

# **Cherwell District Council**

## **Executive**

**4 January 2021**

## **Annual Monitoring Report 2020 and Regulation 10A Review of Local Plan Policies**

### **Report of Assistant Director – Planning and Development**

This report is public.

#### **Purpose of report**

To seek approval of the Annual Monitoring Report (AMR) 2020, and to present the District's current housing land supply position.

To seek approval of accompanying updates to the Local Plan's Infrastructure Delivery Plan and the Brownfield Land Register.

To seek approval of a review of policies in the Cherwell Local Plan 2011-2031 (Part 1) in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To approve for publication the 2020 Annual Monitoring Report (AMR) presented at Appendix 1.
- 1.2 To note the district's housing delivery and five-year housing land supply positions (for conventional housing and for Gypsies and Travellers) at Section 5 of the AMR and the need for updating of the land supply positions should these materially change.
- 1.3 To approve for publication the 2020 Infrastructure Delivery Plan (IDP) update presented at Appendix 2.
- 1.4 To approve for publication the 2020 Brownfield Land Register (BLR) presented at Appendix 3.
- 1.5 To approve for publication the Regulation 10A Review of Local Plan Policies 2020 at Appendix 4.

- 1.6 To authorise the Assistant Director for Planning and Development in consultation with the Lead Member for Planning to make any necessary minor and presentational changes to the Annual Monitoring Report, Infrastructure Delivery Plan update, Brownfield Land Register and Regulation 10A Review of Local Plan Policies 2020 if required prior to publication.

## **2.0 Introduction**

- 2.1 The Council has a statutory obligation to produce a planning (authorities) monitoring report. An Annual Monitoring Report (AMR) has been prepared for the period 1 April 2019 to 31 March 2020 and is presented at Appendix 1 to this report.
- 2.2 The AMR presents information on development that took place or was permitted over 2019/20 and, projecting forward, provides a comprehensive review of housing land supply as at 13 November 2020.
- 2.3 The AMR reviews progress in preparing the Council's planning policy documents and assesses whether development plan policies are being effective. It incorporates the monitoring indicators and targets from the adopted Cherwell Local Plan 2011-2031.
- 2.4 Upon approval, the information contained in the AMR will be used to inform policy making, planning consultation responses and in decision making on planning applications. The AMR would be made publicly available but is not subject to consultation. The review of the district's five-year housing land supply position is regularly scrutinised through the planning application process including through planning appeals.
- 2.5 The monitoring work undertaken to prepare the AMR has also informed the preparation of an updated Infrastructure Delivery Plan for the adopted Cherwell Local Plan 2011-2031 and a 2020 update to the Council's Brownfield Land Register. These are presented at Appendices 2 and 3 to this report for approval.
- 2.6 Legislation requires that policies in local plans should be reviewed to assess whether they need updating every five years. This does not result in Plans becoming automatically out of date, but a review enables local planning authorities to decide whether policies (whether one or more policies or the entire plan) require updating, and if so to prepare a programme for such an update.
- 2.7 The Cherwell Local Plan 2011-2031 Part 1 was adopted in July 2015 and a review of its policies and the 1996 Local Plan saved policies (as listed in Local Plan Part 1 Appendix 7) has been carried out to ascertain whether they are up to date. The Council is committed to a review of the Local Plan Part 1 and 1996 Local Plan saved policies through the preparation of the Cherwell Local Plan Review 2040 and the preparation of a joint spatial plan with the Oxfordshire authorities - the Oxfordshire Plan 2050.
- 2.8 The Cherwell Local Plan 2011-2031 Part 1 provides the strategic planning policy framework for the District. The Plan's commitment in paragraph B.95 to address Cherwell's apportionment of Oxford's unmet housing needs has been fulfilled with the adoption of the Cherwell Local Plan 2011-2031 (Part 1) Partial Review- Oxford's Unmet Housing Need on 7 September 2020. Policies in the Cherwell Local Plan

Partial Review (2020) are not subject to this 5-year policy review, given that it has only very recently been found sound and adopted.

- 2.9 Given that the AMR annual reporting on the performance of key policy areas can help inform the five-year review of Local Plan policies, both documents are presented to Members for consideration and approval at the same meeting.

### **3.0 Report Details**

#### **Annual Monitoring Report**

- 3.1 The Annual Monitoring Report's main monitoring results are presented at its section 5. Key findings are presented below.

#### *Housing Delivery*

- 3.2 The AMR's key findings for housing delivery include:
- i. a total of 1,159 (net) housing completions were recorded in 2019/20. Since 2015 the level of housing completions in the district remain high, with four of the last five years exceeding the annualised Local Plan requirement of 1,142 per annum;
  - ii. at 31 March 2020 there were a total of 9,061 dwellings with planning permission but which have not yet been built;
  - iii. the projected supply for all deliverable sites is 6,578 homes for the five-year period 2020-2025 and 7,134 for 2021-2026.
  - iv. there were 446 net affordable housing completions during 2019/20.

#### *Five Year Housing Land Supply*

- 3.3 The five-year housing land supply is the calculation of how many homes are expected to be built in Cherwell on 'deliverable' sites compared to the district's Local Plan housing requirement over a rolling five-year period. It must take into account any shortfalls or surplus in delivery and include an additional, prescribed 'buffer'. The monitoring of housing land supply is a key part of the AMR.
- 3.4 The revised National Planning Policy Framework (NPPF, 2019) and Planning Policy Guidance provide updated guidance on assessing the five-year supply including the need for an evidential approach for the delivery of 'sites' (typically sites of 10 or more homes).
- 3.5 The NPPF requires (at paragraph 73) local planning authorities to:

*'...identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (Unless these strategic policies have been reviewed and found not to require updating). The supply of specific*

*deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:*

- a) 5% to ensure choice and competition in the market for land; or*
- b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.'*

3.6 Within its glossary the NPPF states:

*'...Sites which do not involve major development and have planning permission, and all sites with planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years.... Where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.'*

3.7 Paragraph 11(d) of the NPPF tilts the decision making balance towards granting planning permission for development (subject to other considerations) where development plan policies are out-of-date. This includes where a five-year supply of deliverable housing sites cannot be demonstrated.

3.8 A review of Local Plan policies has been undertaken, including of the main housing policy from the adopted Local Plan, BSC1: District Housing Distribution.

3.9 The housing requirement against which housing delivery and housing land supply is measured against remains at 22,840 homes between 2011 and 2031, which equates to an annual requirement of 1,142 homes.

3.10 The adopted Cherwell Local Plan 2011-2031 and the NPPF seek to ensure that a five-year supply is maintained. However, in Oxfordshire, the commitments under the Housing and Growth Deal agreed with Government, to deliver growth and prepare a countywide joint spatial plan (the Oxfordshire Plan 2050), has resulted in a housing land supply flexibility being granted to the Oxfordshire Local Planning Authorities. This means that whilst the Oxfordshire Plan is being produced, there is only a need for Cherwell District to demonstrate a three-year housing land supply.

3.11 The Written Ministerial Statement (HCWS955) of 12 September 2018 states:

*'As part of the Housing Deal, Oxfordshire sought flexibility from the National Planning Policy Framework policy on maintaining a 5 year housing land supply. This policy supports the delivery of housing by ensuring sufficient land is coming forward to meet housing need. However, we recognise the ambitious plans in Oxford to deliver above their housing need in the long term. The Government wants to support this strategic approach to supporting housing delivery through joint working. We have therefore agreed to provide a short term flexibility which will support the delivery of the local plans for the area and ensure that the local authorities can focus their efforts on their Joint Spatial Strategy. The Government recognises that in the short term this will result in fewer permissions being granted under paragraph*

*11 of the National Planning Policy Framework but the Government believes that it is important to support these ambitious plans that will deliver more housing in the longer term.'*

- 3.12 The Written Ministerial Statement is a material consideration in planning decisions and has been relied upon by Planning Inspectors at planning appeals. Appeal dismissals at South Oxfordshire included APP/Q3115/W/18/3200335 – 40 homes at Watlington Road, Lewknor; and APP/Q3115/W/17/3188694 – 54 homes at Crowell Road, Chinnor; and also in Vale of White Horse APP/V3120/W/20/3247391 – 93 homes at Appleford Road, Sutton Courtenay.
- 3.13 Whilst the district's five-year position should be expected to be considered in decision making, the purpose of the ministerial statement and the weight that can be given to the Minister's three year requirement, is clear and tested.
- 3.14 A comprehensive review of housing land supply has been undertaken for this 2020 AMR taking into account national policy and guidance. The review is supported by consultation with developers and site promoters who were asked questions in relation to anticipated rates of housing delivery, information on the number of housebuilders involved and progress made on planning applications. Due to the COVID-19 pandemic this year there were additional questions asked on how COVID-19 has impacted on delivery and what changes have been made.
- 3.15 The Housing Delivery Monitor (Appendix 2 of the AMR) records the outcome of these consultations and includes a full review of deliverability. The AMR includes consideration of build-out rates being experienced on key strategic sites within the district and lead-in times for implementation. Consultations have been undertaken with the Council's Development Management officers and other Council services.
- 3.16 The review informs the five-year housing land supply calculation set out in section 5 of the AMR. This shows that the district presently has a 4.8 year supply of deliverable sites for 2020-2025 and 4.7 years for the period 2021-2026 (the latter being effective from 1 April 2021).
- 3.17 Given national and local circumstances and historic experience of the 2008 economic downturn effect on the local market, officers have added a temporary adjustment of 40% to the housing requirement in the calculation of housing land supply for the year 2020/21 and a 20% for the year 2021/2022. In the unprecedented and unforeseeable context of the COVID-19 pandemic, it should be recognised that a requirement figure set outside that context will be unachievable for a temporary period of time and hence should be reduced, provided that it is made up later. This is considered to be a realistic and reasonable adjustment justified by these particular and temporary circumstances.
- 3.18 This adjustment does not change the Local Plan requirement nor the housing trajectory. The AMR's Housing Delivery Monitor (AMR 2020, Appendix 2) shows the total completions and projected completions between 2011 and 2031 to be over 23,000. The Council is still intending to deliver the full housing requirement of 22,840 homes by 2031.
- 3.19 This adjustment will allow the Council and developers the time to address current challenges to the local housing market.

- 3.20 The Council continues to deliver against the NPPF aim to significantly boost the supply of homes. The Government's Housing Delivery Test for Cherwell published in February 2020 is 213% which demonstrates that, in accordance with paragraph 73 of the NPPF there is no under delivery of housing over the previous three years, and a considerable delivery above the 95% threshold set by the Government for the purpose of this test.
- 3.21 It should be noted that the district's five-year land supply calculation has to take account of a pre-existing 'shortfall' in delivery (i.e. the identified housing need for the 2011-15 period before the adoption of the Local Plan in 2015). This makes maintaining a five-year supply more challenging until the 'shortfall' is made up.
- 3.22 Nevertheless, since adoption of the Local Plan in 2015, housing delivery in Cherwell has undoubtedly been high and progress has been made in making up that retrospective shortfall. In comparison to the Local Plan requirement of 1,142 homes per year, delivery has been as follows:
- 2015/16 – 1425  
2016/17 – 1102  
2017/18 – 1387  
2018/19 – 1489  
2019/20 – 1159.
- 3.23 As delivery has been good (the Government's Housing Delivery Test has been exceeded), only a 5% buffer (rather than 20%) needs to be included in the housing land supply calculation.
- 3.24 It is also clear from the AMR that the Local Plan strategic sites continue to be brought forward with most under construction. Development is either at an advanced stage or is advancing - in Banbury at Longford Park; East of Southam Road; North of Hanwell Fields; West of Warwick Road; West of Bretch Hill; and East and West of Bloxham Road; and South of Salt Way East. At Bicester, Kingsmere is very advanced and North West Bicester, Graven Hill and South West Bicester Phase 2 are advancing. Former RAF Upper Heyford is continuing and a significant number of sites have either been built or are progressing elsewhere in the district. Other sites such as Drayton Lodge Farm in Banbury and South East Bicester are progressing through the planning system. The planned growth is being delivered.
- 3.25 What has changed and led to the 'dip' under five years, is mainly the projections for site delivery, and the expected rate of that delivery, due to the effects of COVID-19. Responses received from the review of sites regarding the effects of COVID-19 included:
- i. Lower completion rates during 2020/21;
  - ii. Reduced completion rates during future years;
  - iii. Delivery programme delayed by up to 6 months;
  - iv. Social distancing measures in place on sites;
  - v. Future implications of COVID-19 unknown; and
  - vi. No impact to the delivery programme.
- 3.26 Moreover, there are a number of key strategic sites with complex issues and sometimes involving protracted discussions with a number of stakeholders.

Examples include North West Bicester, Former RAF Upper Heyford; South East Bicester and South of Salt Way (East of Bloxham Road), Banbury. This, together with market factors and the intentions of individual developers, affects the year on year projections for housing delivery. In other cases, there is not quite yet the necessary evidence to rely upon a site as being 'deliverable' (for example, Land at Merton Road, Ambrosden). Circumstances may change in the near future, however, and the land supply position will need to be kept under review.

- 3.27 Under the revised NPPF and Planning Practice Guidance, Local Planning Authorities now have the option of confirming their five year land supply position through an 'annual position statement'. To do so, they must advise the Planning Inspectorate of their intention to do so by 1 April each year. The logic of the annual position statement is to provide more certainty on an authority's housing land supply position and reduce the burden and delay caused by planning appeals. However, a 10% buffer must be applied thereby increasing the supply that must be provided. An engagement process with developers, including on the results of the land supply assessment for sites, must also be undertaken. The local planning authority can then submit its annual position statement to the Planning Inspectorate for review by 31 July of the same year.
- 3.28 The Planning Inspectorate would then assess the annual position statement in terms of process and evidence having particular regard to any sites where the delivery assumptions are disputed by developers. Provided the correct process has been followed and sufficient information has been provided about any disputed sites, the Planning Inspectorate would issue its recommendation in October of the same year, confirming, if appropriate, a 'fixed' housing land supply until the following October.
- 3.29 Officers consider that it is not necessary for the Council to follow the 'annual position statement' route to confirming land supply at this time but this will be kept under review. A housing land supply position of 4.8 (2020-25) or 4.7 (2021-26) years is still significantly over the three year ministerial flexibility provided as a result of the Growth Deal.
- 3.30 The Written Ministerial Statement is a material consideration in planning decisions and has been relied upon by Planning Inspectors at planning appeals. Appeal dismissals at South Oxfordshire included APP/Q3115/W/18/3200335 – 40 homes at Watlington Road, Lewknor; and APP/Q3115/W/17/3188694 – 54 homes at Crowell Road, Chinnor; and also in Vale of White Horse APP/V3120/W/20/3247391 – 93 homes at Appleford Road, Sutton Courtenay.
- 3.31 Whilst the district's five year position should be expected to be considered in decision making, the purpose of the ministerial statement and the weight that can be given to the Minister's three year requirement, is clear and tested.

#### *Travelling Communities*

- 3.32 The AMR includes five year land supply assessments for Gypsies and Travellers and Travelling Showpeople based on the 2017 Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) for Cherwell, Oxford, South Oxfordshire and Vale of White Horse Councils. The GTAA has informed the examination and adoption of Local Plans covered by the study area and is the most up to date assessment of need available.

- 3.33 The 2017 GTAA identifies a need for 7 additional pitches for households for Cherwell by 2032 where it is known that they meet the planning definition. It also highlights that there are many households where it is 'unknown' whether or not the new planning definition of Gypsies and Travellers is met. Should further information arise, it states that the overall need could increase by up to 12 pitches. Additionally, a potential need for 8 pitches is highlighted due to the closure of the Smiths Caravan Park in Bloxham.
- 3.34 At 31 March 2020, there was a total of 65 gypsy and traveller pitches and 14 travelling showpeople plots in the district.
- 3.35 There is a 5.0 year supply of gypsy and traveller pitches for the period 2020-2025 and a 0 year supply for the period 2021-2026 (commencing 1 April 2021) as there are currently no new pitches anticipated.
- 3.36 For Travelling Showpeople, the 2017 GTAA identifies a known need for 12 plots from 2017-2032. At present, the five year supply remains at zero as no new supply has yet to be identified. To secure a five year supply, 6 plots would be needed for the period of 2020-25 and 7 plots for 2021-2026.
- 3.37 In the absence of identified deliverable supply to meet the needs of the Travelling Communities, policy BSC6 of the adopted Local Plan has a criteria-based policy for considering sites promoted through planning applications. Specific sites would need to be identified to meet identified needs in the Cherwell Local Plan Review 2040.

#### *Policy Villages 2 – Distributing Growth across the Rural Areas*

- 3.38 Policy Villages 2 of the adopted Local Plan 2011-2031 provides for an additional 750 dwellings at Category A villages (2014-2031) in addition to the rural allowance for small site 'windfalls' and planning permissions as at 31 March 2014. New planning permissions at the Category A villages from 1 April 2014 and completions on those sites will therefore contribute to the requirement of 750 dwellings.
- 3.39 Good progress has been made towards achieving the Policy Villages 2 requirement. At 31 March 2020 there had been a total of 415 housing completions with 144 completed during 2019/20. An additional 562 homes are presently expected to be built, resulting in a total of 977 homes. This is 227 homes more than the policy requirement.

#### *Employment*

- 3.40 The AMR's key findings on employment generating development include:
- i. The district has seen a considerable gain in employment floorspace with over 80,000 sqm completed during 2019/20, following an increase of more than 100,000 sqm in the previous year;
  - ii. At 31 March 2020 there was over 365,000 sqm (net) of employment floorspace with planning permission that has yet to be built;
  - iii. There are 81 ha of remaining allocated employment land yet to receive planning permission.



- iv. Overall, only 0.82 hectares of employment land (net) was lost to non-employment uses during 2019/20.

### *Natural Environment*

- 3.41 The AMR's key findings for the natural environment for 2019/20 include:
- i. There were no planning applications granted permission contrary to Environment Agency's advice on flood risk or water quality grounds.
  - ii. Six planning permissions were approved for renewable energy schemes including one for an air source heat pump, two for ground source heat pumps and three for solar photovoltaics (PVs).
  - iii. There has been a decrease in total area of priority habitats from 3,925 ha to 3,781 ha (decrease of 144 ha). This change largely represents an improved understanding of the habitat resource in the district, rather than the loss of habitat.
  - iv. The number of priority species listed in the District has decreased from 131 to 121. Ten species have been removed from the list as no new records have been made within the last 10 years.
  - v. 97.4% of the Sites of Special Scientific Interest (SSSI) units are in Favourable or Unfavourable recovering conditions, which is an increase of 0.3% since last year.
  - vi. The area of Local Wildlife Sites (LWS) has increased by 26.17 hectares since last year whilst the area of Local Geological Sites remains unchanged. The increase in area of LWS results from two proposed LWS that were accepted in early 2020: Meadow East of Cassington to Yarnton Pits and Field by Beacon Hill ditch; and the reattribution of Bladon Heath to being partly within Cherwell.

### *Local Development Scheme*

- 3.42 The AMR reports on progress in preparing the Council's planning policy documents as set out in its Local Development Scheme (LDS). The Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need was adopted on 7 September 2020. Due to the plan being adopted partly through the 2020/21 monitoring period, monitoring of its separate five year housing land supply will commence from April 2021 in accordance with the Plan. Work has commenced on the Cherwell Local Plan Review 2040 with the Issues consultation undertaken in summer 2020. The Banbury Canalside Development Area SPD and Community Infrastructure Levy (CIL) have been delayed but will be recommenced in late 2020 and 2021.

### *Neighbourhood Planning*

- 3.43 The AMR provides the updated position on Neighbourhood Planning in Cherwell. There are currently four made Neighbourhood Plans in Cherwell. The Weston-on-

the-Green Neighbourhood Plan is at the referendum stage however due to the current COVID-19 pandemic the referendum will not take place before 6 May 2021.

### *Oxfordshire Plan 2050*

- 3.44 In November 2020, the Oxfordshire Growth Board endorsed a revised timetable for the preparation of the Oxfordshire Plan 2050 which was developed following recent conversations with the government about the overall Deal programme. Under this timetable the Oxfordshire Plan should be submitted for examination by September 2022, and (dependent on the Inspector's programme) could be fully adopted by all five district councils by Spring 2023.

### **Infrastructure Delivery Plan (IDP)**

- 3.45 The Infrastructure Delivery Plan (IDP) which supports the adopted Local Plan (2015) is maintained and monitored with the benefit of updates from infrastructure providers including the County Council. An updated 2020 IDP is presented at Appendix 2 and summary tables are included in the AMR (Appendix 6).

### **2020 Brownfield Land Register**

- 3.46 The Town and Country Planning (Brownfield Land Register) Regulations 2017 require local planning authorities to prepare and maintain a register of brownfield sites. Local planning authorities must review the register at least once within each register year. A Brownfield Land Register (BLR), the first to be produced under the new legislation, was published in December 2017. An updated 2020 Register which is the fourth BLR prepared is presented at Appendix 3.
- 3.47 The Register was reviewed alongside the AMR to include new qualifying sites and to remove sites that are being developed. The base date for planning permissions and completions is 31 March 2020. Sixteen new sites (see dates of entry) have been added and ten 'greyed-out' sites removed as they have now been developed or work has started on site.
- 3.48 The 2020 BLR includes 43 sites with a housing potential of 1,315 dwellings. Deliverable sites are included in the five year housing land supply. Upon approval by the Executive the updated register would be published with supporting location plans.

### **Review of Local Plan Policies**

#### *Review Process*

- 3.49 Regulation 10A of the Town and Country (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to complete a review of a local plan every five years, starting from the date of adoption of the local plan. Paragraph 33 of the NPPF states that reviews should take into account changing circumstances affecting the area, or any relevant changes in national policy.
- 3.50 The government's guidance on plan making explains that local planning authorities must review local plans to ensure that policies remain relevant and effectively address the needs of the local community. The requirement to review local plans at least every 5 years, does not apply to neighbourhood plans.

- 3.51 The guidance explains that reviews should be proportionate to the issues in hand and it sets out what authorities can consider when determining whether a plan or policies within a plan should be updated.
- 3.52 The government guidance states that a Plan does not become out-of-date automatically after 5 years. It makes clear that local plans should cover a minimum 15 year period and that local planning authorities should plan for the full plan period. The review process is a method to ensure that a plan and the policies within remains effective. The Council has already committed to a review of the Local Plan through the preparation of the Cherwell Local Plan Review 2040 and the preparation of a joint spatial plan with the Oxfordshire authorities - the Oxfordshire Plan 2050.
- 3.53 The Council adopted its first district-wide Local Plan in November 1996. The Planning and Compulsory Purchase Act 2004 made provision for policies in adopted local plans to be “saved” for a three-year period from the commencement of the Act (28 September 2004). As part of a process initiated by the government, in March 2007 the Council’s Executive resolved to request that the Secretary of State extend the life of some of the saved policies of the 1996 adopted Cherwell Local Plan to which the Secretary of State agreed.
- 3.54 When the 2015 Local Plan was adopted in July 2015 some further saved policies from the 1996 Local Plan were replaced following a review. The Council has continued to use the retained policies (Appendix 7 of the Local Plan) for development management decisions.
- 3.55 The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by the Council on 20 July 2015. Policy Bicester 13 was re-adopted on 19 December 2016.
- 3.56 The policies of the Cherwell Local Plan 2011-2031 (Part 1) Partial Review- Oxford’s Unmet Housing Need (Adopted 7 September 2020) are not in the scope of this five year from adoption policy review.
- 3.57 The review considers relevant changes to local circumstances and relevant changes in national policy in accordance with paragraph 33 of the NPPF. Although there is no set format for undertaking a plan or policy review, officers have followed guidance in paragraphs 61 to 65 of the Planning Practice Guidance when undertaking the policies’ review in Appendix 4. Particular matters and information which have been considered and inform the review include:
- Information from the Council’s Annual Monitoring Report, including Duty to Cooperate matters and the impact of COVID-19.
  - The Council’s commitment to a Local Plan Review to 2040 and a joint spatial plan to 2050.
  - The impact of other Plans in Oxfordshire and the conclusions of Inspectors Reports.
  - Evidence and information published since the adoption of the Local Plan.
  - Supplementary Planning documents including the Cherwell Design Guide, Banbury Masterplan and Kidlington Framework Masterplan
  - Recent significant development proposals in the District.
  - Planning appeals.

- Policies in 'made' Neighbourhood Plans in the District.

### *Review conclusions*

- 3.58 The Council has reviewed all its retained saved policies of the 1996 adopted Cherwell Local Plan and all the policies of the adopted 2015 Cherwell Local Plan 2011-2031 (Part 1). Appendix 4 contains this review which has been undertaken in accordance with the legislation, government policy and guidance. The majority of the policies, including all of the 2015 Local Plan policies are generally consistent with government policy and/or local circumstances do not indicate that the policy needs updating at this time. Where policies have some inconsistencies with the NPPF and/or there has been a significant change in local circumstances this is limited to the specific policy and does not lead to wider concerns that the development plan, as a whole is out of date.
- 3.59 The AMR describes the impact of COVID-19 but explains how the district is experiencing a high level of growth and policy BSC1: District Wide Housing Distribution continues to provide for a considerable supply of development land in the most sustainable locations in Cherwell in accordance with the Plan's strategy.
- 3.60 The housing requirement figure in the Local Plan derives from the Oxfordshire Strategic Housing Market Assessment 2014. This assessment remains the latest cooperative assessment of housing need across the housing market area. It underpins not only the Local Plan, but also the Cherwell Local Plan Part 1 Partial Review, which was found sound by the Inspector in his report as recently as August 2020. A number of other Inspectors have reached the same conclusion in respect of Local Plans adopted across Oxfordshire. It is considered that the 1,142 housing requirement therefore remains appropriate and supported by relevant evidence.
- 3.61 NPPF paragraph 73 requires Local Planning Authorities should calculate housing supply against their housing requirement "*set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old*". Footnote 37 then qualifies this by stating: "*Unless these strategic policies have been reviewed and found not to require updating*".
- 3.62 Policy BSC1 has been reviewed and officers consider it does not require updating. The Policy BSC1 housing requirement currently exceeds the starting point established by Local Housing Need as a minimum and is consistent with the NPPF objective of significantly boosting housing supply and similar objectives in the emerging national changes to national policy outlined in the recent document 'Changes to the Current Planning System' and Planning for the Future White Paper. This will be reviewed further through the Cherwell Local Plan Review 2040 and Oxfordshire Plan 2050.
- 3.63 Policy BSC1 is considered to be up-to-date and the Council should continue to assess its five-year land supply against its housing requirement.
- 3.64 Where policies are considered to be inconsistent with the NPPF or where there has been a change in local circumstances, these primarily relate to proposals that have either been implemented or are now very unlikely to come forward. The remainder of the policies are consistent with government policy and are not affected by relevant changes in circumstance and therefore it is considered they do not need updating.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The Annual Monitoring Report provides important information to measure the effectiveness of planning policies and to assist policy making and development management decision making. It is the statutory mechanism for monitoring housing delivery. Its most significant conclusion is that although the district is presently unable to demonstrate a five-year housing land supply, the identified supply of 4.8 years is still well in excess of the 3 year ministerial flexibility. The AMR is accompanied by an updated 2020 Infrastructure Delivery Plan (Appendix 2) and a 2020 Brownfield Land Register (Appendix 3) which must be reviewed annually.
- 4.2 The Regulation 10A Review of Local Plan policies 2020 in Appendix 4 shows that the 2015 Local Plan does not require updating and continues to provide a sustainable strategy for growth in Cherwell to 2031. Nevertheless, the council has committed in its latest Local Development Scheme to a Cherwell Local Plan Review and to joint working on the Oxfordshire Plan 2050 in the interest of sustainably planning for future needs. Work on both plans is on-going.
- 4.3 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and it will be up to the decision-maker to decide the weight to give to the policies which have been reviewed.
- 4.4 It is recommended that all four documents presented to Members be approved for publication.

## **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: Amendment of the 2020 Annual Monitoring Report, Infrastructure Delivery Plan, Brownfield Land Register or Regulation 10A Review of Local Plan Policies 2020 in consultation with the Lead Member for Planning.

This is not recommended as officers consider the documents to be robust, supported by data and research. Delay could lead to uncertainty within the development industry and risks for decision making.

Option 2: Not to approve the documents for publication

This is not recommended as the production of an authorities monitoring report and local plan policy review is a statutory requirement.

The AMR is necessary to monitor implementation of the Local Plan. Updating the Brownfield Land Register is also a statutory requirement. The Infrastructure Delivery Plan is required to monitor and support delivery of the adopted Cherwell Local Plan 2011-2031.

The five-year review of local plans from adoption is a statutory requirement. By not publishing the review in Appendix 4 the Council would not meet its requirements and be open to allegations that the plan needs updating with consequences for decision making through the planning application process.

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 There are no direct financial implications arising from this report. The work collecting data and preparing the reports and policy review is met within existing budgets. There are risks of costs associated with unsuccessful refusals of planning permission upon appeal and this risk can be reduced through having a robust AMR and a plan that does not need updating.

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### **Legal Implications**

- 7.2 The production of a monitoring report in Appendix 1 and Brownfield Land Register in Appendix 3 is a statutory requirement. The monitoring report ensures that the policies achieve their objectives and development control decisions remain robust.
- 7.3 The review of local plans five years from adoption is a statutory requirement. Officers consider Appendix 4: Regulation 10A Review of Local Plan Policies 2020 meets that requirement in accordance with NPPF paragraph 33 and Regulation 10A of the Town and Country (Local Planning) (England) Regulations 2012 (as amended).

Comments checked by:

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### **Risk Implications**

- 7.4 Not having a defensible position on housing land supply increases the potential for challenges to Council decisions on housing proposals. Officers have limited control over this risk.

If the supply falls below five years, applications for housing must be considered against paragraph 11 d) of the NPPF, the presumption in favour of granting planning permission (known as tilted balance) is triggered.

Oxfordshire authorities currently benefit from a temporary planning flexibility where they are required to demonstrate a three-year supply of deliverable housing sites for

the purposes of meeting NPPF paragraph 11d). The Written Ministerial Statement providing the flexibility states, “*This statement...remains in effect until the adoption of the Joint Statutory Spatial Plan in each area, provided the timescales agreed in the Housing and Growth Deal are adhered to. I will monitor progress against these timescales and keep the planning flexibility set out in this statement under review*”.

The Council can demonstrate a 4.8 year supply of deliverable land (4.7 years from 1st April 2021) and with the three year flexibility in place the presumption in favour of granting permission will not be triggered.

Officers consider the temporary adjustment to the 5 year land supply calculation for the years 2020/21 and 2021/2022 is justified based on market circumstances, housing completions data and best available comparable data.

This risk will be managed as part of the operational risk register escalating to the leadership risk register as and when necessary.

Comments checked by:

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### **Equality & Diversity Implications**

- 7.5 This report in itself makes no recommendations for change in policy but recommends publication of the Annual Monitoring Report 2020, a Review of Local Plan Policies, a Brownfield Land Register and updated Infrastructure Delivery Plan. The recommendations do not raise equality implications. The Council committed to a review of the Local Plan through the preparation of the Cherwell Local Plan Review 2040. Equalities Impact Assessments will be undertaken as an integral part of the preparation of the emerging Plan.

Comments checked by:

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## **8.0 Decision Information**

### **Key Decision:**

Financial Threshold Met	No
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Community Impact Threshold Met:	No
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### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

This report directly links to the strategic priorities from the Business Plan 2020/21:

- 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 number and title**

- Appendix 1 - 2020 Annual Monitoring Report
- Appendix 2 - Infrastructure Delivery Plan Update 2020
- Appendix 3 - 2020 Brownfield Land Register
- Appendix 4 - Regulation 10A Review of Local Plan Policies 2020

### **Background papers**

None

### **Report Authors and contact details**

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