

# Cherwell District Council

## Executive

3 December 2018

### Local Development Scheme

## Report of Interim Executive Director - Place and Growth

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 To approve the updated Local Development Scheme (LDS) presented at Appendix 1.

### 2.0 Introduction

- 2.1 The Local Development Scheme (LDS) is a rolling business plan 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 in November 2017. The LDS has been updated to take account of:

- the submission of the Partial Review of the Cherwell Local Plan 2011-2031 for examination on 5 March 2018;
- the Local Development Scheme for the Oxfordshire-wide Joint Statutory Spatial Plan (JSSP) which the Executive considered on 1 October 2018;
- the introduction of a new statutory requirement to review local plans and statements of community involvement every five years (from the date of their adoption);
- the adoption of supplementary planning documents (SPDs), particularly for Developer Contributions and the Cherwell Design Guide for residential development; and
- publication of a new National Planning Policy Framework (NPPF 2) in July 2018 containing new guidance on plan-making.

2.5 There are a number of key changes suggested to the Local Development Scheme approved in 2017:

- i. the LDS, as now proposed, includes a commitment for a comprehensive local plan review rather than a Local Plan Part 2. This would allow for the Council to review the adopted Local Plan to meet the new statutory five year requirement and to update or retain policies as required. The plan would include both strategic and local policies, including non-strategic matters that would have previously been included in a Local Plan Part 2 – for example, smaller allocations of land for housing, employment, travelling communities and recreation, and the replacement of saved policies from the 1996 Local Plan. It would also place the Council in a position to be able to respond to countywide policy which will emerge from the Oxfordshire plan (the JSSP). A Local Plan Part 2 would only supplement the existing Local Plan, adopted over three years ago.
- ii. the new LDS removes a specific requirement for the Bicester Masterplan to be produced as a statutory Supplementary Planning Document (SPD) to enable it to cover matters that extend beyond land use planning (for example, working with the County Council on projects affecting highways). This would provide a more flexible approach to taking forward the various areas of work at Bicester. It would not preclude a future SPD should this be required subsequently and this could be reflected in a later review of the LDS if necessary.

This suggested change was endorsed by the Eco Bicester Strategic Delivery Board at a meeting on 19 July 2018. A topic based approach to informal guidance was preferred focusing on areas such as healthy streets; a reduction on speed limits to facilitate cycling; town centre development areas; town centre public realm enhancement; green infrastructure.

Removal from the LDS would not prevent the re-introduction of a Supplementary Planning Document if the Council so wished in the future

provided regulatory requirements, including for consultation and representations, are met. Consultation undertaken on topic areas to prepare informal guidance could be used to support a later SPD process.

- iii. the LDS suggests the focusing of resources on completing the Partial Review of the Local Plan and a Supplementary Planning Document (SPD) for Banbury Canalside; inputting into the Oxfordshire plan process; commencing the Local Plan review and undertaking further work on a potential Community Infrastructure Levy. The Bicester Delivery Team would continue to work on the Bicester Masterplan's topic areas. Previous commitments to additional SPDs are removed for this LDS (see para. 3.2 below). Other important priorities that will continue to be supported but which are not matters for the LDS include delivery of the Oxfordshire Housing and Growth Deal and the preparation of development briefs.

2.6 Implementation of the LDS is led by the Planning Policy and Growth Strategy team which is responsible for meeting statutory obligations for plan making. The LDS has been prepared having regard to current circumstances. Circumstances that might lead to the need for review of the LDS include:

- further Government policy and guidance on plan-making;
- changing timeframes for work not fully within the Council's control (for example, the completion of the examination of the Partial Review of the Local Plan (Oxford's unmet housing needs) and the timeline for the Oxfordshire Joint Statutory Spatial Plan (JSSP);
- changes to available resources; and
- temporary re-prioritisation to smooth out workloads, due to sustained and significant demands on the Planning Policy and Growth Strategy Team.

2.7 The LDS will be kept under review.

### **3.0 Report Details**

3.1 An updated Local Development Scheme (LDS) is presented at Appendix 1.

3.2 The LDS highlights the key planning policy documents that will be prepared going forward. They are:

1. Partial Review of Cherwell Local Plan 2011-2031 (Part 1) – submitted to Government for examination on 5 March 2018. A preliminary hearing took place on 28 September 2018. A letter was received from the Inspector on 29 October 2018 advising that, having considered the information presented, he was content that the Examination could proceed to main hearings.
2. Oxfordshire Joint Statutory Spatial Plan (JSSP) – a condition of the Oxfordshire Housing and Growth Deal, this new countywide strategic plan is being prepared by all of the six Oxfordshire Councils through the Oxfordshire Growth Board. The Local Development Scheme, Scoping Document and draft Statement of Community Involvement for the JSSP were considered by the Executive at its meeting on 1 October 2018. Work on the Plan has commenced and the Oxfordshire Growth Board has been recruiting staff. Cherwell District Council services, including the Planning Policy and Growth

Strategy Team, will need to contribute to ensure that the district's interests are best represented. Upon adoption, the JSSP will become part of the statutory Development Plan.

3. Cherwell Local Plan Review – a review of the adopted Cherwell Local Plan 2011-2031 to ensure key planning policies are kept up to date, to assist implementation of the JSSP and to replace the remaining saved policies of the 1996 Local Plan. In April 2018, changes were made to plan-making regulations to require a review of Local Plans within five years of the date of adoption. The existing Cherwell Local Plan 2011-2031 was adopted in July 2015. The LDS provides for a review of its policies and a proposed new plan, informed by the JSSP, to be published by July 2020. Members should note, however, that delay to the JSSP could have an impact on the timetable for the new Local Plan. If necessary, this would be taken into account in future reviews of the Local Development Scheme.

The previous LDS included a commitment to producing a Local Plan Part 2 to supplement the adopted Local Plan Part 1. However, the requirement to review Local Plans every five years means firstly, a Local Plan Part 2 could quickly become out of date as work on a full Local Plan review advances and secondly, the production of a Joint Statutory Spatial Plan, a Local Plan Part 2 and a review of Local Plan Part 1 would not be efficient from a resource perspective and lead to an over-complicated suite of Local Plans.

Whilst a Local Plan Part 2 has been expected since Part 1 was adopted in 2015, the timescale for completing a full Plan review would, in any case, be similar to that for completing Local Plan Part 2. As a comprehensive Plan, it would also include matters that have been awaited e.g. redefining town centre boundaries and smaller land allocations.

Officers have given consideration to the possibility of preparing a separate Local Plan to help meet the identified needs of Travellers. The 2018 Annual Monitoring Report (presented separately on the agenda) demonstrates the current lack of pitches and plots. However, officers recommend that this is done as part of the single plan review to enable resources to remain focused. This does not preclude officers from making a new 'call for sites' and assessing the potential suitability of opportunities ahead of formal plan preparation. Such technical work would also assist Development Management officers and the Planning Committee in decision making.

4. Supplementary Planning Documents (SPDs) – a Banbury Canalside SPD is under preparation. The SPD is needed to assist implementation of Policy Banbury 1 of the adopted Cherwell Local Plan 2011-2031 and to ensure that proposals that come forward for this important site would result in deliverable, high quality development.

The Bicester Masterplan, which was previously included in the LDS as a statutory SPD is now to be taken forward on a non-statutory basis to enable a broader scope of work. This will involve a series of topic areas and action plans produced by the Bicester Delivery Team. Future planning policy for Bicester will be progressed through a reviewed Local Plan informed in part by this work and associated evidence. Previously suggested SPDs for Bolton Road, Banbury and Sustainable Building in Cherwell are not now proposed in view of the suggested commitment to a full Local Plan review and to ensure a

focusing of resources on key priorities. In the case of the latter, the adoption of the Cherwell Residential Design Guide has also been helpful. This does not prevent SPDs being reintroduced in the future.

5. Community Infrastructure Levy (CIL) Charging Schedule – work on a potential levy progressed through two stages of public consultation in 2016 and 2017 but work was paused in the context of a Government review of CIL’s operation. This review did not result in significant change. It is therefore proposed to re-commence work early in 2019 to enable the Council to determine by the end of the year whether it wishes to submit a proposed CIL for examination.

- 3.3 The LDS provides a programme schedule for each project specifying 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.

## **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**

Cllr 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 Council has a statutory responsibility to prepare an LDS and also to keep it maintained as set out in the Planning and Compulsory Purchase Act 2004 (as amended).

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## 8.0 Decision Information

### Key Decision

**Financial Threshold Met: No**

**Community Impact Threshold Met: No**

### Wards Affected

All

### Links to Corporate Strategy

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 Clarke – Lead Member for Planning

## Document Information

Appendix No	Title
Appendix 1	Draft Local Development Scheme, November 2018
<b>Background Papers</b>	

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