

Cherwell District Council

Executive

2 March 2020

Local Development Scheme

Report of Assistant Director – Planning and Development

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 inform future planning decisions. It outlines the programme and resources for the 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 (AMR) 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 Executive in December 2018.
- 2.5 Since the approval of the last LDS, the following has been achieved:
1. significant progress on the Partial Review of the Local Plan (Oxford's unmet housing needs), albeit with a prolonged Examination;
 2. the making of the Mid Cherwell Neighbourhood Plan on 14 May 2019;
 3. progress by the Oxfordshire Plan team on the joint statutory spatial plan - a commitment under the Oxfordshire Housing and Growth Deal.
- 2.6 The most resource intensive project has necessarily been the Partial Review of the Local Plan - a commitment in the adopted Local Plan. The prolonged examination has caused delay in progressing other work but additional resource is being made available to assist (addressed through separate budget and service planning processes).
- 2.7 The revised LDS provides new timescales for:
- i. completion of the Partial Review of the Local Plan (Oxford's Unmet Housing Needs);
 - ii. continuing support for the preparation of the Oxfordshire Plan 2050;
 - iii. a revised programme for a district wide Local Plan review;
 - iv. new work on a Banbury Canalside Supplementary Planning Document supported by a delivery plan;
 - v. recommencement of work on a potential Community Infrastructure Levy aligned to the Local Plan review.
- 2.8 These projects will require close working with other services, colleagues at the County Council, local communities and other partners and stakeholders.
- 2.9 The LDS has been prepared having regard to current circumstances. Future circumstances that might lead to the need for review of the LDS include:
- new Government policy and guidance on plan-making (for example, the Government has announced that it will be publishing a planning white paper);
 - changing timeframes for work not fully within the Council's control (for example, the timing of receipt of the Inspector's report for the examination of the Partial Review and the timeline for the Oxfordshire Plan 2050);
 - unanticipated changes to available resources.
- 2.10 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 and main hearings were held between 5 and 13 February 2019. The Inspector's Post-Hearing Advice Note was received on 13 July 2019 in which he recommended some modifications. Modifications have been prepared and completion of the Examination is to follow.
2. **Oxfordshire Plan 2050** – a new countywide strategic plan being prepared jointly on behalf of the five district local planning authorities, with the support of the County Council, under Section 28 of the Planning and Compulsory Purchase Act 2004.

Preparation is overseen by the Oxfordshire Growth Board. In 2018 a Draft Statement of Common Ground was published and a Project Board established. A first stage of public consultation was undertaken during February/March 2019. It is intended that a second stage of public consultation will be held in June/July 2020. Consultation on the proposed submission draft is scheduled for November/December 2020, followed by final submission in March 2021. The Plan is expected to be adopted in March 2022. Upon adoption by the Council it will become part of the statutory Development Plan.

3. **Cherwell Local Plan Review** – a review of the adopted Cherwell Local Plan to ensure key planning policies are kept up to date, to assist implementation of the Oxfordshire Plan and to replace the remaining saved policies of the 1996 Local Plan. There is now a statutory requirement to review Local Plans every five years. The last Local Plan was adopted in July 2015 with one policy (Bicester 13) re-adopted in December 2016. It is expected that the Partial Review of the Local Plan will have been completed within the five year period and the Oxfordshire Plan is progressing.

In addition to meeting identified housing, employment, leisure, transport and infrastructure needs, the Local Plan review will provide the opportunity to develop newer planning policies for:

- responding to climate change and the Council's climate emergency declaration;
- placing healthy placing shaping at the centre of the Plan;
- achieving net increases in biodiversity;
- considering the future of our urban centres and rural areas;
- responding to new Government policy and guidance including on design.

It is considered that the review of the Plan should be progressed without delay and aligned, as far as possible, with the on-going preparation of the Oxfordshire

Plan 2050. The Oxfordshire Plan will provide a suite of strategic policies, but not all that will be required at a local level. The Local Plan review will need to include both strategic and local policies to address the matters above.

The option of a joint Plan is one that Members may wish to consider and might offer some economies of scale (for example in commissioning evidence).

However, as a strategic, joint local plan is being prepared in the form of the Oxfordshire Plan, in the current circumstances officers see no real strategic or planning advantage in preparing a joint district local plan at this time and therefore do not recommend this option. There is also a significant risk that the additional complexity of a joint plan could cause some delay.

4. **Supplementary Planning Documents (SPDs)** – work is to be recommenced on a Banbury Canalside SPD but supported by a delivery plan. This will provide additional detail to assist the implementation of Policy Banbury 1 of the adopted Cherwell Local Plan 2011-2031 with a view to driving the regeneration of this significant part of central Banbury.
5. **Community Infrastructure Levy (CIL) Charging Schedule** – CIL comprises a schedule of charges for contributions to off-site infrastructure, payable by developers. 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.

Work on a potential CIL was put on hold while a national policy review was undertaken and in anticipation of further Government guidance which has since been published. New work on CIL is now programmed to align with preparation of the Cherwell Local Plan Review.

- 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 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. The Council has a statutory responsibility to prepare and maintain an LDS. The LDS will be used by officers, the public, partners and developers and other stakeholders to monitor the production of documents and 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 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to approve the LDS

The Council has a statutory responsibility to maintain an up to date LDS. If the Council did not prepare its own LDS the Secretary of State could impose one. Aside from that legal duty, 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.

Option 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 (subject to approval of the budget on 24 February 2020).

Comments checked by:

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Legal Implications

- 7.2 The Council has a statutory responsibility to prepare an LDS and 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 Plan and Policy Framework

Business Plan 2019/20

- District of Opportunity & Growth
- Clean, Green and Safe
- Thriving Communities & Well-Being.

Lead Councillor

Councillor Colin Clarke – Lead Member for Planning

Document Information

Appendix No	Title
Appendix 1	Draft Local Development Scheme, March 2020
Background Papers	
None	
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