

Cherwell District Council

Executive

7th October 2013

The draft Submission Local Plan

Report of Head of Strategic Planning and the Economy

This report is public

Purpose of report

To consider the draft Submission Local Plan for Cherwell.

1.0 Recommendations

The meeting is recommended:

- 1.1 To endorse the draft Submission Local Plan and refer it to Full Council for approval, subject to the Final Sustainability Appraisal being presented at Full Council.
- 1.2 To note that the Infrastructure tables in the draft Local Plan are to be replaced in due course by a full Infrastructure Delivery Plan (IDP) for submission.
- 1.3 To delegate approval of minor changes to the draft Submission Local Plan text to delete the references to 'draft' or 'emerging' IDP once the IDP is finalised to the Head of Strategic Planning and the Economy in consultation with the Lead Member for Planning.

2.0 Introduction

2.1 The draft Submission draft of the Cherwell Local Plan aims to:

- Address recent reforms of the Planning system.
- Set out clear ambitions for the District and the 2 towns in particular.
- Provide certainty for communities and developers as to what will /can be developed and where.
- Focus development growth at the 2 towns of Bicester and Banbury.
- Limit, not end, growth at the villages.
- Create a major platform to help deliver economic development in a recession.
- Strengthen the Town Centres.
- Avoid coalescence with villages, by introducing new green buffers around the towns.
- Emphasise high environmental standards and design quality.

- Promote area renewal and regeneration.
- Support development innovation such as Community Self build.

3.0 Report Details

- 3.1 This report updates members on the preparation of the draft Submission Local Plan. It reviews the Sustainability Appraisal, Viability Assessment, the development of the evidence base, representations received, the draft Submission Local Plan itself and the next steps.

Sustainability Appraisal

- 3.2 The final iteration of the Sustainability Appraisal (SA) is nearing completion. Members are asked to endorse the draft Submission Local Plan subject to the Final SA being presented at Full Council. A verbal update will be given to Members at the Executive meeting.
- 3.3 The SA is a key foundation for the Local Plan and needs to be sufficiently robust for the examination. The new version of the SA will enable easier comparative assessment of sites and will consider the environmental, economic and social effects of the final Submission draft of the Local Plan.
- 3.4 The SA includes a full comparative assessment of all site options that have been considered since 2008 and an update of the SA undertaken in March 2013 with corrections, a housing growth assessment and policy assessment based on March 2013 plan.

A 'Viable' Local Plan

- 3.5 As required by the National Planning Policy Framework (NPPF), a Local Plan-wide 'viability' assessment is being finalised. The viability assessment has been undertaken by Montagu Evans. Not every proposal or site within the draft Submission Local Plan needs to be specifically shown to be 'viable' but there needs to be reasonable certainty that sufficient sites and key policies are 'viable' enough for the draft Submission Local Plan as a whole to be considered 'deliverable' at Examination.
- 3.6 The initial findings are 'the viability analysis of Cherwell's Submission Local Plan demonstrates that the housing led strategic sites are viable, and have a reasonable prospect of being delivered – and in several cases include a significant element of employment land'.
- 3.7 A verbal update will be provided to the Executive meeting on 7th of October.

A Strong Evidence base - update

- 3.8 An extensive evidence base underpins the draft Submission Local Plan.
- 3.9 A number of studies (SHLAA; Landscape assessments etc) were marked as draft during the Local Plan consultation undertaken in March 2013 to allow for the possibility that some changes might be required as a result of the consultation process.

- 3.10 Officers have considered the Local Plan representations to determine whether any changes to the study are required. This has led to consideration of a number of refinements to the locations of the proposed 'green buffers' at Launton north and Cotefield Farm (south of Bodicote) the need for some minor descriptive and contextual references to the landscape studies of both consultants LDA and WYG have been progressed. A summary of representations and reasons for changes has been added as an appendix to the WYG landscape report.
- 3.11 Site updates and clarifications have been made to the Strategic Housing Land Availability Assessment (SHLAA).
- 3.12 Final checks have been made to a number of studies including on employment, retail and flooding to ensure that there have been no significant changes in circumstances that fundamentally alter the conclusions of the studies. The final studies will be published on the CDC Local Plan website shortly.
- 3.13 A county-wide Strategic Housing Market Assessment (SHMA) has been commissioned jointly by the Oxfordshire local authorities to replace the 2007 SHMA (and the 2012 Cherwell update and associated Bob Line Study), following the revocation of the RSS and to provide a detailed assessment of housing need. This study is considering the housing need of each District and the County as a whole. Whilst this could have implications for the district in terms of a new assessment of housing need, the Oxfordshire Authorities have agreed that the results should not be allowed to slow down preparation of the remaining, emerging Local Plans. A form of words has been agreed for insertion into each District Local Plan which aims to provide the Planning Inspectorate with the confidence that the authorities will work together (under the 'Duty to Cooperate' as set out in the NPPF) to consider the results of the SHMA at an early stage (thereby allowing Plan adoption to proceed with a commitment to further work thereafter) and through the commencement of early reviews of each Local Plan.
- 3.14 An updated final Habitats Regulations Assessment (HRA) is nearing completion which considers whether there would be any effects on the Oxford Meadows Special Area of Conservation from the development proposed in the draft Submission Local Plan. The HRA takes account of proposed changes to the proposed Submission Local plan including an assessment of the impact of securing accelerated delivery at NW Bicester. (A verbal update will be given to Members at the Executive meeting).
- 3.15 New additional recent secondary evidence nearing completion includes:
- A Housing Densities Background Paper, to clarify how to interpret aspects of Policy BSC 2: The Effective and Efficient Use of Land.
 - A Sequential test assessment.
 - An Assessment of the Ecological Cumulative Impact (of Developments at Bicester on Western Otmoor and the need for any specific mitigation) which is being assessed in conjunction with the Sustainability Assessment.
- 3.16 Final drafts on all studies have been considered by officers in parallel with changes to the draft Submission Local Plan and will be published prior to Full Council.

- 3.17 The Infrastructure Delivery Plan (IDP) is being completed following the viability assessment of the draft Submission Local Plan. The infrastructure tables in the Local Plan will be replaced in due course by an IDP for Examination. Approval from Members is therefore being sought to allow for minor changes to the draft Submission Local Plan text to delete any references to 'draft' or 'emerging' IDP once the IDP is finalised.

Associated Matters

- 3.18 For Full Council a number of supporting papers will accompany the draft Submission Local Plan. These include: -
- i) A 'compliance statement' which fully reviews how the draft Submission Local Plan complies with the obligations set out in the National Planning Policy Statement (NPPF).
 - ii) A table of 'Policies' which will be replaced by the draft Submission Local Plan once adopted and those which will remain in place until the Development Management and Local Neighbourhoods DPD is adopted in 2015.
 - iii) Under the NPPF the Council will be required to show how the draft Submission Local Plan has been prepared with regard to the 'Duty to Cooperate'. The 'Duty to Cooperate' concerns how the draft Submission Local Plan has evolved through dialogue with neighbouring Local Authorities and Statutory bodies in its formulation and evolution. A 'statement of compliance with the Duty to Cooperate' which is being prepared and will be presented to Full Council.
 - iv) An updated Local Development Scheme (LDS) which sets out the timetable for completing various secondary documents including the Town Masterplans and progressing Neighbourhood Plans.
- 3.19 The CDC Local Plan Website is being revised to assist the examination process and improve access and navigation to key documents and the evidence base. It will be live in the week prior to Full Council.

Representations received

- 3.20 A Statement of Consultation is attached as Annex B.
- 3.21 The Statement of Consultation shows how the Council has responded to representations received at each consultation stage of the plan making process since 2006. This includes the recent 2012 and 2013 representations. Members should note that a small number of representations were received but were not referenced as part of the previous Executive Report (4th March 2013) from a number of interested parties in the Hanwell area.
- 3.22 Officers need to be prepared to be able to demonstrate at the Local Plan Examination in testing the 'soundness' of the Plan how representations have been dealt with, i.e. whether, why and how changes were made (or not made). This is an important and time consuming process to ensure that all issues have been satisfactorily considered.

- 3.23 A full table of representations received in both 2012 and 2013 and how they have been considered in the draft Submission Local Plan will accompany the report to Full Council. Over 300 representations were received in response to the focused changes consultation earlier this year, making approximately 3,000 comments. Comments were also received on the Sustainability Appraisal. In contrast the consultation on the Proposed Submission Local Plan in 2012 generated around 200 responses.
- 3.24 These have been redacted (personal details etc) and are all available online.
- 3.25 Some of the key issues raised in representations are:
- whether there is an objectively assessed understanding of local housing needs (following revocation of the South East Plan).
 - whether the plan provides for sufficient housing.
 - whether the plan provided sufficient flexibility / contingency.
 - whether strategic site selection is sound / appropriate.
 - the need for clarification of the village categorisation and rural housing distribution.
 - concern about the route of the proposed SE Bicester relief road shown in the consultation on the draft Bicester Masterplan.
 - concern about the location of the proposed 'green buffers' at Launton and elsewhere.
 - concern about developers ambition for development at Kidlington.
 - calls for more housing more generally at Kidlington (and limited Green Belt review).
 - issues of viability arising from policy requirements.
 - availability of evidence.

The draft Submission Local Plan

- 3.26 Officers have completed consideration of representations to determine what final changes to the Local Plan are required.
- 3.27 The revised draft proposed Submission Local Plan is attached as Annex A.
- 3.28 The draft Submission Local Plan now being considered presents the final changes to the 2012 proposed submission Local Plan following the 2013 focused changes consultation.
- 3.29 All changes are refinements and clarification of proposed policies and include:
- Policy SLE2: Securing Dynamic Town Centres – clarifies the location of Town Centre boundaries and retention of primary retail boundaries, which is also reflected in the revisions to Policies Bicester 5: Strengthening Bicester Town Centre and Banbury 7: Strengthening Banbury Town Centre.
 - Policy SLE4: Improved Transport - clarifies that the location of key transport improvements at Banbury and Bicester will be identified in the Local Transport Plan and the County Council Movement Studies.
 - Policy BSC1: District Wide Housing Distribution – introduces provision for taking account of the County SHMA including cooperation with the other Oxfordshire Council in assessing the implications of the results.

- Refinements are also proposed to the policy details of a number of proposed strategic development sites for Bicester, Banbury and Kidlington.

3.30 A number of minor changes to site inset maps will be completed by Full Council.

3.31 A full schedule in the form of a table of proposed changes to the draft Submission Local Plan will accompany the tracked change Local Plan with reasons to the meeting of Full Council.

Next Steps

3.32 Work has now commenced on preparation for the Examination of the Local Plan. This preparation includes:

- a) An informal meeting with the Planning Inspectorate (PINs) and DCLG has now taken place and dates for examination are to be set shortly.
- b) Completion of a series of topic papers on the development of key issues and themes within the draft Submission Local Plan that will be needed for the Examination. This includes a paper on Transport to be produced by OCC, Housing Growth, Employment and the Town Centres, the Limited Green Belt Review and Village Categorisation.
- c) Refinement of the proposed Monitoring Framework for the Local Plan to introduce SMART targets.
- d) Completion of the final Infrastructure Delivery Plan (IDP) will also continue in time for the Local Plan Examination.

Associated work includes:

- e) Accelerating work on the Development Plan Document (DPD) for Local Neighborhoods (which will allocate small housing and employment sites) and Development Management.
- f) Completion of the Supplementary Planning Document (SPD)'s of the Masterplan's for Banbury, Bicester and the 'Framework' Masterplan for Kidlington. These can only be completed after the strategic framework has been set by the Local Plan and will act as a guide to development and aim to show how an integrated approach to development in each town will be secured following the allocation of sites through the Local Plan.
- g) Continuing working with communities on the preparation of Neighborhood Plans in Cherwell.

4.0 Conclusion and Reasons for Recommendations

4.1 The draft Submission Local Plan has now been subjected to extensive consultation. The evidence base for the Plan is nearing completion and the Plan complies with obligations flowing from the recent reforms to the Planning system. A recommendation by the Executive of the draft Submission Local Plan to the meeting of Full Council will enable the Plan to be submitted for Examination and take Cherwell one major step closer to having an up to date, 'sound' and 'adopted' Local Plan.

5.0 Consultation

Councillor Michael Gibbard Regular briefing

Extensive public consultation See Annex B – Statement of Consultation

6.0 Alternative Options and Reasons for Rejection

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

Option 1: To endorse the draft Submission Local Plan.

Option 2: To amend the draft Submission Local Plan with the effect of requiring further delay whilst the proposed changes are consulted upon and a new Sustainability Appraisal commissioned.

Option 3: To not endorse the draft Submission Local Plan

7.0 Implications

Financial and Resource Implications

7.1 There are no financial and resource implications arising directly from this report. The cost of preparation of the Local Plan is met from existing resources.

Comments checked by:

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Legal Implications

7.2 The Council is required to have an up to date Local Plan. This report and associated documents mark an important step towards updating the 1996 Cherwell Local Plan.

Comments checked by:

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Risk Implications

7.3 Not having an up-to-date Local Plan is a major weakness for the consideration of planning applications and weakens the ability of the Council to shape and guide growth in Cherwell to the more sustainable locations.

Comments checked by:

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8.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: Yes

Wards Affected

All

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
A	Draft Submission Local Plan (in tracked changes)
B	Statement of Consultation (to follow under separately)
C	Equalities Impact Assessment
D	Local Plan Viability Study (to be available as a printed document at the Executive)
Background Papers	
Local Plan Papers, representations received and studies in the evidence base.	
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