of December was considered, the first day would be Tuesday 1 December and the last day on Monday 11 January. This would work in relation to the second factor which is to minimise the cost of overtime, to have the start and finish days during midweek, thereby avoiding additional and more costly week end working whilst still covering the main Christmas and New Year shopping period.
- 3.2 However, the Christmas Lights Switch on Event is on 29 November after 3.00pm. Therefore to minimise additional costs of implementation and to include this event in the offer, a different start date of Saturday 28 November to finish on Sunday 10 January are proposed. The preparation for the introduction could take place late on the Friday 27 November and the removal of the notices etc early Monday. This offer period would also be one of the means by which the Council supports the Small Business Day promotion in Banbury on 5 December.
- 3.3 The estimated loss of income is very much estimated as the ticket machines cannot provide any accurate data for tickets sold after 3.00pm nor parts of ticket which are bought before 3.00pm but extend beyond it. The loss of income is estimated to be c£60,000.
- 3.4 In addition, will be additional costs for signs etc. The use of signs will be signs on car park entry (where possible), large signs on the notice boards above each machines saying Free Parking After 3.00pm, Start and Finish Dates and No Refunds For Excess Payments plus detailed inserts on the face of the ticket machines to make the small print clearer. The total additional cost for procuring signs, advertising, erection and dismantling of signs in 22 car parks is estimated to be c£6,000. There is a four week lead in time to procure the new signs so there is a degree of urgency over the decision to ensure the Council is in a position to implement in time.
- 3.5 The legal process can be effected by simply publishing a Notice of Variation at least once in a newspaper circulating in the area at least 21 days before it is due to come into force. A copy of the notice must also be displayed in each off-street car park from the date of publication until the date on which it comes into force.

### **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The Director of Community and Environment therefore took urgent action in consultation with the Leader of the Council to approve the proposed Free after Three Christmas parking pilot.

## **5.0 Consultation**

5.1 The Leader of the Council only due to the urgency

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

6.1 As this report is for the information of Members there are no alternative options to consider.

## **7.0 Implications**

### **Financial and Resource Implications**

7.1 The combined cost of loss of income plus estimated additional implementation costs are £66,000. This can be funded from the current projected year end underspend on car parks.

Comments checked by:

Paul Sutton, Head of Finance and Procurement, 030000 30106,  
paul.sutton@cherwellandsouthnorthants.gov.uk

### **Legal Implications**

7.2 None as long as the Notice of Variation is published as per the details in the report.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107,  
kevin.lane@cherwellandsouthnorthants.gov.uk

## **8.0 Decision Information**

### **Key Decision**

**Financial Threshold Met: No**

**Community Impact Threshold Met: No**

### **Wards Affected**

All Banbury and Bicester wards

### **Links to Corporate Plan and Policy Framework**

A District of Opportunity

## Lead Councillor

Councillor George Reynolds, Deputy Leader

## Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Ian Davies, Director of Community and Environment
Contact Information	0300 003 0101 Ian.Davies@cherwellandsouthnorthants.gov.uk

## Cherwell District Council

### Executive

2 November 2015

<p><b>A Business Case to Create a Joint Communications and Marketing Service with South Northamptonshire Council</b></p>
--

### Report of Head of Transformation

This report is public;

Appendix A and B are exempt from publication by virtue of paragraphs 2, 3 and 4 of part 1 of Schedule 12A of Local Government Act 1972.

#### Purpose of report

This report presents the final business case for a Joint Communications and Marketing Service across Cherwell District and South Northamptonshire Councils (hereafter “Cherwell” or “CDC” and “South Northamptonshire” or “SNC” respectively) following consultation with staff and Unison.

The report recommends the formation of a two way Joint Communications and Marketing Service, and in doing so seeks the Executive’s agreement for the non-staffing elements of the business case.

The proposal is part of the wider transformation programme across the two Councils.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To consider the attached final business case and the consultation responses in relation to non-staffing matters as outlined in section 5.1.
- 1.2 To note the decision of the Joint Commissioning Committee on 29 October 2015 with regard to staffing matters, which will be reported to Executive verbally.
- 1.3 To approve the proposed final business case to share a joint Communications and Marketing Service between CDC and SNC, subject to similar consideration and approval by SNC Cabinet.
- 1.4 To delegate to the Head of Transformation, in consultation with the Lead Member for Communications, any non-significant amendment/s that may be required to the business case following the decision of this meeting or SNC Cabinet.

- 1.5 To delegate to the Director of Resources and Head of Transformation, responsibility for implementation of the business case, including the costs of any potential redundancies, subject to the business case being agreed by both Councils.

## **2.0 Introduction**

- 2.1 Following the adoption of a business case for Joint Working by CDC and SNC in February 2015 and the commitment to deliver the business case objectives as soon as practicable, the three way transformation programme was reshaped to meet the needs of SNC and CDC pending a decision from Stratford-on-Avon regarding their participation after the local elections in 2015.
- 2.2 Following the decision of CDC and SNC Councils in February 2015 to approve the final business case for developing the approach to joint working and the delivery of local authority services, all services at both Councils are now included on the policy framework for the consideration of shared working.
- 2.3 This is one of a number of business cases for a two way shared service across CDC and SNC to be considered following the adoption of the business case in February 2015 and is part of the on-going Transformation Programme across the two Councils.
- 2.4 This business case does not seek to deliver financial savings as set out in the joint working business case considered by both Councils in February 2015, but seeks an initial investment in the service to increase the capacity, resilience and performance of the proposed joint team, leading to a financial saving for CDC in year 3.

## **3.0 Report Details**

- 3.1 The draft business case for the Joint Communications and Marketing Service was endorsed for consultation with staff and Unison by the Joint Arrangements Steering Group (JASG) on 8 July 2015.
- 3.2 The final business case, amended to incorporate the majority of the comments arising from the staff and Unison consultation process is attached as Appendix A to this report. Section 5 of this report provides more detail on the consultation process, whilst recognising that it is not the responsibility of the Executive to deal with staffing matters; this is limited to the Joint Commissioning Committee.
- 3.3 Following an extended period of consultation with the affected staff and Unison, and whilst adding some minor amendments of its own, the Joint Transformation Working Group was satisfied that the business case was ready for progression through the democratic process at its meeting on 7 October 2015.

### **Proposal**

- 3.4 The business case sets out the rationale for establishing a Joint Communications and Marketing Service.



- 3.5 Combining the current Communications Teams at CDC and SNC into a Joint Communications and Marketing Team would provide an improved service for both internal and external communications for both Councils across a range of channels including digital channels such as social media.
- 3.6 The external communications environment has changed dramatically over recent years with the advent of social media and the move away from traditional media such as local papers, as reinforced through the Council's own customer satisfaction survey results considered by Executive last month.
- 3.7 The proposed service is structured to provide greater managerial capacity in order to allow greater strategic planning and campaign management. This would be achieved through the introduction of two Senior Account Executive posts who would report to the Corporate Communications and Marketing Manager and take over the day to day management of the team.
- 3.8 The proposed joint team would also increase graphic design capacity.
- 3.9 A temporary post of Web Editor is included in the proposed structure for 2 years to allow time for the migration of both Councils' web sites to a single platform. Whilst both Councils would retain their own website, a common platform would allow the simplification of processes and procedures which in turn would only require a single post to manage them, supported by the service based web champions going forward.
- 3.10 A new post of Digital Editor is also proposed to focus on the quantity and quality of digital content published by the service. With the increasing importance of digital channels, having appropriate engaging content will directly contribute to the effectiveness of the Councils' communications.

### **Financial Case**

- 3.11 The financial implications associated with the business case are set out in detail in Section 13 of Appendix A (the business case).
- 3.12 The business case is not initially based on achieving savings for CDC through a reduction in staffing levels, but on developing the service to effectively operate in a changing environment. As a result, the business case proposes a limited and proportional increase in the size of the joint team. While the proposal increases overall capacity, the existing differences between the size of the two teams results in a significant cost increase for SNC and a small initial cost increase for CDC, shown in table 1 below. After 2 years this would be converted into a saving of £14,000 for CDC.
- 3.13 In addition a further £10,750 of costs have been identified which would be split between the Councils.

Table 1: The initial additional cost to each Council

	<b>Annual salary cost increase</b>
Additional cost - CDC	£854
Additional cost - SNC	£51,105
<b>Total additional salary cost</b>	<b>£51,960</b>
Other additional costs (equipment & contingency)	<b>£10,750</b>
<b>Overall additional costs</b>	<b>£62,710</b>

## HR Implications

- 3.14 It is not the responsibility of the Executive to consider staffing matters; this is not an Executive function and so is reserved for the consideration of the Joint Commissioning Committee of both Councils.
- 3.15 Consequently the staffing implications arising from this proposal were considered by the Joint Council Employee Engagement Committee and the Joint Commissioning Committee respectively on 29 October 2015. An oral update on the decisions of these two Committees will be given at this meeting due to the cross-over between the date of the meeting and the publication of these papers.
- 3.16 At this stage however, it is important to reassure all Members with responsibility for making a decision on this business case that a full and meaningful consultation process took place prior to the final business case being presented to the Joint Council Employee Engagement Committee, the Joint Commissioning Committee, Executive and Cabinet. As indicated above, section 5 of this report provides details of the consultation arrangements.

## 4 Decision making timetable

The timetable and recommendations arising from the democratic process for both Councils is outlined in table 2 below:

Table 2: Democratic process and decisions made

<b>Date</b>	<b>Committee and Council</b>	<b>Decision</b>
29.10.15	Joint Council Employee Engagement Committee	To be advised orally at this meeting
29.10.15	Joint Commissioning Committee	To be advised orally at this meeting.
02.11.15	CDC Executive	To be determined
09.11.15	SNC Cabinet	To be determined

## 4.0 Conclusion and Reasons for Recommendations

- 4.1 The business case represents a significant step in the transformation programme across CDC and SNC. The proposed joint team would provide an improved and

strengthened service to support both Councils in how they communicate internally and externally given the increasingly complex communications environment in which they operate.

## 5.0 Consultation

- CDC Lead Member for Communications; Councillor Barry Wood
- SNC Portfolio Holder for Communications; Councillor Ian McCord

Both the Lead Member (CDC) and Portfolio Holder (SNC) are satisfied with the business case as set out.

- All affected staff within the two Communications teams, and Unison Representatives from each Council were invited to engage in the consultation process, the timetable for which was extended twice to facilitate a fully inclusive process. The total consultation period was nine weeks. The minimum period of consultation required within the Organisational Change policy is 3 weeks. Following the consultation process a number of amendments were made to the business case relating to both staffing and non-staffing issues and these are summarised in Appendix B of the attached business case. Only the non-staffing issues are matters for the Executive to determine.
- Two way Joint Arrangements Steering Group (JASG)
- Transformation Joint Working Group (TJWG)
- Chief Executive, Section 151 Officer and JMT.

## 6.0 Implications

### Financial and Resource Implications

- 6.1 The detailed financial implications are set out in section 13 of the business case. In summary, the proposal results in additional costs of £62,710 for the two Councils.

The proposal does include a 2 year fixed-term post that will reduce costs by approximately £28,150, once the contract expires, to be shared equally between the two Councils.

There could be redundancy or pay protection costs as a result of implementing the proposal. These are outlined in section 13 of the business case.

Comments checked by:

Paul Sutton, Head of Finance and Procurement, 0300 003 0106

[paul.sutton@cherwellandsouthnorthants.gov.uk](mailto:paul.sutton@cherwellandsouthnorthants.gov.uk)

### Legal Implications

- 7.1 As with all two way shared services this proposal, if implemented, will be covered by the section 113 agreement (as amended) entered into between the two Councils.

Decisions regarding staffing aspects of shared service business cases cannot be made by the Executive. These are matters for the Joint Commissioning Committee which meets on 29 October 2015.

A redundancy situation will arise where the requirements of the employing Council to have specific work undertaken cease or diminish.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 003 0107

[kevin.lane@cherwellandsouthnorthants.gov.uk](mailto:kevin.lane@cherwellandsouthnorthants.gov.uk)

### **Risk Implications**

7.2 Section 15 of the draft business case sets out the risk implications.

The risks associated with the HR elements of the business case relate to the usual range of employment risks which were considered by the Joint Council Employee Engagement Committee and the Joint Commissioning Committee on 29<sup>th</sup> October 2015. The Councils have HR policies in place to ensure that organisational change is managed in line with best practice and employment law which mitigates these risks as far as possible.

Comments checked by:

Jo Pitman, Head of Transformation, 0300 003 0108

[jo.pitman@cherwellandsouthnorthants.gov.uk](mailto:jo.pitman@cherwellandsouthnorthants.gov.uk)

### **Equality Implications**

7.3 An Equality Impact Assessment initial screening assessment has been carried out and it has been determined that the proposal does not have any adverse impact on equality groups and as a result a full impact assessment and associated action plan is not required. This is included as part of the business case in Appendix A.

Comments checked by:

Caroline French, Corporate Policy Officer, 01295 221586

[caroline.french@cherwellandsouthnorthants.gov.uk](mailto:caroline.french@cherwellandsouthnorthants.gov.uk)

## **8.0 Decision Information**

### **Key Decision**

**Financial Threshold Met:** No

**Community Impact Threshold Met:** No

### **Wards Affected**

All

## Links to Corporate Plan and Policy Framework

This business case relates to the strategic priority of “Sound budgets and customer focused Council”, and the associated key deliverables of:

1. “Reduce the costs of providing our services through partnerships, joint working and other service delivery models”
2. “Work to effectively communicate with local residents and businesses to better understand and respond to their needs” (as subsequently reflected in the 2015 customer satisfaction survey)
3. “Improve customer service through the use of technology and responding to customer feedback”
4. “Deliver rolling strategy of the five year business strategy, medium term financial plan and a capital programme that ensures that the Council is resourced to deliver its strategic priorities”

It further supports the following Performance Pledges of the Council in the current year:

5. “Extend the joint working Transformation Programme to enable the Council to save money and maintain a low council tax”
6. “Continue to improve our website and implement additional online services for customers”.

## Lead Councillor

Councillor Barry Wood – Leader of the Council and Lead Member for Communications

## Document Information

Appendix No	Title
A	A Business Case to create a Joint Communications and Marketing Service
B	Management Response to Alternative Proposals by Communications Employees
Background Papers	
None	
Report Author	Jo Pitman, Head Transformation
Contact Information	0300 003 0108 Jo.pitman@cherwellandsouthnorthants.gov.uk

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of the Local Government Act 1972.

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