

To: City Executive Board
Date: 21 September 2011
Report of: Head of City Development
Title of Report: Oxford Local Development Scheme 2011-14

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Summary and Recommendations

Purpose of Report: To approve a three-year programme for the preparation of various planning documents that will form part of the City Council's Local Development Framework

Key decision? No

Executive lead member: Councillors Ed Turner and Colin Cook

Policy Framework: The preparation of a Local Development Scheme is a statutory requirement. The programme of planning policy documents set out in this Local Development Scheme will help to deliver many of the objectives of Oxford City Council's Corporate Plan, the Regeneration Framework, and the Oxford Sustainable Community Strategy.

Recommendation(s): The City Executive Board is asked to:

1. Approve the Oxford Local Development Scheme 2011-14 for submission to the Secretary of State;
2. Agree that the Local Development Scheme 2011-14 will take effect four weeks after submission unless the Secretary of State intervenes and requests more time or more work to be done; and
3. Authorise the Head of City Development to make any necessary editorial corrections to the document prior to submission to the Secretary of State.

Appendix 1: Local Development Scheme 2011-14

Introduction

1. The purpose of this report is for City Executive Board to consider Oxford City Council's Local Development Scheme (LDS). The LDS is a project plan and does not constitute a policy document. It explains how, and when, the City Council will be producing the various documents that make up the Local Development Framework.
2. City Executive Board is asked to approve the LDS for submission to the Secretary of State and to authorise the Head of City Development

to make any editorial corrections necessary prior to submission. It should be noted that the Localism Bill proposes to remove the requirement to submit the LDS to the Secretary of State, but until the Bill is enacted that requirement remains.

3. The LDS will come into effect four weeks after being submitted unless the Secretary of States intervenes and requests more time or more work to be done. When the LDS takes effect copies will be made available for inspection and it will be published on the City Council's website. The 2011-14 LDS will then supersede the existing 2008-11 LDS.

Background and context

4. Under the Planning & Compulsory Purchase Act 2004, the previous system of county structure plans and district local plans were replaced by regional spatial strategies and district-level local development frameworks. These contain a range of documents to guide decisions on the development or use of land, including statutory Development Plan Documents (DPD's) and non-statutory Supplementary Planning Documents (SPD's).
5. The LDS is a project plan for preparing documents and provides the starting point for the local community to find out what the City Council's current planning policies are for the area. It includes 'milestones' to inform the public and stakeholders about opportunities to get involved with the plan making process and to let them know the likely dates for involvement.
6. Oxford City Council has made good progress with its Local Development Framework, with the following documents having been adopted:
 - Core Strategy 2026 DPD (March 2011)
 - West End Area Action Plan DPD (June 2008)
 - Affordable Housing SPD (November 2006)
 - Natural Resource Impact Analysis SPD (November 2006)
 - Parking Standards, Transport Assessments and Travel Plans SPD (February 2007)
 - Planning Obligations SPD (April 2007)
 - Telecommunications SPD (September 2007)
 - Balance of Dwellings SPD (January 2008)
 - Statement of Community Involvement (October 2006)
7. A number of further Local Development Framework documents are needed to implement the strategic policies in the recently adopted Core Strategy. The length of the Core Strategy examination has slowed down progress on some of these other documents compared to the timescales envisaged when the last LDS was prepared in 2008. Nevertheless, the Barton Area Action Plan and the Sites and Housing Development Plan Document are well advanced, both having

undergone extensive public consultation as options have been developed.

8. A new LDS is now needed to replace the existing 2008-11 LDS. This new LDS has been prepared against a background of fresh planning reforms as discussed below.

Implications of planning reforms

9. This LDS has been prepared in the context of some uncertainty about the future form of development plans in England. The Government is in the process of significant planning reforms, including the abolition of all regional strategies through the Localism Bill and the streamlining of national planning guidance into a single document of approximately 50 pages in length.
10. The Government published a draft National Planning Policy Framework (NPPF) and draft local planning regulations for consultation in July 2011. The draft NPPF makes clear that local planning authorities should plan positively for new development and that planning should be genuinely plan-led. It proposes a presumption in favour of sustainable development in relation to both plan-making and decision taking. The draft NPPF emphasises that up-to-date plans should be in place as soon as practical, and indicates that planning permission should be granted “where the plan is absent, silent, indeterminate or where relevant policies are out of date”.
11. The Government uses the term ‘Local Plan’ rather than ‘Local Development Framework’ in its emerging planning guidance. In essence, this is simply a change of terminology since there are no plans to revise the primary legislation, which refers in the 2004 Act to the preparation of ‘local development documents’ in the plural. The draft National Planning Policy Framework and the draft local planning regulations both allow for more than one Development Planning Document (DPD) to be prepared by local planning authorities. Thus the term ‘Local Plan’ is the sum of DPD’s for each area, whether a single document or more than one.
12. Notwithstanding the above, it is clear that Ministers would like local planning authorities to move towards a single Local Plan document in principle, as part of what they see as a simplification of the system for users. The draft regulations remove the requirement for a separate Core Strategy and Area Action Plans, the intention of which is to give local planning authorities the flexibility to decide what they want to include in their Development Plan Documents. It is likely that some local planning authorities that have not yet produced a Core Strategy may now prepare a single plan.
13. The draft National Planning Policy Framework also states that Supplementary Planning Documents should only be necessary where their production can help to bring forward sustainable development at

an accelerated rate, and must not be used to add to financial burdens on development.

14. The Localism Bill includes proposed powers for neighbourhood forums and parish councils to be able to establish general planning policies for the development and use of land in a neighbourhood through the preparation of a 'neighbourhood development plan.' Such plans would sit within the context of development plan documents produced by the local planning authority, and would not take effect unless there was a majority of support in a referendum of the neighbourhood. The local planning authority will have a duty to provide 'technical advice and support' to communities preparing neighbourhood plans.
15. Officers have considered the implications of these reforms for Oxford. The City Council has had experience through the West End Area Action Plan (AAP) and now the Barton AAP of the value of AAP's as the best way to drive regeneration in partnership with other stakeholders. It is considered that there is a strong rationale for continuing to produce area-based AAP's as separate documents.
16. In respect of citywide policies, the City Council now has an up-to-date adopted Core Strategy against which to consider development proposals. However, our intention was always to produce a relatively succinct Core Strategy that would be sharply focused, providing the strategic context for more detailed follow-up documents. Hence it was intended to replace the majority of Local Plan policies with subsequent Development Management and Site Allocations Development Plan Documents.
17. Having already started work on site allocations, it was decided last year to combine this with an early review of housing policies because of various local and national factors that necessitate an early review, for instance the introduction of new planning controls over small Houses in Multiple Occupation in February 2012. It is considered that this document, titled the Sites and Housing Development Plan Document, should be adopted as soon as possible in order to help bring forward much-needed housing and regeneration on a number of sites, as well as to update housing policies.
18. In light of the Government's planning reforms, there is a potential choice to be made about whether to continue to produce a separate Development Management Development Plan Document (DPD) to sit alongside the Core Strategy and Sites and Housing DPD's; or whether to combine strategic and detailed planning policies into a single document (a City Development Plan). However, given that work on the Development Management DPD will follow on from Sites and Housing and that the outcome of the Government's reforms are not yet known, officers consider that it is not appropriate to make that choice at this particular time.

19. It also remains to be seen how much demand there will be for neighbourhood planning across the city, and what form that might take. It is therefore likely that this LDS will need to be reviewed within 12-18 months once the City Council has had an opportunity to digest the full implications of the national planning reforms and to engage with local communities to understand what interest there is in preparing their own neighbourhood plans or in working more closely with the City Council on a fresh Local Plan (City Development Plan).

Local Development Scheme 2011-14

20. The proposed new LDS is attached as Appendix 1. It sets out a programme for the following documents to be produced (or commenced) during the period 2011-14:
- Barton Area Action Plan DPD
 - Sites and Housing DPD
 - Community Infrastructure Levy (CIL) Charging Schedule
 - Northern Gateway Area Action Plan DPD
 - Development Management DPD
 - Section 106 and Affordable Housing SPD
 - Low Carbon (including Natural Resource Impact Analysis) SPD
21. Section 2 of the LDS provides a brief description of the purpose and role of each of these documents, while the appendices to the LDS set out detailed profiles and timelines for the individual documents. The gantt chart at Appendix 5 of the LDS provides an overall picture of the work programme.
22. The Development Plan Documents listed in the above work programme all flow on from the adopted Core Strategy. In line with the advice in the draft National Planning Policy Framework, the number of new Supplementary Planning Documents (SPD's) is proposed to be kept to a minimum. The SPD's proposed in this LDS are considered to be necessary to reflect changing circumstances, for instance the introduction of a Community Infrastructure Levy will necessitate a review of existing guidance on 'Section 106' planning obligations.
23. Introduction of a Community Infrastructure Levy will enable the City Council to raise money from new building projects that can be used to fund a wide range of infrastructure needed as a result of development. Although the levy is voluntary, if it is not in place by April 2014 then the regulations restrict the use of Section 106 planning obligations for pooled contributions that may be funded by the levy. Since most developments in Oxford are relatively small in scale, it is often necessary to pool contributions to fund infrastructure projects. Such a restriction would therefore be likely to have a significant impact on the ability of the City Council and the County Council to deliver vital new infrastructure. Because of the introduction of a Community Infrastructure Levy, it is no longer proposed to adopt a separate

Supplementary Planning Document relating to Streamlined Contributions in the West End.

24. Members should note that the Barton Area Action Plan (AAP) and the Sites and Housing Development Plan Document are on the same timeline and are both scheduled to go to Council on December 19th this year. It would make efficient use of resources to consult on both documents at the same time (in January/February 2012) and to submit them to the Secretary of State at the same time. However, one document would clearly need to go ahead of the other in terms of the examination timetable. It is proposed in this LDS that we would ask the Planning Inspectorate to deal with the Barton AAP first.
25. Some possible future projects have not been included in this LDS because it has not yet been determined how best to take them forward in terms of the planning process. Examples of this are potential masterplan documents to guide development at Blackbird Leys and at Cowley Centre.
26. Officers have consulted the Planning Inspectorate and other Oxfordshire local authorities on the proposed work programme and any views received will be reported to City Executive Board.

Level of risk

27. A full risk assessment has been undertaken and is included at Section 3 of the LDS itself. There are many factors that could affect the timetable set out in this LDS. Some of these may be outside the City Council's control, such as changes in national policy or reliance on work undertaken by external bodies. However, a range of mitigation measures have been identified as set out in the risk assessment.

Climate change/environmental impact

28. This report has no direct climate change or environmental impacts since it merely sets out a work programme. The consideration of environmental impacts will be integrated into the development of each of the Development Plan Documents themselves through the identification and refinement of options and the formulation of policies. Sustainability Appraisal will be an integral part of this process.

Equalities impact

29. This report has no direct equalities impacts since it merely sets out a work programme. An Equalities Impact Assessment will be undertaken in respect of the Development Plan Documents themselves to assess the impact of the proposed policies.

Financial and staffing implications

30. The production of the documents set out in this LDS will require the staff resources of the Planning Policy team. The timetable is very challenging, and while it is considered to be achievable there will be little spare capacity within the team for other projects.
31. Preparation of statutory planning documents also requires the gathering of a robust evidence base. The nature of the evidence base should be proportionate to the role and complexity of the document being produced. The Core Strategy had a very extensive evidence base, and it not envisaged that other follow-up documents will require the same level of evidence.
32. While in-house resources will be maximised wherever possible, there will be cases where specialist expertise needs to be purchased from a consultancy or other outside body. For instance, robust viability testing will be important to establish the most appropriate charging rate for the Community Infrastructure Levy. Where appropriate, the City Council will require landowners and developers to fund evidence base studies that are required to establish the suitability of particular sites or development proposals.
33. The examination of Development Plan Documents requires the Council to pay for the Planning Inspector and Programme Officer. These costs will depend upon the length of the examination hearings, which in turn will be affected by the number and the nature of the representations received. The attached timetable anticipates three examinations in the 2012-13 financial year, but funding has been identified to cover these costs.
34. In preparing this LDS, officers have sought to maximise efficiencies and resource savings for the Council, for instance by proposing to combine a review of the Affordable Housing and Planning Obligations Supplementary Planning Documents into a single document and by combining consultations in some instances.
35. Another factor to be considered is that the costs associated with producing statutory planning documents may be offset against savings in other parts of the City Development budget. As mentioned earlier in this report, the Government has made clear that development proposals should be approved where there is no up-to-date plan in place. The lack of up-to-date policies is therefore liable to encourage landowners and developers to submit speculative planning applications, with the likely consequence that there would be an increase in appeals and a knock-on increase in costs for local planning authorities in defending those appeals.

Legal challenge to Core Strategy

36. Members should be aware that there is an outstanding legal challenge to the Core Strategy in relation to an alleged failure to comply with the European Habitats Directive and the domestic Conservation of Habitats and Species Regulations, specifically in relation to the alleged impacts of the Northern Gateway development on the Oxford Meadows Special Area of Conservation. The claimant is seeking to quash the Core Strategy.

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List of background papers: None

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