

Executive

Local Plan Update

3 December 2012

Report of Head of Strategic Planning and the Economy

PURPOSE OF REPORT

To provide an update on the completion of the Cherwell Local Plan.

This report is public

Recommendations

The Executive is recommended:

- (1) To note the report, issues being examined and next steps.

Executive Summary

Introduction

- 1.1 The report provides an overview of the issues arising from the public consultation on the Proposed Submission Local Plan.
- 1.2 The report presents next steps with regard to the completion of the evidence, an updated Sustainability Appraisal, legal support that has been engaged, the Local Development Scheme and an updated timetable.

Proposals and background

Taking forward the Local plan

- 2.1 The context for the development of the Local Plan remains unaltered:
 - The Regional Spatial Strategy (RSS) remains in force, unrevoked and is not expected to be revoked for some considerable time, June/July 2013 at the earliest. Until revocation has taken place, the Council has a legal duty to conform to the RSS (as set out in the CALA 3 High Court judgement).
 - The District lacks a 5 year land supply and is exposed to potential development in locations it does not support
 - The planning system continues to be reformed with new Planning

Regulations in 2012, the publication of the National Planning Policy Framework and now the publication of the Growth and Infrastructure Bill heralding further changes. Many of the changes have complex implications.

- Cherwell has an out of date Local Plan which needs updating.
- The recession is creating a stronger demand for employment generation.
- CDC is looking to ensure that growth is concentrated at the two towns, rather than the villages. However, the Plan allows for a small level of growth in rural parts of the District to meet local needs.
- We are required to complete a plan which is 'sound' in terms of current planning guidance, capable of being accepted by the Planning Inspectorate for Examination and not being found wanting in terms of process followed or how evidence supports the proposals made. In view of the complexity of some of the issues we are considering, we now need to focus on a number of areas of refinement of the current Proposed Submission Local Plan.

Public Consultation

- 2.2 The period of public consultation on the Proposed Submission Local Plan was between 29th August 2012 and 10th October 2012. This period included a series of exhibitions, consultation events and local press briefing.
- 2.3 The level of response received has been high. 277 organisations and individuals responded, making a large number of specific comments and proposals on parts of the Plan and the Plan as a whole.
- 2.4 All responses will be available for download on the CDC Website.

Issues from responses

- 2.5 Appendix A to this report (attached) is a summary of the main issues arising from the responses received listed by section and theme. It does not offer a detailed commentary on those representations. It has been prepared to provide an overview of the challenge of addressing a complex set of positions from respondents. A full response to each response issue will accompany the revised Proposed Submission Local Plan currently being developed.
- 2.6 The consultation questions asked by the Council on the 'soundness' of the Plan were posed in the correct form to comply with Planning Regulations. However, they were clearly difficult questions for communities and individuals to answer. We have therefore taken a pragmatic approach of accepting all responses received within the set timetable to ensure no person or community of place or community of interest were excluded.
- 2.7 Many contradictory positions were advanced by different respondents, unsurprisingly given the different interests being consulted over levels of growth, locations of growth and scale of growth. The Planning Policy team is currently considering the points made. Some respondents offered text refinements that can easily be accommodated to achieve greater clarity in the

document. Most of the points offered concerned points of detail or individual concern, very few responses challenged the premises on which the Plan has been developed and structured.

- 2.8 Across all of the responses two main themes emerge which we are seeking to address by considering text changes and showing more clearly how the evidence base has informed the content of the plan and the locations for growth: - a) there is a need to further justify from evidence the proposals in the plan, which we will be able to address through a) the completion of a number of outstanding studies and b) clarification of a number of proposals and how certain policies might be applied. For example, housing mix, energy policies and the role of green buffers in preventing coalescence between town growth and surrounding villages by maintaining a gap and also in protecting important landscape and heritage assets.
- 2.9 Some issues raised will be resolved through the completion of the evidence base such as the work of B. Line Housing Information on housing needs, Baker Associates on the Strategic Housing Land Availability Assessment (SHLAA) and CIL Knowledge/BNP Paribas on the development of the Infrastructure Delivery Plan (IDP).
- 2.10 Some issues raised are effectively early indications of the challenges that CDC will need to be prepared to address at the Plan Examination in 2013.
- 2.11 Of note are the 4 sites, on which multiple objections have been received. This concern centres on the following development areas:-
- Banbury – North of Hanwell Fields, Southam Road, West of Bretch Hill. The concerns raised will be considered further through the development of the additional work on landscape matters, which accompanies the work to develop the Banbury Masterplan, and which will address how sites can be integrated with the town and how the potential impacts of development will be mitigated.
- These responses illustrate the challenge facing Banbury, which is wherever development is located at the edge of the town there are topographical limits and significant constraints which need to be balanced with the advantages of development in each location.
- Bicester – Impact of proposed South East Relief Road on the village of Wendlebury. The on-going work to complete the Bicester Movement Study will specifically consider the concerns made by the local community, as well as set out a range of route options, with their differential impacts and delivery challenges.
- 2.12 The Development industry also offered a range of views about specific sites presented within the Local Plan and sites not included. Officers are considering these and all other responses in detail and will need to take the completed evidence base into account before site selection is finally confirmed for submission of the Plan.
- 2.13 The responses from the Statutory Consultees also set out a range of important views for consideration and further refinement of the Plan to avoid potential objection at the Plan Examination.

Legal Advice

- 2.14 In preparation for the Examination of the Local Plan, CDC has tendered for and engaged the services of Mr Graham Stoker of Cornerstone Chambers, Grays Inn to provide advice on the final stages of plan preparation and to take the plan through to Examination. The Plan must be considered 'sound' at Examination to be adopted by the Council and Counsel's advice is now shaping how we proceed to complete Plan drafting and the next steps we take.

Next steps

- 2.15 The critical next step is the completion of the evidence base, turning a number of drafts into final studies and ensuring suitable cross reference and reflection in the Local plan.
- The Banbury Masterplan needs to be completed to the same stage as the Bicester Masterplan prior to the submission of the Local Plan. This Masterplan will provide greater clarity about the role and capacity of the Town Centre sites – Bolton Road, Spiceball and Canalside, though it does not itself allocate sites (the role of the Local Plan), it provides important advice about how development sites might be integrated with the existing town. It will not be formally completed and adopted until after the adoption of the Local plan to ensure it remains in conformity with it. The Masterplan has an important role to play in demonstrating how Canalside can be delivered as a development area, taking full account of the upgrade of the railway line and the opportunity this creates for resolving Bridge Street access.
 - The Bicester Masterplan to be updated to examine whether additional employment land might be brought forward, but it cannot formally completed and adopted until after the adoption of the Local Plan, as while forming part of the evidence base for the Local Plan in its draft form, to be adopted it needs to conform to the adopted Local Plan, ie follow it.
 - The Bicester Movement Study needs to be completed to fully consider and present the route options for the South East Relief Road.
 - Further work on landscape. This has been judged necessary to update and supplement the work undertaken so far and will also enable greater clarity to be provided over the role and location of the proposed green buffers at each town and how the policy in the Local plan might be better justified.
 - Infrastructure Delivery Plan, setting out what infrastructure is judged necessary through the plan and on the key development sites.
 - A study that examines how the new Plan can meet the needs of Gypsies and Travellers as set out in the NPPF.
 - The SHLAA and additional housing needs work will clarify the housing mix and site detail.
 - Publishing a technical paper on the evidence to support the

energy/climate change proposals in Theme Three; Policies for Ensuring Sustainable Development.

- Note – a Masterplan for Kidlington is to be commissioned, but it will inform the Local Neighbourhoods DPD, not the Local Plan

Sustainability Assessment

- 2.16 The Sustainability Assessment (SEA) carried out on the Proposed Submission Local Plan will be required to be updated and revised to take account of the outstanding suite of evidence. This is a requirement of the process. This will be undertaken concurrently with a number of the other steps, as it concerns further site analysis and assessment (including of suitable alternatives). This is a normal part of Plan evolution.

Local Development Scheme

- 2.17 The Local Development Scheme adopted at the Executive meeting held on 28 May 2012 needs to be updated to reflect the changing nature of some of the proposed documents and the delays in some of the preparation timetables. The LDS sets out how the different documents sit together and the timetable for their preparation. The Council is required to keep this up to date.

Updated Local Plan Timetable

- 2.18 It is anticipated that the process will now be concerned with refinement and evolution rather than fundamental change (as took place for the Proposed Submission Local Plan) while keeping an open-mind to the outcome of due process. Our challenge is to finalise the evidence base, to take account of any significant issues which arise from this and from the recent consultation, and to complete the Plan in a timely manner.
- 2.19 All studies will have been finalised by the end of January 2013, with an updated SEA commissioned to coincide with bringing a revised Submission draft back to the CDC Executive in February 2013. This is a tight but achievable timetable.
- 2.20 The aim remains to secure agreement to submission by the end of February 2013 aiming for an examination by Easter 2013. However, it is important to note that should any of the final pieces of evidence produce any unexpected results that do not accord with the current development strategy, proper consideration will need to be given to the implications of these results before the Plan is submitted.

Impact on Cherwell Local Plan Policies and proposals

- 2.21 It is anticipated that the structure of the Local Plan will generally remain as drafted subject to any necessary further refinement on detailed matters. Its current sections and policies are as follows:

Section - Policies for Development in Cherwell

Theme One: Policies for Developing a Sustainable Local Economy

- Policy SLE1: Employment Development
- Policy SLE2: Securing Dynamic Town Centres
- Policy SLE3: Supporting Tourism Growth
- Policy SLE4: Improved Transport and Connections
- Policy SLE5: High Speed Rail 2 - London to Birmingham

Theme Two: Policies for Building Sustainable Communities

- Policy BSC1: District Wide Housing Distribution
- Policy BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- Policy BSC3: Affordable Housing
- Policy BSC4: Housing Mix
- Policy BSC 5: Area Renewal
- Policy BSC6: Travelling Communities
- Policy BSC7: Meeting Education Needs
- Policy BSC 8: Securing Health and Well-Being
- Policy BSC 9: Public Services and Utilities
- Policy BSC10: Open Space, Outdoor Sport and Recreation Provision
- Policy BSC11: Local Standards of Provision- Outdoor Recreation
- Policy BSC12: Indoor Sport, Recreation and Community Facilities

Theme Three: Policies for Ensuring Sustainable Development

Climate Change

- Policy ESD1: Mitigating and Adapting to Climate Change
- Policy ESD2: Energy Hierarchy
- Policy ESD3: Sustainable Construction
- Policy ESD4: Decentralised Energy Systems
- Policy ESD5: Renewable Energy
- Policy ESD6: Sustainable Flood Risk Management
- Policy ESD7: Sustainable Drainage Systems (SuDS)

Our Core Assets

Water Resources

- Policy ESD8: Water Resources

Protection and Enhancement of Biodiversity and the Natural Environment

Sites of European Importance

- Policy ESD9: Protection of the Oxford Meadows SAC
- Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD11: Conservation Target Areas

Landscape

- Policy ESD12: Cotswolds Area of Outstanding Natural Beauty (AONB)
- Policy ESD13: Local Landscape Protection and Enhancement
- Policy ESD14: Oxford Green Belt
- Policy ESD15: Green Boundaries to Growth
- Policy ESD16: The Character of the Built Environment
- Policy ESD17: The Oxford Canal

- Policy ESD18: Green Infrastructure

Policies for Cherwell's Places

C1. Bicester

- Bicester 1 - North West Bicester Eco-Town
- Bicester 2 - Graven Hill
- Bicester 3 - South West Bicester Phase 2
- Bicester 4 - Bicester Business Park
- Bicester 5 - Strengthening Bicester Town Centre
- Bicester 6 - Bure Place Town Centre Redevelopment Phase 2
- Bicester 7 - Meeting the Need for Open Space, Sport and Recreation
- Bicester 8 – RAF Bicester
- Bicester 9 – Burial Site in Bicester
- Bicester 10 - Bicester Gateway
- Bicester 11 – North East Bicester Business Park
- Bicester 12 - East Bicester

C2. Banbury

- Banbury 1 - Banbury Canalside
- Banbury 2 - Hardwick Farm, Southam Road (East and West)
- Banbury 3 - West of Bretch Hill
- Banbury 4 - Bankside Phase 2 (Links to Banbury 12)
- Banbury 5 - North of Hanwell Fields
- Banbury 6 – Employment Land West of M40
- Banbury 7 - Strengthening Banbury Town Centre
- Banbury 8 - Land at Bolton Road
- Banbury 9 - Spiceball Development Area
- Banbury 10 - Bretch Hill Regeneration Area
- Banbury 11 - Meeting the Need for Open Space, Sport and Recreation
- Banbury 12 - Land for the Relocation of Banbury United FC
- Banbury 13 – Burial Site Provision in Banbury
- Banbury 14 – Banbury Country Park

C.3 Kidlington

- Kidlington 1 – Langford Lane Technology Park
- Kidlington 2 - Supporting Kidlington Village Centre

C.4 Our Villages and Rural Areas

- Policies for Villages 1 – Village Categorisation
- Policies for Villages 2 - Distributing Growth across the Rural Areas
- Policy for Villages 3 - Rural Exception Sites
- Policy for Villages 4 - Meeting the Need for Open Space, Sport and Recreation
- Policy for Villages 5 - Upper Heyford

Key Issues for Consideration/Reasons for Decision and Options

3.1 To consider the progress being made in the completion of the Local Plan and the next steps that need to be undertaken.

The following options have been identified. The approach in the recommendations is believed to be the best way forward and follows legal advice.

Option One	To take no action
Option Two	To amend the steps proposed.
Option Three	To abandon plan making and allow a piecemeal approach to development that fails to ensure integration with existing settlements, fails to plan for the long term needs of the District, or to ensure that opportunities are realised for the benefit of residents and businesses across the District.

Consultations

Extensive public consultation as detailed in the report and Appendix A.

Implications

Financial:	The cost of the preparation of the Local Plan, the completion of the evidence base and legal costs are all met from a dedicated budget. Comments checked by Karen Curtin, Head of Finance and Procurement, 03000030106.
Legal:	The steps outlined in the report follow legal advice, published guidance on Local Plan making and lessons from other recent Local Plan inquiries. Comments checked by Kevin Lane, Head of Law and Governance 0300 0030107.
Risk Management:	The steps proposed in this report address known risks to Local Plan making and aim to position the final Submission version of the Plan as 'sound'. Comments checked by Kevin Lane, Head of Law and Governance 0300 0030107.

Wards Affected

All

Corporate Plan Themes

A District of Opportunity

Lead Member

**Councillor Gibbard
Lead Member for Planning**

Document Information

Appendix	
A	Summary of responses received
Background Papers	
None	
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