

Cherwell District Council

Executive

4 September 2023

Draft Cherwell Local Plan Review 2040 (Regulation 18) Consultation

Report of Assistant Director - Planning and Development

This report is public

Purpose of report

To present, for consideration, a draft of the emerging Cherwell Local Plan Review 2040 for consultation purposes.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve public consultation on the draft Cherwell Local Plan Review 2040 (Appendices 1 and 2) subject to the changes presented at Appendix 9 in response to the resolution of the Overview and Scrutiny Committee of 16 August 2023;
- 1.2 To delegate to the Assistant Director - Planning and Development the authority to make any minor amendments and corrections to the draft document he considers necessary prior to formal publication and in consultation with the Portfolio Holder for Planning and Development;
- 1.3 To delegate to the Assistant Director – Planning and Development the authority to finalise and publish supporting documents in consultation with the Portfolio Holder for Planning and Development.

2.0 Introduction

- 2.1 The Council is reviewing its Local Plan. This is required under the Planning Regulations which state that local plans should be reviewed at least every five years from their adoption date. Planning Practice Guidance makes clear that *'most plans are likely to require updating in whole or in part, at least every five years¹.'*

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- 2.2 Cherwell's existing Local Plan consists of three documents:
- i. Saved policies of the Cherwell Local Plan 1996 (those not replaced),
 - ii. Cherwell Local Plan 2011 – 2031 (Part 1) (Adopted 2015),
 - iii. Cherwell Local Plan 2011 – 2031 (Part 1) Partial Review – Oxford's Unmet Housing Need (Adopted 2020).
- 2.3 A review of the saved policies of the 1996 Plan and those of the 2015 Plan was undertaken in 2020. This generally concluded that the plans' policies remained up-to-date at that time. A further review was undertaken in February 2023 which again showed that nearly all policies remained generally consistent with government policy and/or local circumstances and therefore remained up to date. There was however one exception, Policy BSC 1: District-wide Housing Distribution within the 2015 Cherwell Local Plan due to the publication of a new Housing and Employment Needs Assessment (HENA) in 2022.
- 2.4 This current review of the Local Plan provides the opportunity to establish a new set of policies for addressing housing and other development needs, for climate action, for healthy place-shaping, for biodiversity net gain, for our urban centres, rural areas and in response to new Government policy and guidance.
- 2.5 The timetable for preparing the Cherwell Local Plan Review 2040 has been affected by the timetable for the previously proposed Oxfordshire Plan. Until August 2022, it had been anticipated that a strategic framework for planning in Oxfordshire would have been provided by the Oxfordshire Plan. However, in August 2022, it was decided that work on the Oxfordshire Plan would cease.
- 2.6 A draft local plan for consultation was subsequently presented to the Executive on 19 January 2023 which resolved "*... Consultation be deferred until a later date...in light of the comments of the Overview and Scrutiny Committee and Executive to allow officers to consider these comments*".
- 2.7 The Overview and Scrutiny Committee had formally considered the draft Plan at a meeting on 11 January 2023.
- 2.8 The Committee's comments have been considered and, where considered appropriate by officers, changes to the emerging Plan have been made. Other improvements have been made to the draft as explained below.
- 2.9 Also on the agenda for this meeting is a proposed update to the Council's Local Development Scheme (LDS) last updated in September 2021. It includes the broad programme for Plan preparation which, in brief, is as follows:
- Draft Plan (Regulation 18) Consultation – Autumn 2023
 - Publication of Proposed / Pre-Submission Plan (Regulation 19) – Summer 2024
 - Submission to Secretary of State (Regulation 22) – Winter 2024/25

- 2.10 The Executive is being asked to consider a consultation draft of the emerging Plan under Regulation 18 of the Local Plan regulations (the issues and options stage of plan-making).
- 2.11 Public consultation at this stage would provide an opportunity for local communities, interest groups, statutory bodies, infrastructure and service providers, development promoters and other stakeholders to comment on emerging thinking and make suggestions on how the Plan should be developed further. A corporate communications plan will supplement the Council's published Statement of Community Involvement and help ensure wide engagement. At this draft plan stage (Regulation 18) the Council is still able to make significant changes to the emerging Plan in response to the consultation responses received and further evidence.
- 2.12 Responses to consultation at the next proposed or pre-submission stage (Regulation 19) are submitted with the Plan for Examination. Alternatively, the Council could choose to make further significant changes and re-consult before submitting the Plan. However, the Government's current proposals are that Plans prepared under the current Local Plan system should be submitted for Examination by 30 June 2025.

3.0 Report Details

Previous Consultations

- 3.1 Two previous consultations have already been undertaken to help inform the emerging Plan. These were:
- Community Involvement Paper Consultation (July 2020), and
 - Community Involvement Paper 2: Developing our Options Consultation (September 2021)
- 3.2 These documents were well received, with the responses to the first document informing the second, and responses to the second document informing the consultation draft of the Plan. Details of the previous consultation are set out in the formal Statement of Consultation (Appendix 5).

Response to 19 January 2023 Executive Resolution

- 3.3 Following the resolution of Executive in January 2023 to defer the consultation at that time, officers have taken the opportunity to undertake a wide review of the scope and presentation of the draft plan. It has been redrafted with a greater emphasis on consultation, with feedback being more explicitly encouraged and with specific questions added. Where possible the language has been made more accessible (less technical) and in places information has also been presented in a simpler, more understandable, and transparent way.
- 3.4 The key message is that this is a consultation draft. The input of local communities in reviewing and refining proposals will be helpful and further evidence will be

produced. Topics where further work is needed have also been highlighted. Members are not being asked to approve the final Plan. Details on how the specific comments raised by the Committee have been addressed are set out in Appendix 7.

Draft Cherwell Local Plan Review 2040 - Overview

- 3.5 The draft Plan sets out a vision and proposes homes, employment land, infrastructure and other essential services required to support the local community over the Plan period.
- 3.6 The emerging Plan has three overarching themes. These are:
- Theme 1: Meeting the Challenge of Climate Change and Ensuring Sustainable Development
 - Theme 2: Maintaining and Developing a Sustainable Local Economy, and
 - Theme 3: Building Healthy and Sustainable Communities.
- 3.7 The draft Plan suggests a series of objectives for meeting the vision and addressing these themes. It then presents a draft strategy, draft policies and proposals for meeting these objectives and delivering the vision.
- 3.8 In summary, the draft strategy is to:
- Ensure that our committed growth is delivered;
 - Focus new development at Bicester and to a lesser extent at Banbury;
 - Revitalise our urban centres and encourage investment;
 - Raise the design quality of our built and ‘green’ environments;
 - Minimise carbon emissions and achieve set net gains in biodiversity; wherever possible in delivering new development.
- 3.9 The district-wide strategy is supported by area strategies for Banbury, Bicester, Kidlington, Heyford Park and the Rural Areas:

Figure 1: Draft Cherwell Local Plan Review 2040 – Spatial Strategy

Spatial Strategy	
District	<ul style="list-style-type: none"> • Minimise carbon emissions and achieve set net gains in biodiversity wherever possible in delivering new development; • Raise design standards and improvements to the built environment to elevate the attractiveness of our towns and villages; • Ensure that new developments improves well-being wherever possible through design, accessibility, social interaction, the provision of amenities and facilities and opportunities for active travel and recreation;

	<ul style="list-style-type: none"> • Encourage new development that improves opportunity for all and in particular provides access to housing to meet all needs;
Banbury	<ul style="list-style-type: none"> • Deliver committed development and provide for some limited additional growth reflecting the topographical, landscape and rural character constraints of the town's edge; • Revitalise appropriately repurpose and seek further investment in the town centre, continue to improve its built and 'green' environment and public realm and further develop the night time economy; • Continue to support and strengthen the town's economy and diversify its skill base; • Encourage development proposals that will support education and help reduce deprivation; • Seek strategic transport improvements to encourage active travel, reduce congestion and pollution, and reduce cross town traffic by motorised vehicles.
Bicester	<ul style="list-style-type: none"> • Deliver committed development and be the focus for additional development reflecting the town's on-going growth and transformation as a sustainable Garden Town and its regional and sub-regional location on the Oxford-Cambridge Corridor including and East-West Rail route; • Continue to maximise the benefits of having key international and national destinations and economic activity to support further business investment; • Support the continued improvement of the town's centre, its facilities, its public realm and 'green' environment; • Resolve transport connectivity and infrastructure challenges and encourage active travel.
Kidlington	<ul style="list-style-type: none"> • Strengthen Kidlington's role as a Local Service Centre; • Continue to support investment in key economic assets including the Village Centre, London-Oxford Airport, Begbroke Science Park and at Langford Lane. • Improve the built and 'green' environment of Kidlington Village Centre. • Ensure the successful implementation of the committed 4,400 homes to help Oxford's housing needs so that the planned benefits for the communities of Kidlington, Gosford and Water Eaton, Begbroke and Yarnton are delivered.

Heyford Park	<ul style="list-style-type: none"> • Ensure the implementation of the committed growth at Heyford Park to fully establish the new settlement <u>that is already</u> planned; • Provide for the future expansion of Heyford Park to meet future housing and infrastructure needs should highway capacity limitations be resolved.
Rural Areas	<ul style="list-style-type: none"> • Protect the identity and character of our villages and rural areas and avoid unplanned development in the open countryside; • Provide for limited development to meet local community and business needs and help support the vitality of these more rural settlements and the viability of existing businesses and farms; • Direct the development of new housing to the larger and more sustainable villages that offer a wider range of services and are more well connected to our urban areas than the smaller villages; • Maintain the designated Green Belt but consider a limited release at Kidlington to meet local housing needs if there are exceptional circumstances to do so; • Protect the Cotswolds National Landscape (Area of Outstanding Natural Beauty).

3.10 A number of strategic development policies are also proposed. Most will apply across the district and will inform and guide development to ensure it is well-designed and reflects the overarching themes and Plan objectives. Figure 2 describes how the policies have been grouped under each of the key themes.

Figure 2: Draft Cherwell Local Plan Review 2040 – Key Themes

Theme One: Meeting the Challenge of Climate Change and Ensuring Sustainable Development	Theme Two: Maintaining and Developing a Sustainable Local Economy	Theme Three: Building Healthy and Sustainable Communities
<ul style="list-style-type: none"> • Connectivity and Transport • Sustainable design and construction and Renewable Energy • Flood Risk • Natural Resources • Landscape • Green Infrastructure • Biodiversity 	<ul style="list-style-type: none"> • Employment • Tourism • Town Centres & Retail • Education • Utilities and Infrastructure 	<ul style="list-style-type: none"> • Achieving Well Designed and Healthy Places • Housing • Historic Environment

Assessing Housing Need

- 3.11 The Plan needs to be informed by a local housing need assessment, prepared using a nationally set 'standard method' – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.
- 3.12 In addition, to the district's needs, any housing need that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 3.13 The 'standard method' is a formula based on nationally projected household growth for the local area and the housing affordability of the area (based on a house price and workplace earnings ratio). Some adjustment is required depending on local circumstances.
- 3.14 Under the standard method, Cherwell has a need for some 742 new homes per annum which would equate to 14,840 homes for the period 2020-2040. Oxford City has a 'capped' need of 762 homes per annum.
- 3.15 Government guidance highlights that the standard method for assessing local housing need needs provides a minimum starting point in determining the number of

homes needed in an area. It does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour.

3.16 It states that there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates. This includes but is not limited to situations where increases in housing need are likely to exceed past trends because of:

- Growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth (e.g. Housing Deals);
- Strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or
- An authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground.

3.17 An Oxfordshire Housing and Economic Needs Assessment (HENA, 2022) was commissioned jointly by this Council and Oxford City Council to examine these issues.

3.18 The Assessment concluded that its evidence points to an overall scale of housing need above the minimum level of need arising from the Standard Method. It states that the Standard Method underestimates housing need by not capturing demographic data post 2014, and not allowing for sufficient housing to match the level of job creation expected to 2040.

3.19 Based on the findings of the HENA it is the current assumption that Cherwell has a need for some 1,009 homes per annum to meet its own projected needs. It is also expected that Cherwell will need to accommodate a proportion of Oxford's unmet housing need.

3.20 Figure 3 sets out the projected housing need and potential contribution to Oxford's needs that presently underpin the housing requirement elements of proposed consultation draft of the Plan:

Figure 3: Draft Cherwell Local Plan Review 2040 – Projected Housing Need

Projected Housing Need	
Cherwell's housing need	1,009 per annum
Oxford's housing need	1,322 per annum
Oxford's current housing capacity	457 per annum
Oxford's current unmet need	865 per annum

Indicative % of unmet need to Cherwell	32.8 %
Unmet need potentially distributed to Cherwell	284 per annum
Housing need to be met in Cherwell	1,293 per annum
Housing need to be met in Cherwell 2020-2040	25,860

3.21 Members of the Overview and Scrutiny Committee were invited to an internal presentation and discussion on the HENA at the Local Plan Members Advisory Group on 6 July 2023.

Understanding Existing Housing Supply

3.22 Once the overall housing need is established it is then necessary to understand the existing supply of housing. Cherwell already has a very significant level of housing supply. Figure 4 sets out the current assessment of housing supply for 2020-2040.

Figure 4: Draft Cherwell Local Plan Review 2040 – Existing Housing Supply

	Housing Completions 2020-22	Deliverable Supply 2022-2040	Developable Supply 2022-2040	Totals
Banbury	954	2,273	1,871	5,098
Bicester	817	4,391	5,588	10,796
Heyford Park	136	643	1,103	1,882
Kidlington	109	32	0	141
Rural Areas	351	538	0	889
Partial Review Sites	0	1,090	3,310	4,400
Windfall Projections	0	1,000	0	1,000

Totals	2,367	9,967	11,872	24,206
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3.23 Indicatively, these figures suggest that only a further 1,654 homes are required to meet identified housing need (a need of 25,860 minus a current supply of 24,206). However, there are a number of issues that need to be considered before the housing requirement can be finalised. These include:

- Can all the existing housing supply be reliably delivered within the Plan period?
- Do any larger scale developments need longer time frames for delivery?
- What does this supply say about meeting housing needs for Kidlington?
- Is there sufficient supply in the longer term to meet rural housing needs?

3.24 North-West Bicester, the district's largest development site, is currently planned to provide for some 6,000 homes. Due to delays in delivery it is now anticipated that about 3,000 of those homes will actually be delivered beyond 2040. If these 3,000 homes are deducted from the calculations the existing supply falls to 21,206 homes by 2040. This leaves a remaining draft requirement to be provided of 4,654 homes.

3.25 The feedback we receive to consultation would help us consider these issues further.

Strategic Development Options - Housing

3.26 Work undertaken so far favours the options summarised below in Figure 5. Site templates within the Plan's appendices summarise the key constraints and opportunities. There are no proposed site policies within the draft Plan at this stage and further evidence and consultation feedback will inform our thinking.

Figure 5: Draft Cherwell Local Plan Review – Potential New Development Sites

Potential New Development Sites / Supply	
Banbury	
North of Wykham Lane	600
Withycombe Farm	230
Bicester	
South-East of Wretchwick Green	800
South of Chesterton / North-West of A41	500
Kidlington	

North of The Moors	300
South-East of Woodstock	450
Heyford Park	
South of Heyford Park	1,235
Rural Areas	
Indicative allocation	500
Total	4,615

Affordable Housing

- 3.27 The HENA analyses the need for affordable housing in terms of social/affordable rented housing and affordable home ownership. It identifies a significant need for affordable housing across the district. It states that there is a need for 660 social rented/affordable rented homes per year with an additional 193 homes to meet affordable home ownership needs.
- 3.28 On 27 February 2023, the Council adopted a motion, requesting that the Executive consider including an affordable element of at least 50% within future housing developments and that this be included as a requirement in the emerging Local Plan 2040 along with a clear definition of what affordable housing encompasses.
- 3.29 Government policy states that local plans should set out what new development is expected to provide, and that the requirement should not be so high as to undermine the delivery of the Plan. To ensure that the local plan is deliverable its proposals and policies need to be viability tested. In order to understand the level of affordable housing the Plan could require, whilst at the same time ensuring the delivery of the Plan, the Council's interim Viability Assessment tested a range of requirements for affordable housing from 0 to 50% and for First Homes (discounted market homes) provided at 25%. It recommends an overall 30% affordable housing requirement on all sites. For Banbury and Bicester, this is the same level as the adopted 2015 Local Plan, but lower for Kidlington and the rural areas.
- 3.30 However, in light of the Council's adopted motion, and recognising the importance of housing need as a policy area, officers have inserted a specific consultation question to gauge opinion on whether there is stakeholder support for maximising the delivery of affordable housing, and in particular the delivery of more social rented housing, if sacrifices were made in respect of other requirements.

Employment

- 3.31 The HENA identifies a need for between 274 and 283 ha of employment land in Cherwell over the period 2021 to 2040. The 2015 local plan identified a significant amount of employment land and whilst much of this has been developed there still remains substantial areas of land available. In addition, there is a need to take account of other permissions in place and development that has been completed on unallocated sites. An Employment Land Review (October 2022) has been undertaken which has identified a number of additional potential employment sites across the District (Figure 6) although further sites may be required.

Figure 6: Draft Cherwell Local Plan Review 2040 – Potential Employment Sites

Site Name	Type of Site (Uses Class)	Available Development Land (Hectares)
Higham Way – Banbury	Mixed Use B2, B8 and E (g)	3.0
Canalside – Banbury*	Mixed Use B2, B8 and E (g)	7.5
Land East of M40 J9 and South of Green Lane – Bicester	Mixed Use B2, B8 and E (g))	40.0
Land adjacent to Symmetry Park, North of A41 – Bicester	Mixed Use B2, B8 and E (g)	6.3
Bicester Business Park (Bicester 4)**	Saved 2015 LP Allocation for B1 (a) and E (g)(i)	3.3
Begbroke Science Park	Science Park – E (g) (ii)	14.7

Banbury Area Strategy

3.32 The draft Plan proposes a specific vision and strategy for the district's largest town. The draft strategy seeks to:

- Focus new development on previously developed land within the existing urban area, particularly in the vicinity of the town centre;
- Bring about Canalside regeneration, including enhancing the gateway to the town and improving access to the railway station, for the benefit of the whole town;
- Encourage residential development within the town centre on appropriate sites;
- Support the role of the town centre by resisting further major out of centre retail developments;
- Help reduce the level of deprivation by securing benefits achieved through specific development proposals and by economic growth and diversification;
- Secure a site that will provide a permanent home for Banbury United Football Club;
- Deliver a new secondary school for the town;
- Ensure new developments deliver improved community and health facilities;
- Deliver an improved and enhanced green infrastructure network across the town, including access to green spaces, the Oxford Canal and River Cherwell corridor, and children's play space, allotments and community gardens;
- Deliver schemes that reduce transport congestion, particularly along Hennef Way and in areas around the town centre;
- Ensure new developments strengthen the connection between the town centre and railway station, a key gateway to the town, and
- Ensure new developments deliver improved active travel routes in and around the town, radiating to surrounding villages.

Bicester Area Strategy

3.33 The draft plan proposes a specific vision and spatial strategy for the district's fastest growing town with the overarching priorities for Bicester reflecting those for Banbury. The draft strategy seeks to:

- Deliver new high quality development helping to achieve climate change objectives.
- Provide new jobs and services reducing the need for out-commuting and travel to other locations.
- Provide new infrastructure alongside new homes and employment.

- Maximise opportunities for new development on previously developed land within the existing urban area, particularly in the vicinity of the town centre.
- Bring about coordinated town centre improvements and regeneration including the redevelopment of Market Square.
- Support the role of the town centre by resisting further major out of centre retail developments.
- Ensure new developments deliver improved community and health facilities.
- Deliver an improved and enhanced green infrastructure network across the town, including access to green spaces, children's play space, allotments, community gardens and a new cemetery.
- Protect and enhance areas of ecological importance and historic value.
- Deliver schemes that reduce transport congestion, including a potential new south east link road.
- Strengthen the connections between the town centre and Bicester Village.
- Ensure new developments deliver improved active travel routes in and around the town and to surrounding villages.

Kidlington Area Strategy

3.34 The draft strategy for Kidlington is to:

- Support a strong local economy with a focus on high value employment uses at Langford Lane and Begbroke centred on the Oxford Technology Park, London Oxford Airport and Begbroke Science Park;
- Deliver new planned neighbourhoods at Yarnton, Begbroke and Gosford and Water Eaton with community facilities and infrastructure supporting greener sustainable living;
- Support proposals that enhance the attractiveness and visibility of Kidlington's centre;
- Promote an enhanced role for Kidlington as a local service centre with new business and homes in/near the village's centre and an improved cultural and leisure/night economy offer;
- Improve access for all residents to high quality community facilities, sports and recreation spaces, and support improved health care facilities with the expansion of existing GP surgeries or a new facility;
- Securing high-quality well-designed and accessible buildings and public spaces;
- Provide enough market and affordable homes to address local needs;

- Protect and enhance the townscape and landscape that form the setting of Kidlington, Gosford and Water Eaton, Shipton on Cherwell and Thrupp, Begbroke and Yarnton and maintain their local distinctiveness;
- Protect and enhance areas of high natural capital value in the Cherwell Valley and the wider region including Oxford Meadows Special Area of Conservation (SAC) and the proposed Otmoor, Bernwood and Ray Nature Park;
- Support increased access to nature, open spaces and the Green Belt with specific opportunities to 'green' Kidlington's centre and secure improvements to the Oxford Canal and River Cherwell corridors;
- Build on the area's excellent links to Oxford, Bicester and London by public transport and work with County and Parish councils to deliver safe and inclusive routes that facilitate car free movements as the first choice for residents and visitors;
- Support the delivery of Kidlington's Local Cycling and Walking Plan with new and enhanced walking and cycling routes linking Kidlington to the surrounding villages of Hampton Poyle, Islip, Yarnton, Begbroke, Thrupp, Shipton-on-Cherwell;
- Work with the Environment Agency, Thames Water and Oxfordshire County Council to mitigate surface water run off through appropriate sustainable drainage infrastructure and look for opportunities for betterment where flood risk is already present.

Heyford Park Area Strategy

3.35 The draft strategy for Heyford Park is the:

- Successful implementation of the approved masterplan (2022);
- Delivery of further transport investment to avoid unacceptable impacts on the highway network and support sustainable modes of travel;
- Helping to improve the range of employment, community facilities and infrastructure and further enhance the sustainable transport and connectivity credentials of the area;
- Recognise the potential for additional development to strengthen the long-term sustainability of the new community at Heyford Park;
- Providing the future potential for additional development later in the plan period on land south of Heyford Park to provide approximately 1,235 new dwellings.

Rural Areas Strategy (including Village Categorisation)

3.36 The draft strategy for the rural areas is:

- Development opportunities to meet identified local needs

- Tight management of speculative development and the avoidance of comparatively less sustainable development outcomes
- Greater emphasis on development being supported by sustainable transport and active travel opportunity
- Greater emphasis on development being designed and supported by infrastructure to support health and well-being
- Protection and enhancement of our environmental and heritage assets

3.37 The 2015 adopted Cherwell Local Plan uses a village categorisation system as a way of directing growth to the most sustainable villages. This approach has generally helped to limit development in the rural areas and ensure a focus on more sustainable urban areas. However, there has been some criticism of the category of some villages, particularly in recent years. In preparing this draft plan the opportunity has therefore been taken to review the current village categorisation, based on an assessment of the current level of services and facilities in individual settlements. This has resulted in a number of villages within Category A of the 2015 Plan being reassessed as proposed 'smaller villages' in the draft Plan. These re-categorised villages include Arncott, Begbroke, Chesterton, Cropredy, Finmere, Fringford, Fritwell, Milcombe, Sibford Ferris, Sibford Gower, Weston-on-the-Green and Wroxton.

3.38 The draft Plan proposes to manage rural development pressures in a way that benefits local communities, does not lead to unacceptable pressure on local infrastructure, can be supported by sustainable and active travel options and which does not damage the characteristics that contribute to making the rural area attractive and distinctive.

3.39 This draft Plan is suggesting that when finalised, specific housing site allocations to accommodate an additional 500 new dwellings in the most sustainable villages (the 'larger villages') should be identified. Officers have yet to complete their assessment of potential sites. Moreover, parishes preparing neighbourhood plans are being encouraged to identify housing sites within their plans. In addition, to allocated sites, it is also expected that small 'windfalls' on sites of less than 10 dwellings will continue to come forward.

4.0 Conclusion and Reasons for Recommendations

4.1 The Council has a legal requirement to review its Local Plan every five years. A new Local Plan is required to meet Cherwell's needs, protect its environment and secure sustainable development. The process for preparing a new local plan is prescribed by legislation. This current Plan is a consultation draft prepared to prompt discussion and feedback on its vision, objectives, spatial strategies, and new planning policies. When adopted, the Local Plan will guide the delivery of sustainable development

across the district. The Executive is invited to approve a consultation to support further plan development.

5.0 Consultation

- 5.1 Preparation of the draft Plan has been informed by a wide range of stakeholders, through two previous stages of public consultation and via the Council's formal responsibilities under the Duty to Cooperate.
- 5.2 Members of Overview & Scrutiny Committee have had the opportunity to attend two recent meetings of the Local Plan Members Advisory Group (MAG). At the first meeting the HENA consultants gave a presentation on their report and all Overview and Scrutiny members had the opportunity to discuss the report and ask detailed questions. At the second MAG meeting on 26 July 2023, Members were provided with a detailed preview of the draft Plan followed by an opportunity for questions and discussion.
- 5.3 This report has been prepared in consultation with the Portfolio Holder for Planning and Development, Councillor Sames.
- 5.4 On 16 August 2023, the proposed consultation draft of Plan and supporting documents were presented to a meeting of the Overview and Scrutiny Committee. The Committee resolved:
- '(1) *That having given due consideration to the draft Local Plan 2040 (Regulation 18), the following comment be made to the Executive:*
- *that in line with the carried motion at February 2023 full Council meeting on housing affordability mix, the Local Plan be stronger in terms of the desirability of having more affordable housing in the allocated sites; and delegate to the Chairman to report detailed comments made by Committee to the Executive on the 4 September 2023.*
- (2) *That it be noted that the Assistant Director for Planning and Development will retain delegated authority, in consultation with the Portfolio Holder for Planning and Development, to make minor amendments to the draft document, including correcting any typographic or formatting errors, up to the start of the consultation'.*
- 5.5 Other observations were also made by individual Members of the Overview and Scrutiny Committee (Appendix 8).
- 5.6 Officers have considered the Committee's resolution and, in respect of affordable housing, recommend to the Executive the proposed changes at Appendix 9 to this report.
- 5.7 Minor typographical errors have been corrected and delegation is requested to make minor amendments in consultation with the Portfolio Holder for Planning and Development prior to consultation commencing (particularly final wording of

consultation questions and explaining acronyms). It is the view of officers that the other policy related matters raised by individual committee Members are not ones that necessitate change to the draft Plan ahead of consultation. They will however be considered further by officers for the next stage of Plan development and in discussion with the Local Plan Members Advisory Group.

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 progress a Cherwell Local Plan Review at this time.

The Council has a legal requirement to review its Local Plan every five years, and update it if appropriate. There is therefore an expectation that most plans will need to be updated every five years. Progressing the review of the Local Plan is required to ensure a plan-led approach to development in Cherwell.

Option 2: Delay progress on a Cherwell Local Plan Review.

The Local Plan programme has already slipped, principally due to the decision in August 2022 to cease work on the Oxfordshire Plan which was expected to set the strategic level of growth across the County. More recently, following consideration of a previous version of the draft local plan in January 2023 the Executive resolved, “...*Consultation be deferred until a later date...in light of the comments of the Overview and Scrutiny Committee and Executive to allow officers to consider these comments*”. Further delay would create significant uncertainty about maintaining a plan-led approach to development in Cherwell.

Option 3: Do not consult on an emerging Plan at ‘Regulation 18’ stage

There is no specific requirement to publish a draft Plan under Regulation 18 of the Local Plan regulations. There have been two issues and options consultations in 2020 and 2021 and the Council could wait until it publishes a proposed / pre-submission Plan under Regulation 19. However, there is time to undertake consultation now which would provide further opportunity for community engagement, benefit Plan development and ensure as many issues as possible are considered before a proposed Plan is prepared under Regulation 19.

7.0 Implications

Financial and Resource Implications

7.1 The Local Plan programme is funded from the Planning Policy budget and Local Plan Reserve. There are no wider budgetary implications.

Comments checked by:

Kelly Wheeler, Business Partner - Finance

Kelly.Wheeler@cherwell-dc.gov.uk

Legal Implications

- 7.2 The Local Plan needs to be prepared and consulted upon in line with legislation. There is no requirement to consult specifically upon a draft Plan at this stage. Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires the inviting of representations from prescribed bodies and persons about a local plan ought to contain. The Council has done this in previous consultations (2020 and 2021). Nonetheless, the clear advantages of additional consultation are noted.

Comments checked by:

Shiraz Sheikh, Assistant Director Law and Governance and Democratic Services

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Risk Implications

- 7.3 There are numerous risks associated with producing a Local Plan, including the potential for legal challenge. Local plan preparation is governed by legislation and the plan must be demonstrably found 'sound' through an independent Examination process. The Plan must be consistent with national policy, guidance and legislation.
- 7.4 The Council is preparing the Local Plan as required by legislation. The Plan is still at a relatively early stage in the plan-making process, and this draft plan will be subject to public consultation. The Council still retains the flexibility to amend the plan in the future. Responses to the consultation will, in part, inform these amendments.
- 7.5 Existing and arising risks, depending on their nature, are managed through the service operational risk and the Leadership Risk register (view LO3 – CDC Local Plan).

Comments checked by:

Shona Ware, Assistant Director - Customer Focus

Shona.Ware@cherwell-dc.gov.uk

Equalities and Inclusion Implications

- 7.6 A Health and Equality Impact Assessment (HEqIA) has been prepared to accompany the draft Plan and inform consultation (Appendix 5). There are no implications at this draft stage. The Plan has not been finalised.

Comments checked by:

Shona Ware, Assistant Director - Customer Focus

Shona.Ware@cherwell-dc.gov.uk

Sustainability Implications

- 7.7 Under the Planning Acts, the Council has a statutory duty to contribute to the achievement of sustainable development. It also has a statutory requirement to be informed by a process of Sustainability Appraisal (SA). An initial SA supports the emerging Plan and the SA supporting the submission Plan will be tested at Examination.
- 7.8 The draft plan supports sustainable development through its Spatial Strategy, ensuring development is located in the most sustainable locations that maximise opportunities for supporting sustainable transport modes. The plan contains a suite of policies to support sustainable development, including those relating to the standards any new development should confirm to, including to achieve high climate change standards.

Comments checked by:

Ed Potter, Assistant Director – Environment

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Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: Yes

Wards Affected

All

Links to Corporate Plan and Policy Framework

The Council's Business Plan 2023-24 includes the following four key priorities; all of which are central to the Local Plan:

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

Document Information

Appendix number and title

- Appendix 1 – Draft Cherwell Local Plan Review 2040
- Appendix 2– Interim Sustainability Appraisal August 2023
- Appendix 3 – Habitats Regulations Assessment August 2023
- Appendix 4 – Health and Equalities Impact Assessment August 2023

- Appendix 5 – Consultation Statement (September 2023)
- Appendix 6 – Interim Duty to Cooperate Statement
- Appendix 7 – Officer Response to Comments of Overview and Scrutiny Committee 11 January 2023
- Appendix 8 – Observations of Members of the Overview and Scrutiny Committee – 16 August 2023
- Appendix 9 – Proposed changes in response to the Overview and Scrutiny Committee resolution of 16 August 2023

Background papers

- Report and Minutes, Overview and Scrutiny Committee 11 January 2023, Draft Local Plan 2040 (Regulation 18) Consultation
<https://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=116&MId=3873&Ver=4ation>
- Report and Minutes, Executive 19 January 2023, Draft Local Plan 2040 (Regulation 18) Consultation
<https://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=115&MId=3872&Ver=4>
- Motion to Council and Resolution 27 February 2023, Housing Affordability Mix
<https://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=114&MId=3648&Ver=4>
- Report and Resolution, Overview and Scrutiny Committee 16 August 2023, Draft Cherwell Local Plan Review 2040 (Regulation 18) Consultation
<https://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=116&MId=3966&Ver=4>

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