

# **Cherwell District Council**

## **Executive**

**6 September 2021**

## **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 key 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 Local Planning Authorities are required to produce a Local Development Scheme (LDS) under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). An LDS is a rolling business plan for the preparation of key planning policy documents that will be relevant to future planning decisions.

2.2 The main purposes of an LDS are:

- To inform the local community and other interested parties of the development plan documents that are being prepared for the area, along with the envisaged timescales for the preparation.
- To establish the Council's priorities for the preparation of the new development plan documents and their associated work programmes, as well as their impact on resources.

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 March 2020.
- 2.5 Since the approval of the last LDS, the following has been achieved:
1. the Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need was adopted on 7 September 2020;
  2. the Weston-on-the-Green Neighbourhood Plan was made on 19 May 2021 after a successful referendum on 6 May 2021;
  3. progress by the Oxfordshire Plan team on the joint statutory spatial plan (the Oxfordshire Plan 2050) – a commitment under the Oxfordshire Housing and Growth Deal; and
  4. progress on the Cherwell Local Plan Review 2040 with public consultation on an issues paper held between July and September 2020 and a proposed options consultation paper presented separately to this meeting of the Executive.
- 2.6 The revised LDS provides new timescales for:
1. continuing support for the preparation of the Oxfordshire Plan 2050;
  2. completion of the Cherwell Local Plan Review 2040;
  3. recommencement of work on a Community Infrastructure Levy aligned to the Local Plan Review 2040; and
  4. recommencement of work on a Banbury Canalside Supplementary Planning Document, also aligned to the Local Plan Review 2040.
- 2.7 These projects will require close working with other services, colleagues at the County Council, local communities and other partners and stakeholders.
- 2.8 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 legislation, Government policy and guidance on plan-making;
  - changing timeframes for work not fully within the Council’s control; and
  - unanticipated changes to available resources.
- 2.9 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 as set out below.

#### *Oxfordshire Plan 2050*

- 3.3 A countywide strategic plan is 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.

- 3.4 A first stage of public consultation (vision and objectives) was undertaken during February/March 2019. Consultation on Options is currently in progress.
- 3.5 Consultation on a Proposed Submission Plan is scheduled for Spring 2022, followed by formal submission for examination in September 2022. Subject to a successful outcome, the Plan is expected to be adopted in mid-2023. Upon adoption by the Council it would become part of the statutory Development Plan.

Oxfordshire Plan Stage	Timetable
Consultation on Preferred Strategy (Regulation 18 part 2)	June/July 2021
Consultation on Proposed Submission Draft Plan (Regulation 19)	May/June 2022
Submission (Regulation 22)	September 2022
Examination (Regulation 24)	November/December 2022
Receipt and Publication of Inspector's Report (Regulation 25)	February/March 2023 (estimated)
Adoption (Regulation 26)	May/June 2023 (subject to examination)

#### *Cherwell Local Plan Review 2040*

- 3.6 A review of the adopted Cherwell Local Plan is being undertaken to ensure key district level planning policies are kept up to date and policies are prepared to meet new priorities.
- 3.7 The Plan will assist implementation of the Oxfordshire Plan 2050 and seek to replace the remaining saved policies of the 1996 Local Plan.
- 3.8 The Government has stated that new Local Plans should be in place by December 2023 and there is a statutory requirement to review Plans every five years (a policy review was last approved by the Executive in January 2021).
- 3.9 The Cherwell Local Plan Review 2040 will seek to meet identified needs for housing, employment, open space and recreation, travelling communities and other land uses. It will include policies to meet an evidenced vision and objectives and include the allocation of land for the delivery of strategic and non-strategic development sites. The Local Plan will seek to align with the Oxfordshire Plan where appropriate and add local detail to overarching policies where required.
- 3.10 The revised LDS proposes continued preparation of the Local Plan at pace, albeit there has been some slippage to the currently approved LDS programme due to delay to the Oxfordshire Plan timetable and resource requirements arising from unanticipated work such as the legal challenge to adoption of the Partial Review of the Cherwell Local Plan 2011-31 (which was successfully defended by the Council).

Cherwell Local Plan Review 2040 Stage	Timetable
District Wide Options Consultation (Regulation 18)	October - November 2021
Consultation on draft Plan (Regulation 18)	June/July 2022
Consultation on Proposed Submission Plan (Regulation 19)	January/February 2023
Submission (Regulation 22)	May 2023
Examination (Regulation 24)	August - September 2023
Receipt and Publication of Inspector's Report (Regulation 25)	October 2023 (estimated)
Adoption (Regulation 26)	November 2023 (subject to examination)

### *Community Infrastructure Levy (CIL) Charging Schedule*

- 3.11 CIL comprises a schedule of charges for contributions to off-site infrastructure, payable by developers. A 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.
- 3.12 New work on CIL is now programmed to align with preparation of the Cherwell Local Plan Review 2040. However, details are awaited from the Government on a proposed new Infrastructure Levy. The implications of this will need to be considered in due course and a further review of the LDS may be required.

Community Infrastructure Levy Charging Schedule Stage	Timetable
Evidence gathering & engagement	June - July 2022
Preparation of draft charging schedule	July - December 2022
Consultation on charging schedule	January - February 2023
Submission	May 2023 (subject to Council decision)
Examination	August 2023
Receipt and Publication of the Inspector's Report (TBC)	October 2023 (estimated)
Approval (TBC)	November 2023 (subject to examination)

### *Banbury Canalside Supplementary Planning Document (SPD)*

- 3.13 The Banbury Canalside SPD remains in the LDS recognising the importance of this extensive, centrally located development site to achieving regeneration and supporting the vitality of the adjacent town centre. The Local Plan review provides an opportunity to consider whether any changes to its statutory development plan policy (Banbury 1) would help support its delivery, particularly in the context of the 'Castle Quay 2' retail and leisure waterside development. The revised timetable for the SPD would ensure that it aligns with new or revised policy and would not be short lived should Local Plan policy change.

Banbury Canalside Supplementary Planning Document	Timetable
Recommencement & engagement	May 2023
Preparation of draft	May 2023 - February 2024
Consultation on draft	February/March 2024
Adoption (Regulation 14)	May 2024

3.14 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 to guide 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

5.1 Councillor 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 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 There are no significant finance and resource implications arising from this report. The work arising from the LDS is to be met within existing budgets. To ensure that the timescales can be achieved resources will be made available from the existing budget.

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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).

Comments checked by:  
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## **Risk Implications**

- 7.3 An update to the LDS is required as detailed within the report to address changes in circumstances. The update will ensure that the Council complies with the Planning and Compulsory Purchase Act 2004 (as amended). The report recognises that a further review of the LDS may be required if circumstances again change significantly. The risk of delay to the specified programmes are managed through the Council's performance and risk management processes.

Comments checked by:  
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## **Equality & Diversity Implications**

- 7.4 The LDS is an overview of the programme of work to be undertaken by the Planning Policy team and there are no specific equality and diversity implications arising from this report. The Cherwell Local Plan Review 2040 and the Oxfordshire Plan 2050 are subject to Equality Impact Assessment which will be completed and reviewed in line with the timetables set out in this report.

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

Business Plan Priorities 2021-2022:

- Housing that meets your needs
- Leading on environmental sustainability
- An enterprising economy with strong and vibrant local centres
- Healthy, resilient and engaged communities

### Lead Councillor

Councillor Colin Clarke - Lead Member for Planning

### Document Information

Appendix 1: Draft Local Development Scheme, September 2021

### Background papers

Report to the Executive 4 January 2021 – Annual Monitoring Report and Regulation 10A Review of Local Plan Policies  
<https://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=115&MId=3371&Ver=4>

Report to the Executive 2 March 2020 – Local Development Scheme  
<https://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=115&MId=3309&Ver=4>

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