

Executive

Local Development Framework Annual Monitoring Report and Local Development Scheme

2 November 2009

Report of the Head of Planning and Affordable Housing Policy

PURPOSE OF REPORT

To seek approval of the Local Development Framework's Annual Monitoring Report (AMR) and Local Development Scheme (LDS) for submission to the Secretary of State for Communities and Local Government, and to present the district's current housing land supply position. The AMR is the Council's main tool for monitoring housing delivery and the impact of other development. The LDS is used to project manage the production of the Local Development Framework and provides a programme for completion of Local Development Documents.

This report is public

Recommendations

The Executive is recommended to:

- (1) Approve the revised Local Development Scheme for submission to the Secretary of State for Communities and Local Government;
- (2) Resolve that the Local Development Scheme shall have effect as from the date when the Secretary of State notifies the Council that he does not intend to direct the authority to amend the Scheme,
- (3) approve the Annual Monitoring Report for submission to the Secretary of State;
- (4) note the district's housing delivery position and instruct the Head of Development Control and Major Developments to apply the interim policy approach set out in paragraphs 2.11 to 2.16 of this report to planning applications for 10 or more dwellings in the interests of increasing the supply of housing sites that can be delivered by 31 March 2015;
- (5) Instruct the Head of Planning and Affordable Housing Policy to closely monitor the supply of deliverable housing sites and to publish regular updates on the housing land supply position;
- (6) instruct the Head of Development Control and Major Developments to provide the Planning Committee with regular updates on the district's housing land

supply position and to advise the Committee as soon as the Council can again be confident that its supply of deliverable housing sites meets the requirements of PPS3;

- (7) resolve that the Council continues to bring forward proposals for the delivery of sites identified for residential development in the Non-Statutory Cherwell Local Plan 2011, which was approved as interim planning policy for development control purposes on 13 December 2004, and that officers continue to work with the development industry, local communities and other interested parties in order to do this in the interests of sustaining housing delivery (including the provision of affordable housing).

Executive Summary

- 1.1 The Annual Monitoring Report (AMR) and Local Development Scheme (LDS) are closely linked documents. One of the purposes of an AMR is to report progress on the timetable and milestones for the preparation of documents set out in the LDS. It follows that if circumstances dictate that the LDS should be revised, it is logical that this may be done as the AMR is considered.

Annual Monitoring Report

- 1.2 An Annual Monitoring Report (AMR) has been prepared for the period 1 April 2008 to 31 March 2009. The key findings are attached to this report at appendix 1. A full paper copy of the document has not been attached to this report, however it is available electronically on the Council's website. Furthermore, a copy of the report has been placed in the Members' Room and members of the Executive have each been sent a copy.
- 1.3 The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) require the Council to produce an AMR. Upon approval by the Executive, it will form part of the Local Development Framework (LDF).
- 1.4 The information contained in the AMR will be used to inform policy making for the LDF and in consultations on planning applications. The Council is required to submit the AMR to the Secretary of State by 31 December 2009. It will be made publicly available but is not subject to consultation.
- 1.5 The monitoring of housing supply is a key part of the AMR. Since 2004, following a period of under-delivery, the Council has sought to increase housing delivery and sustain it at required levels. In 2005 it produced an Urban Housing Potential Study, undertook a 'plan, monitor and manage' review of housing land supply and resolved to bring forward proposals for the delivery of all sites identified for residential development in the Non-Statutory Cherwell Local Plan 2011. Since Planning Policy Statement 3: *Housing* (PPS3) was published in 2006 the Council has monitored housing land supply closely and was able to demonstrate at a major inquiry in 2007 that it had adequate land supply. The Council has also improved its monitoring processes. Average housing completions increased from 459 per annum between 2001 and 2004 to 865 per annum between 2004 and 2007. Permissions are in place for major strategic developments at both Banbury and Bicester.

- 1.6 However, as a direct result of the economic recession, monitoring is now showing (a) the recording of only 455 completions in 2007/08 and 426 completions in 08/09, (b) further delay in the commencement of the development of key strategic sites, and (c) the expectation of low completions in 09/10 and 10/11. Consequently, the supply of housing sites that can be considered “deliverable” within five years has fallen.
- 1.7 PPS3 requires Local Planning Authorities to maintain a five year rolling supply of deliverable sites. This is very difficult to achieve in the current market. It does not just rely on Councils granting permission for developments but for developers to build sufficient numbers of houses within five years. This policy approach is likely to be increasingly problematic for all LPAs as it was devised at a time of housing ‘boom’ rather than for the current inactive market. At present, the district has a 4 year supply which is expected to rise to 4.5 years in 2010/11 (see appendix 3, row M). PPS3 therefore suggests a need in increase the supply of deliverable housing sites notwithstanding the difficulties of doing this in the current circumstances.
- 1.8 Paragraph 71 of PPS3 advises that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, “...*they should consider favourably planning applications for housing...*’ having regard to the policies in the PPS including the following considerations:
- achieving high quality housing;
 - ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
 - the suitability of a site for housing, including its environmental sustainability;
 - using land effectively and efficiently;
 - ensuring that development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.
- 1.9 In view of the above monitoring information, there is presently a housing supply reason to apply the interim policy approach set out in paragraphs 2.11 to 2.16 of this report in the interests of securing some additional housing completions by 31 March 2015 on suitable sites in appropriate locations. Housing completions recorded after this date would have no effect on increasing rolling supply in 2010/11 above 4.5 years. The effect of this is that, for a period of time, each planning application for residential development on sites for 10 or more dwellings (the monitoring threshold for deliverable sites) will need to be carefully assessed to determine whether or not they accord with the suggested policy approach, meet PPS criteria and are deliverable. In view of the Government’s definition of deliverability, there is not presently a strong enough reason to refuse permission on the grounds of having a five year supply of deliverable housing land.
- 1.10 Paragraph 54 of PPS3 states that to be considered deliverable sites must:
- be available - the site is available now;

- be suitable - the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities;
 - be achievable - there is a reasonable prospect that housing will be delivered on the site within five years.
- 1.11 In demonstrating deliverability, sufficient certainty is needed to enable the Council to consider the site as part of its supply of deliverable sites upon the grant of planning permission. This may require certainty over any legal agreement and confidence in the programme for delivering the site. Evidence from both developer and landowner should therefore be provided. Regular monitoring will be required so that Members of the Planning Committee are informed as soon as the supply of deliverable sites returns to the level required by PPS3.
- 1.12 In the interests of sustaining housing delivery over the longer term, there is also a need to continue to bring forward remaining sites identified for residential development in the Non-Statutory Cherwell Local Plan 2011 in accordance with previous resolutions of the Executive.

Local Development Scheme

- 1.13 The Local Development Scheme (LDS) guides the preparation of the LDF and its timetable for completion of the LDF documents is included in the AMR. The timetable from the LDS is attached to this report at appendix 2. As with the AMR, a full paper copy of the LDS has not been attached to this report, however it is available electronically on the Council's website. Furthermore, a copy has been placed in the Members' Room and members of the Executive have each been sent a copy.
- 1.14 The Executive last approved changes to the LDS in January 2008. Since that time, the programme for preparing the LDF, and the Core Strategy and Delivery DPDs in particular, has been affected by a number of important changes.
1. A number of key decisions were received in 2007 following the examination of other local authorities' Core Strategies. These Core Strategies were found to be unsound, due in part to an insufficient evidence base and inadequate consideration of different options. This led to further guidance being issued by the Government and the Planning Inspectorate, and required all local authorities to review their programmes for LDF production.
 2. Government formal planning guidance on preparing LDFs was then revised in the summer of 2008. This introduced some important changes to the way in which local authorities prepare their LDFs, and in particular, Core Strategies, which are now encouraged to identify strategic sites and also contain a delivery strategy. The Council has agreed to undertake this additional work for its Core Strategy, and the "Options for Growth" public consultation in the autumn of 2008 considered possible strategic development sites. The impact of this has been to put a greater emphasis on the work required to prepare the Core Strategy, with a commensurate delay in the preparation of the Delivery DPD.

3. The Government's eco-town programme led to a period of uncertainty for the Council which was only resolved in July 2009 with the publication of the Eco-Towns Planning Policy Statement which confirmed North West Bicester as an eco-town location and rejected the proposal for an eco-town at Weston Otmoor. The Council agreed with GOSE earlier in 2009 that until this matter was resolved it would be difficult to progress the Core Strategy or review the LDS.
 4. The availability of staff resources at management level has also had an impact particularly as there has been no Policy Team Leader in post since July 2008 and projects such as the eco-town (both responding to the Weston Otmoor proposal and considering the implications of North West Bicester) and Canalside regeneration have demanded staff time.
- 1.15 In the light of the above, and in particular the eco-town programme, it is only now that the Council is in a position to chart a way forward with any confidence for its Core Strategy, and then consider the impact of this work on its programme of other LDF documents. It is in the light of this at that LDS is now being revised.
- 1.16 The timetable set out in the revised LDS will now allow the Council to make good progress with respect to the Core Strategy. The LDF Advisory Panel has been meeting on a regular basis to monitor the work of preparing the Core Strategy and to advise on its contents and policy direction. When the draft Core Strategy is considered by the Executive (expected in January 2010), members will need to make some difficult decisions in particular regarding the allocation of strategic sites for new development. The draft Core Strategy will also provide an important opportunity to consolidate the position of the North West Bicester eco-development within the overall framework of growth for the district.
- 1.17 The key changes being proposed by the LDS are as follows.
- **Core Strategy:** A new timetable has been prepared which would see a draft Core Strategy brought before the Executive in January 2010. It is anticipated the Core Strategy will be adopted by November 2011, following a Public Examination. The detailed programme is as follows:-

Core Strategy DPD Timetable	
January 2010	draft Core Strategy to the Executive for approval
February / March 2010	public consultation on draft Core Strategy
August 2010	proposed submission document to Executive for approval
September / October 2010	public consultation on proposed submission document
December 2010	submission to the Secretary of State
May 2011 (provisional)	commencement of public examination
September 2011 (provisional)	Receipt of Inspector's report
November 2011 (provisional)	Adoption of Core Strategy

- **Delivery DPD:** Progress on this document is dependent upon the Core Strategy setting a clear framework within which the Delivery DPD will be written. In view of this, and the capacity of the officer team to prepare two

major Development Plan Documents, it is anticipated that a draft Delivery DPD will be prepared in January 2011.

Full and efficient use of resources will be needed to enable work on preparing a draft Delivery DPD to take place during 2010 as work on the Core Strategy continues. Although additional evidence gathering will be required for the Delivery DPD, the Core Strategy will provide it with direction and much of its evidence will also be used for the Delivery DPD.

The detailed programme for this DPD is as follows:-

Delivery DPD Timetable	
December 2010	draft Delivery DPD to the Executive for approval
January / February 2011	public consultation on draft Delivery DPD
August 2011	proposed submission document to Executive for approval
September / October 2010	public consultation on proposed submission document
December 2010	submission to the Secretary of State
May 2011 (provisional)	commencement of public examination
September 2011 (provisional)	Receipt of Inspector's report
November 2011 (provisional)	Adoption of Delivery DPD

- **Canalside SPD:** This Supplementary Planning Document (SPD) did not appear in the previous LDS, however, as members will be aware, work is well underway with this document and the Council is currently consulting on a Draft SPD. It is expected that the Executive will be asked to consider a "final" version of the SPD in February 2010, after which time it will be approved for development control purposes pending the adoption of the Core Strategy in due course.
- **Other SPDs:** There are two other SPDs in the LDS relating to Planning Obligations and "Living in Harmony with the Environment". Revised timetables for both of these have been included in the LDS.

1.18 Before the Council can bring the LDS into effect, we are required to submit it to the Secretary of State and give him four weeks (or longer if he determines that he needs more time) to decide whether he wishes to call it in. For this reason, we have already informally discussed the contents and the timetable of this LDS with the Government Office. It has informally accepted that the timetable and the programme accords with the advice of the Planning Inspectorate on scheduling for public examinations and the receipt of an Inspector's Report.

1.19 Giving the above requirement, we expect to be able to bring the LDS into effect by mid December 2009. It will then replace the previous LDS and be published on the Council's website.

Proposals

1.20 It is proposed that the Annual Monitoring Report and Local Development Scheme be approved and that the recommendations to apply an interim policy approach to housing land supply, to closely monitor this, and to

continue to bring forward the Council's non-statutory residential allocations, be approved in the interests of increasing housing supply in the near term and sustaining overall housing delivery.

Conclusion

- 1.21 The AMR provides important information to assist policy making and development control decision making and is a statutory mechanism for monitoring housing delivery. The revised LDS fixes important milestones for completing the Council's Core Strategy which will set the long-term vision, objectives and policies for securing development and associated infrastructure across Cherwell including the identification of strategic development sites. It also formalises revised milestones for a Delivery Development Plan Document containing non-strategic allocations of land and detailed policies for managing development.

Background Information

Annual Monitoring Report (AMR)

- 2.1 The key findings of the AMR are attached to this report at appendix 1.
- 2.2 On housing supply the main findings are:
- the South East Plan was published in May 2009. It sets a new housing requirement for the district of 670 dwellings per annum, compared to the former Structure Plan requirement of 623;
 - housing completions for 08/09 were 426 and are expected to remain low in 09/10 and 10/11 before economic recovery begins to impact on housing supply and before completions are recorded on some permitted strategic, and other large, housing sites;
 - since 1 April 2006, the start of the plan period of the South East Plan, total net housing completions have been 1734. This is 276 dwellings less than the three year requirement of 2010 and, in effect, increases South East Plan requirements to 686 per annum over the remainder of the plan period to 2026;
 - total existing housing land supply from 2006-2026 is estimated to be 7580 dwellings, leaving 5820 dwellings to be planned for through the LDF;
 - the district has a 4.0 years supply of deliverable housing land over the period 2009-2014 rising to 4.5 years from 2010 to 2015 (Planning Policy Statement 3 (PPS3) requires a rolling five year supply);
 - net affordable housing completions in 08/09 were 87, compared to the minimum average annual target of 100 dwellings set by the Housing Strategy. Gross completions (i.e. including acquisitions and not allowing for losses) were 122. The total net supply since 2001 is now 816, an average of 102 per annum.

2.3 On employment land the main findings are:

- 42,961m² (gross) of business development (i.e. offices, industry or storage and distribution) was completed in Cherwell during 2008-9 (20,036m² net);
- 1546m² (gross) of 'town centre uses' (i.e. shops, financial and professional services, offices and leisure) was completed in Banbury, Bicester and Kidlington centres. However there has been a net loss of these 'town centre uses' to other uses including restaurants/takeaways, drinking establishments, residential, leisure and other uses;
- across the district, there has been 1.77 hectares of employment land lost to other uses, including on land identified in the Employment Land Review;
- total employment land availability in Cherwell is now 124.5 hectares.

2.4 Other findings include:

- 2 planning applications were permitted contrary to Environment Agency advice on flood risk grounds, although their concerns were resolved through the imposition of planning conditions;
- 13 renewable energy schemes have been permitted in 2008-9, an increase from 8 schemes in 2007-8;
- 14 out of 18 applicable planning permissions provided car parking in accordance with the maximum parking standards; 4 exceeded the maximum standards.

2.5 The main conclusion from this year's monitoring has been the need to boost the supply of deliverable housing sites where appropriate. PPS3 states that where actual performance, compared with housing trajectories, is within acceptable ranges (for example within 10-20 per cent), and future performance is still expected to achieve the rates set out in the trajectories, there may be no need for specific management actions at that time and that Local Planning Authorities will wish to continue to monitor and review performance closely and consider the need to update the five year supply, of deliverable sites where appropriate.

2.6 A four year supply in 09/10 represents a deviation of 20% from 5 years and a 4.5 year supply in 10/11 represents a 10% deviation (10/11 will be monitored for the next national indicator 159 return). However, performance over the next two years is expected to be low with an estimated 369 dwellings in 09/10 and an extremely low 181 in 10/11. This would effectively increase the district's annual South East Plan requirement to 741 dwellings per annum. Unidentified small windfall sites may increase these figures to over 400 and 200 respectively but this level of development would still be the lowest recorded in recent times. An average annual rate of 459 dwellings between 2001 and 2004 led to the measures to improve delivery referred to at paragraph 1.5.

2.7 There is also risk of further delay to the delivery of major housing sites such as Bankside, Banbury; Gavray Drive, Bicester; South West Bicester and former RAF Upper Heyford due to the consequences of economic recession

and the need to provide important supporting infrastructure. Whilst officer projections for future delivery seek to be as realistic as possible there are inherent risks in actual delivery matching these expectations. These risks are of course higher in the current economic climate.

2.8 It is therefore considered that for a period of time, the Council should carefully consider unanticipated planning applications for residential development to determine whether or not they provide an acceptable opportunity, in line with the guidance in PPS3, to increase the supply of deliverable sites. This does not necessarily mean that the rolling supply of deliverable sites in 10/11 would need to increase all the way back to five years, but the evidence of the AMR does suggest that actions to increase supply back towards a five year supply are needed to increase and maintain housing delivery (including the provision of affordable housing), to provide confidence that an acceptable rolling supply has been secured, and to ensure that, subsequently, the Council can successfully defend the district's housing land supply position when challenged in considering future applications and planning appeals.

2.9 Paragraph 69 of PPS3 lists considerations which LPAs should have regard to in determining planning applications for residential development:

- achieving high quality housing;
- ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- the suitability of a site for housing, including its environmental sustainability;
- using land effectively and efficiently;
- ensuring that development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

2.10 Whilst the Council does not yet have an adopted spatial vision as part of an approved Core Strategy, it is considered important that the Executive, without prejudice to future LDF decisions, endorses an interim spatial policy approach to guide the determination of speculative planning applications on unidentified sites. The approach would be superseded by a draft Core Strategy upon approval by the Executive should there still be a need to identify additional deliverable sites at that time. The suggested interim approach is informed by the following considerations.

- i. PPS3's objectives of creating mixed and sustainable communities; achieving housing in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure; securing development that is easily accessible and well connected to public transport; and giving priority to the use of previously developed land.
- ii. The South East Plan (policy SP3) states that urban areas should be the prime focus for development. In Cherwell this means, Banbury, Bicester and Kidlington. The sub-regional strategy for Central Oxfordshire identifies Bicester as a main location for development (policy CO1). Banbury is identified as having an important role as a

small market town in supporting its wider hinterland and is expected to help meet wider housing needs through the provision of new housing.

- iii. The South East Plan seeks to retain the broad extent of Green Belts (policy SP5) and states that LPAs should positively plan to meet the defined needs of their rural communities for small scale affordable housing and other development (policy BE5). Policy BE5 states that the approach to development in villages should be based on the functions performed, their accessibility, the need to protect or extend key services and the capacity of the built form and landscape setting of the village. All new development should be subject to rigorous design and sustainability criteria so that the distinctive character of the village is not damaged.
- iv. Officers have been reviewing the broad sustainability of the district's villages in preparing the Local Development Framework. Thirty-three villages (meeting minimum requirements for access to services and facilities) were put forward for detailed assessment in a Cherwell Rural Areas Integrated Transport and Land Use Study (2009). The study assessed the villages using a set of criteria to determine the most suitable locations in transport terms for new housing development. The results showed that 14 villages performed well against the criteria and could accommodate new development in a sustainable way [for a rural area] with minimal adverse impact on the transport network. The 14 villages are:
 - Adderbury
 - Begbroke;
 - Bodicote;
 - Deddington;
 - Kidlington;
 - Launton;
 - Weston-on-the-Green;
 - Ambrosden;
 - Bloxham;
 - Chesterton;
 - Islip;
 - Kirtlington;
 - Middleton Stoney;
 - Yarnton.
- v. Of these 14 villages, Begbroke, Kidlington and Yarnton are surrounded by Green Belt, Islip is wholly within the Green Belt and Weston-on-the-Green is partly within the Green Belt.

Interim Spatial Policy Approach

- 2.11 In view of the above, it is suggested that until such time that the Council can again be confident that its supply of deliverable housing sites meets the requirements of PPS3, or until such time that a draft Core Strategy replaces this interim approach, opportunities for residential development for 10 or more dwellings on unallocated sites should, without prejudice to future decision making on the LDF, be restricted to the following:

- development within the built-up limits of settlements in accordance with the saved policies of the adopted Cherwell Local Plan 1996 and the policies of the Non-Statutory Cherwell Local Plan 2011;
- appropriate development (see paragraphs 2.13 to 2.16) adjoining the built-up limits of Banbury or Bicester;

- appropriate development (see paragraphs 2.13 to 2.16) adjoining the built-up limits of Adderbury, Ambrosden, Bloxham, Bodicote, Chesterton, Deddington, Kirtlington, Launton, Middleton Stoney and that part of Weston-on-the-Green which lies outside the Green Belt (note: proposals for rural exception sites will not be restricted to these villages)
- 2.12 Development outside the built-up limits of other settlements should not be considered as appropriate locations. This interim approach is suggested to guide development control decision making ahead of, and wholly without prejudice to, the Council's consideration of a draft Core Strategy (expected January 2010). The CRAITLUS study does not rule out the possibility of future development in other villages but relying on villages that perform less well ahead of LDF decision making would increase the risk of future policy conflicts with consequent harm to the preparation of the LDF. Furthermore, the need for additional deliverable sites is relatively modest and there is not a housing supply justification to extend the parameters of opportunity.
- 2.13 Any proposals considered under this approach would need to accord with national planning policies and in particular meet the following criteria from PPS3:
- contributes to creating mixed and sustainable communities;
 - in a suitable location which offers a range of community facilities and with good access to jobs, key services and infrastructure;
 - easily accessible and well connected to public transport;
 - makes efficient and effective use of land;
 - produces high quality housing which is integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access;
 - achieves a mix of housing, both market and affordable;
 - appropriately designed taking the opportunities available for improving the character and quality of an area and the way it functions;
 - creates or enhances a distinctive character that relates well to the surroundings.
- 2.14 The assessment of whether proposed developments would be in suitable locations should also include consideration of the following:
- the landscape sensitivity and visual impact;
 - highways and traffic impact;
 - the need to avoid the coalescence of settlements and to protect the identity of settlements
 - the impact on flood risk;
 - the impact on the historic environment;
 - impact on ecology and biodiversity.
- 2.15 Any proposal would need to be considered to determine whether it would result in unacceptable demonstrable harm. It would be particularly important to ensure that the scale of any development proposed is appropriate for the settlement concerned having regard to its size, function, character and other constraints.

- 2.16 It is also important that any proposal is proportionate to the relatively modest shortfall in deliverable sites, taking into account the fact that PPS3 allows for acceptable deviation from 5 years supply if performance is still expected to achieve housing trajectory rates. The impact on preparation of the LDF will also need to be considered having regard to LDF evidence available at the time of consideration and taking into account reasonable alternatives.

Local Development Scheme (LDS)

- 2.17 The LDS that is before the Executive today has been formulated to meet requirements set down by legislation (Planning & Compulsory Purchase Act (2004)) and regulations. The LDS is essentially a project plan that outlines what planning policy documents the Council intends to prepare. It has a number of key features:-
- It must cover a period of **three years**. The Government recommends that in some cases project timelines should be shown beyond the three years for information.
 - The LDS should record only **those documents that are covered by the Planning & Compulsory Purchase Act**. There may be some planning policy work that we undertake that does not need to go into the LDS. For example, if the Council wishes to produce supplementary guidance on an issue or a site, it may wish to prepare a "*Supplementary Planning Document*" (SPD) under the terms of the new Act. It may, however, wish to produce more informal supplementary planning guidance (SPG). Since SPG is not contained in the Act, the LDS would not show these.
 - The LDS must be **submitted to the Secretary of State**. The Secretary of State will declare whether the LDS is "fit for purpose" and may object if it is considered that it is not.
 - The LDS should be as **user-friendly** as possible. It is the intention that it is the public's first point of contact with the Council's plan-making function and should be easy for them to use. It does, however, need to contain a number of prescribed elements and follow a certain format.
 - It should be a **resourced** document. There will be an expectation from Government that the Council can and will deliver on the plan-making commitments it makes in the Local Development Scheme. Within Cherwell District Council, this means that the implications of the LDS will need to feed into the service planning and budgeting process.
 - Having said this, it should also be a **flexible** document. The frequent review process for the LDS is an opportunity for the Council to respond to new circumstances and amend its plan-making programme accordingly.
 - The LDS should be **accessible** and published on the Council's website.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The key issues for consideration are:
- the approval of the AMR and LDS to meet statutory requirements;
 - the district's housing land supply and the need to increase the supply of deliverable sites;
 - the programming for completion of the LDF's Local Development Documents.

Annual Monitoring Report

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| Option One | To accept or seek amendment of the 2009 AMR and agree that it should be submitted to the Secretary of State. |
| Option Two | To note the district's housing land supply position and take the recommended actions to increase the supply of deliverable housing sites. |
| Option Three | To note the district's housing land supply position but not to take the recommended actions to increase the supply of deliverable housing sites. |

Local Development Scheme

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| Option One | To support the timetable and contents in the LDS and agree that it should be submitted to the Secretary of State and subsequently brought into effect. |
| Option Two | To support the timetable and contents in the LDS with amendments and agree that it should be submitted to the Secretary of State and subsequently brought into effect. |
| Option Three | To not support the timetable and contents in the LDS. |

Consultations

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| Cllr Michael Gibbard | Informal briefing |
| Others | The timetable of the LDS has been considered by the LDF Advisory Panel. Its contents and timetable have also been informally discussed with the Government Office prior to a formal submission that would follow its approval by this Executive. |

Implications

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| Financial: | <p>There are no significant direct financial implications arising from this report. The work on collecting data and preparing the AMR, and of reviewing the LDS, is met within existing budgets.</p> <p>The LDS does, however, set out a timetable for the preparation of planning documents which, themselves, will require significant resources. These include use of consultants and (in the case of the Core Strategy and Delivery DPD) funding public examinations. Provision has been made within budgets for these matters, which will continue to be kept under review through the service and budget planning process.</p> <p>There are risks of costs associated with unsuccessfully defending refusals of planning permission upon appeal particularly if the decisions made as a result of this report are not considered to be well founded.</p> |
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Comments checked by Eric Meadows, Service Accountant, 01295 221552

Legal:

The Council is required by regulations to submit an Annual Monitoring Report by 31st December each year. It is also required to keep its Local Development Scheme under review and update this as required. Since the previous LDS is now significantly out-of-date, it needs to be reviewed now.

The district's housing land supply position and the requirements of Planning Policy Statement 3: *Housing* (PPS3) will often be material considerations in determining planning applications for residential development. The reasons for the refusal of planning permission need to be reasonable and capable of being substantiated upon challenge.

Comments checked by Sue Christie, Solicitor, 01295 221690

Risk Management:

Not having an up-to-date LDS increases the risk of the Council's proposed Development Plan Documents being found 'unsound' at Examination with consequent delay implications for resources. It would also produce uncertainty in deploying resources for completion of the LDF.

Using the district's current housing land supply position as a reason to refuse planning applications for residential development will, at the current time, increase the risk of the Council being unsuccessful in defending planning appeals and associated risk of costs being awarded against the Council.

Comments checked by Rosemary Watts, Risk Management and Insurance Officer, 01295 221566

Equalities:

There are no equality issues arising from this report. In the process of preparing Local Development Documents under the LDS, Equality Impact Assessments will need to be carried out.

Comments checked by Clare Taylor, Community and Corporate Planning Manager, 01295 221563

Wards Affected

All

Corporate Plan Themes

- Theme 4: Promote prosperity and a sustainable economy
- Theme 5: Secure more affordable housing
- Theme 6: Protect and Enhance the Local Environment
- Theme 7: Improve Recreational Opportunities
- Theme 8: Rural Focus
- Theme 9: Urban Focus
- Theme 10: Focus on Cherwell's People

Executive Portfolio

Councillor Michael Gibbard
Portfolio Holder for Planning and Housing

Document Information

Appendix No	Title
Appendix 1	Key findings from the 2009 Annual Monitoring Report
Appendix 2	Timetable for the proposed Local Development Scheme
Appendix 3	Housing Trajectory Chart (September 2009)
Background Papers	
Draft revised Local Development Scheme Draft Annual Monitoring Report 2009	
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