

<b>This report is public</b>	
<b>Local Development Scheme</b>	
<b>Committee</b>	Executive
<b>Date of Committee</b>	2 December 2024
<b>Portfolio Holder presenting the report</b>	Portfolio Holder for Planning and Development Management, Councillor Jean Conway
<b>Date Portfolio Holder agreed report</b>	8 November 2024
<b>Report of</b>	Assistant Director - Planning and Development, David Peckford

## **Purpose of report**

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

### **1. Recommendations**

The Executive resolves:

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

### **2. Executive Summary**

- 2.1 This report seeks the Executive's approval for an updated Local Development Scheme presented at Appendix 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.

## **Implications & Impact Assessments**

<b>Implications</b>	<b>Commentary</b>
<b>Finance</b>	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. Joanne Kaye, Head of Finance 30/10/24
<b>Legal</b>	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). Shahin Ismail, Interim Head of Legal Services 30/10 2024

<b>Risk Management</b>	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. Celia Prado-Teeling, Performance Team Leader, 30 October 2024			
<b>Impact Assessments</b>	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>				Not applicable
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		Not applicable
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		Not applicable
<b>Climate &amp; Environmental Impact</b>		x		Not applicable
<b>ICT &amp; Digital Impact</b>		x		Not applicable
<b>Data Impact</b>		x		Not applicable
<b>Procurement &amp; subsidy</b>		x		Not applicable
<b>Council Priorities</b>	Business plan priorities for 2024-2025: <ul style="list-style-type: none"> <li>• Housing that meets your needs (including prepare the Local Plan)</li> <li>• Supporting environmental sustainability</li> <li>• An enterprising economy with strong and vibrant local centres</li> <li>• Healthy, resilient and engaged communities</li> </ul>			
<b>Human Resources</b>	N/A			
<b>Property</b>	N/A			
<b>Consultation &amp; Engagement</b>	Portfolio Holder briefing			

## Supporting Information

### 3. Background

- 3.1 A Local Development Scheme (LDS) is a rolling programme 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. Local Planning Authorities are required to produce an LDS under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).
- 3.2 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
- 3.3 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 now necessary primarily due to changes in the programmes for the emerging local plan and CIL Charging Schedule.
- 3.4 A new LDS is presented at Appendix 1 for approval. It revises that approved by the Executive in September 2023.
- 3.5 The revised LDS provides timescales for:
- Cherwell Local Plan Review 2042
  - A potential Community Infrastructure Levy aligned to the Cherwell Local Plan Review 2042.
- 3.6 These projects require close working among services within the Council and Oxfordshire County Council as well as engagement and consultation with local communities, development industry, and stakeholders.
- 3.7 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.
- 3.8 The LDS will be kept under review.

### 4. Details

- 4.1 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. 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

### **Cherwell Local Plan Review 2042**

- 4.2 A review of the adopted Cherwell Local Plan, known as the Cherwell Local Plan Review 2042 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 emerging Plan includes a vision, objectives and policies and proposals to deliver the Plan’s proposed spatial strategy.
- 4.3 The Government recently published a consultation document (30 July 2024) proposing changes to the NPPF and the planning system more widely. The document also proposed arrangements for transitioning from the current NPPF to the next.
- 4.4 The Government has advised, ‘...to help local planning authorities with advanced plans to proceed to examination at pace and support the Government’s ambition to build more homes, those plans that have reached Regulation 19 publication stage but not yet been submitted for examination one month after the revised framework is published, with a gap of no more than 200 dwellings per annum between the local planning authority’s revised LHN [Local Housing Need] figure and its proposed housing requirement (as set out in the Publication version of the plan), should...progress to examination under the version of the NPPF it has used when preparing the plan thus far’.
- 4.5 Officers presently expect publication of the final revised NPPF in December 2024 although this is not certain. To take advantage of these transitional arrangements the timetable for the Local Plan therefore needs to be revised.
- 4.6 It should be noted that the 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.
- 4.7 The revised timescales are set out below:

Cherwell Local Plan Review 2042 Stage	Timetable
Consultation on Proposed Submission Plan (Regulation 19)	20 December 2024 – 14 February 2025.
Submission (Regulation 22)	April 2025
Examination Hearings (estimate) (Regulation 24)	June/July 2025
Receipt and Publication of the Inspector’s Report (estimate) (Regulation 25)	November 2025
Adoption (estimate) (Regulation 26)	January 2026 (subject to examination)

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

- 4.8 CIL comprises a schedule of charges for contributions to off-site infrastructure, payable by developers. Consultation on a draft charging schedule was consulted on from 11 July 2024 to 24 August 2024. As a result of the responses received to this
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consultation it is expected that significant amendments will be necessary. Such changes will likely require a further round of public consultation on a revised charging schedule.

- 4.9 Until now, the strategy has been to progress CIL to potential adoption ahead of the new Local Plan. It would then be reviewed after the new Local Plan has been adopted. However, the feedback received suggests a need to reconsider this strategy.
- 4.10 With further work needed on CIL, there is now an advantage in basing CIL on the new Local Plan and its policies for infrastructure provision.
- 4.11 It will delay the potential introduction of CIL but provides the opportunity to consider the developer contributions more broadly including the balance between s106 contributions and CIL.
- 4.12 The recommendation is now therefore to pivot the CIL programme to align with the emerging Cherwell Local Plan Review. This would delay the introduction of CIL by approximately 12 months from that set out in the previous LDS.
- 4.13 The revised timescales are set out below:

Action	Timetable
Public Consultation on revised Draft Charging Schedule	March/April 2025 (6 weeks)
Submission	July/August 2025
Examination	September 2025
Receipt of examiner's report	October 2025 (estimate)
Approval	December 2025 (estimate)
CIL comes into force	Early 2026 (estimate)

## 5. Alternative Options and Reasons for Rejection

- 5.1 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.

## 6 Conclusion and Reasons for Recommendations

- 6.1 An updated LDS is a legal duty for the council as it is stated under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). It provides a programme for completion of the Cherwell Local Plan Review and a potential Community Infrastructure Levy. 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 planning. The LDS will be reviewed again if there is a further, significant change in circumstances.

### Decision Information

<b>Key Decision</b>	Yes
<b>Subject to Call in</b>	Yes
<b>If not, why not subject to call in</b>	N/A
<b>Ward(s) Affected</b>	All

### Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	Draft Local Development Scheme – December 2024.
<b>Background Papers</b>	None
<b>Reference Papers</b>	None
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<b>Corporate Director Approval (unless Corporate Director or Statutory Officer report)</b>	Corporate Director for Communities, 8 November 2024