

Cherwell District Council

Executive

4 September 2023

Local Development Scheme

Report of Assistant Director – Planning and Development

This report is public.

Purpose of report

To seek approval of an updated Local Development Scheme (LDS) to produce the Council's key planning policy documents.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the updated Local Development Scheme (LDS) presented at Appendix 1.

2.0 Introduction

2.1 Local Planning Authorities are required to produce a Local Development Scheme (LDS) under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). An LDS is a rolling timetable plan for the preparation of key planning policy documents. It must be kept up to date and made publicly available and these matters are 'tested' during the examination of the Local Plan.

2.2 The main purposes of an LDS are:

- To inform the local community and other interested parties of development plan documents being prepared or updated and the envisaged timescales.
- To publish the Council's priorities for the preparation of the new development plan documents and their associated work programmes.

2.3 Progress against the timescales set out in the LDS is monitored through the Annual Monitoring Report (AMR). The LDS is periodically reviewed to ensure it provides the most up to date information. The review is necessary due to the significant change of circumstances since the adoption of the current LDS in 2021 and, in particular, the cessation of work on the joint Oxfordshire Plan in August 2022.

2.4 A new LDS is presented at Appendix 1 for approval. It revises that approved by Executive in September 2021.

- 2.5 The revised LDS provides timescales for:
1. completion of the Cherwell Local Plan Review 2040; and
 2. recommencement of work on a Community Infrastructure Levy aligned to the Local Plan Review 2040
- 2.6 These projects require close working among services provided by this Council and Oxfordshire County Council as well as engagement and consultation with local communities, the development industry and other partners and stakeholders.
- 2.7 The LDS has been prepared having regard to current circumstances. Future circumstances that might lead to the need for review of the LDS include:
- new legislation, Government policy and guidance on plan-making;
 - changing timeframes for work not fully within the Council's control; and
 - unanticipated changes to available resources.
- 2.8 The LDS will be kept under review.

3.0 Report Details

- 3.1 The LDS provides a programme schedule for each of the key planning policy documents that will be prepared specifying the geographical area affected by the document, the status of the document, the timetable for production, a brief summary of the management arrangements and service resource, and the monitoring and review mechanism.
- 3.2 There are several changes to the LDS compared to the document approved in September 2021. These are outlined below. An updated Local Development Scheme (LDS) is presented at Appendix 1.

Oxfordshire Plan 2050

- 3.3 Since the approval of the last LDS work on the Oxfordshire Plan has ceased.

Cherwell Local Plan Review 2040

- 3.4 A review of the adopted Cherwell Local Plan, known as the Cherwell Local Plan Review 2040 is being undertaken to ensure key district level planning policies are kept up to date and new policies are prepared to guide decision making have regard to national and local priorities. The Plan will include policies to meet an evidenced vision and objectives and include the allocation of land for the delivery of strategic and non-strategic development sites.
- 3.5 It was envisaged, at the time of the previous LDS, that the Local Plan would assist in the implementation of the Oxfordshire Plan and align with the overarching vision and framework set by that plan. However, as noted above, work on the Oxfordshire Plan

has now ceased. This followed a period of seeking to align the timescales of the Local Plan and the Oxfordshire Plan.

- 3.6 Following the formal decision to cease work on an Oxfordshire wide plan, it has since been necessary to revisit elements of the evidence base. The preparation of these documents has inevitably delayed the programme. Nevertheless, this additional work is crucial to the preparation of a ‘sound’ plan which will meet the Duty to Cooperate and pass examination.
- 3.7 The Government has recently published a consultation document (23 July 2023) on the implementation of plan making reforms. This document confirms that Plans prepared under the current Local Plan system should be submitted for Examination by 30 June 2025, with adoption by 31 December 2026. It is proposed to meet this timescale through a programme for submission by January 2025. This provides some time contingency. Examination commences at the point of submission but the dates of public hearings and the timescale for receipt of an Examination report are set by the Planning Inspectorate (PINS) and are therefore indicative in the LDS.
- 3.8 The revised timescales are set out below:

Cherwell Local Plan Review 2040 Stage	Timetable
Consultation on draft Plan (Regulation 18)	September-October 2023
Consultation on Proposed Submission Plan (Regulation 19)	September-October 2024
Submission (Regulation 22)	January 2025
Examination Hearings (estimate) (Regulation 24)	April/May 2025
Receipt and Publication of the Inspector's Report (estimate) (Regulation 25)	September 2025 (estimated)
Adoption (estimate) (Regulation 26)	December 2025 (subject to examination)

Community Infrastructure Levy (CIL) Charging Schedule

- 3.9 CIL comprises a schedule of charges for contributions to off-site infrastructure, payable by developers. A consultation on a preliminary charging schedule was undertaken from 12 February to 25 March 2016. A draft charging schedule was consulted upon from 14 November 2016 to 9 January 2017. Work on a potential CIL was put on hold while a national policy review was undertaken and in anticipation of further Government guidance which has since been published.
- 3.10 Details are awaited from the Government on major reforms to developer contributions and a potential Infrastructure Levy. This is likely to take a considerable amount of

time to be in place and it is considered prudent to continue work on CIL to support infrastructure delivery.

Community Infrastructure Levy Charging Schedule Stage	Timetable
Evidence gathering & engagement	August - December 2023
Preparation of draft charging schedule	December 2023- January 2024
Consultation on charging schedule	February - March 2024
Submission	June 2024
Examination	September 2024 (estimated)
Receipt and Publication of the Inspector's Report	October 2024 (estimated subject to examination)
Approval	January 2025 (estimated)

Banbury Canalside Supplementary Planning Document (SPD)

- 3.11 Although Supplementary Planning Documents do not have to be programmed in the LDS, the 2021 LDS included a commitment to a Banbury Canalside SPD. The SPD would have provided additional detail to supplement Policy Banbury 1 of the adopted Cherwell Local Plan 2011-2031 which seeks residential led, mixed-use redevelopment of the area.
- 3.12 The review of that policy through the Cherwell Local Plan Review provides an opportunity to revisit the strategy for the planning and implementation of that redevelopment and an SPD related to the existing policy would be overtaken by new Local Plan policy and short-lived. The SPD is therefore removed from the LDS at this time.
- 3.13 However, improvement of the area remains a key priority for the Local Plan and work such as understanding the viability of development and how the local built environment can be enhanced having regard to the relationship with the railway station and town centre will continue. On-going work on a Banbury Vision also provides an opportunity to consider the needs of the town holistically.
- 3.14 Once a new Local Plan policy has been established, there remains the option of producing supplemental planning guidance.

4.0 Conclusion and Reasons for Recommendations

- 4.1 An updated LDS has been prepared taking into account the significant change in circumstances since the last LDS was adopted in 2021. It provides a broad programme for completion of the on-going Local Plan review and a potential Community Infrastructure Levy. The Council has a statutory responsibility to prepare and maintain an LDS. The LDS will be used by officers, the public, partners and developers and other stakeholders to monitor the production of documents and to plan for associated consultations. Approval of the LDS is needed to assist project management and ensure that the Council meets its statutory responsibilities for plan-making. The LDS will be reviewed again if there is a further, significant change in circumstances.

5.0 Consultation

- 5.1 Councillor Dan Sames – Portfolio Holder for Planning & Development.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to approve the LDS

The Council has a statutory responsibility to maintain an LDS. If the Council did not prepare its own LDS the Secretary of State could impose one. Aside from legal duty, not to approve the LDS could undermine the confidence of the public and stakeholders about the Council's plan-making programme. The LDS would need to be re-presented to the Executive at a future meeting.

Option 2: To reconsider the content of the LDS

The LDS has been prepared having regard to the Council's statutory responsibilities and current resources. It is considered by officers to be appropriate for the present and foreseeable circumstances.

7.0 Implications

Financial and Resource Implications

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

Comments checked by:
Kelly Wheeler, Business Partner - Finance
Kelly.Wheeler@cherwell-dc.gov.uk

Legal Implications

- 7.2 The Council has a statutory responsibility to prepare an LDS and to keep it maintained as set out in the Planning and Compulsory Purchase Act 2004 (as amended).

Comments checked by:
Andrew Maughan, Planning Solicitor
Andy.Maughan@cherwell-dc.gov.uk

Risk Implications

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

Comments checked by:
Celia Prado-Teeling, Performance and Insight Team Leader
Celia.Prado-Teeling@Cherwell-dc.gov.uk

Equalities and Inclusion Implications

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

Comments checked by:
Celia Prado-Teeling, Performance and Insight Team Leader
Celia.Prado-Teeling@Cherwell-dc.gov.uk

Sustainability Implications

- 7.5 There are no direct sustainability implications as a consequence of this report. The LDS is a programme management tool. The Consultation Draft Local Plan, elsewhere on this agenda, has been prepared with a Sustainability Appraisal.

Comments checked by:
Ed Potter, Assistant Director Environmental Services
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8.0 Decision Information

Key Decision:

Financial Threshold Met:	No
Community Impact Threshold Met:	Yes

Wards Affected

All

Links to Corporate Plan and Policy Framework

Business Plan Priorities 2023-2024:

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

Lead Councillor

Councillor Dan Sames – Portfolio Holder for Planning & Development

Document Information

Appendix 1: Draft Local Development Scheme, September 2023

Background papers

None

Report Author and contact details

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