

# Cherwell District Council

## Executive

7 April 2015

<p><b>Cherwell Local Plan 2011-2031 (Part 2): Development Management Policies and Sites</b></p>
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### Report of Head of Strategic Planning and the Economy

This report is public

#### Purpose of report

To advise members on the commencement of work on Local Plan Part 2 and the project timetable.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To note the report.

#### 2.0 Introduction

- 2.1 The Council as local planning authority has a statutory requirement to keep under review the matters which may be expected to affect the development of the district or the planning of its development. It must keep under review its local development documents and must prepare a 'local development scheme' which sets out which local development documents are to be development plan documents and the timetable for the preparation and revision of those documents.
- 2.2 The National Planning Policy Framework (NPPF) makes clear, "*Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.*" (para.150). It states, "*Each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances. Any additional development plan documents should only be used where clearly justified.*" (para.153).
- 2.3 The Planning Advisory Service (PAS) has stated, "*Councils are advised to have very clear, well substantiated reasons why continuing with a separate Development Plan Document is the right approach in the local circumstances and would best*

*contribute to the achievement of NPPF's aims. If it were being used as a way of avoiding difficult decisions it is unlikely to be acceptable."*

2.4 The Development Plan for Cherwell presently comprises:

- i. the saved policies of the adopted Cherwell Local Plan 1996
- ii. saved policy GB1 of the Central Oxfordshire Local Plan 1992
- iii. saved policy H2 of the former Oxfordshire Structure Plan 2016
- iv. the saved policies of the Oxfordshire Minerals and Waste Local Plan 1996

2.5 The Council has identified the delivery of the Local Plan as a priority to provide a framework for sustainable housing, employment and infrastructure.

2.6 Local Plan Part 1 contains the Council's proposed strategic planning policies and was the subject of Examination Hearings in June and December 2014. The Inspector's report is presently expected to be received by the Council towards the end of May and will be presented to the Executive for consideration. Upon adoption by the Council it will replace the strategic policies of the adopted Cherwell Local Plan 1996, saved policy GB1 of the Central Oxfordshire Local Plan 1992 and saved policy H2 of the former Oxfordshire Structure Plan 2016.

2.7 The saved, non-strategic policies of adopted Local Plan 1996 including policies for development management and the allocation of smaller development sites will still require review. Additionally, there is necessary provision in the Submission Local Plan Part 1 (as modified) for some additional detailed work to be undertaken within a Local Plan Part 2.

2.8 The Council's current Local Development Scheme (LDS, November 2014) provides for the production of Cherwell Local Plan 2011-2031 (Part 2): Development Management Policies and Sites.

2.9 Work is now commencing on this Development Plan Document.

### **3.0 Report Details**

3.1 It is proposed that the Local Plan Part 2 will cover the entire district. It will generally provide a non-strategic 'layer' of policy which must conform with Local Plan Part 1 upon adoption.

3.2 The LDS timetable and project details are as follows:

<b>Schedule 6.2 from the LDS (Nov 14)</b>	<b>Cherwell Local Plan 2011-2031 (Part 2): Development Management Policies and Sites</b>
Subject Matter	Detailed planning policies to assist implementation of strategic policies and the development management process. Identification and delivery of non-strategic development sites for housing, employment, open space and recreation, travelling communities and other land uses. The work is informed by earlier issues and options consultations and the production of a Kidlington 'Framework Masterplan'.
Geographical Area	Cherwell District

Status	Development Plan Document (DPD)	
Timetable	<b>District Wide Review of Previous Issues and Options Work and Preparation</b>	March – June 2015
	<b>District Wide Issues and Options Consultation (Regulation 18)</b>	July –August 2015
	<b>Preparation of Proposed Submission Plan</b>	September 2015 – January 2016
	<b>Consultation on Proposed Submission Plan</b>	January – February 2016
	<b>Submission (Regulation 22)</b>	April 2016
	<b>Examination (Regulation 24) (TBC)</b>	April - December 2016
	<b>Examination Hearings (Regulation 24) (TBC)</b>	August 2016
	<b>Receipt and Publication of the Inspector's Report (Regulation 25)</b>	December 2016
	<b>Adoption (Regulation 26)</b>	February 2017
	<b>Legal Challenge Period (6 weeks)</b>	February – April 2017
	<b>Final Publication</b>	April 2017
		Notes: Programme subject to change if Local Plan (Part 1) or Examination is delayed. Examination and Hearing dates yet to be confirmed.
Management Arrangements	Overseen by Head of Service for Strategic Planning and the Economy. Regular reports to CDC Executive.	
Resources Required	Planning Policy team; input from other Council services, neighbouring authorities and consultees; Programme Officer and Planning Inspectorate.	
Monitoring and review mechanisms	Annual Monitoring Report	

3.3 The parameters of Local Plan Part 2 are set by Local Plan Part 1. Part 2 will seek to implement the spatial vision, objectives and strategic policies of Part 1 by allocating land and establishing policies which seek to meet identified needs, respond to market signals and ensure the protection of important natural, heritage and community assets. Part 2 will need to be prepared on a cooperative basis but will be principally aimed at meeting the district's requirements as identified in Part 1.

3.4 As provided for by the modified Submission Local Plan (Part 1), the Local Development Scheme (LDS) makes provision for a separate Partial Review of Part 1 in the interest of meeting that part of Oxford's unmet housing need which may be accommodated within Cherwell district. That Partial Review will be informed by on-going countywide work being undertaken through the Oxfordshire Growth Board. Local Plan Part 2 will be separate from that Review, but there may be planning considerations that require mutual consideration; for example, the mitigation of any cumulative environmental impacts.

3.5 The key components of the Local Plan Part 2 project are described below.

*Establishing broad scope of the plan*

3.6 In establishing the overall scope of Local Plan Part 2, officers are ensuring that the statutory requirements for plan-making are being met. They are also identifying the key issues that the National Planning Policy Framework (NPPF) requires the plan to consider and relevant advice from national Planning Practice Guidance (PPG). The requirements established by the modified Submission Local Plan (Part 1) are also

being considered. The Inspector's Report and the final iteration of Local Plan Part 1 will need to be reviewed as they become available.

- 3.7 Local Plan Part 2 will need to make clear the plan-making context, what development is going to be delivered, when, where and how this will happen. It will need to consider other relevant plans, programmes and policies, reflect the presumption in favour of sustainable development and ensure that objectively assessed development and infrastructure needs are met. The strategic needs are defined by Local Plan Part 1.

#### *Planning for community engagement*

- 3.8 Section 19(3) of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to comply with its Statement of Community Involvement (SCI) in preparing local development documents. The current SCI, which also relates applications for planning permission, was adopted by the Council on 24 July 2006.
- 3.9 Since adoption of the SCI there have been significant changes to plan-making legislation and guidance including the introduction of the 'Duty to Cooperate'. There have also been changes to legislation and guidance affecting the preparation and consideration of planning applications. The SCI therefore needs to be reviewed to take account of changes in circumstances including the Localism Act 2011, the introduction of The Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations), the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG). A new SCI will be present to the Executive for consideration at a future meeting.
- 3.10 The preparation of Local Plan Part 1 was supported by early work with Town and Parish Councils. Good engagement will again be needed to understand the constraints and opportunities in particular villages, the views of local councillors and to ensure good understanding and working relationships with those preparing Neighbourhood Plans.
- 3.11 Regulation 18 of the 2012 Regulations requires the Council to provide notification of the subject of a local plan which the local planning authority is to prepare and invite representations about what the local plan ought to contain. This also provides the opportunity to refresh the Planning Policy team's consultation database enabling people to opt-out of future consultations if they so wish.
- 3.12 The engagement strategy will include cooperation and consultation with prescribed and non-prescribed bodies including the County Council, adjoining authorities, infrastructure and other service providers. In preparing the Plan, there is also a statutory requirement to have regard to the Sustainable Community Strategy (SCS) required to be produced under Section 4 of the Local Government Act 2000.

#### *Internal engagement*

- 3.13 Project management arrangements will be established to ensure appropriate consultation with the Portfolio Holder, regular reports to the Executive and close internal working with other Council services.
- 3.14 Some internal consultation was undertaken in 2013 with other Council services in the interest of commencing a review of development management policies. This

comprised a number of workshops/meetings to identify likely policy issues. Such joint working will need to continue and a senior development management representative will need to be included on the project team.

*Planning the sustainability appraisal (SA) and habitats regulations assessment (HRA)*

- 3.15 It is necessary to conduct an environmental assessment in accordance with the requirements of the Strategic Environmental Assessment (SEA) Directive (European Directive 2001/42/EC). Under the Planning and Compulsory Purchase Act 2004, the Plan must be informed by a Sustainability Appraisal. It is therefore a legal requirement for the Cherwell Local Plan to be subject to SEA / SA throughout its preparation. An early stage will be to produce a SEA / SA Scoping Report. This involves reviewing other relevant plans, policies and programmes, considering the current state of the environment in the plan area, identifying any key environmental issues or problems and establishing the 'SA framework'. The SA Framework comprises the specific objectives against which the likely effects of plan policies and development proposals can be assessed.
- 3.16 A Habitats Regulations Assessment (HRA) under the Conservation of Habitats and Species Regulations 2010 (as amended) will also be required and will need to be considered through the SEA / SA process.

*Identifying significant cross boundary and inter-authority issues*

- 3.17 Early scoping of cross boundary/authority issues will be undertaken having regard to the statutory Duty to Cooperate. The Council is well placed to do this as a member of the [Shadow] Oxfordshire Growth Board. The Growth Board is governed by way of a joint committee of the local Councils within the Oxfordshire Local Enterprise Partnership. It also includes a number of non-voting members required for good linkages with the LEP. These are:
- LEP Chairman
  - Oxford University
  - Skills Board
  - Harwell/Diamond Light Source
  - LEP Business Representative
  - LEP Oxford City Business Representative
  - Homes and Communities Agency
- 3.18 When considering matters that sit under the purview of the Local Transport Board, then single representatives of Network Rail and the Highways Agency have the right to attend the Growth Board as non-voting investment partners.
- 3.19 The Growth Board is a helpful means of ensuring a cooperative approach to spatial planning across the county. Officers also attend the Oxfordshire Planning Policy Officer (OPPO) meetings which support the Growth Board and have working relationships with officers at other adjoining authorities outside of the county. The Council's management and joint working arrangements with South Northamptonshire District Council is particularly helpful.

*Ensuring that the plan rests on a robust and credible evidence base, including meeting the statutory requirement for keeping matters affecting the development of the area under review*

- 3.20 The NPPF states that local planning authorities should, “...ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals” (para. 158).

*Evidence gathering*

- 3.21 The Council has a substantial evidence base which supports the modified Submission Local Plan (Part 1). Much of this evidence will be relevant in preparing Local Plan Part 2. Adequate evidence will be prepared having regard to ‘value for money’ considerations. Potential areas of additional evidence include:

- Bicester and Banbury town centre area of search study / boundary reviews;
- Kidlington / Begbroke small scale green belt review (employment needs);
- the County Council’s review of the Local Transport Plan and its area strategies;
- adopted and emerging Neighbourhood Plans;
- village character assessments (Category A villages);
- survey of potential sites for the travelling communities;
- ‘brownfield’ land assessments;
- rural housing & employment sites including service / infrastructure capacity;
- agricultural needs / rural diversification;
- green infrastructure;
- ecological / biodiversity studies;
- flood risk assessment;
- open space and playing pitch studies;
- Local Green Space review;
- leisure / culture / tourism / recreation studies including canal and river;
- community infrastructure including schools and village halls;
- work undertaken or to come on the Bicester, Banbury and Kidlington Masterplans including on sustainable transport and on local housing needs at Kidlington;
- design standards.

- 3.22 The village character assessments will be used to assess the constraints and opportunities of individual ‘Category A’ villages (as identified in Local Plan Part 1) with a view to determining whether and how individual settlements should accommodate specific development sites to meet the rural housing requirements identified in Part 1. A place specific approach to the Category A villages will also ensure that Neighbourhood Plans are appropriately highlighted and referenced. Local Plan Part 2 will need to reflect on the policies and proposals contained with adopted Neighbourhood Plans and make appropriate provision for those advancing through the Neighbourhood Planning process. The NPPF makes clear (para. 185) that outside of the strategic plan-making context, “...neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take

*precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation”.*

3.23 Officers will also review the potential pros and cons of established formal built-up area / settlement boundaries including the resource implications of surveying over 90 villages and hamlets.  
*Other areas of work*

3.24 Preparing Local Plan Part 2 will also involve the following detailed areas of work:

- review of existing, and the preparation of new, detailed development management policies for:
  - housing;
  - employment;
  - infrastructure;
  - transportation;
  - motorway junctions;
  - retail;
  - recreation;
  - community facilities;
  - tourism;
  - climate change including criteria for solar farms, wind turbines and other renewable energy proposals;
  - biodiversity;
  - urban design and the built, historic and natural environments;
- review of existing non-strategic allocations i.e. those remaining in the saved policies of the adopted Cherwell Local Plan 1996 and the Non-Statutory Cherwell Local Plan 2011;
- consideration of Local Transport Plan infrastructure commitments;
- economic strategies for securing local employment and skills training;
- pollution and nuisance control;
- examination of potential tranquillity areas;
- telecommunication needs;
- national defence needs;
- supporting allocations and policies in Local Plan Part 1, providing further detailed policies to assist the delivery of strategic site allocations where this would be beneficial.

#### *Review of issues and options papers*

3.25 A number of issues and options papers have been produced since 2006 that need to be considered. They are:

- i. Banbury and North Cherwell Site Allocations Development Plan Document, Issues and Options Paper (July 2006);
- ii. Banbury and North Cherwell Site Allocations Development Plan Document, Supplemental Issues & Options Paper (November 2006);

- iii. Bicester and Central Oxfordshire Site Allocations Development Plan Document, Issues and Options Paper, May 2007
- iv. Supplemental Consultation Paper on Site Allocations Issues and Options: New and Amended Sites (February 2008).

3.26 Many of the sites and issues consulted upon in these issues and options papers have been considered through the preparation of Local Plan Part 1 and its evidence documents including the Strategic Housing Land Availability Assessment (SHLAA). However, they will need to be revisited to ensure that all reasonable non-strategic issues and options are considered in Local Plan Part 2.

#### *Review of Best Practice*

3.27 In addition to national Planning Practice Guidance (PPG), best practice will be kept under review. This will include the consideration of recently adopted plans, guidance such as that produced by the Planning Advisory Service (PAS), the Royal Town Planning Institute (RTPI) and other professional organisations. The guidance of specialist national advisers such as Historic England, Natural England and the Environment Agency will also be considered.

#### *Plan preparation*

3.28 Officers will identify the issues to be addressed in Local Plan Part 2 and the objectives aimed at responding to these issues and meeting the strategic vision and objectives articulated in Local Plan Part 1. Using the SEA/SA process, the emerging evidence base and on-going engagement with stakeholders, officers will identify and assess 'reasonable alternatives' (sites and policies) for achieving these objectives and propose an issues and options consultation paper for Members to consider with a view to undertaking a public consultation in July-August 2015. Officers will need to demonstrate that the statutory procedures have been complied with and that the requisite cooperation has taken place. The input of other services will be required and progress reports will be presented to the Joint Management Team and the Executive at key stages.

3.29 The options being progressed must be realistic, deliverable within the plan period and supported by any necessary delivery partners. Risks to delivery, and the need for flexibility and contingency will need to be considered.

3.30 The representations received in response to the consultation, together with the continuation of the SEA/SA process, on-going cooperation and engagement and the further development of the supporting evidence base will inform the refinement or review of proposals and the preparation of a detailed policies and proposals in a proposed plan. It will be necessary to ensure that the plan is deliverable, viable, supported by necessary infrastructure and that the necessary monitoring framework is established. There will be a formal consultation on the 'proposed submission documents before the Plan is submitted for Examination

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

4.1 A Local Plan Part 2 is needed to ensure that non-strategic development provided for by the modified Submission Local Plan (Part 1) is appropriately planned and sustainably delivered. The Council's non-strategic allocations and its detailed



development management policies are in need of review. This report is presented to ensure that the Executive is kept fully informed of the process and timetable for producing the Part 2 plan in the interest of ensuring that the plan is produced efficiently and in accordance with Council priorities.

## **5.0 Consultation**

Internal briefing: Councillor Michael Gibbard, Lead Member for Planning

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

6.1 Not applicable. This report is for noting only.

## **7.0 Implications**

### **Financial and Resource Implications**

7.1 The work on preparing the Local Plan Part 2 is to be met within existing budgets.

Comments checked by:

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### **Legal Implications**

7.2 The Local Plan Part 2 must be prepared having regard to statutory requirements. Legal support will be required throughout the preparation process. This will require both internal advice and that of external Counsel for the Local Plan Examination.

Comments checked by:

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## **8.0 Decision Information**

### **Key Decision - No**

**Financial Threshold Met: No**

**Community Impact Threshold Met: No**

### **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
None	
Background Papers	
None	
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