

# **Cherwell District Council**

## **Executive**

**3 April 2017**

### **Local Development Scheme**

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

This report is public

### **Purpose of report**

To seek approval of an updated Local Development Scheme (LDS) for the production of the Council's planning policy documents.

### **1.0 Recommendations**

The meeting is recommended:

- 1.1 That the updated Local Development Scheme (LDS) presented at Appendix 1 is approved.

### **2.0 Introduction**

2.1 The Local Development Scheme (LDS) is a rolling business plan for the Local Planning Authority that sets out the preparation of key planning policy documents that will be relevant to future planning decisions. It outlines the programme and resources for completion and adoption of each relevant planning document. It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended) that the Council prepares and maintains an LDS.

2.2 The LDS must specify:

- the local development documents which are to be development plan documents;
- the subject matter and geographical area to which each development plan document is to relate;
- which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
- any matter or area in respect of which the authority has agreed (or propose to agree) to the constitution of a joint committee;
- the timetable for the preparation and revision of the development plan documents; and
- such other matters as are prescribed.

- 2.3 Development Plan Documents must be prepared in accordance with the LDS and this must be demonstrated at public examinations. The LDS will be used by officers, consultees, developers, agents and the public in determining when planning policy documents are likely to be produced by the Council and when key stages of consultation can be expected. Implementation of the LDS is monitored through the Annual Monitoring Report process and the LDS is periodically reviewed if there are significant changes in circumstances.
- 2.4 A new LDS is presented at Appendix 1 for approval. It revises that approved by the Executive on 4 January 2016. The LDS has been updated to take account of: progress in preparing both a Partial Review of Local Plan Part 1 (to contribute in meeting Oxford's unmet housing needs) and a Local Plan Part 2 (Development Management policies and non-strategic sites); a review of the work required to complete those projects; the updated position in completing and preparing Supplementary Planning Documents; and, the Government's on-going review of the operation of the Community Infrastructure Levy.
- 2.5 The LDS is led by the Planning Policy and Growth Strategy team who are responsible for meeting statutory obligations and ensuring consistency of the programme and the planning documents, with the national obligations and conformity with the adopted Local Plan Part 1.
- 2.6 Potential changes to plan-making legislation and national planning policy have been highlighted in the recent housing White Paper '*Fixing our Broken Housing Market*' (February 2017). Consequently, the LDS will need to be kept under review and a further update may be required later in 2017.

### **3.0 Report Details**

- 3.1 An updated Local Development Scheme (LDS) is presented at Appendix 1.
- 3.2 The LDS highlights that the Council's key planning policy documents will be as follows:
- Cherwell Local Plan 2011-2031 (Part 1) – complete and adopted by the Council on 20 July 2015 (incorporating Policy Bicester 13 re-adopted on 19 December 2016). This comprises the main strategy document containing strategic development sites and policies and forms part of the statutory Development Plan.
  - Partial Review of Cherwell Local Plan 2011-2031 (Part 1) - under preparation. Consultation took place on an Issues Paper from 29 January 2016 to 11 March 2016 and on an Options Paper from 14 November 2016 to 9 January 2017. The Partial Review will contain a supplemental planning strategy and strategic development sites in order for the district to contribute in meeting the identified unmet housing needs of Oxford City. Upon adoption by the Council it will become part of the statutory Development Plan.
  - Cherwell Local Plan 2011 – 2031 (Part 2): Development Management Policies and Sites – under preparation. A preliminary scoping consultation was undertaken in May 2015. Consultation took place on an Issues Paper from 29 January 2016 to 11 March 2016. Local Plan Part 2 will contain

detailed planning policies for considering planning applications and non-strategic site allocations. Upon adoption by the Council it will become part of the statutory Development Plan.

- Adopted Policies Map – a map of Cherwell which illustrates geographically the application of the policies in the adopted Development Plan. An Interactive Adopted Policies Map is available on-line at <http://www.cherwell.gov.uk/index.cfm?articleid=11535>.
- Supplementary Planning Documents (SPDs) – some have been completed and some are in preparation or awaiting preparation. SPDs build upon and provide further detail to policies in Development Plan Documents. They are statutory documents but do not form part of the Development Plan. The content of SPDs must follow and not conflict with the adopted Local Plan. The following SPDs have been, are being, or will be prepared:
  - North West Bicester SPD – adopted on 22 February 2016
  - Banbury Masterplan SPD – adopted on 19 December 2016
  - Kidlington Masterplan SPD – adopted on 19 December 2016
  - Developer Contributions SPD – under preparation
  - Bicester Masterplan SPD – under preparation
  - Banbury Canalside SPD - under preparation
  - Cherwell Design Guide – under preparation
  - Bolton Road Development Area, Banbury SPD – on hold
  - Sustainable Buildings in Cherwell SPD – to be prepared

3.3 Additionally, Annual (or Authorities) Monitoring Reports (AMRs) are produced each year to monitor progress in producing Local Development Documents and the implementation of policies. The 2016 AMR was approved by the Executive on 6 March 2017 and was forwarded to DCLG given the significance of the delivery of growth evidenced in the District.

3.4 A Statement of Community Involvement (SCI) is also produced to set out how communities and stakeholders can expect to be engaged in the preparation of planning documents and in the consideration of planning applications. A new SCI was consulted upon from 29 January to 11 March 2016 and adopted by the Council on 18 July 2016. The SCI applies to all elements of the Local Development Framework and the preparation of SPDs.

3.5 The main changes in the proposed LDS (Appendix 1), compared to that approved by the Executive in January 2016, are as follows:

- i. A review of the timetable for completion of the Partial Review of Local Plan Part 1 (Oxford's unmet housing needs). The Partial Review is being prepared to meet the commitment in the adopted Cherwell Local Plan 2011-2031 to complete the review within two years of adoption of Local Plan Part 1 (from July 2015). The last LDS (January 2016) provided for consultation on a Proposed Submission document in April/May 2017 thereby enabling submission to the Secretary of State for examination in June 2017.

The Partial Review is being undertaken in the context of the Duty to Cooperate and countywide work (through the Oxfordshire Growth Board) which examined the level of Oxford's unmet housing need and the apportionment of that need to

the Oxfordshire District Councils. On 26 September 2016, the Oxfordshire Growth Board agreed an apportionment which included 4,400 homes (2011-2031) to be met by this Council.

That decision enabled officers to present an Options consultation paper to the Executive on 7 November 2016. Public consultation ran from November to January 2016 and officers' work has since included the completing of evidence documents and the review of consultation responses. A Proposed Submission document is being prepared but due to the amount of work required and the high level of response to the Options consultation (over 1200 responses) it has not been possible to bring the Proposed Submission document to this meeting of the Executive (3 April) and instead a special meeting is being arranged for 22 May 2017. The LDS at Appendix 1 reflects this change and includes the following milestones:

- 22 May 2017 – presentation of Partial Review Proposed Submission document to the Executive for approval to proceed to invite representations.
  - 30 May to 10 July 2017 inclusive – six week statutory representation period (no extensions of time will be permitted)
  - 4 September 2017 - presentation of Partial Review Submission document to the Executive for approval
  - 5 September 2017 - presentation of Partial Review Submission document to special meeting of the Council for approval
  - 8 Sept 2017 – formal submission of the Partial Review of the Local Plan to the Secretary of State for Communities and Local Government (through the Planning Inspectorate) for Examination.
- ii. A review of the timetable for the completion of Local Plan Part 2 (Development Management Policies and Sites). The last LDS (January 2016) provided for consultation on a Proposed Submission document in February/March 2017 thereby enabling submission to the Secretary of State for examination in June 2017 alongside the Partial Review of the Local Plan.

Due to the priority given to the Partial Review of the Local Plan, it has not yet been possible to complete an Options Paper for consultation which means delay to the overall programme. The reviewed LDS timetable (Appendix 1) provides for an Options consultation after submission of the Partial Review of the Local Plan in September 2017, followed by a Proposed Submission consultation in January/February 2018 ahead of submission for Examination in April 2018.

- iii. Placing advanced work on a potential Community Infrastructure Levy (CIL) Charging Schedule on hold. CIL comprises a schedule of charges for contributions to off-site infrastructure, payable by developers. Work commenced in February 2015 and consultation on a preliminary charging schedule was undertaken from 12 February to 25 March 2016. A draft charging schedule was consulted upon from 14 November 2016 to 9 January 2017.

However, On 7 February 2017, the Government published the housing White Paper '*Fixing our Broken Housing Market*' in which it was announced, "*The Government will examine the options for reforming the system of developer contributions including ensuring direct benefit for communities, and will respond to the independent review and make an announcement at Autumn Budget 2017*" (para. 2.29).

The independent review '*A New Approach to Developer Contributions*' (October 2016) has been published and includes a recommendation that the Government should replace the Community Infrastructure Levy with a twin-track system of a new low level tariff (a Local Infrastructure Tariff), combined with Section 106 agreements for larger sites, that "...*captures the best of both worlds, optimises the contributions from those smaller sites which may not otherwise be contributing in a Section 106 system and also ensures the more substantial infrastructure needs of larger developments are met in a timely manner by those best placed to do so*" (CIL Review Report, para. 4.3.1).

This recommendation and other potential changes mean that it is proposed to put work on a potential CIL on hold until there is more certainty about future changes to legislation and Government policy. It also means that a further round of consultation on the draft Developer Contributions Supplementary Planning Document will be required.

- iv. updating to reflect completion of the North West Bicester SPD, Banbury Masterplan SPD, and Kidlington Framework Masterplan SPD and the re-adoption of Policy Bicester 13 of the Local Plan.
- v. the addition of the Cherwell Design Guide Supplementary Planning Document being prepared by the Head of Development Management (Design and Conservation Team).
- vi. updating of the programmes for other Supplementary Planning Documents, particularly the timetable for the completion of the Bicester Masterplan and the Banbury Canalside and Bolton Road SPDs.

3.6 The LDS provides a programme schedule for each project providing the geographical area affected by the document, the status of the document, the timetable for production, a brief summary of the management arrangements and service resource and the monitoring and review mechanism. Each project sits within the growth framework set by the adopted Local Plan part 1.

3.7 The Government has recently highlighted potential changes to the planning system in the recent housing White Paper '*Fixing our Broken Housing Market*' (February 2017). It has also previously consulted on changes to the National Planning Policy Framework (NPPF). More formal mechanisms for Joint Spatial Plans and new requirements for the review of Local Plans may affect the programmes for producing policy documents. In addition, the work of the National Infrastructure Commission (NIC) (particularly in relation to the Oxford-Cambridge corridor) may also have implications for Local Authorities in this area. Consequently, the LDS will need to be kept under review. A further update of the LDS may need to be presented to Members later in 2017.

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

- 4.1 An updated Local Development Scheme (LDS) has been prepared. It provides a programme for the preparation of the Council's key planning policy documents that will be relevant to future planning decisions and, where applicable, the public examination of those documents. The Council has a statutory responsibility to prepare and maintain an LDS. The LDS will be used by officers, the public, partners, developers and other stakeholders to monitor the production of documents to plan for associated consultations. Approval of the LDS is needed to assist project management and ensure that the Council meets its statutory responsibilities for plan-making.

## **5.0 Consultation**

Internal briefing: Councillor Colin Clarke, Lead Member for Planning

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

- 6.1 *Not to approve the LDS*

The Council has a statutory responsibility to maintain an LDS. Not to approve the LDS could undermine the confidence of the public and stakeholders about the Council's plan-making programme. The LDS would need to be re-presented to the Executive at a future meeting or to the Lead Member for Planning.

- 6.2 *To reconsider the content of the LDS*

The LDS has been prepared having regard to the Council's statutory responsibilities and current resources. It is considered by officers to be appropriate for the present and foreseeable circumstances.

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 The work arising from the LDS is to be met within existing budgets.

Comments checked by:

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### **Legal Implications**

- 7.2 The preparation of the LDS is a statutory requirement.

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, Colin Clarke, Lead Member for Planning

### Document Information

Appendix No	Title
Appendix 1	Local Development Scheme, April 2017
<b>Background Papers</b>	
None	
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