



WEST OXFORDSHIRE  
DISTRICT COUNCIL

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Meeting	<b>Cabinet: Wednesday 26 May 2021</b>
Report Number	<b>Agenda Item No. 8</b>
Subject	<b>Local Development Scheme (LDS) Update</b>
Wards affected	ALL
Accountable member	Councillor Jeff Haine, Cabinet Member for Strategic Planning Email: <a href="mailto:jeff.haine@westoxon.gov.uk">jeff.haine@westoxon.gov.uk</a>
Accountable officer	Chris Hargraves, Planning Policy Manager Tel: 01993 861686; Email: <a href="mailto:Chris.Hargraves@publicagroup.uk">Chris.Hargraves@publicagroup.uk</a>
Summary/Purpose	To approve an update of the Council's Local Development Scheme (LDS), which provides information on which planning policy documents the Council intends to prepare and when, to ensure transparency and enable effective community engagement. The LDS also provides information on Neighbourhood Planning.
Annex	Annex A - Local Development Scheme (2021 – 2024)
Recommendations	That the updated Local Development Scheme attached at Annex A to the report be approved.
Corporate priorities	The LDS is a procedural document and has no direct effect/implications in terms of the priorities and objectives set out in the Council Plan (2020 – 2024) however, the planning documents it refers to relate to a large number of the plan's priorities and objectives including climate action, strong local communities and healthy towns and villages.
Key Decision	No
Exempt	No
Consultees/ Consultation	None

## **I. BACKGROUND**

- 1.1. Members will be aware that a Local Development Scheme (LDS) is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
- 1.2. The LDS must specify (among other matters) the development plan documents (i.e. Local Plans) which form (or will form) the development plan for the area. Local planning authorities are also encouraged to include details of other documents which form (or will form) part of the development plan for the area, such as neighbourhood plans. The LDS can also include details of any supplementary planning documents (SPDs) which the authority has adopted or intends to adopt.
- 1.3. The LDS must be made publicly available including on the Council's website and must be kept up to date, being revised at least annually or more frequently where the need arises.
- 1.4. The Council's most recent LDS was approved in November 2020, however since then, a number of issues have arisen which mean that it is necessary to agree a further update.

## **2. LOCAL DEVELOPMENT SCHEME UPDATE (2021 – 2024)**

- 2.1. The updated LDS is attached at Annex A and covers the period May 2021 – May 2024. The main changes from the previous version are summarised below.

*East Chipping Norton, West Eynsham, North Witney and East Witney SPDs*

- 2.2. Members will be aware that strategic housing sites at East Chipping Norton, West Eynsham, North Witney and East Witney are allocated for development as part of the West Oxfordshire Local Plan 2031 and form a key part of the Council's overall strategy for meeting identified housing needs to 2031.
- 2.3. Members will also be aware that in previous iterations of the Council's LDS, the Council has indicated an intention to prepare supplementary planning documents (SPDs) to guide the future development and delivery of each site.
- 2.4. The NPPF defines a supplementary planning document as documents '*which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan*'.
- 2.5. It is relevant to note however that the Local Plan does not require the preparation of a supplementary planning document rather, for each site, the Local Plan refers to '*comprehensive development to be led by an agreed masterplan*'.
- 2.6. The Government's planning practice guidance on design explains what a masterplan is:  
*'Masterplans set the vision and implementation strategy for a development. They are distinct from local design guides by focusing on site specific proposals such as the scale and layout of development, mix of uses, transport and green infrastructure. Depending on the level of detail, the masterplan may indicate the intended arrangement of buildings, streets and the public realm*'.
- 2.7. Notwithstanding the fact that the Local Plan does not require a supplementary planning document for the four strategic sites, in the absence of agreed developer-led masterplans, the Council has previously committed to preparing supplementary planning documents to provide a vision and broad framework for the development of each site – effectively to guide any future masterplanning and facilitate the delivery of new homes in accordance with Local Plan timescales.

- 2.8. The most advanced of these is East Chipping Norton with a draft SPD having been scheduled for consideration by Cabinet in March 2021. However, shortly before that meeting was due to be held, correspondence was received from one of the land controlling interests, expressing concerns about the scope, purpose and need for the SPD.
- 2.9. Effectively, the argument has been made that the East Chipping Norton SPD as drafted 'over-steps the mark' in terms of what a supplementary planning document can do and fetters the Local Plan which, as outlined above, requires an '*agreed masterplan*' for each of the strategic sites rather than a supplementary planning document.
- 2.10. In light of these concerns, Officers have sought independent legal advice which has confirmed that aspects of the East Chipping Norton SPD, as currently drafted, do potentially conflict with the relevant legislative requirements, in particular the inclusion of specific requirements that are intended to guide the determination of applications for planning permission (which need to be addressed through a Local Plan rather than a supplementary planning document).
- 2.11. Alongside this, Officers have held discussions with the land controlling interests at West Eynsham who have expressed similar reservations regarding the preparation of a SPD for that site on the basis that it is not required by the Local Plan 2031.
- 2.12. It is also relevant to note that limited progress has been made in respect of the SPDs for East Witney and North Witney due to Officer resources having been focused on other matters, primarily the preparation of the Salt Cross Garden Village Area Action Plan. This is likely to remain the case over the coming months as the AAP is subject to independent examination.
- 2.13. In light of the above considerations, the updated LDS attached at Annex A no longer refers to the preparation of SPDs for the four strategic development areas. Officers will instead, focus resources on continuing to proactively engage with the relevant land controlling interests in order to agree a comprehensive masterplan for each site as soon as possible.
- 2.14. This will include discussions on the most appropriate form and extent of stakeholder engagement to ensure that the views of the local community and other interested parties are able to be taken into account.
- 2.15. As outlined above, the four strategic sites form a key part of the Council's overall strategy for housing delivery to 2031 and with the housing trajectory in the Local Plan 'stepping up' in the second half of the plan period (i.e. from 2021/22 onwards) it is imperative that effective progress is made in bringing these sites forward.
- 2.16. Officers will therefore continue to work closely with the various land controlling interests to expedite the masterplanning process and in doing so, ensure that important considerations including the Council's own technical evidence and previous and future stakeholder engagement is properly taken into account.
- 2.17. Any agreed masterplan would then become a material consideration for relevant planning applications that have either already come forward or come forward in the future for each site.

*Hanborough Station Masterplan SPD*

- 2.18. Members will be aware that the previous LDS published in November 2020 included reference to the potential development of masterplan for Hanborough Station to be taken forward as a SPD.
- 2.19. Subsequently, in December 2020 Cabinet formally approved to release funding from the Council's unallocated Housing and Planning Delivery Grant (HPDG) to take the SPD forward through external consultants as a jointly funded project with Oxfordshire County Council.

- 2.20. The updated LDS attached at Annex A therefore commits to the preparation of the Hanborough Station masterplan, albeit the scope and timing of the process are still currently being determined.

*Other changes*

- 2.21. The other changes to the LDS are more minor and include a slight shift from September 2021 to November 2021 for the initial consultation on the review of the Local Plan to 2040. This is to reflect the fact that Officer resources will be focused primarily on the Garden Village AAP over the summer months.
- 2.22. Dates for the AAP itself have also been updated to reflect the fact that it was formally submitted in February 2021 with hearing sessions now scheduled for June/July 2021.
- 2.23. The section on neighbourhood planning has been updated to reflect new neighbourhood plans which are now in preparation for Ascott under Wychwood and Cassington.
- 2.24. The other minor change is that reference to the Community Infrastructure Levy (CIL) has been removed on the basis that there is no specific requirement for this to be reported as part of the LDS.
- 2.25. Officers are currently in the process of determining the most appropriate way forward in light of the CIL consultation responses received in autumn 2020 (around 170 responses) responses to the draft Developer Contributions SPD received in December 2020, the supporting CIL evidence base as well as the Government's stated intention to abolish CIL (and Section 106) and replace it with a new, nationally set, value-based flat rate charge.
- 2.26. Further updates on the proposed way forward in respect of CIL will therefore be published on the Council's website in due course.

### **3. FINANCIAL IMPLICATIONS**

- 3.1. The report raises no specific financial implications.

### **4. LEGAL IMPLICATIONS**

- 4.1. The preparation and maintenance of an up to date Local Development Scheme (LDS) is a legislative requirement.

### **5. RISK ASSESSMENT**

- 5.1. The report raises no significant risks. Failure to maintain an up to date LDS could put the Council at risk of legal challenge through the plan making process.

### **6. EQUALITIES IMPACT**

- 6.1. The report raises no specific implications for any particular equality strand.

### **7. CLIMATE CHANGE IMPLICATIONS (IF REQUIRED)**

- 7.1. The report raises no specific implications in relation to climate change although the various documents referred to in the LDS clearly present an opportunity to address the climate emergency through various mechanisms.

### **8. ALTERNATIVE OPTIONS**

- 8.1. No alternatives have been considered.

### **9. BACKGROUND PAPERS**

- 9.1. None.