

Cherwell District Council

Executive

1 October 2018

<p>Oxfordshire Joint Statutory Spatial Plan (JSSP) Local Development Scheme, Statement of Community Involvement and Scoping Document</p>

Report of Interim Executive Director: Place and Growth

This report is public

Purpose of report

To seek approval of draft project and programme documents for the Oxfordshire Joint Statutory Spatial Plan (JSSP). These documents comprise the Draft Statement of Community Involvement 2018; the Local Development Scheme; and, the JSSP Scoping Document

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the Local Development Scheme 2018 (“LDS”) for the Joint Statutory Spatial Plan (JSSP) attached at Appendix 1.
- 1.2 To approve the draft Joint Statutory Spatial Plan (JSSP) Statement of Community Involvement 2018 (“SCI”), attached at Appendix 2 for a six week period of formal public consultation.
- 1.3 To approve the Joint Statutory Spatial Plan (JSSP) Scoping Document, attached at Appendix 3.
- 1.4 To authorise the Interim Executive Director: Place and Growth, in agreement with the other councils equivalent, to make any necessary minor and presentational changes to the draft Statement of Community Involvement before formal consultation commences.
- 1.5 To authorise the Interim Executive Director: Place and Growth to make any necessary minor and presentational changes to the Local Development Scheme and Joint Statutory Spatial Plan Scoping Document before publication.

2.0 Introduction

- 2.1 The six Oxfordshire Councils and the Oxfordshire Local Enterprise Partnership (OXLEP) have agreed the Oxfordshire Housing and Growth Deal (“the Growth Deal”) with Government. Under the terms of the Deal the LPAs have committed to

producing an Oxfordshire Joint Statutory Spatial Plan (JSSP) for submission to the Planning Inspectorate for independent examination by 31 March 2020 and adoption by 31 March 2021, subject to examination process.

- 2.2 When the councils agreed the Growth Deal through Council meetings in February 2018, one of the resolutions was to participate in the preparation of a Joint Statutory Spatial Plan in the timescales set out in the Growth Deal Delivery Plan and in accordance with S28 of the Planning and Compulsory Purchase Act 2004 (as amended) "PCPA 2004").
- 2.3 The JSSP will provide an Oxfordshire-wide, integrated strategic planning framework and supporting evidence base to support sustainable growth across the county to 2050, including the planned delivery of the new homes and economic development, and the anticipated supporting infrastructure needed.
- 2.4 The JSSP will be a formal Development Plan Document (DPD), prepared under S28 of the PCPA 2004 which enables two or more local planning authorities to agree to prepare a joint Plan. Oxfordshire County Council will support the plan preparation process.

3.0 Report Details

JSSP Local Development Scheme (LDS)

- 3.1 S15 of the PCPA 2004 requires LPAs to prepare and maintain an LDS setting out a timetable for the production of DPDs.
- 3.2 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.
- 3.3 The DPDs 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, local organisations and the public in determining when important milestones in the production of the JSSP and key stages of consultation can be expected. Implementation of the LDS will be monitored and the document will be periodically reviewed if there are significant changes in circumstances.
- 3.4 The new JSSP LDS is presented in Appendix 1 for approval. This relates solely to the preparation of the JSSP for Oxfordshire. The partner LPAs will also have their own individual LDSs concerned with the production of their individual Local Plans and other planning matters. The key milestones for production of the JSSP are as

follows and as required by the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended):

Early Stakeholder Engagement	October 2018
Consultation on Preferred Strategy Options (Reg. 18)	February/March 2019
Consultation on Proposed Submission Draft Plan (Reg. 19)	October/November 2019
Submission (Reg. 22)	March 2020
Examination (Reg. 24)	September 2020 TBC
Receipt and Publication of Inspector's Report	December 2020 TBC
Adoption (Reg. 26)	March 2021 (subject to examination)

3.5 Executive is recommended to approve the LDS.

Draft JSSP Statement of Community Involvement

3.6 The SCI is a requirement of S18 of the PCPA 2004. It needs to comply with statutory requirements and Government policy for plan making and consultation on planning matters. However, the Government no longer provides guidance on how to produce a SCI. It is for LPAs to decide how they will prepare their own SCI.

3.7 As part of the preparation and adoption of the JSSP, the Oxfordshire LPAs will be producing a number of documents, requiring consultation. It is therefore important to have an up-to-date SCI that sets out the requirements and strategy for engaging with communities and key stakeholders.

3.8 The draft SCI clearly sets out the key stages for preparing the JSSP and how the Oxfordshire LPAs intend to inform, involve and consult stakeholders on the preparation of the plan. It will set out what is required from the partner authorities, how and when. This SCI only relates to and is specific to the production of the JSSP. The partner LPAs will also have their own individual SCIs concerned with the production of their individual Local Plans and other planning matters.

3.9 The SCI for the JSSP will ensure that plan is shaped by early, proportionate and meaningful engagement between plan makers and communities, local organisations, businesses, infrastructure providers and statutory consultees.

3.10 The outcomes of the consultation processes set out in this SCI will be an important element of the considerations of the LPAs in developing the JSSP. However, they are one element of the considerations alongside other material matters such as the evidence base, the Sustainability Appraisal, etc. Consultees and those engaged should recognise the multi-faceted considerations that will go towards the conclusions in the JSSP that are sent forward for Examination.

3.11 Executive is recommended to approve the Draft SCI for consultation. A six week period of consultation will assist in the production of a robust SCI.

JSSP Scoping Document

3.12 The JSSP Scoping Document is an informal document, not required by regulations, but which is a helpful project planning tool which seeks to set out the understanding

between the various parties on the objectives of the JSSP and the processes that will be followed. This will form an agreed framework for the project and it will be used to inform the work programme for the plan.

- 3.13 The JSSP will provide an overall strategy for the scale and distribution of development up to 2050. It will be a strategic document which will identify future growth areas, and it will not allocate specific sites itself. It will not contain detailed policies, as these will be covered by future Local Plan reviews as necessary. The JSSP will address the strategic and cumulative implications of growth and set out a long term framework covering the whole of Oxfordshire. A common evidence base will be developed to underpin the JSSP and future Local Plan reviews. This will include work on environmental quality and natural capital, as well as on strategic transport and other infrastructure requirements. The JSSP will take into account the commitments made in emerging and adopted Local Plans.
- 3.15 Executive is recommended to approve the JSSP Scoping Document.

Approval Processes

- 3.16 The JSSP is a formal DPD prepared under S28 of the PCPA 2004 which enables two or more LPAs to agree to prepare a joint Plan. It also necessitates that approval of that plan and relevant stages of its production are to be formally agreed by the individual partner authorities.
- 3.17 The February 2018 Council resolutions included the principle of preparing a JSSP in accordance with S28 of the PCPA 2004.
- 3.17 Cherwell District Council's Executive is one of five meetings at which the LDS, the Draft SCI and the draft JSSP Scoping Document will be considered during September 2018 and October 2018. These documents will be considered in parallel meetings at Oxford City Council, South Oxfordshire District Council, Vale of the White Horse District Council and West Oxfordshire District Council. All meetings will be presented with the same documents and asked to agree the recommendations as detailed above.
- 3.18 The documents will also be discussed at Oxfordshire County Council's Cabinet where they are invited to note and support these documents in their capacity as a key Growth Board partner and statutory consultee for the JSSP.
- 3.19 Following that agreement, the JSSP Project Team will commence consultation on the Draft SCI for a six week period in October 2018. Following this consultation period, a final SCI (amended as appropriate in response to comments received) will be reported to Executive for final approval in January 2019.
- 3.20 The development of the JSSP under the S28 process (as set out above) will be overseen and informed by a sub-group of the Growth Board made up of member representatives of each of the LPAs.
- 3.21 Please note that these documents are part of the preparations that are on-going for the production of the JSSP. Approval of these documents and formal commencement of the JSSP process is subject to the delivery of the Planning Freedoms and Flexibilities that are part of the Growth Deal with the Government <https://www.oxfordshiregrowthboard.org/consultation/>. Consultation on the Draft SCI

will not commence until the Government has confirmed the delivery of the 3 year land supply flexibility. The Ministry for Housing, Communities and Local Government has confirmed its intention to publish a Written Ministerial Statement granting this flexibility to Oxfordshire as soon as possible when Parliament returns in September 2018.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The Council and its partners are at an early stage in the production of a JSSP for Oxfordshire. Once adopted the JSSP, will form part of the Council's Development Plan against which formal planning decisions will be made and other local planning documents prepared. The Council has a statutory duty to prepare and maintain an LDS under S15 of the PCPA 2004. The preparation of the plan will require community and stakeholder involvement and the production of a SCI is a legal requirement under S18 of the PCPA 2004 to ensure compliance with statutory requirements and Government policy for plan making and consultation on planning matters.
- 4.2 These documents will not replace the Councils existing LDSs and SCIs, they will remain relevant to all other planning matters.

5.0 Consultation

Councillor Colin Clarke - Lead Member for Planning

6.0 Alternative Options and Reasons for Rejection

- 6.1 Not to approve the draft SCI for consultation and to not approve the LDS and Scoping Document.

The SCI is a requirement of S18 of the PCPA 2004. To not adopt an SCI would leave the production of the JSSP and the soundness of the development plan document open to challenge.

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 plan making process.

The JSSP Scoping Document is an informal document, not required by regulations, but which is a helpful project planning tool which seeks to set out the understanding between the various parties on the objectives of the JSSP and the processes that will be followed. This will form an agreed framework for the project and it will be used to inform the work programme for the plan. To not approve the Scoping Document will lead to uncertainty and possible delays in the preparation of the JSSP.

- 6.2 To reconsider the content of the draft SCI, LDS and Scoping Document.

The draft SCI has been produced having regard to statutory and policy requirements for plan-making. It is considered by officers to be an appropriate consultation document.

The LDS has been produced having regarded to the statutory responsibilities for plan making, the requirements of the Oxfordshire Housing and Growth Deal and the resources available to the JSSP Project Team. It is considered by officers to be appropriate for the present and foreseeable circumstances.

The draft Scoping Document has been produced having regarded to statutory and policy requirements for plan-making and the requirements of the Oxfordshire Housing and Growth Deal. It is considered by officers to be an appropriate and effective document that will guide the preparation of the JSSP.

The draft SCI has been produced having regarded to statutory and policy requirements for plan-making. Examples of recently approved SCIs have been considered. It is considered by officers to be an appropriate consultation document.

7.0 Implications

Financial and Resource Implications

- 7.1 As part of the Housing and Growth Deal, the government has agreed £2.5million capacity funding over three years to support the development of the JSSP. The business case will be reviewed in light of the scoping document and timescales set out in the Local Development Scheme with the intention of delivering the project within this funding envelope. Any costs over and above this would be subject to further agreement by the Oxfordshire Authorities. The revised business case will also examine future savings that will result from the JSSP and its joint evidence base to the five local planning authorities in their work on future Local Plan reviews.
- 7.2 Any work directly commissioned by Cherwell District Council will be claimed back from the capacity fund held by Oxfordshire County Council as the Accountable Body for the Deal, or from other Local Planning Authorities over and above the capacity funding.
- 7.3 The cost of implementing the updated SCI 2018 as proposed will be met within the existing budgets of the Oxfordshire Housing and Growth Deal.

Comments checked by:

Kelly Watson, Assistant Director: Finance and Procurement, 0300 003 0207
kelly.watson@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 The Council has a legal duty to produce an SCI under the Planning and Compulsory Purchase Act 2004 (as amended).

Comments checked by:

Ben Arrowsmith, Solicitor, 01295 221690
ben.arrowsmith@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: Yes

Wards Affected

All

This report directly links to all three themes from the Joint Corporate Strategy 2018-19:

- District of Opportunity & Growth
- Protected, Green & Clean
- Thriving Communities & Wellbeing

Lead Councillor

Councillor Colin Clarke – Lead Member for Planning

Document Information

Appendix No	Title
Appendix 1	Draft Local Development Scheme
Appendix 2	Draft Statement of Community Involvement 2018
Appendix 3	Draft JSSP Scoping Document
Background Papers	
None	
Report Author	Alan Munn, Principal Planning Policy Officer
Contact Information	Alan.munn@cherwellandsouthnorthants.gov.uk 01327 322249