

# Cherwell District Council

## Executive

4 January 2016

<p><b>Cherwell Local Plan 2011-2031 (Part 2): Development Management Policies and Sites</b></p>
---

### Report of Head of Strategic Planning and the Economy

This report is public

#### Purpose of report

To seek approval of an issues paper on Local Plan Part 2 for formal consultation.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the issues paper (Appendix 1) for formal public consultation.
- 1.2 To authorise the Head of Strategic Planning and the Economy to make any necessary minor and presentational changes to the issues paper before formal consultation commences.

#### 2.0 Introduction

- 2.1 A report on the preparation of Local Plan Part 2 was presented to the Executive on 7 April 2015. The report advised members on the commencement of work and on the project timetable.
- 2.2 The report explained:
  - i. the national planning policy context to producing a Part 2 to the Local Plan including the advice in the National Planning Policy Framework (NPPF) that additional development plan documents should only be used where clearly justified;
  - ii. that the Council's Local Development Scheme (LDS) included provision for the preparation of Local Plan Part 2;
  - iii. that following adoption of Local Plan Part 1 (on 20 July 2015), the saved, non-strategic policies of the adopted Local Plan 1996, including policies for development management and the allocation of smaller development sites, would still require review;

- iv. that Local Plan Part 1 makes provision for some additional detailed work to be undertaken within a Local Plan Part 2.

2.3 The report also described how Part 2 of the Local Plan would be prepared including:

- i. meeting the strategic vision and objectives articulated in Local Plan Part 1;
- ii. considering other relevant plans, programmes and policies;
- iii. producing adequate and credible evidence having regard to 'value for money' considerations;
- iv. the need for the Plan to be informed by a robust Sustainability Appraisal process and having regard to requirements for Habitats Regulations Assessment;
- v. ensuring that objectively assessed development and infrastructure needs are met;
- vi. meeting the district's requirements as identified in Part 1;
- vii. having regard to market signals;
- viii. early scoping of cross boundary/authority issues to be undertaken having regard to the statutory Duty to Cooperate;
- ix. the need for good community engagement and public participation and joint working with other Council services;
- x. identifying the key issues from the National Planning Policy Framework (NPPF), national Planning Practice Guidance (PPG) and Local Plan Part 1 including the Inspector's Report;
- xi. the need to understand the constraints and opportunities in particular villages and to give regard to Neighbourhood Plans;
- xii. the need to be clear on what development will be delivered, when, where and how;
- xiii. the need to reflect the presumption in favour of sustainable development.

2.4 It has been anticipated that a district-wide issues and options consultation would take place from July to August 2015 with preparation of a Proposed Submission Plan occurring from September 2015 to January 2016 followed by a further consultation from January to February 2016.

2.5 Members may recall that the final Inspector's Report for Local Plan Part 1 was not received until June 2015 meaning that the earliest that the Local Plan could be adopted was in July. The outcome of the Local Plan Part 1 process was needed for officers to be clear on the scope of work required to progress Local Plan Part 2.

- 2.6 Nonetheless, an initial public notification and consultation exercise was undertaken in May 2015 in the interest of seeking views on the outline scope and content of Local Plan Part 2 before officers progressed to adoption of Local Plan Part 1.
- 2.7 The outcome of that initial exercise has helped inform a wider issues paper which is now presented for approval in the interest of undertaking a fuller public consultation. A summary of the representations received is included within the issues paper (Appendix 2 to the issues paper).

### **3.0 Report Details**

- 3.1 A full issues paper has now been prepared for consultation (Appendix 1).
- 3.2 Cherwell Local Plan Part 2 will cover the entire district and the period 2011-2031 in accordance with Part 1 of the Plan. It will conform with and build upon the general development strategy of Local Plan Part 1.
- 3.3 Part 2 of the Plan will contain detailed planning policies to assist the implementation of strategic policies and the development management process. It will also identify smaller, non-strategic development sites for housing, employment, open space and recreation, travelling communities and other land uses, in accordance with Local Plan Part 1.
- 3.4 The proposed consultation document seeks to outline the issues that officers believe at this stage will need to be considered through the plan-making process. It does this in the interest of seeking detailed comments and suggestions from communities, partners and other stakeholders. The issues identified include those arising from national planning policy and guidance; from emerging Government policy; from Local Plan Part 1, the saved policies of the adopted Cherwell Local Plan 1996 and from the Non-Statutory Cherwell Local Plan 2011; from best practice and from the local implementation of planning policy. Representations made in response to an initial public notification in May 2015 have also been considered in preparing the document. The main issues raised were:
1. protection of the Green Belt and the approach to how it should be reviewed, including impacts for Kidlington and the villages in the Green Belt;
  2. meeting Oxford's needs and protecting of the setting of Oxford;
  3. the need to deliver new homes in the context of the SHMA, the NPPF and 5 year land supply considerations;
  4. the need for flexibility to allow sites to come forward that are not in the Local Plan;
  5. the impacts of housing and employment growth including on the countryside, and the loss of green buffers;
  6. the coalescence of settlements;
  7. the promotion of several sites in the towns and rural areas including at Upper Heyford for housing and employment;
  8. the provision of affordable and specialist housing including for the elderly;
  9. the growth of Bicester recognising its status as a Garden Town;
  10. the need to use brownfield land;
  11. village categorisation, sustainability and village character assessments;
  12. how development should be distributed in the rural areas;

13. the need to undertake a detailed review of village services and facilities and infrastructure;
14. farm diversification and agriculture;
15. sites for Gypsy and Travellers;
16. the need to plan for and consider the impacts of traffic and congestion including air pollution;
17. the encouragement of sustainable travel including walking and cycling;
18. the approach to transport modelling and the provision of new roads and timing in relation to development;
19. the approach to new motorway junctions and relief roads and other measures;
20. protection and enhancement of biodiversity, open space and the Oxford Canal;
21. the need to provide community facilities including provision for sports and school places;
22. the need to designate local green spaces and improve Green Infrastructure provision;
23. the need to avoid building in the floodplain and to introduce flood risk measures and policies;
24. the importance of water management and waste infrastructure;
25. the need to understand and provide for infrastructure, telecommunications and utilities and effective use of Community Infrastructure Levy and Section 106 agreements;
26. the need to review urban centre boundaries and address any decline in town centres through flexibility over uses;
27. protection of the district's historic environment and town centres and improving cultural facilities;
28. the importance of good design for new development;
29. objection to employment development at motorway junctions due to environmental and visual impacts;
30. promotion of employment development at motorway junctions to meet specific requirements;
31. the need for apprenticeships and training;
32. the need to encourage sustainability policies including renewable energy provision;
33. concern about sustainability policies being contrary to building regulation requirements;
34. some concern about the consultation process for Local Plan Part 2.

3.5 A full summary of the representations is provided at Appendix 2. Officer responses are not provided at this stage as the intention of the initial notification was to seek early input on the scope of Local Plan Part 2 not to rule options in or out.

3.6 The consultation document now presented to Members is specifically an 'issues' paper rather than an 'issues and options paper'. This is to provide officers with an opportunity to consider and explore issues comprehensively, to complete the Sustainability Appraisal scoping process (following consultation), and to undertake a 'call for sites' before identifying reasonable options. The issues paper does not refer to site specific representations received for this reason.

3.7 A Sustainability Appraisal scoping report has been prepared and will be consulted upon alongside the issues paper.

- 3.8 The 'call for sites' will be for non-strategic sites which, in Cherwell's case, for residential development typically means sites for less than 100 dwellings (the threshold used for strategic sites in Local Plan Part 1), and, for employment sites, typically less than 3 hectares. Sites that would have strategic implications (having regard to the strategy in Local Plan Part 1) will not be included in Local Plan Part 2. Site submissions will be used to inform a new Strategic Housing Land Availability Assessment (SHLAA) and in the preparation of new employment site evidence. Sites that are determined to be reasonable options, whether for housing, employment, recreation, retail and so on will be subject of detailed testing supported by new evidence as required (on a 'value for money' basis) and by the process of Sustainability Appraisal.
- 3.9 The consultation document invites discussion and suggestions but the issues 'captured' in the consultation paper for public consideration include:
- delivery of Bicester Garden Town;
  - sustainable transport;
  - the County Council's implementation of its Local Transport Plan and the updating of its area strategies;
  - Kidlington / Begbroke small scale green belt review (employment needs);
  - non-strategic employment sites;
  - providing opportunities for skills development;
  - agricultural needs / rural diversification;
  - retail development including boundary review for Bicester, Banbury and Kidlington centres;
  - leisure / culture / tourism / recreation including canal and river;
  - community infrastructure including schools and village halls;
  - health infrastructure and measures to improve well-being
  - adopted and emerging Neighbourhood Plans;
  - village character assessments (Category A villages);
  - potential sites for travelling communities;
  - 'brownfield' land assessments and the efficient use of land;
  - non-strategic housing sites including service / infrastructure / utility capacity;
  - specialist housing needs;
  - green and blue (river/canal) infrastructure;
  - ecological / biodiversity enhancement;
  - pollution and tranquillity;
  - sustainable construction and renewable energy;
  - open space and playing pitch studies;
  - Local Green Space review;
  - work on the Bicester, Banbury and Kidlington Masterplans
  - airfield safeguarding including national defence needs;
  - the built and historic environment / public realm and design standards;
  - residential space standards;
  - the review / preparation of new development management policies.
- 3.10 As advised in the previous report to the Executive, 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). This to help determine whether and how individual settlements should accommodate specific development sites to meet 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 within adopted Neighbourhood Plans and make appropriate provision for those advancing through the Neighbourhood Planning process.

- 3.11 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”*.
- 3.12 The issues paper also seeks views on the potential pros and cons of establishing formal built-up area / settlement boundaries. The resource implications of potentially surveying over 90 villages and hamlets will also need to be considered.

#### *Next Steps*

- 3.13 Following approval by the Executive, a six week consultation on the issues paper will commence in January 2015. An explanatory leaflet will be produced to support the consultation. This will be supported by a workshop to be arranged with Town and Parish Councils. Evidence gathering will continue and an options paper will be prepared for presentation to the Executive in Summer 2016. An update of the Local Development Scheme, the programme for the production of the Council's planning policy documents, is presented to Members separately on this agenda.

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

- 4.1 An issues paper for Local Plan Part 2 has been prepared for the purpose of public consultation. Local Plan Part 2 will focus on the preparation of new Development Management policies and the identification of non-strategic development sites which reflect the vision, objectives and policies of Local Plan Part 1 and priorities in the National Planning Policy Framework. Members are recommended to approve the issues paper in the interest of seeking detailed public, partner and stakeholder views on the matters that will need to be considered and responded to in preparing Part 2 of the Local Plan.

## **5.0 Consultation**

Internal briefing: Councillor Michael Gibbard, Lead Member for Planning

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

- 6.1 *To delay the issues paper and consultation until options have also been produced*

A consultation now will provide officers the opportunity to consider issues comprehensively before identifying reasonable options. Further work would be

required to identify potential options supported by the Sustainability Appraisal process.

## 6.2 *To reconsider the content of the issues paper*

The issues paper has been produced having regard to national policy and guidance, Local Plan Part 1, the saved policies of the adopted Cherwell Local Plan 1996, the Non-Statutory Cherwell Local Plan 2011 and representations received in response to an initial public notification. It is considered by officers to be an appropriate consultation document.

## **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:

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

Paul.Sutton@cherwellandsouthnorthants.gov.uk

### **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:

Nigel Bell, Team Leader – Planning & Litigation, 01295 221687

Nigel.bell@cherwellandsouthnorthants.gov.uk

## **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
1	Local Plan Part 2 Issues Paper (including summary of representations at appendix 2)
<b>Background Papers</b>	
None	
<b>Report Author</b>	David Peckford, Planning Policy Team Leader
<b>Contact Information</b>	01295 221841 david.peckford@cherwell-dc.gov.uk