

# The Cherwell Local Plan 2011 – 2031 (Part 2) Development Management Policies and Sites

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## Issues Consultation

January 2016

**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE



## Cherwell Local Plan Part 2 - Development Management Policies and Sites: Issues Paper

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## I Introduction

### Why do we need a Local Plan Part 2?

**1.1** This Issues Paper concerns the preparation of Cherwell Local Plan Part 2. When fully adopted, the document will form part of the statutory Development Plan. The Development Plan comprises a set of approved planning documents which set out policies and proposals for the development and use of land in the area, and is used to inform decisions on whether planning permission should be granted. The statutory Development Plan for Cherwell currently comprises:

- Policies in the adopted Cherwell Local Plan 2011-2031 (Part 1)
- the saved policies of the adopted Cherwell Local Plan 1996
- the saved policies of the Oxfordshire Minerals and Waste Local Plan 1996
- Hook Norton Neighbourhood Plan

**1.2** The Cherwell Local Plan 2011-2031 (Part 1) was adopted on 20th July 2015, and is available to view on line at <http://www.cherwell.gov.uk/planningpolicy>. Local Plan Part 1 contains the strategic policies covering the District and identifies strategic sites for housing and employment development at Bicester, Banbury and Upper Heyford. It also indicates that further detailed work will need to be undertaken within a Local Plan Part 2, for example to identify smaller, non-strategic sites for development.

**1.3** The adoption of Local Plan Part 1 resulted in some of the saved policies of the adopted Cherwell Local Plan 1996 being replaced. However, the non-strategic policies of that plan, including policies for development management and the allocation

of smaller development sites, remain saved, and will require review as part of Local Plan Part 2.

**1.4** Although not forming part of the Development Plan (as it is not adopted), the Non Statutory Cherwell Local Plan 2011 also contains policies that may be material considerations in the determination of planning applications. These policies will also require review as part of Local Plan Part 2. The Non Statutory Cherwell Local Plan is available to view on line at [http://npa.cherwell.gov.uk/LocalPlan/Plan\\_index.htm](http://npa.cherwell.gov.uk/LocalPlan/Plan_index.htm)

**1.5** The Council's Local Development Scheme (January 2016) therefore provides for the production of Cherwell Local Plan 2011-2031 (Part 2): Development Management Policies and Sites. The Local Development Scheme is available on-line at <http://www.cherwell.gov.uk/index.cfm?articleid=1730> and contains details of the other planning documents the Council is intending to produce. Of particular relevance to this document are the masterplans being prepared for Bicester, Banbury and Kidlington.

**1.6** Work has also commenced on a Partial Review of Cherwell Local Plan part 1, to examine to what extent Cherwell District needs to accommodate Oxford's unmet housing need. The review is being undertaken independently of Local Plan Part 2 and this paper does not therefore refer further to that specific issue.

### What is the scope of Cherwell Local Plan Part 2?

**1.7** Cherwell Local Plan Part 2 will cover the entire District and will cover the period 2011-2031 in line with the time period covered by Part 1 of the Plan. It will

conform with and build upon the general development strategy of Cherwell Local Plan Part 1.

**1.8** Part 2 of the Plan will contain detailed planning policies to assist the implementation of strategic policies and the development management process. It will also identify smaller, non-strategic development sites for housing, employment, open space and recreation, travelling communities and other land uses, in accordance with the overall development strategy set out in Local Plan Part 1.

**1.9** Consultation on the scope of the Local Plan Part 2 was undertaken in May 2015 and the responses received have informed the preparation of this Issues Paper. A summary of the representations received is contained in Appendix 2. The responses received are available to view on the Council's website on the following link: <http://www.cherwell.gov.uk/index.cfm?articleid=9754>.

### **What is the purpose of this Issues Paper?**

**1.10** This Issues paper seeks to outline the issues that we think Local Plan Part 2 will need to address. An initial notification of the commencement of work on Local Plan Part 2 and consultation on the scope of the local plan was undertaken in May 2015. A summary of the representations received is contained in Appendix 2 and the representations made in response to that consultation have informed the identification of issues contained in this issues paper. The issues identified also include those arising from Local Plan Part 1, and from the saved policies of the adopted Cherwell Local Plan 1996 and the Non Statutory Cherwell Local Plan 2011 requiring review, together with those arising from national planning guidance and emerging government policy.

**1.11** **The purpose of this issues paper is to seek your views on whether the correct issues have been identified, how these issues could be addressed, and whether there are additional key issues which you think need to be included in Cherwell Local Plan Part 2.**

**1.12** The consultation paper does not contain any site specific policies or proposals at this stage. However it is accompanied by a formal "**Call for Sites**". We are inviting the submission of sites that you consider have the potential for development. Site submissions must be accompanied by a map and a completed Site Submission form indicating the type of development you consider the site has the potential to deliver. The necessary forms are available at [www.cherwell.gov.uk/policypublicconsultation](http://www.cherwell.gov.uk/policypublicconsultation).

### **Evidence base**

**1.13** We have to ensure that Local Plan Part 2 is based on adequate, up-to-date evidence about the economic, social and environmental characteristics and prospects of the area. Some of the evidence base documents used to inform the Cherwell Local Plan Part 1 will be of relevance to the preparation of Local Plan Part 2. Where reference is made to one of these documents in this Issues Paper, the relevant document reference number is included in the text. These documents can be viewed at <http://www.cherwell.gov.uk/planningpolicy>

**1.14** Some additional evidence base studies will also need to be undertaken, and will include the following:

- District wide Water Cycle Study
- Updating of the Level 1 Strategic Flood Risk Assessment



- Village character assessments including an assessment of landscape, ecological and heritage assets
- Small scale local review of the Green Belt in the vicinity of Langford Lane/London Oxford Airport Kidlington, and Begbroke Science Park
- Employment land study to review and identify potential non-strategic allocations
- Retail and Town Centre Study
- Cumulative ecological impact assessment
- Viability assessment
- Updating of the Strategic Housing Land Availability Assessment (SHLAA)
- Updating open space, sport and recreation needs including a playing pitch strategy review.

**1.15** Other relevant studies and strategies published by the Council and other bodies will also be taken into account, including the following:

- Social and Community Infrastructure Study
- Conservation Area Appraisals
- Local Transport Plan (LTP4)

**1.16** These documents will inform future stages of the plan preparation process.

### Question 1

#### Evidence base

Are there additional evidence base documents that you consider are needed to inform Local Plan Part 2?

### Strategic Environmental Assessment/Sustainability Appraisal and Habitats Regulations Assessment

**1.17** It is a legal requirement for Cherwell Local Plan Part 2 to be subject to Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) throughout its preparation to ensure that the plan proposes sustainable development. SEA/SA will assess the environmental, social and economic effects of the plan proposals. SEA and SA is integrated into a single process, referred to as SA.

**1.18** The first stage of SA is the preparation of a Scoping Report, setting out the scope and level of detail of the SA process for Local Plan Part 2. The Scoping Report involves reviewing other relevant plans, policies and programmes, considering the current state of the environment in the plan area (“the baseline”), identifying any key environmental issues or problems, and establishing the “SA Framework”. The SA Framework comprises the specific objectives against which the likely effects of plan policies and development proposals can be assessed.

**1.19** An SA Scoping Report accompanies this Issues Paper and can be viewed at [www.cherwell.gov.uk/policypublicconsultation](http://www.cherwell.gov.uk/policypublicconsultation). Comments are invited separately on the SA Scoping Report. The purpose of the consultation on the scope of the SA is to provide an opportunity to comment on the scope of the work to be undertaken and the level of detail of the appraisal work.

**1.20** A Habitats Regulations Assessment (HRA) is also required where there is potential for a significant effect on a wildlife site of European importance. As this consultation paper only identifies potential issues for consideration at this stage it is not

accompanied by a HRA Screening Report. This will be undertaken at a later stage once potential options have been identified.

[planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk)

### **Duty to Co-operate**

**1.21** The Localism Act 2011 introduced a statutory Duty to Co-operate for local authorities in preparing their Local Plans. Authorities must engage constructively, actively and on an on-going basis.

**1.22** The Council is fulfilling the duty to Cooperate with other prescribed bodies, including neighbouring planning authorities outside of Oxfordshire, and bodies such as the Environment Agency, Historic England and Natural England through formal consultation on this Issues Paper, and views are also being sought from other national organisations, from the general public and parish councils as part of this consultation.

### **How can you comment?**

**1.23** We ask questions on the issues raised throughout this document. The relevant consultation forms for making representations are available on line at [www.cherwell.gov.uk/policypublicconsultation](http://www.cherwell.gov.uk/policypublicconsultation). Hard copies can be requested from the Planning Policy Team on 01295 227985.

**1.24** Please indicate which question(s) you are referring to in making your response. If there are other issues that you consider should be addressed in Local Plan Part 2 then please let us know. Representations should be headed “Cherwell Local Plan Part 2 Issues Paper” and sent to:

Planning Policy Team, Strategic Planning and the Economy, Cherwell District Council, Bodicote House, Bodicote, Banbury, OX15 4AA

Or by e-mail to

## 2 Background

**2.1** The Cherwell Local Plan 2011-2031 Part 1 sets out how the District will grow and change up to 2031. It contains strategic policies under the three themes of Developing a Sustainable Local Economy, Building Sustainable Communities and Ensuring Sustainable Development. Under

“Cherwell’s Places”, the plan proposes strategic development sites at Banbury and Bicester for employment, housing and open space, and further development at the approved new settlement at Former RAF Upper Heyford. Part 1 of the plan sets out the level of development to 2031 including overall figures for the number of homes expected to come forward at Bicester, Banbury and the Rural Areas:

**Table 1 District Wide Housing Distribution (Local Plan Part 1 Policy BSC 1)**

	Bicester	Banbury	Rest of District	Totals
Completions	365	213	528	1,106
Permissions (10+)	1,934	2,346	1,760	6,040
Allocations	7,726	4,344	2,350	14,420
Windfalls (<10)	104	416	754	1,274
Totals	10,129	7,319	5,392	22,840

**2.2** Whilst Part 1 of the Plan allocates strategic sites (sites that can accommodate 100 homes or more, or employment sites larger than 3 hectares), there is a need to identify smaller non-strategic sites for housing and other uses, including in the rural areas, to ensure the level of development contained in the plan’s strategy is met. Similarly there may be a need for more detailed criteria based development management policies to assist in the implementation of the strategic policies and objectives of Part 1 of the plan. These are the two main purposes of preparing Local Plan Part 2.

**2.3** Local Plan Part 1 indicates a number of issues that will need to be addressed in Local Plan Part 2 and these are referred to in this Issues Paper under the relevant topic areas.



## 3 Cherwell Context

### Spatial portrait

**3.1** Cherwell is a predominantly rural District. It has two towns, Banbury in the north and Bicester in the south, and a third urban centre at Kidlington, a very large village close to Oxford. The District has over 90 villages and hamlets. The District has excellent transport links. The M40 motorway passes through Cherwell close to Bicester and Banbury, and there are direct rail links from Banbury and Bicester to London, Birmingham and Oxford. The rail link from Oxford to Bicester and beyond is being improved as part of wider east-west rail objectives and a new station at Water Eaton linking Oxford and London Marylebone via Bicester, opened in October 2015. The District has a clear social and economic relationship with Oxford, and to a lesser extent with Northamptonshire. Banbury has its own hinterland which extends into South Northamptonshire and to a lesser extent into West Oxfordshire and Warwickshire. In the rural areas, the function of villages to live and commute from has increased as the traditional rural economy has declined. London has a significant commuting influence.

**3.2** The character of Cherwell's built environment is diverse but distinctive. Bicester is a rapidly expanding historic market town with a long-standing military presence. An eco-town is being developed in the north west of Bicester and the town was awarded Garden Town status in 2014, which will provide government funding to support the delivery of homes, jobs and open space as well as transport infrastructure. Banbury retains its market town origins despite significant growth over the last few decades. The District has a few fairly large well served villages, with many smaller villages and hamlets, many of which retain

their traditional character. There are approximately 2,300 listed buildings, 60 conservation areas, 59 Scheduled Ancient Monuments and a number of registered parks and gardens and a historic battlefield in the District. In some areas the MOD's presence has influenced the built environment.

**3.3** The District's natural environment is also varied. The River Cherwell and Oxford Canal run north-south through the District. There are ironstone downs in the north west of the District, a small part of which is included within the Cotswolds Area of Outstanding Natural Beauty, with the Ploughly limestone plateau in the east and Clay Vale of Otmoor in the south. Part of the Oxford Meadows Special Area of Conservation lies in the south west of the District north of the boundary with Oxford City, and there are a number of SSSIs and other designated areas of ecological or geological interest. The southern part of the District lies within the Oxford Green Belt.

### Vision

**3.4** Local Plan Part I contains the following vision for the District: *“By 2031, Cherwell District will be an area where all residents enjoy a good quality of life. It will be more prosperous than today. Those who live and work here will be happier, healthier and feel safer.”*

### Spatial Strategy

**3.5** The Local Plan's spatial strategy to help us make decisions about the direction and nature of development to help achieve the vision is as follows:

- Most of the growth in the District will be directed to locations within or immediately adjoining the main towns of Banbury and Bicester

- Bicester will continue to grow as the main location for development within the District within the context of wider drivers for growth
- Banbury will continue to grow, albeit to a lesser extent than Bicester, in accordance with its status as a market town with a rural hinterland
- Away from the two towns, the major single location for growth will be at the former RAF Upper Heyford base which will deliver 2,361 homes.
- Kidlington's centre will be strengthened and its important economic role will be widened. Economic development will be supported close to the airport and nearby at Begbroke Science Park. There will be no strategic housing growth at Kidlington but other housing opportunities will be provided.
- Growth across the rest of the District will be much more limited and will focus on meeting local community and business needs. It will be directed towards the larger and more sustainable villages within the District which offer a wider range of services and are well connected to major urban areas, particularly by public transport
- Development in the open countryside will be strictly controlled. In the south of the District, the Green Belt will be maintained, though a small scale local review of the Green Belt will be conducted to accommodate identified employment needs at Kidlington. In the north west of the District, the small area lying within the Cotswolds Area of Outstanding Natural Beauty will similarly be protected.

**3.6** Policies and proposals in Local Plan Part 2 will need to comply with the spatial strategy set out above.

## Challenges and Strategic Objectives

**3.7** Local Plan Part 1 identifies a number of challenges or issues together with strategic objectives for developing a sustainable local economy, building sustainable communities and ensuring sustainable development. Place specific challenges and objectives relating to Bicester, Banbury, Kidlington and the Rural Areas are also contained within Local Plan Part 1. These are summarised in this paper in Appendix 3 'Local Plan Part 1 Challenges and Issues'. Some of the issues and objectives will have been addressed by policies and proposal in Part 1 of the Plan. However many will remain relevant to the preparation of Local Plan Part 2, and Part 2 will need to build upon those issues and objectives. We would also like your views on any new issues that you are aware of, including more area specific challenges facing your community.

## 4 Key Issues

**4.1** The key issues set out in this section are ordered to reflect the format of Local Plan Part 1, with topics listed under the three themes of Developing a Sustainable Local Economy, Building Sustainable Communities and Ensuring Sustainable Development. Each theme begins with a brief summary of the vision and strategic objectives as identified in Cherwell Local Plan Part 1. These are followed by a short introduction to each topic within the theme with reference to relevant planning policies from Part 1 of the Plan, followed by a summary of current and emerging national planning policy, a brief discussion of the issues so far identified for that topic, and questions we would like you to consider. Key location specific issues are discussed in Section 5 on Cherwell's Places.

### 4.1 Theme One: Developing a Sustainable Local Economy

#### Introduction

**4.2** Part of the vision for the District set out in Local Plan Part 1 is to develop a sustainable economy that is vibrant and diverse, with good transport links and sound infrastructure supported by excellent education facilities. A number of challenges to achieving the vision for a sustainable local economy were identified in Part 1 of the Plan and these are summarised in Appendix 3 'Local Plan Part 1 Challenges and Issues'.

**4.3** The Strategic Objectives identified in Part 1 of the Plan to address these challenges are listed below:

**SO 2** To support the diversification of Cherwell's rural economy

**SO 3** To help disadvantaged areas, support an increase in skills and innovation, improve the built environment and make Cherwell more attractive to business by supporting regeneration

**SO 4** To maintain and enhance the vitality, viability, distinctiveness and safety of Cherwell's urban centres.

**SO 5** To encourage sustainable tourism

**4.4** The policies and proposals contained in Local Plan Part 1 will help to address some of the challenges and issues identified. In preparing Local Plan Part 2 we need to consider what additional policies and proposals need to be included to help secure the Plan's objectives and address the issues identified.

#### 4.1.1 Employment

##### Introduction

**4.5** The Local Plan Part 1 is based around securing sustainable economic growth; securing the economic future of the District is the main priority of the Plan. Policy SLE 1 relates to employment development and sets out that the Council will, as a general principle, continue to protect existing employment land and buildings for employment use. The Council will support existing businesses. New employment development will be supported in a number of locations, including in the rural areas, as long as certain policy criteria are met. The Local Plan Part 1 seeks to ensure that there is a supply of employment land to meet the needs of the District for the plan period and the Plan identifies nine strategic employment areas to meet those needs.

**4.6** During the Examination into the soundness of the Local Plan Part 1, the Council had proposed to include a provision

within Policy SLE 1 relating to the release of land at motorway junctions for very large scale logistics buildings, in response to market signals. However the Inspector considered that this was not necessary or appropriate because the existence of the need was at that time largely unproven and reliant on speculative enquiries.

**4.7** At the time of the initial consultation on what Local Plan Part 2 should contain (May 2015) the Inspector's report had not been received, and the consultation therefore indicated that examining options for the release of land at motorway junctions for large scale logistics development was likely to be a consideration for Part 2 of the Plan. The majority of the consultation responses received to the Local Plan Part 2 Scoping consultation commenting on this issue opposed the inclusion of policy on logistics developments at motorway junctions in the District on sustainability grounds. In view of the Inspector's decision on this aspect of Part 1 of the Plan it is considered that there is currently no strategic policy framework for this to be considered as an issue for Part 2 of the Plan but further economic assessment work has yet to be completed.

**4.8** It is the role of the Local Plan Part 2 to allocate smaller non-strategic employment sites, and to provide more detailed policy guidance to assist in determining the acceptability of development proposals, including extensions to existing employment sites. A range of issues for potential inclusion in Local Plan Part 2 in relation to employment development are set out below.

### **National Policy Context**

**4.9** The Local Plan Part 1 accords with and reflects the focus of the National Planning Policy Framework (NPPF) on sustainable economic development. One of

the 12 core planning principles set out in the NPPF is that the planning system should proactively drive and support sustainable economic development to deliver the homes, business and industrial units needed (paragraph 17). To help achieve growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> Century (paragraph 20). As well as setting a clear economic vision and strategy, and allocating strategic sites for employment development, local plans should identify and plan for new or emerging sectors likely to locate in the area (paragraph 21). Plans should be flexible to allow a rapid response to changes in economic circumstances (paragraph 21), and land allocations should be regularly reviewed. Planning policies should avoid the long term protection of sites allocated for employment use, where there is no reasonable prospect of a site being used for that purpose (paragraph 22). The National Planning Practice Guidance provides guidance on collating economic evidence to inform employment policies in Local Plans.

### **Employment - Key issues for Local Plan Part 2**

#### ***Delivering the Strategic Employment Sites Allocated in Local Plan Part 1***

**4.10** The paragraph above notes that the NPPF emphasises the importance of planning to meet the development needs of business and the economy. Local Plans should identify employment sites to meet anticipated needs over the plan period and Local Plans should be viable and deliverable.

**4.11** Consultation on the scope of the Local Plan Part 2 indicated that the Part 2 document could seek to include mechanisms to bring forward reserved sites in circumstances where employment land



provision (allocated in the Local Plan Part 1) is not being brought forward in the quantities required.

**4.12** The Inspector appointed to determine the soundness of the Local Plan notes in his report (paragraph 31) that the Local Plan Viability Study (PWE02, October 2013) & its Update (PWE04PM, September 2014) provide robust evidence that the strategic employment sites are essentially deliverable under current market circumstances. There is clear evidence of sites continuing to come forward in both Banbury and Bicester, with good progress made towards delivery on others. As modified, the plan contains greater flexibility over the type of employment use allowed on allocated sites. The Inspector notes (paragraph 244) that in most cases, the allocated sites have active developer interest, with many having already commenced on site in part and/or with planning permissions or Council resolutions to permit, subject to legal agreements. The Council is taking a proactive role in the implementation of the strategic sites. The Inspector highlights that Policy SLE 1 (which makes the strategic site allocations for employment use) is subject to the necessary monitoring and review set out in the Plan (in Section E), which should be satisfactory to provide sufficient flexibility and to assist implementation over time (paragraph 247).

**4.13** The monitoring arrangements set out in Section E of the Local Plan Part 1 state that a monitoring report will be published at least every 12 months, providing data on a number of indicators that will show whether policies are achieving their aims, and whether the allocated sites are being delivered. The indicators relevant to Policy SLE 1 include recording all completed employment development on allocated and non-allocated land, reporting on the completed, committed

and remaining employment allocations, and the change of use/loss of employment land to non-employment use.

**4.14** Paragraph E.22 of the Local Plan Part 1 states that the annual monitoring will inform future Local Plan reviews. These reviews may be in response to shortfalls in the implementation of the Plan's policies and in the delivery of infrastructure, to changes in national policy or strategic needs, or due to the need to roll forward the plan period. A small scale review of policy could in some instances be undertaken through preparation of other development plan documents or their review.

## Question 2

### **Delivering the Strategic Employment Sites Allocated in the Local Plan Part 1**

Is there a need for the Local Plan Part 2 to provide further policy or mechanisms to ensure the delivery of sufficient employment land, for example by identifying reserve sites?

### ***Change of Use of Employment Sites/Protection for Employment Use***

**4.15** The consultation on the scope of the Local Plan Part 2 highlighted that the Local Plan Part 2 may need to consider the protection of existing employment sites from housing development.

**4.16** At a national level, temporary permitted development rights currently apply in respect of the change of use of premises from office use (B1a use) to residential use meaning that planning permission is not required, although a prior approval is required in respect of some matters. The

Housing and Planning Bill currently progressing through Parliament proposes to extend these rights permanently. Temporary permitted development rights also apply in respect of the change of use of premises from storage and distribution (B8 use) under 500sqm to residential use, again, subject to criteria being met and subject to prior approval being sought. The Housing and Planning Bill proposes to introduce new permitted development rights to demolish office buildings and construct residential development, and new rights to change from light industrial buildings to residential use.

**4.17** Policy SLE 1 of the Local Plan Part 1 sets out that where planning permission is required, existing employment sites should be retained for employment use unless certain criteria are met (including that the applicant should demonstrate how the site has been vacant in the long term and has been marketed; that it can be demonstrated there are valid reasons why employment use is not viable; and that it can be demonstrated the proposal would not have the effect of limiting the amount of land available for employment). Regard will be had as to whether the location and nature of the employment activity has an unacceptable adverse impact upon adjacent residential uses, and to whether it can be demonstrated that there are other planning objectives that would outweigh the value of retaining the site in an employment use. Paragraph B.48 of the Local Plan Part 1 notes that the loss of jobs in general terms will be a material consideration for determining proposals.

**4.18** The Inspector appointed to determine the soundness of the Local Plan Part 1 noted in his Report that, as modified, the Plan allocates enough office space over the plan period to meet demand for B1, B2 and B8 employment use (paragraphs 34 & 36); that Policy SLE 1 is sufficiently flexible to allow for changes of use between B use

classes (paragraph 37); that the objectively identified business needs in the area are met (paragraph 38); and that the allocated strategic sites, together with the renewal and regeneration of some older industrial areas, as part of the retention of existing employment land and buildings under Policy SLE 1, ensure that the plan provides an appropriate overall approach to sustaining, diversifying and improving the local economy (paragraph 40).

**4.19** Given the content of Policy SLE 1, the Inspector's conclusions, and the guidance in the NPPF relating to avoiding the long term protection of employment sites it needs to be considered whether additional policy is required in the Local Plan Part 2 to promote employment use through protection for employment locations in appropriate circumstances.

### Question 3

#### Protection of Employment Land

Is additional policy required in Local Plan Part 2 regarding the protection of employment land?

#### ***Extensions to/Intensification of Existing Employment Sites***

**4.20** Policy SLE 1 in the Local Plan Part 1 sets out the policy relating to the retention of employment use where changes of use are proposed, on new proposals for employment at Banbury, Bicester and Kidlington, and in the rural areas. In relation to the intensification of existing uses and extension of existing employment sites, it states that:

“On existing operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas, employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations”.

“Extensions to existing employment sites will be considered in the Local Plan Part 2”.

#### Question 4

##### **Extensions to/Intensification of Existing Employment Sites**

Do you consider that further policy detail is required relating to extensions to/intensification of employment development on existing sites, further to Policy SLE 1 of the Local Plan Part 1?

#### **Under-utilised Commercial Properties**

**4.21** Consultation on the scope of the Local Plan Part 2 indicated that the Council should identify under-utilisation of commercial properties and develop a policy promoting greater utilisation.

**4.22** In terms of under-utilised ‘B use class’ employment land, as part of the Employment Land Review (2012) undertaken to inform the Local Plan Part 1 (ECO06), the consultants surveyed vacant sites in the primary employment locations in the District. It estimated between 5-10% of the employment clusters consisted of vacant buildings, and this was corroborated by the commercial agents consulted as part of the Study. This was considered to be fairly healthy considering the national economic position – Cherwell was considering to be ‘weathering the storm well’. The Study

concluded that a 5-10% vacancy rate represented a healthy level of vacancy, or frictional vacancy level, as, in order for the market to operate efficiently, vacant premises are needed for new businesses to occupy.

**4.23** In terms of vacant retail units, recent data for Banbury town centre indicates that the number of empty shops has fallen this year, down to 7% of all town centre units compared to a national average of around 13%. The Council has appointed town team coordinators to drive a project focused on boosting footfall, working with landlords and agents to reduce the number of empty town centre shops, and explore opportunities to deliver the pop up and community shop concepts. At Banbury, they work with existing town centre partners including the Old Town Association, the Chamber of Commerce, Castle Quay, the town council, the markets operator, existing businesses and other town centre stakeholders. One of the coordinators’ roles is to work with landlords and commercial agents to identify and overcome barriers to empty ground floor town centre units being let. The Council is also undertaking a study of empty properties in the town centre to identify potential opportunities for conversion to residential development.

#### Question 5

##### **Under-utilised Commercial Properties**

Should the Local Plan Part 2 contain a policy promoting the use of under-utilised or vacant commercial properties?

#### **Non-Strategic Employment Allocations in Urban and Rural Areas**

**4.24** The Local Plan Part 1 allocates nine strategic employment sites to meet Cherwell’s identified employment needs over the plan period. These are in Bicester, Banbury and at the former RAF Upper Heyford. The Local Plan Part 1 acknowledges the particular economic characteristics of the village of Kidlington in terms of its links to the Oxford economy. Consequently, at Kidlington, two areas are identified at the Begbroke Science Park (part of the University of Oxford), and at the employment cluster at Langford Lane/London-Oxford Airport, where land may need to be released from the Oxford Green Belt in order to accommodate the identified high value employment needs. This particular issue is considered at Section 4.3.3 ‘The Oxford Green Belt’ of this paper.

**4.25** The Local Plan Part 1 states in paragraph B.47 that the Local Plan Part 2 will consider where non-strategic employment allocations need to be made in the urban and rural areas to support the delivery of a flexible supply of employment land. The most appropriate employment use class for the location will need to be considered. Opportunities for developing small ‘hubs’ of activity to meet local needs will be explored.

**4.26** The Local Plan Part 1 sets out that employment development in the rural areas will be focused at the more sustainable villages. The sustainable villages are defined in Policy Villages 1 (Category A villages).

**4.27** A number of non-strategic employment sites were submitted to the Council for consideration in response to the consultation on the scope of the Local Plan Part 2 (in June 2015) and further sites are now invited as part of this consultation.

### Question 6

#### **Non-Strategic Employment Allocations in Urban and Rural Areas**

Are there any further site submissions that you wish to make? It is not necessary to resubmit details of sites put forward during the Scoping consultation.

Can you help to identify where any small ‘hubs’ of employment activity to meet local needs might be explored?

### **Agriculture**

**4.28** The National Planning Policy Framework provides high level guidance on the approach to be taken in Local Plans and planning decisions to supporting a strong rural economy, and the growth and expansion of all types of business and enterprise in rural areas, including the promotion and diversification of agricultural and other land-based rural businesses. Permitted development rights apply to the change of use of agricultural buildings to residential use and some commercial uses, subject to meeting certain criteria.

**4.29** In terms of commercial development in the rural areas, the Local Plan Part 1 highlights that one of the key economic issues facing the rural areas in the District is addressing the changing needs of the rural economy, and the Local Plan Part 1 is supportive of rural economic diversification. The Local Plan Part 1 seeks to ensure that there are appropriate opportunities for local rural employment and Local Plan Policy SLE 1 is supportive of new employment proposals within the rural areas, subject to a criteria based approach.

**4.30** Evidence provided by the National Farmers' Union as part of the scoping consultation on the Local Plan Part 2 indicates nationally the solid growth potential within the rural economy and within farming in particular, with the size of the agri-food sector 19% higher than pre-recession in 2007, and the number of people employed in the sector in 2012 was 4.8% higher than pre-recession levels. The Local Plan Part 1 acknowledges the particular importance of farming in Cherwell's rural areas (in paragraph C.237) and highlights that farming remains of vital importance to Cherwell's rural identity and to local food production. Whilst the Local Plan focuses most new economic growth in the urban areas it states that in the rural areas sustainable appropriate economic growth will be achieved through farm diversification, sustainable growth in tourism, improvement of existing employment sites and reuse of existing buildings, and support for working from home.

**4.31** The Adopted Local Plan 1996 contains a number of detailed policies on agriculture and related development, which were not replaced by the Local Plan Part 1 but which may now need to be considered in the Local Plan Part 2. These provide policy on the construction of farm buildings (AG2); on the location of intensive livestock or poultry units (AG3 and AG4); and on proposals for horse related development (AG5). Similar policies were included in the Non Statutory Cherwell Local Plan including the reuse of rural buildings for employment (EMP 6), development proposals for farm diversification (EMP 7), construction of farm buildings (EMP 8), siting of new or extension to existing intensive livestock and poultry units (EMP 9), waste disposal from intensive livestock and poultry units (EMP 10), and development involving horses (EMP 11). The responses to the Local Plan Part 2 Scoping consultation indicated that farming is an issue

that should be considered in the Part 2 document, in terms of supporting the sustainable intensification of farming (for example more modern, more efficient and larger buildings), supporting farm diversification, allowing for the provision of agricultural workers dwellings in the countryside, and the protection of farming activities from non-farming activities.

**4.32** Policy issues relating to the provision of agricultural workers' dwellings are discussed in Section 4.2 'Theme Two: Building Sustainable Communities'.

### Question 7

#### Agriculture

Is there a need for a more detailed policy guiding agricultural development, farm diversification or intensification, further to the content of Local Plan Part 1?

What kinds of issues should be covered?

#### ***Airfield Safeguarding/Aviation Planning Guidance***

**4.33** Airfield safeguarding refers to the control of building around an aerodrome, to prevent the granting of planning permission for developments which would impact upon the safe use of aerodromes or communication, navigation or surveillance systems, including radar. The safeguarding process is based on safeguarding maps that are lodged with the local planning authority. The planning authority is then required to consult the relevant aerodrome regarding relevant proposals within the safeguarded zone (for example, if the proposed building height would exceed the level indicated on the safeguarding map for that aerodrome, or

where developments are proposed that are likely to increase the number of birds in the safeguarded area).

**4.34** There are a number of airfields within the Cherwell District, some of which are officially safeguarded for civil or military purposes. London-Oxford Airport is located in the south of the District at Kidlington. This is an officially safeguarded civil aerodrome, the safeguarding zone for which covers much of the District. The RAF station at Weston-on the Green is an officially safeguarded military aerodrome. Barford St John, south of Banbury, and RAF Croughton, located just outside the Cherwell District, are official military technical safeguarding zones. Other safeguarded facilities beyond the District boundary include RAF Brize Norton, Dalton Barracks (previously known as RAF Abingdon), RAF Benson and the nearby Chalgrove airfield. Within Cherwell there are a number of private airfields including Edgehill/Shenington, Bicester Aerodrome, and Finmere airfield. There are nearby private airfields in neighbouring Districts.

**4.35** Government circular 01/2003 applies to the safeguarding of aerodromes. It states that “Local Plans should include a policy stating that officially safeguarded areas have been established for a particular airport or technical site, that certain planning applications will be the subject of consultation with the operator of that aerodrome or technical site and that there may be restrictions on the height or detailed design of buildings or on development which might create a bird hazard. The outer boundary of safeguarded areas should be indicated on proposals maps. A plan should state why an area has been safeguarded and that it is neither the responsibility nor the proposal of the local planning authority”.

**4.36** In addition to these safeguarding zones, the UK Aviation Policy Framework (DfT, 2013), highlights how the NPPF makes clear that local planning authorities should ‘identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen choice’.

**4.37** Local Plan Part 2 will be subject to consultation with the Civil Aviation Authority (in relation to civil safeguarded sites), with Defence Infrastructure Organisation (in relation to military safeguarded sites), and with National Air Traffic Services (in relation to civil technical sites), and with the privately operated airfields in the District (in relation to unofficially safeguarded sites).

### Question 8

#### Aviation and Safeguarding Zones

In addition to the safeguarding policy required by Circular 01/2003, should the Local Plan Part 2 include other planning guidance relating to aviation? What issues should be covered?

#### **Skills Development, Apprenticeship Provision and Local Employment**

**4.38** Given the economic ambitions and priorities of the Local Plan Part 1, it will be important to ensure that the local population is sufficiently skilled to attract companies and investment to Cherwell particularly in the high value ‘knowledge economy’ sectors that the Local Plan seeks to develop. Paragraph B.14 of the Local Plan Part 1 indicates the measures being taken to strengthen training and skills within the District. Improving skills levels is also a county-wide priority for

Oxfordshire County Council, in the Corporate Plan, and for the Oxfordshire Local Enterprise Partnership.

**4.39** The Local Plan Part 1 notes that whilst the population in Cherwell overall is highly skilled, the levels of educational attainment are low in some areas. The 2011 Census data suggests a link between long-term unemployment and poor qualifications. The Council's Economic Development Strategy highlights that a lack of 'basic' numeracy, literacy and work-readiness skills in the District acts as a major impediment to finding work especially in the 'knowledge economy' age, and are a barrier to developing other skills which are becoming essential in the workplace, especially with a decline in 'traditional' manufacturing and construction jobs. Difficulties in recruiting and developing the right skills and attitudes could restrict the competitiveness of businesses in the District. With particular opportunities arising for enterprise through 'Eco Bicester' and the eco-town development, a key issue is how to develop skills quickly enough to capture the opportunity to build a cluster of knowledge and employment.

**4.40** The draft Supplementary Planning Document for North West Bicester requires proposals for employment development on the site to include an action plan to deliver jobs and homeworking, skills and training objectives, and support local apprenticeship and training initiatives. The North West Bicester development focuses on the creation of jobs for local people and businesses, with unsustainable commuter trips kept to a minimum. Employment opportunities to be provided on site are encouraged to meet the skills of local residents, whilst homeworking opportunities will be encouraged. The use of local contractors and suppliers from Bicester and the surrounding area is being encouraged

during the construction phase of the development, with companies prioritised on their ability to demonstrate a local connection as well as their product and pricing.

**4.41** It has been suggested as part of the response to the consultation on the scope of the Local Plan Part 2 that the Council should require developers to prepare and implement an Employment & Skills Plan with local agencies and providers that will ensure, as far as possible, that local people have access to training (including apprenticeships) and employment opportunities available at the construction and end user phases of a development.

### Question 9

#### **Skills Development, Apprenticeship Provision and Local Employment**

Should the Local Plan Part 2 include a policy covering skills development, apprenticeship provision, and local employment, across the District beyond the North West Bicester eco-town?

Are there any relevant comments you wish to make, or evidence you wish to provide, on these matters?

### **Working from Home**

**4.42** The number of people working from home has increased in recent years, and nationally is predicted to carry on rising, particularly in office based work. Home workers consist of both self-employed and employees. Improvements in technology have made working from home easier, and it can allow for greater flexibility for the worker and lower costs to employers from reduced office space.

**4.43** Planning permission is not required for some forms of home working. The Non-Statutory Cherwell Local Plan contained a policy on working from home (Policy EMP12). In preparing Local Plan Part 2 we need to consider whether replacement policies are needed for working from home.

### Question 10

#### Working from Home

Do you consider that a policy on working from home should be included in Local Plan Part 2?

If so, what do you think the policy should include?

## 4.1.2 Retail

### Introduction

**4.44** The Local Plan Part 1 contains a strategic policy (SLE2) on retail development in the District, with the aim of supporting dynamic town centres as the focus for shopping, commerce and leisure and other services. The Local Plan (paragraph B.49) looks to ensure that Bicester and Banbury have a strengthened role in achieving economic growth, as a destination for visitors, and in serving their rural hinterlands whilst growth and improvement is also envisaged for the village centre at Kidlington. In order to support the town centres in the District, Policy SLE 2: Securing Dynamic Town Centres sets out that retail uses will be directed towards the main town centres and proposals beyond these centres should follow the sequential approach. The policy also sets out support for the provision of

new local centres containing a small number of shops of limited size at the strategic sites allocated in the Local Plan.

**4.45** The policy is clear in its direction of new retail development to the town centres of Banbury, Bicester and the village of Kidlington. The place specific policies of the Local Plan Part 1 (Bicester 5, Banbury 7 and Kidlington 2) are also relevant to the retail issues in the District particularly in terms of defining town centre boundaries and primary shopping frontages. A retail and town centre study is being undertaken to help inform the boundaries review. This is discussed in Section 5 'Key Issues: Cherwell's Places'.

### National Policy Context

**4.46** The NPPF requires Local Plans to identify the extent of town centres, and to identify primary and secondary shopping frontages in town centres, based on a clear definition between the two, and to set policies that make clear which uses will be permitted in such locations.

**4.47** Local Planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre. Paragraph 23 of the NPPF further states that Local Planning Authorities should set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres.

**4.48** The National Planning Practice Guidance contains guidance on ensuring the vitality of town centres. It states that: *'A positive vision or strategy for town centres, articulated through the Local Plan, is key to ensuring successful town centres which enable sustainable economic growth and provide a wide range of social and environmental benefits. Once adopted a Local Plan, including any town centre policy that it contains, will be the starting point*



for any decisions on individual developments. Local planning authorities should work with the private sector, Portas Pilot organisations, town teams, neighbourhood planning groups, town centre management organisations and other relevant groups when developing such strategies. Non-planning guidance produced by other Government Departments and the sector may be useful in producing such a strategy.’ (ID 2b-002-130729)

**4.49** It further states that ‘Any strategy should be based on evidence of the current state of town centres and opportunities to meet development needs and support their viability and vitality. Strategies should identify changes in the hierarchy of town centres, including where a town centre is in decline. In these cases, strategies should seek to manage decline positively to encourage economic activity and achieve an appropriate mix of uses commensurate with a realistic future for that town centre.’ (ID 2b-003-130729).

## Retail - Key issues for Local Plan Part 2

### Allocation of Non-Strategic Retail Sites

**4.50** The Cherwell Local Plan Part 1 makes strategic allocations for retail development at Banbury (Banbury 8: Bolton Road and Banbury 9: Spiceball Redevelopment Area) and Policy Bicester 6 relates to working with partners to deliver civic buildings and public space as a Phase 2 to the recently completed redevelopment of Bicester town centre.

**4.51** In examining the soundness of the Local Plan, the Inspector highlighted in his Report current developer interest and investment in retail led schemes in the District and considered that the sites allocated in the Local Plan Part 1 should provide sufficient capacity to deliver all the new floorspace deemed necessary in the

2012 Retail Study. He noted that the Council can be expected to review the District’s retail needs as part of normal monitoring processes, in order that evidence remains robust and up to date.

**4.52** Updated retail evidence will need to be provided on the retail needs in the District, for both comparison (non-food) and convenience (food) goods. This evidence will inform consideration of whether additional non-strategic sites should be allocated in the Local Plan Part 2 for retail use.

### Question 11

#### Allocation of Non-Strategic Retail Sites

Do you have views on whether the Council should allocate non-strategic sites for retail use?

What non-strategic sites might the Council allocate for retail use? If you are formally promoting a site for consideration under the ‘Call for Sites’ process please use the site submission forms available at [www.cherwell.gov.uk/policypublicconsultation](http://www.cherwell.gov.uk/policypublicconsultation)

### The Extension of Existing Retail Businesses in Retail Parks

**4.53** Paragraph B.57 of the Local Plan Part 1 notes that the main centres in the District are the town centres of Banbury and Bicester and the village centre of Kidlington. There is also significant shopping floorspace in the following locations:

- Banbury Cross Retail Park

- Various other edge of centre & out-of-centre large stores including a number of major food stores
- At various local centres within Banbury and Bicester.

**4.54** In addition, ‘Banbury Gateway’ Retail Park opened in autumn 2015, with stores including Marks & Spencer and Primark.

**4.55** The Policies Map of the Local Plan Part 1 shows the location of the existing retail parks at Bicester and Banbury.

**4.56** The consultation on the scope of the Local Plan Part 2 highlighted that a policy may be required in the Local Plan Part 2 to inform the determination of proposals for growth at existing retail parks i.e. out of centre locations. This would need to be within the context of the ‘town-centre first’ approach enshrined in Policy SLE2 and the NPPF, and the context of paragraph 23 of the NPPF regarding the need for local authorities to set policies relating to main town centre uses which cannot be accommodated in or adjacent to town centres.

### Question 12

#### The Extension of Existing Retail Businesses in Retail Parks

Is policy required in the Local Plan Part 2 on the determination of proposals for growth at existing retail parks in the District?

#### *Increasing the Attractiveness of Town Centres*

**4.57** Consultation on the scope of the Local Plan Part 2 indicated that there may be a need for the Local Plan Part 2 to seek to improve the attractiveness of the District’s town centre environments. The NPPF requires that planning policies should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. They should promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.

**4.58** Policy SLE 2 accords with the NPPF and will achieve the Strategic Objective 4 of the Local Plan: “To maintain and enhance the vitality, viability, distinctiveness and safety of Cherwell’s urban centres”. Paragraph B.51 of the Local Plan envisages town centres that are easy and pleasant to walk around, attractive for shopping and going out, easy to do business in, have housing for all ages and are served by efficient public transport.

**4.59** Policy SLE 2 and the place specific town centre policies (Bicester 5, Banbury 7 and Kidlington 2) will be applied in conjunction with the other policies in the Plan. Of particular relevance is Policy ESD 15 which aims to ensure development achieves high quality successful design to complement each area’s unique built, natural and cultural context and reinforce local distinctiveness. Banbury, Bicester and Kidlington centres are designated Conservation Areas, where all development is required to be particularly sensitive to the local context. Other site specific allocations in the Local Plan Part 1 will contribute to the delivery of improved town centre environments in the District, particularly Bicester 6: Bure Place Phase 2 (development of a new library and public space at Bicester town centre), and, at Banbury: Banbury 8: Bolton Road (with redevelopment of the site to include retail, hotel, leisure and ancillary

residential use), and Banbury 9: Spiceball Development Area, with development of the area to include retail, hotel and leisure uses.

**4.60** Corporately the Council is also taking positive action to improve the town centre environments in the District. As indicated in the Employment section, the Council has appointed team co-ordinators in Banbury to drive a project focused on boosting footfall and reducing the number of empty town centre shops. The latest audit indicated a decline in the number of vacant shop units in Banbury town centre, whilst commercial agents also report continuing enquiries from national names and independents for currently empty units in the town.

### Question 13

#### Increasing the Attractiveness of Town Centres

Do you consider that a policy is required in the Local Plan Part 2 relating to improving town centre environments? What kinds of issues should such a policy cover?

#### Rear Servicing Areas

**4.61** The adopted Cherwell Local Plan 1996 contains saved policy S22 (with an equivalent policy S20 in the Non Statutory Cherwell Local Plan) on the rear servicing of shops at Kidlington with the aim that all redevelopment proposals will be required to include adequate provision for rear servicing, and that wherever possible, servicing should be linked to restrict the number of individual accesses to the High Street (and the presence of large delivery vehicles in shopping streets). The adopted Cherwell Local Plan 1996 also states (in

paragraph 4.61) that “Offices and businesses do not normally require such deliveries, and since the provision of rear servicing is often difficult to achieve in existing shopping centres, the Council will not normally permit non-retail uses where rear servicing is already available”. The Non Statutory Cherwell Local Plan contains policy TR15 which states that “Off-street servicing will be required for new development, where necessary, in the town centres except where the scale of development is so restricted as to make a service area unnecessary or impracticable or where the provision of a service area would be detrimental to the preservation or enhancement of the conservation area or to road safety.”

**4.62** In preparing Local Plan Part 2 we will need to consider whether a replacement policy on rear servicing areas is required, and whether the application of such a policy should apply to Banbury and Bicester in addition to Kidlington.

### Question 14

#### Rear Servicing Areas

Is the servicing of shops an issue that the Local Plan Part 2 should seek to address? In which locations is this a particular concern?

Should the Local Plan Part 2 contain a policy guiding the provision of rear servicing for shops?

What kinds of issues should such a policy cover?

### 4.1.3 Tourism

#### Introduction

**4.63** The Local Plan Part I highlights that tourism makes a significant contribution to the local economy, currently worth over £300 million in Cherwell District. Tourism can help support local services and facilities, provide employment, promote regeneration, and help preserve the natural and historic environments.

**4.64** Policy SLE 3 of the Local Plan Part I relates to Supporting Tourism Growth and sets out that the Council will support proposals for new or improved tourist facilities in sustainable locations, in order to increase overnight stays and visitor numbers within the District. Other policies in the Local Plan Part I will contribute to encouraging sustainable tourism development, for example through the regeneration of Banbury Canalside (Policy Banbury 1), redevelopment at Bolton Road (Banbury 8) the development of the Spiceball Development Area (Policy Banbury 9), strengthening the town centres (Policy Bicester 5 and Banbury 7), and the preservation and enhancement of the historic environment in towns and villages (Policy ESD 15).

**4.65** The Local Plan Part I was informed by a Tourism Study for Cherwell completed in 2008. The study is currently being updated. A Creative, Cultural, Heritage and Tourism Investment Plan for Oxfordshire is also underway, under the remit of the Oxfordshire Local Enterprise Partnership.

#### National Policy Context

**4.66** The National Planning Policy Framework (NPPF) sets out that Local Plans should promote a strong rural economy which includes supporting sustainable rural

tourism and leisure developments and supporting the provision and expansion of tourist and visitor facilities (paragraph 28). In urban areas, Local Plans should allocate sites to meet the scale and type of tourism development needed in town centres (paragraph 23). Tourism is defined as a 'main town centre use' in the NPPF. The sequential approach should be followed for main town centre uses, with such uses firstly to be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered.

#### Tourism - Key Issues for Local Plan Part 2

##### *Supporting Tourism Growth and Tourist Attractions*

**4.67** Tourism makes a significant contribution to the local economy, but the District does not attract the level of tourists who visit surrounding attractions such as Stratford and Oxford. It is however, well placed to benefit from its proximity to these destinations and has the potential to develop tourism within the District. The Council's tourism study is currently being updated. It will identify key areas for developing and supporting tourism, and highlight the potential to expand or develop new visitor attractions in the District. The findings of the study will need to be taken into account when formulating policies and proposals in Local Plan Part 2.

### Question 15

#### Supporting Tourism Growth and Tourist Attractions

In addition to Policy SLE 3 of the Local Plan Part 1, should the Local Plan Part 2 contain further support for tourism growth in the District?

Are there any other comments you wish to make or existing/new tourist attractions that you wish to highlight?

#### Tourist Accommodation

**4.68** As part of supporting tourism growth in the District, the Local Plan Part 2 could seek to support existing and new visitor accommodation. Emerging work on an updated tourism evidence base highlights current peak period shortages in accommodation and anticipated future growth in accommodation demand. Any site allocations for tourist accommodation should have regard to the sequential approach of the NPPF which places priority on town centre locations, then edge of centre, then out of centre. This will be particularly important to maximise the contribution that tourist accommodation can make to town centre vitality in terms of customer spending in the evening in restaurants, bars and evening entertainment venues.

**4.69** The emerging work on an updated tourism evidence base indicates that a potential issue in Banbury and Bicester centres is the loss of hotels and guest houses, particularly unbranded, smaller accommodation. There may be a case for developing a policy in the Local Plan Part 2 which seeks to resist the loss of what might

be viable accommodation businesses under new owners or with investment and improved marketing by current proprietors.

**4.70** The adopted 1996 Cherwell Local Plan contains Policy T2 guiding the provision of new hotels, motels, guest houses and restaurants to the built up limits of a settlement, Policy T5 setting out criteria for the consideration of proposals for these uses in the countryside, and Policy T7 setting out criteria relating to the determination of proposals for self-catering accommodation in the countryside. The Non Statutory Cherwell Local Plan contains similar policies T2 (visitor accommodation within existing settlements), T5 (tourist facilities in the countryside), and T7 (conversion of buildings in the countryside to holiday accommodation).

### Question 16

#### Tourist Accommodation

Should the Local Plan Part 2 make non-strategic site allocations for tourism related development or tourism accommodation? Are there any particular locations where this might be appropriate?

Should the Local Plan Part 2 include a policy to assist in determining planning applications for tourist accommodation development? What kinds of issues should such a policy cover?

Is the loss of tourist accommodation an issue that the Local Plan Part 2 should seek to address?

#### Caravan and Camping Sites

**4.71** As part of supporting the provision of tourist accommodation in the District, emerging work on an updated tourism study for the District will examine potential opportunities for expansion and upgrading of touring caravan and camping sites and similar tourist accommodation. It is important that any such accommodation is located appropriately.

**4.72** The Non Statutory Cherwell Local Plan contained Policy T8 “Camping & Caravan Sites” which states that “*Camping and Touring-Caravan Sites will be permitted on suitable sites free from transport or environmental objectives*”. Paragraph 8.19 expresses a preference for provision to be on well screened small sites.

**4.73** The Environment Agency, in their response to the consultation on the scope of the Local Plan Part 2, considered that the Local Plan Part 2 should seek to prevent the location of camping sites in Flood Zones 2 & 3.

### Question 17

#### Caravan and Camping Sites

Should the Local Plan Part 2 include a policy guiding the suitable location of camping and caravan sites, and similar? What are the relevant planning issues that the policy should consider?

## 4.1.4 Transport

### Introduction

**4.74** The Local Plan Part 1 contains strategic policy SLE 4: Improved Transport Connections. This sets out that the Council

will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan, in particular:

- Transport improvements at Banbury, Bicester and the former RAF Upper Heyford
- Projects associated with East-West rail
- Rail freight associated development at Graven Hill
- Improvements to M40 junctions.

**4.75** The Local Plan Part 1 is accompanied by a detailed Infrastructure Delivery Plan which sets out the transport and other infrastructure proposals in Banbury, Bicester, and Kidlington and the rural areas, with details on phasing, costs, funding, and delivery. The Infrastructure Delivery Plan is to be kept under review and updated.

**4.76** Since the adoption of the Local Plan Part 1, Oxfordshire County Council has adopted a new Local Transport Plan 4 (LTP4) which, for Cherwell, contains area strategies for Bicester and Banbury and other proposals relating to Kidlington as part of the Oxford Area Strategy. The aims of the area strategies are discussed in Section 5 on Cherwell’s Places. Once the measures contained in the strategies have been fully assessed and decided upon by the County Council, relevant proposals will need to be reflected in Local Plan Part 2.

### National Policy Context

**4.77** The key planning principles set out in paragraph 17 of the National Planning Policy Framework (NPPF) include actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. Paragraph 29 of the NPPF states that the balance must be set in favour of sustainable transport modes to give

people real choice in how they travel. The NPPF details what Local Planning Authorities need to address in order to achieve this. Key principles include reducing the need to travel through mixing land uses, where opportunities to reside, work and carry out other activities can be done on the site (paragraphs 37 & 38), actively promoting sustainable transport and access to it and ensuring development is facilitated by viable infrastructure proposals.

**4.78** Local planning authorities are expected to work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure, as is necessary to support sustainable development (paragraph 31). Transport routes that are critical in developing infrastructure should be identified and protected, where there is robust evidence to do so (paragraph 41).

**4.79** The NPPF highlights that Local Plans must be based on adequate, up-to-date and relevant evidence (paragraph 158). The quality and capacity of transport infrastructure should be demonstrated, including the need for strategic transport infrastructure. The National Planning Practice Guidance provides guidance on transport evidence bases in plan making and decision taking, and on the use of travel plans and transport assessments in decision taking.

## **Transport - Key Issues for Local Plan Part 2**

### **Traffic Mitigation and Monitoring**

**4.80** The Adopted Cherwell Local Plan 1996 contains saved policy TR1 relating to Transportation Funding. This states that “*Before proposals for development are permitted the Council will require to be satisfied that new highways, highway-improvement works, traffic management measures, additional public*

*transport facilities or other transport measures that would be required as a consequence of allowing the development to proceed will be provided*”. The Non-Statutory Cherwell Local Plan 2011 also includes a policy on transport mitigation measures (TR4).

**4.81** The adopted Cherwell Local Plan Part 1 Policy SLE 4 requires new development to provide financial and/or in kind contributions to mitigate the transport impacts of development although Policy TR1 of the 1996 Plan remains saved.

**4.82** LTP4 also includes Policy 34 to secure contributions from development towards transport mitigation measures. LTP4 sets out that, at Banbury and Bicester specifically, Residential Travel Plans and Workplace Travel Plans will be required where proposals meet a size threshold. Construction Logistics Plans will also be required, and Delivery & Servicing Plans for new employment development. Contributions will also be required towards monitoring of the implementation of these plans.

**4.83** We need to consider whether Local Plan Part 2 should include additional policy guidance to secure appropriate transport mitigation, linked to the overarching Policy SLE 4 and to LTP 4.

**4.84** In addition, consultation on the scope of the Local Plan Part 2 indicated that the Local Plan Part 2 could seek to ensure that adequate traffic monitoring is carried out on all key feeder roadwork systems to identify problems and allow early and realistic solutions. Oxfordshire County Council carries out a number of transport surveys to support the development of Transport Plans and Area Strategies, traffic engineering, and road safety initiatives. Data is also collected to give a detailed picture of traffic flows and delay on Oxfordshire’s roads. This

information is used to help identify the worst congestion hotspots and inform planning to make improvements to the network and transport infrastructure across Oxfordshire. The County Council also uses a series of automatic and manual cycle counts across the county to monitor the proportion of trips made by bike. There are provisions in the LTP4 for monitoring the implementation and effectiveness of the LTP4.

### Question 18

#### Transport Mitigation and Monitoring

Do you consider that the Local Plan Part 2 should include a policy relating to securing transport mitigation and monitoring? Do you have any comments on the kinds of issues to be covered in a policy?

### Heavy Goods Vehicles

**4.85** Consultation on the scope of the Local Plan Part 2 highlighted that there may be a need for the Local Plan Part 2 to emphasise Oxfordshire County Council's approved Heavy Lorry Routes, and apply these policies to development in the District.

**4.86** Oxfordshire County Council has published lorry route maps to direct heavier traffic to the most appropriate roads. Roads uncoloured on the maps (not defined as either 'strategic' or 'non-strategic') should be avoided except for access and delivery. The general principle is that lorry traffic should get on to strategic routes as easily and quickly as possible while minimising the length of trips on the non-coloured roads and avoiding identified environmentally sensitive areas wherever possible.

**4.87** The adopted 1996 Cherwell Local Plan contains a policy TR10: Heavy Goods Vehicles, which has not been replaced by the policies in Local Plan Part 1. TR10 states that:

*“Development that would generate frequent HGV movements through residential areas or on unsuitable urban or rural roads will not be permitted. The Council will resist proposals for the establishment of HGV operating centres where they would create traffic problems or adversely affect the amenity of residential areas or villages”.*

**4.88** The Non Statutory Cherwell Local Plan 2011 also contains policies on HGV movements and operating centres (TR16 and TR17).

### Question 19

#### Heavy Goods Vehicles

Should the Local Plan Part 2 contain a policy on the routing of heavy goods vehicles?

Should the policy also cover proposals for the establishment of HGV operating centres?

### Car & Cycle Parking – Standards for New Development and Public Parking Provision

#### Standards for New Development

**4.89** Consultation on the scope of the Local Plan Part 2 highlighted potential policy issues relating to the provision of sufficient parking spaces for new development, and relating to the use/location of parking courts. The National Planning Policy Framework (NPPF) states (paragraph 39)



that in setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- The accessibility of the development
- The type, mix and use of development
- The availability of and opportunities for public transport
- Local car ownership levels; and
- An overall need to reduce the use of high-emission vehicles.

**4.90** A Written Ministerial Statement of March 2015 added the following text to paragraph 39 of the NPPF: “*Local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network*”.

**4.91** Parking standards have been established for use as guidance by Oxfordshire County Council, as the local highways authority, in the Residential Road Design Guide (2nd Ed, 2015). The Design Guide acknowledges that restricting parking provision at journey origins (i.e. residential properties), a policy approach which had been pursued previously, does not necessarily reduce car use. It can result in parking on the street, where there are no parking controls, which can cause conflicts and access problems. Consequently the standards contained in the guide are no longer ‘maximum’ parking standards.

**4.92** Standards are included for both the ‘urban areas’ in Cherwell (also including some of the larger villages), and ‘elsewhere’. The parking standards in the Design Guide apply to residential use only. The standards are generally slightly lower in the ‘urban’ (i.e. more sustainable) areas than ‘elsewhere’. The Design Guide also includes guidance on parking design considerations and how to

incorporate parking spaces as part of achieving a high quality urban design. The County Council’s Design Guide, and the parking standards contained therein, have been prepared with regard to the NPPF guidance on parking standards.

**4.93** The Design Guide includes cycle parking standards for residential development as part of promoting cycling as a sustainable transport mode. It also contains wider guidance relating to transport and access considerations in planning new developments. This includes creating a ‘movement framework’ for new development which prioritises travel by foot, bicycle and public transport; on designing adequate cycle infrastructure, on maximising the use of public transport through careful route layout; road hierarchies and appropriate materials; technical matters relating to junction visibility and road alignment; the use of design features such as kerbs and bollards; and streetscape & landscaping issues as well as adoption matters. The Residential Design Guide can be viewed at <https://www.oxfordshire.gov.uk/cms/content/transport-development-control-tdc>

**4.94** The Non Statutory Cherwell Local Plan 2011 contains Policy TR11 on Parking and Policy TR12 which seeks to restrict the provision of private non-residential parking in the central areas of Banbury and Bicester in favour of the provision and enhancement of alternative transport.

#### Public Parking Provision

**4.95** A comprehensive study of parking in Bicester, Banbury and Kidlington was carried out in 2015 which indicated that whilst there is high demand for parking spaces in Banbury and Bicester, there are high levels of space turnover (i.e. short dwell times) which result in an adequate supply. Data from November 2014 indicated, for the Council-owned car

parks, an overall vacancy rate of 35% in Banbury, and 54% in Bicester indicating that there is spare capacity. Occupancy is particularly low at some car parks. It may be appropriate to consider if Council-owned car parks could be released, either for development or for sale to then lease back, in order to raise funds. Consequently the Local Plan Part 2 could include a policy guiding proposals for the redevelopment of public (and/or private) car parks.

**4.96** The Non-Statutory Cherwell Local Plan 2011 contains Policy TR13 which provides support for the redevelopment of existing private car parks providing that alternatives to the private car that are sufficient to mitigate the effects of the loss of parking are implemented. Policy TR14 relates to the redevelopment of public car parks, and sets out criteria to determine where such proposals would be considered acceptable.

### Question 20

#### **Car & Cycle Parking – Standards for New Development and Public Parking Provision**

Is there a need for Local Plan Part 2 to include policies on parking, including cycle parking? What kinds of issues do you consider that a policy on parking provision should cover?

#### ***Sustainable Transport Modes and the Promotion of Walking and Cycling***

**4.97** Oxfordshire County Council’s Local Transport Plan 4 (LTP4) has a clear focus on reducing the proportion of journeys made by car and making the use of public transport, walking, and cycling more attractive, as part of reducing carbon

emissions, improving public health and well-being and also supporting economic growth and vitality (making effective use of all available transport capacity, reducing congestion, and improving public transport journey times). Walking and cycling are ‘zero emission’ whilst there are also possibilities to improve ‘low emission’ transport (including through the encouragement for electric vehicles, see below).

**4.98** Local Plan Part 1 policy SLE 4 promotes the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Strategic site allocations in the Local Plan Part 1 were informed by transport evidence and subject to Sustainability Appraisal, which included ‘testing’ of sites against sustainability objectives such as contributions to reducing air pollution, improving accessibility, reducing road congestion by improving travel choice and reducing the need for travel. Non-strategic development sites allocated in the Local Plan Part 2 will also be subject to a Sustainability Appraisal process.

**4.99** A Sustainable Transport Strategy (STS) has since been prepared for Bicester which sets out the transport ambition and vision for sustainable development in the town. The STS seeks to improve connections for pedestrians and cyclists and create a comprehensive integrated network for walking and cycling, with links to the town’s rail stations. The STS also considers wider issues of public realm improvements, and making the town centre more accessible and attractive, to encourage footfall and spending, and therefore result in economic growth and increased spending. This could be achieved through addressing the movement of through traffic through the centre, and lowering traffic speeds, maximising opportunities for cycling networks, and identifying development opportunities to improve retail provision in

the town. Improved public transport interchange hubs could be developed at the two rail stations and the bus interchange, encouraging multi modal public transport journeys. Improvements to the town's central corridor are also detailed in order to reduce traffic along the central north-south route and provide better facilities for walking and cycling linking to the town centre. As well as actions specific to Bicester, the STS establishes broader principles that may be transferrable and appropriate for consideration across the District.

### Question 21

#### **Sustainable Transport Modes and the Promotion of Walking and Cycling**

How should the recommendations of the Bicester Sustainable Transport Strategy be reflected in the Local Plan Part 2?

How could sustainable transport principles across the Cherwell District be incorporated in the Local Plan Part 2, further to the strategic policy SLE 4 in the Local Plan Part 1?

#### **Electric and Low Emission Vehicles and Associated Infrastructure**

**4.100** Whilst encouragement can be made for a 'modal shift' away from the private car to public transport, walking, and cycling, many trips (for example commuter trips and deliveries) will continue to be made by private car. Electric and low emission vehicles offer the possibility of making such trips more sustainable. Electric hybrid cars

are becoming more popular as they become more affordable and as battery technology develops, allowing a longer range.

**4.101** Oxfordshire County Council's Local Transport Plan 4 includes encouragement for electric vehicles and associated infrastructure as part of a sustainable transport strategy which reduces carbon emissions associated with transport and includes Policy 22 "The County Council will promote the use of low or zero emission transport, including electric vehicles and associated infrastructure where appropriate". The County Council will seek funding opportunities to provide charging points on street and on County Council property. LTP4 also sets out that, as part of the Oxfordshire Cycling Strategy, the County Council will provide charging infrastructure for electric bikes in the public realm and require it in planning applications where appropriate and viable.

**4.102** The Bicester Sustainable Transport Strategy (STS) contains recommendations on improving the infrastructure relating to electric and low emission vehicles, by introducing additional strategically located charge points including at workplaces, civic buildings and car parks as part of a coherent strategy. It also identifies the potential for an 'electric car club' in the town. The provision of electric charging infrastructure will be particularly (but not exclusively) important at the North West Bicester eco-town, where the use of electric vehicles and provision for electric vehicle charging points is already being particularly encouraged.

**4.103** Electric vehicle charging infrastructure benefits from Permitted Development rights in some locations i.e. within an area lawfully used for off-street parking, where the outlet would not exceed 1.6 metres in height, and be no more than 2

metres from a highway. There are other locational restrictions to the Permitted Development rights.

**4.104** There may be an increasing prevalence of electric car and bike charging points in the built environment and it may be appropriate for the Local Plan Part 2 to encourage the provision of such infrastructure as part of a coherent strategy, and to guide the location of this infrastructure to the most appropriate locations, framed in a positive way so as to respond to the emphasis in the National Planning Policy Framework on promoting sustainable modes of travel.

### Question 22

#### Electric and Low Emission Vehicles and Associated Infrastructure

Should the Local Plan Part 2 include a policy relating to the encouragement for low and zero emission transport, and electric car and bike charging infrastructure? What kinds of issues would such a policy cover?

#### ***'Real Time' Public Transport Information***

**4.105** In planning for sustainable travel it is important to provide information about travel options and public transport availability. Real time information relates to 'actual' departure/arrival times for public transport – for example, how many minutes until the next bus arrives – based on automatic vehicle tracking.

**4.106** The proposals in the Area Strategies for Bicester and Banbury in Oxfordshire County Council's Local Transport Plan 4 (LTP4) state that

developers are required to provide modern bus stop infrastructure with Real Time information.

**4.107** Policy Bicester 1 of the Local Plan Part 1 relates to the North West Bicester eco-town and requires that all homes at the development have real time public transport information.

**4.108** The Local Plan Part 2 could consider whether to include a policy requiring the provision of real time public transport information at locations other than North West Bicester, given the importance of delivering sustainable transport opportunities and supporting the 'modal shift' promoted in Local Plan Policy SLE 4.

### Question 23

#### 'Real Time' Public Transport Information

Should the Local Plan Part 2 include a policy requiring 'real time' public transport information to be provided at new developments in the District? What kinds of issues would such a policy cover?

#### ***Rail Investment***

**4.109** Oxfordshire County Council's Local Transport Plan 4 (LTP4) and other transport evidence informing the Local Plan process highlight the significant strategic rail investment occurring in the Cherwell District. Two new or improved stations have recently opened (at Oxford Parkway and at Bicester) providing for increased services to Oxford and to London Marylebone. Longer term, east-west rail links are to be improved between Bedford and Oxford, Milton Keynes and Aylesbury,

with the long term intention of re-establishing a rail link between Bedford and Cambridge. The Infrastructure Delivery Plan accompanying the Local Plan Part 1 identifies the key rail projects relating to Banbury, Bicester and Kidlington and the rural areas.

**4.110** The Non Statutory Cherwell Local Plan 2011 contains policy TR28 which states that “*The Council will ensure that development does not prejudice the provision of the East West Rail proposals on existing track between Bedford and Oxford*”. Given the continued strategic importance of proposed improvements to East-West rail links it may be important for the Local Plan Part 2 to include a similar policy.

**4.111** The Local Plan Part 1 contains Policy SLE 5 which sets the Council’s expectations relating to the design and construction of HS2, notwithstanding HS2 being a national infrastructure project and that the decision to authorise the railway and associated works sit with Parliament. The Council’s involvement will be focused on seeking the best outcome for the environment, local communities and businesses affected by the scheme.

### Question 24

#### Rail Investment

What are the main issues relating to rail improvement and investment that the Local Plan Part 2 should seek to address?

Should the Local Plan Part 2 include a policy to prevent any development that would prejudice the delivery of the rail proposals in Local Plan Policy SLE 4?

### Considering the Need for Development Management policies for Transport

**4.112** The adopted Cherwell Local Plan 1996 and the Non-Statutory Cherwell Local Plan contained detailed criteria based policies against which development proposals could be assessed in terms of their impact upon transport, including:

- Development attracting traffic on minor roads (Adopted 1996 Policy TR7)
- Commercial facilities for the motorist (Adopted 1996 Policy TR8)
- Use of the Oxford Canal for transportation (Adopted 1996 Policy TR11, NSCLP Policy TR20)
- Reservation of land for road schemes in the countryside (Adopted 1996 Policy TR22)
- Road safety (NSCLP Policy TR5)
- Public transport (NSCLP Policy TR6)
- Protecting pedestrian and cycle circulation or route provision (NSCLP Policy TR8)
- Rail infrastructure (NSCLP Policy TR10)
- Petrol filling stations (NSCLP Policy TR18)
- Construction of roads in new residential areas NSCLP TR19)
- Introduction of home zones and quiet lanes in residential areas (NSCLP TR19a)
- Protection of a cycle and pedestrian network for Banbury (NSCLP Policy TR25), Bicester (NSCLP Policy TR31) and Kidlington (NSCLP Policy TR35)
- Support for traffic management schemes in the Rural Areas (NSCLP Policy TR36)

**4.113** In preparing Local Plan Part 2 we need to consider whether replacement policies are needed for the above areas, or if national planning policy and the strategic policies in Local Plan Part 1 are sufficient in

considering development proposals. It is important that policies in the Plan do not merely replicate national guidance.

**Question 25**

**Other Development Management Issues**

Do you consider that local development management policies are needed for any of the issues identified above?

**4.2 Theme Two: Building Sustainable Communities**

**Introduction**

**4.114** Part of the vision for the District set out in Local Plan Part 1 is to build sustainable communities by facing the challenges of a growing and aging population and ensuring that Banbury, Bicester and Kidlington together with the rural areas offer a high quality of life and meet the needs of all sections of the population. A number of challenges to achieving the vision for building sustainable communities were identified in Part 1 of the Plan and these are summarised in Appendix 3 'Local Plan Part 1 Challenges and Issues'.

**4.115** The Strategic Objectives identified in Part 1 of the Plan to address these challenges are listed below:

**SO 6** To accommodate new development so that it maintains or enhances the local identity of Cherwell's settlements and the functions they perform

**SO 7** To meet the housing needs of all sections of Cherwell's communities, particularly the need to house an ageing

population and to meet the identified needs of Gypsies and Travellers and Travelling Show people, in a way that creates sustainable, inclusive and mixed communities

**SO 8** To improve the affordability of housing in Cherwell and to provide social rented and intermediate housing to meet identified needs whilst ensuring the viability of housing development and a reliable supply of new homes

**SO 9** To improve the availability of housing to newly forming households in rural areas

**SO 10** To provide sufficient accessible, good quality services, facilities and infrastructure including green infrastructure, to meet health, education, transport, open space, sport, recreation, cultural, social and other community needs, reducing social exclusion and poverty, addressing inequalities in health, and maximising well-being.

**4.116** The policies and proposals contained in Local Plan Part 1 will help to address some of the challenges and issues identified. In preparing Local Plan Part 2 we need to consider what additional policies and proposals need to be included to help secure the Plan's objectives and address the issues identified.

**4.2.1 Housing**

**Introduction**

**4.117** The Local Plan Part 1 contains the strategic policies relating to the delivery of housing to meet housing needs in the District. It sets out the overall levels of housing growth, and distribution between Bicester, Banbury and the rest of the District (Policy BSC 1); it contains a policy on the effective and efficient use of land (brownfield land and housing density) (BSC 2), on affordable housing thresholds and

requirements (BSC 3), on the mix of housing to be negotiated on sites (BSC 4), on area renewal (BSC 5), and on provision for travelling communities (BSC 6).

**4.118** The housing policies in the Local Plan Part 1 seek to address the identified strategic challenges and objectives, with policy on more detailed housing matters, including the allocation of non-strategic sites for housing development, to be included in the Local Plan Part 2.

**4.119** The Local Plan Part 1 meets Cherwell's housing needs to 2031. It contains a commitment (paragraph B.95) to working with other local authorities in Oxfordshire to address the unmet objectively assessed housing needs from elsewhere in the Oxfordshire Housing Market Area, particularly from Oxford City. This is being considered as part of work on a 'Partial Review' of the Local Plan Part 1. An 'Issues' paper has been prepared as part of that process, which is being consulted on separately to this consultation on the Local Plan Part 2.

### **National Policy Context**

**4.120** The delivery of housing to meet needs is one of the core planning principles of the National Planning Policy Framework (NPPF). Local Plans should 'boost significantly' the supply of housing, ensuring that the Local Plan meets the full, objectively assessed needs for market and affordable housing. Local Planning Authorities should seek to deliver a wide choice of quality homes, widen opportunities for home ownership, and create sustainable, inclusive and mixed communities. Local Plans should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (including housing needs of the elderly, of families, of people with

disabilities, service families, and people wishing to build their own homes); and identify the size, type, tenure and range of housing that is required in particular locations. In rural areas, Local Plans should plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. The NPPF contains a definition of affordable housing and rural exception sites (with the definition now proposed to be amended in a consultation on changes to the NPPF (December 2015), summarised below).

### Housing and Planning Bill 2015

**4.121** The Housing and Planning Bill is currently progressing through Parliament. When it receives Royal Assent it will have implications for the content of the Local Plan Part 2 directly and through consequential amendments introduced, for example to the National Planning Policy Framework (see below). It introduces a number of provisions including the following, which are of relevance to the Local Plan Part 2, and which are covered in more detail in the sections below:

- Brownfield Register
- Permission in Principle
- Starter Homes
- Self Build and Custom House Building
- Gypsies and Travellers

### National Planning Policy Framework – Consultation on Amendments

**4.122** A Government consultation on amendments to the National Planning Policy Framework commenced in December 2015, in order to reflect the intentions announced in the Housing and Planning Bill, the Autumn Statement, and other recent documents and statements issued by the Government. The main areas for amendment relate to

affordable housing and starter homes, increasing the density of development around commuter hubs, supporting sustainable new settlements, development on brownfield land and small sites, and promoting the delivery of housing allocated in plans. The proposed changes are covered in more detail below, where there is particular relevance to the preparation of the Local Plan Part 2.

## **Housing - Key Issues for Local Plan Part 2**

### ***Starter Homes***

**4.123** The Housing and Planning Bill proposes a statutory duty on local authorities to promote the delivery of ‘starter homes’: new dwellings for first time buyers under 40, sold at a discount of at least 20% of market value and at less than the price cap of £250,000 outside of London. It contains a requirement for a proportion of starter homes to be delivered on all suitable reasonably sized housing developments, and separate consultation will be undertaken on the level at which this requirement should be set. Starter Homes are exempted from S106 contributions requirements or the Community Infrastructure Levy. The price reduction will last for 5 years, after which the property can be sold at full market rate. A Written Ministerial Statement published in March 2015 stated that local planning authorities should look to secure the provision of starter homes on new ‘exception sites’ (in addition to the ‘traditional’ definition of rural exception sites) with unviable or underused commercial or industrial brownfield land being released for starter homes. Where applications for starter homes come forward on such exception sites, they should be approved unless the local planning authority can demonstrate that there are overriding conflicts with the NPPF.

**4.124** The consultation on changes to the NPPF (December 2015) includes proposals included in the Productivity Plan (July 2015) to extend the starter home exception site policy and strengthen the presumption in favour of starter homes, including the release of unviable or underused brownfield land for retail, leisure and institutional uses. Starter homes are to be considered as affordable housing and the consultation on the NPPF proposes to amend the definition of affordable housing accordingly. Starter homes can therefore be provided instead of homes for social or affordable rent, or intermediate housing (see changes to the affordable housing definition in the NPPF, below). Consequently, the consultation on the NPPF considers that it should be possible to deliver starter homes through the existing rural exception site policy – with homes subject to a 5 year minimum time limit on resale but sellable at market value after that. The consultation proposes that local planning authorities would, exceptionally, have the flexibility to require a local connection test, to reflect the particular needs of some rural areas where local connections are important and access to the housing market for working people can be difficult.

**4.125** The changes proposed to the NPPF encourage the provision of starter homes within new town centre mixed use developments and converted unlet commercial units. It also proposes to enable local communities through Neighbourhood Plans to allocate appropriate small sites in the Green Belt specifically for starter homes. The NPPF consultation proposes changes to support the regeneration of previously developed brownfield sites in the Green Belt by allowing them to be developed in the same way as other brownfield sites, where this contributes to the delivery of starter homes. The Government proposes to amend the current policy test in paragraph 89 of the NPPF that prevents development



of brownfield land where there is any additional impact on the openness of the Green Belt to give more flexibility and by preventing development where there is 'substantial' harm to openness.

### Question 26

#### Starter Homes

Do you have any views on the main planning issues raised by the Starter Homes concept, the new duties on local planning authorities, and the implications for the Local Plan Part 2?

#### Affordable Housing

**4.126** The current definition of affordable housing as set out in the NPPF includes social rent, affordable rent, and intermediate housing, provided that they are subject to 'in perpetuity' restrictions or that the subsidy is recycled for alternative affordable housing provision. The Government is keen to extend opportunities for home ownership and thus proposes to amend the definition of affordable housing to include products similar to low cost market housing or intermediate rent, which may not be subject to 'in perpetuity' restrictions which, it considers, risk stifling innovation. Starter homes will be considered to be affordable housing. This includes allowing local planning authorities to secure starter homes as part of their negotiations on sites.

**4.127** The Local Plan Part 1 policy BSC 3 sets the thresholds above which affordable housing will be sought, and was modified during the Examination process to reflect the Government's statement of November 2014 that no contributions should be sought on small sites of 10 or fewer dwellings. However, changes to the National Planning

Practice Guidance reflecting the Government's November 2014 statement, to exempt small sites from affordable housing contributions, were subsequently quashed following a high court challenge. The Government is now appealing against this decision. The affordable housing standards required in the Cherwell District may need to be reviewed once the national position is confirmed.

### Question 27

#### Affordable Housing

Do you have any views on the main planning issues raised by the proposed changes to the definition of affordable homes, and the implications for the Local Plan Part 2?

Do you have any comments on the adopted Local Plan affordable housing thresholds in the context of the Government's legal proceedings?

Are there any other issues relating to the provision of affordable housing that should be considered in the Local Plan Part 2?

#### ***Brownfield Land Register/Permissions in Principle/Local Development Orders***

**4.128** Policy BSC 2 of the Local Plan Part 1 states that the Council will encourage the re-use of previously developed land (brownfield land) in sustainable locations.

**4.129** The government's Productivity Plan (July 2015) announced a 'planning permission in principle' system which is promoted in the Housing and Planning Bill. Local planning authorities will be required to publish and maintain up-to-date registers of brownfield

sites available for housing. The Bill will enable the Secretary of State to grant permission in principle to land allocated in the Brownfield Register (together with land allocated in Development Plan Documents and Neighbourhood Plans) for new homes, subject to certain criteria to be set out in a development order. (Alternatively permission in principle could be granted by local authorities, on sites that do not need to be contained on the register, providing that a development order has been established). The development order would set out what type, scope and scale of development would be granted permission in principle. Permission in principle would be followed by a detailed consent stage. The details of the process have yet to be confirmed, but may have implications for Local Plan Part 2 policies and proposals as they emerge.

**4.130** The proposed changes to the NPPF (December 2015) would attach ‘substantial weight’ to the benefits of using brownfield land for housing (in effect, a form of ‘presumption’ in favour of brownfield land). It is proposed that development proposals for housing on brownfield sites should be supported, unless overriding conflicts with the Local Plan or the NPPF can be demonstrated and cannot be mitigated.

**Question 28**

**B r o w n f i e l d                      L a n d  
R e g i s t e r / P e r m i s s i o n s                      i n  
P r i n c i p l e / L o c a l                      D e v e l o p m e n t  
O r d e r s**

Do you have any views on the implication of the above issues for the Local Plan Part 2?

**4.131** The Non Statutory Cherwell Local Plan includes policies H9 and H11 on ‘windfalls’ at Banbury and Bicester (housing sites which have not been specifically identified in the plan), indicating that proposals for residential development on sites within the built-up limits will be permitted provided they make efficient use of land and there is no adverse impact on the character and appearance of the area, residential amenity, and highway safety.

**4.132** The Government now intends to make it easier for applicants to secure permission in principle for development on small sites of less than 10 dwellings on land other than brownfield land. Consultation on the changes to the NPPF propose applying the “presumption in favour” to brownfield sites (above) to other small sites, provided they are within existing settlement boundaries and well-designed to promote or reinforce local distinctiveness, and providing there is adequate protection against unwanted development of back gardens. The consultation on the NPPF also asks whether local planning authorities should have a specific positive local policy for assessing applications for development on small sites not allocated in the Local Plan. The outcome of the national consultation may therefore have implications for Local Plan Part 2.

**Windfall Development and Small Sites**

### Question 29

#### Windfall Development and Small Sites

What planning issues should be considered in any policy to guide the consideration of proposals for 'windfall' development?

Do you wish to comment on the implications of a national "presumption in favour" of housing development on small sites, subject to certain criteria, for the Local Plan Part 2?

### Question 30

#### Housing Density

Do you have any views on a potential increase to housing density around "commuter hubs" in the Cherwell District? How could these issues be approached in the Local Plan Part 2?

#### Housing Density

**4.133** Policy BSC 2 of the Local Plan Part 2 requires that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development.

**4.134** The consultation on changes to the NPPF proposes that local planning authorities should require higher density development around commuter hubs wherever feasible. A commuter hub is defined as:

- a. A public transport interchange (rail, tube or tram) where people can board or alight to continue their journey by other public transport (including buses), walking or cycling; and
- b. A place that has, or could have in the future, a frequent service to that stop (running at least every 15 minutes during normal commuting hours).

**4.135** The Government is also consulting on any further suggestions for proposals to support high density development around commuter hubs through the planning system.

#### Self Build/Custom Build

**4.136** The Cherwell Local Plan Part 1 commits support to self-build or self-finish housing (Policy BSC 3). The Council has established a community self-build housing programme (Build!), and a Community Land Trust, with self-build options ranging from building from a serviced plot, to finishing a property that just requires decorating and the outside area landscaping. The Council has purchased the Graven Hill site at Bicester, formerly owned by the MOD, which forms the majority of the site identified in Local Plan Part 1 (Policy Bicester 2) for 2,100 dwellings, and which is to become the first large scale self-build project of its kind in the UK.

**4.137** The Self Build and Custom Housebuilding Act (March 2015) places a duty on local authorities to keep a register of individual and community groups who have expressed an interest in acquiring land to bring forward self-build and custom-build projects and to take account of and make provision for the interests of those on such registers in developing Local Plans; to allow volume house builders to include self-build and custom-build projects as contributing towards their affordable housing obligations, when in partnership for this purpose with a Registered Social Landlord.

**4.138** The Housing and Planning Bill proposes to amend the Self Build and Custom Housebuilding Act 2015 to require authorities to grant “sufficient suitable development permission” of serviced plots of land to meet the demand, based on the register of persons requiring self-build plots. I.e. enough serviced permissioned plots must be available to meet the demand for these plots. The permission will include planning permission in principle. The local authority can set criteria to attach to the permissions for example on the occupancy of the self build homes.

### Question 3 I

#### Self Build/Custom Build

What are the policy issues for the Local Plan Part 2 in relation to self-build/custom housing?

#### **Residential Moorings and Boaters’ Facilities on the Oxford Canal**

**4.139** Policy ESD 16 of the adopted Cherwell Local Plan Part I relates to the Oxford Canal and states that “*Other than appropriately located small scale car parks and picnic facilities, new facilities for canal users should be located within or immediately adjacent to settlements. The Council encourages pre-application discussions to help identify significant issues associated with a site and to consider appropriate design solutions to these and we will seek to ensure that all new development meets the highest design standards*”.

**4.140** Paragraph B.273 of the adopted Cherwell Local Plan Part I states that the approach to residential canal moorings and boater’s facilities on the Oxford Canal will be set out in the Local Plan Part 2.

**4.141** The Government’s positive approach to residential moorings was confirmed in a 2011 announcement which highlighted that local planning authorities could seek to create more residential moorings as part of the contribution to increasing the housing supply in the area (and also reducing the numbers of unlawful moorings).

**4.142** The Adopted Cherwell Local Plan 1996 contains policy H26: Residential Canal Moorings, which states that:

*“Proposals for the siting of permanent residential moorings on the Oxford Canal will be considered favourably provided the following criteria are met:*

- (i) The site is within the built up limits of a settlement*
- (ii) Adequate car parking must be provided*
- (iii) Mooring should be compatible with adjacent land uses*
- (iv) The number and density of boats at any one point should not be so great that it would act as a barrier separating people from the waterway or be detrimental to the waterway’s character. Mooring will not normally be permitted on the towing path side”.*

**4.143** The Non Statutory (non-adopted) Cherwell Local Plan contains a similar Policy H28 but adds an additional consideration ensuring that a proposal does not cause harm to the character and appearance of the settlement.

**4.144** Some of the planning issues relevant to a potential policy on residential moorings and boater’s facilities have been identified in consultations on the Local Plan Part I and the scoping consultation on the Local Plan

Part 2. These include: considering whether to allocate residential canal moorings in the Local Plan Part 2; the types of moorings to be considered; the potential impacts of boater's facilities on the biodiversity value of the canal and adjacent sites.; and the need to recognise constraints such as topography or location within the context of Policy ESD 16's focus on the provision of facilities within or adjacent to settlements. In addition, since the preparation of that Non Statutory Cherwell Local Plan, the entirety of the Oxford Canal passing through the Cherwell District has been designated as a Conservation Area, to ensure the on-going protection of the canal's special character. Any new development within the Conservation Area, or affecting its setting, will need to be mindful of the historic character of the Canal.

### Question 32

#### Residential Moorings and Boaters' Facilities on the Oxford Canal

Do you have any comments regarding the planning issues to be considered in a policy on residential moorings and boater's facilities?

### Travelling Communities

**4.145** Informed by a detailed evidence base assessing the need for traveller accommodation, the Local Plan Part 1 contains Policy BSC 6 on Travelling Communities which states that the Cherwell District will provide 19 (net) additional pitches to meet the needs of Gypsies and Travellers from 2012 to 2031. It states that to meet these requirements, allocations will be made in the Local Plan Part 2.

**4.146** Policy BSC 6 on Travelling Communities sets out a sequential approach to the identification of suitable sites with reasonable accessibility to services and facilities, with priority given to sites within proximity to Banbury, Bicester or a Category A village, then a Category B village. It states that locations outside of the Cotswolds Area of Outstanding Natural Beauty and the Green Belt will be considered.

**4.147** The policy also includes criteria to be considered in assessing the suitability of proposals for traveller sites as follows:

- a. Access to GP and other health services
- b. Access to schools
- c. Avoiding areas at risk of flooding
- d. Access to the highway network
- e. The potential for noise and other disturbance
- f. The potential for harm to the historic and natural environment
- g. The ability to provide a satisfactory living environment
- h. The need to make efficient and effective use of land
- i. Deliverability, including whether utilities can be provided
- j. The existing level of local provision
- k. The availability of alternatives to applicants.

**4.148** Paragraph B.138 of the Local Plan Part 1 states that these criteria, along with a sequential approach outlined in the policy, will be used to identify appropriate new locations for traveller sites whether through

site allocations in the Local Plan Part 2 or the determination of planning applications. In doing so the Council will engage with the travelling communities.

**4.149** National planning policy for Traveller Sites was updated in August 2015. The document provides guidance for the preparation of strategic policy on travelling communities (i.e. the Local Plan Part 1) including the preparation of criteria to guide land supply allocations and planning applications. This includes some more detailed criteria that may be appropriate for inclusion in the Local Plan Part 2, such as the need to consider the design and landscape of traveller sites so as to positively enhance the environment and increase openness; promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas; and limiting the use of hard landscaping and high walls or fences. Early consultation on the scope of the Local Plan Part 2 also indicated that a detailed issue relating to the design of traveller sites particularly relevant to the Cherwell District is ensuring that there is adequate provision of onsite facilities and potential for the accessibility adaptations required by an increasingly elderly population.

### Question 33

#### Travelling Communities

Do you wish to suggest any appropriate sites for allocation to meet the accommodation needs set out in Policy BSC 6 of the Local Plan Part 1? If you are formally promoting a site please use the 'Call for Sites' site submission forms available at

[www.cherwell.gov.uk/policypublicconsultation](http://www.cherwell.gov.uk/policypublicconsultation)

Do you have any comments on the issues to be considered in a detailed policy relating to Travelling Communities in the Local Plan Part 2?

#### *Allocation of Non-Strategic Housing Sites*

**4.150** The Cherwell Local Plan Part 1 makes strategic allocations for housing development at Bicester and Banbury in order to meet the housing needs for the Cherwell District over the plan period. Paragraph 4.120 of this Issues Paper notes that consultation on a Partial Review of the Cherwell Local Plan Part 1 is being undertaken alongside this consultation on the Local Plan Part 2 with a view to accommodating the additional unmet housing needs arising from elsewhere in the Oxfordshire housing market area. The housing figures in Local Plan Part 1 make allowances for non-strategic urban and rural housing sites in sustainable locations. The non-strategic sites will either be allocated in the Local Plan Part 2 or in Neighbourhood Plans, or will be identified through the determination of applications for planning permission. The Strategic Housing Land Availability Assessment will regularly be reviewed to ensure there is sufficient potential housing supply. The latest position on housing supply in the District is published

in the Annual Monitoring Report 2015, available on the Council's website. The Local Plan Part 2 will need to consider the allocation of non-strategic housing sites in the Cherwell District. A 'Call for Sites' accompanies this Issues consultation and site submissions are invited. The Council will also need to consider whether any sites previously proposed for development in the 1996 Adopted Cherwell Local Plan and the Non-Statutory Cherwell Local Plan which have not been implemented should continue to be allocated as part of Local Plan Part 2.

### Question 34

#### Allocation of Non-Strategic Housing Sites

Do you wish to promote a site for consideration for allocation in the Local Plan Part 2?

If so, please complete the 'Call for Sites' site submission forms available to download at [www.cherwell.gov.uk/policypublicconsultation](http://www.cherwell.gov.uk/policypublicconsultation)

### Rural Dwellings

**4.151** The Local Plan Part 1 is clear that the main locations for growth in the District will be the urban areas. Growth across the rest of the District will be much more limited and development in the open countryside particularly will be strictly controlled.

**4.152** In terms of residential development in the rural areas, the Cherwell Local Plan 1996 (H18, H19, H20, H21) and the Non Statutory Cherwell Local Plan (H19, H20, H21, H22) contain policies on new dwellings in the countryside and the conversion of buildings in the countryside, which seek to limit new dwellings to agricultural workers'

dwellings (or dwellings essential for other existing undertakings), or to small scale low cost housing development to meet a specific and identified local housing need which cannot be satisfied elsewhere, i.e. rural exception sites. The policy relating to conversions sets out criteria to determine whether conversion would be appropriate and the Non Statutory Cherwell Local Plan introduced a priority for conversion to commercial rather than residential use.

**4.153** Local Plan Part 1 Policy Villages 3 replaces the previous 1996 Local Plan policy on rural exception sites. We now need to consider whether the Local Plan Part 2 should contain a replacement policy restricting new dwellings in the countryside to dwellings essential for agricultural workers, and to the conversion of rural buildings. A response to the scoping consultation indicated that to support growth and intensification in the farming industry, the Local Plan should include a policy to permit agricultural workers dwellings where necessary.

**4.154** Policy guidance in the National Planning Policy Framework (paragraph 28) states that Local Plans should:

- *"Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; and*
- *"Promote the development and diversification of agricultural and other land-based rural businesses..."*

**4.155** Paragraph 55 states that:

*"Local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances such as:*

- *The essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *The exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
  - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
  - *reflect the highest standards in architecture;*
  - *significantly enhance its immediate setting; and*
  - *be sensitive to the defining characteristics of the local area”.*

### Question 35

#### Rural Dwellings

Regarding the provision of dwellings for agricultural workers, is additional detail needed further to the guidance in the National Planning Policy Framework? For example, providing a local definition for what is considered to be an ‘essential need’ in Cherwell, and what evidence would be required to support this.

What might be the policy approach to the removal of occupancy conditions restricting the occupancy of agricultural worker’s dwellings?

Is there a need for a policy on the conversion of rural buildings, whether to residential or commercial use? What kinds of issues should this policy cover?

Is there a need for a policy on the conversion of buildings within settlements?

#### Substandard/ Replacement Dwellings

**4.156** The 1996 Cherwell Local Plan includes a policy (H17) which provides guidance on the acceptability of proposals for the one-for-one replacement of an existing statutorily unfit or substandard dwelling. However practically this policy has been difficult to implement for some time since ‘unfitness’ ceased to have legislative relevance for housing in 2006 when the fitness standard was replaced by a new assessment and enforcement regime based on the Housing Health & Safety Rating System (HHSRS). The key issue is whether a dwelling is capable of appropriate repair and improvement at a reasonable cost.



**4.157** In addition, in the context of the Cherwell Local Plan’s focus on delivering sustainable development, and on mitigating and adapting to climate change, it is also important to consider the value of the embodied energy within buildings (i.e. the energy inherent in the construction of the building, its materials) and the resources to be lost/used in entirely replacing a dwelling. Policy ESD 3 of the Local Plan encourages the reuse of building materials wherever development proposals involve demolition or redevelopment, but it is important for any new policy on the repair or replacement of substandard dwellings to also consider issues of embodied energy.

**Question 36**

**Substandard/Replacement Dwellings**

Do you have any views on how ‘substandard’ could be defined?

Aside from embodied energy, what other issues should be considered in a policy regarding the one-for-one replacement of dwellings?

What criteria might the Council establish to determine whether the replacement of a dwelling should be allowed?

**Specialised Housing, Accessibility, and Adaptability (including ‘Lifetime homes’)**

**4.158** The National Planning Policy Framework (NPPF) is clear that local planning authorities should plan to create safe, accessible environments and promote inclusion and community cohesion. This includes buildings and their surrounding spaces. Planning should seek to secure high

quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy ESD 15 of the Cherwell Local Plan Part 1 states that new development proposals should “*Deliver buildings...that can adapt to changing social, technological, economic and environmental conditions*”. The policy further states that more detailed design policies will be included in the Local Plan Part 2.

**4.159** Local plans can include policies requiring accessibility, adaptability and wheelchair standards in new dwellings where there is an identified need for such standards. One source of evidence on needs in the Cherwell District is the 2014 Strategic Housing Market Assessment (SHMA) (HOU12d), which considers demographic projections in the Oxfordshire housing market area to 2031 and highlights trends including people living longer and an increase in elderly couple households. The SHMA also considers population change in terms of people with dementia and mobility problems, indicating a significant increase in Cherwell over the Plan period. Given the ageing population and higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options in the future. The SHMA also considers long term health problems or disability (separate from health problems relating to age), and indicates a 50% increase in the number of people with a long term problem or disability to 2031. The SHMA is not specific about the types of specialist housing that might be required, though for older people it highlights that as well as traditional specialist retirement housing there may be needs to ensure that mainstream (not age specific) dwellings, particularly 1 and 2 bed properties, are constructed as bungalows or built to high accessibility or adaptability standards. For people with a long term health problem or disability, it highlights that many people are

likely to want to live in their own homes, rather than in institutions, meaning that properties are likely to require adaptations.

**4.160** The information in the SHMA indicates that there may be a need for standards to be applied in the Cherwell District on accessibility and adaptability in new buildings. Government guidance requires that where there is a need for dwellings with enhanced accessibility or adaptability standards, Local Plans should refer to the optional standards set out in Part M (2) and M (3) of the Building Regulations regarding accessible and adaptable dwellings, and wheelchair user dwellings, respectively. The Part M (2) standards reflect the Lifetime Homes principles and should be used in place of Lifetime Homes. The application of such standards must be financially viable.

### Question 37

#### Specialised Housing, Accessibility, and Adaptability

Do you consider that there is a need for increased standards on accessibility and adaptability for dwellings in Cherwell?

Do you consider that there is a need for specialist accommodation such as retirement housing?

Should the Local Plan Part 2 identify specific sites to provide specialist housing for the elderly?

Should the Local Plan Part 2 identify specific sites to provide specialist housing for people with disabilities?

### Space Standards for New Development

**4.161** The National Planning Policy Framework (NPPF) emphasises the importance of good design and requires that local planning authorities should seek to deliver a wide choice of homes designed to a high quality, and a good standard of amenity for all existing and future occupants of land and buildings. Policy ESD 15 of the Cherwell Local Plan Part 1 defines what constitutes good, high quality design in the Cherwell District. Policy ESD 15 states that new development proposals should “*Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*”. It states that more detailed design policies will be provided in the Local Plan Part 2.

**4.162** A new nationally described internal space standard was published by Government in March 2015 as an optional standard to be applied in Local Plan policies where there is an identified need. The application of the standard should be justified and viable, with the financial impact to developers of applying the standard taken into account in the Local Plan’s viability assessment. The impact of a space standard (i.e. potentially larger dwellings) should also be taken into account in terms of housing land supply. Finally, there may need to be a reasonable transition period following the adoption of such a standard to allow developers to factor the costs of space standards into future land requirements. Clearly the space standard can only be applied where planning permission is required and not where permitted development rights apply (for example, conversions from offices to dwellings).

**4.163** In 2011 the Council approved informal planning guidance setting out internal space standards to be applied to proposals to convert homes into flats and bedsit accommodation, because at that time

the Council was concerned with a number of proposals for subdivision resulting in cramped living conditions. The scoping consultation on the Local Plan Part 2 highlighted that a lack of indoor space in

dwelling might still be a particular issue for Cherwell. Any internal space standards set out by the Council in the Local Plan Part 2 must now accord with the nationally described standard which is as follows:

**Nationally Described Space Standard (CLG, 2015)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) <sup>2</sup>			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

**4.164** The Non Statutory Cherwell Local Plan includes Policy H23 relating to the subdivision of existing dwellings, which covers wider the wider planning issues relating to the subdivision of dwellings, beyond the application of an internal space standard. In addition, the Council’s subdivision guidance prepared in 2011 contains guidance on a number of detailed matters including external considerations such as entrances, letterboxes, TV aerials and satellite dishes, bin storage, boundary walls, private amenity space, and impact on neighbours; and internal considerations such as means of escape, outlook and ventilation, insulation, and accessibility. This document

is currently informal planning guidance. In some instances the guidance may have wider applicability than solely to subdivision proposals.

### Question 38

#### Internal Space Standards for New Development

Do you consider that there is a need for internal space standards to be applied in the Cherwell District?

Do you wish to comment on or provide information on how the application of such a standard would impact the viability of development in the District and housing land supply?

Do you consider that there is a need for additional planning guidance on subdivision issues to be considered in the Local Plan Part 2? Are there examples of where the guidance in this document should be applied to development proposals other than subdivision?

housing issues which are not covered in the list above. In preparing Local Plan Part 2 we need to consider whether replacement policies are needed for the above local policies, or if national planning policy and the strategic policies in Local Plan Part 1 are sufficient in considering development proposals. It is important that policies in the Plan do not merely replicate national guidance.

### Question 39

#### Other Development Management Issues for Housing

Do you consider that local development management policies are needed for any of the issues identified above?

Are there new housing issues that you consider require policy guidance as part of Local Plan Part 2?

#### Other Development Management Issues for Housing

**4.165** The adopted Cherwell Local Plan 1996 and the Non-Statutory Cherwell Local Plan contained detailed criteria based policies against which development proposals could be assessed, relevant to housing provision:

- Residential caravans (1996 Policy H23, NSCLP Policy H25)
- Housing for key workers (NSCLP Policy H7a)
- Conversions of flats to a single dwelling (NSCLP Policy H24)

**4.166** These policies reflected issues relevant to the District at the time the plan was formulated, and it may no longer be relevant to include replacement policies in Local Plan Part 2. There may also be new

## 4.2.2 Community Facilities

### Introduction

**4.167** Cherwell Local Plan Part 1 includes strategic policies which support the provision of education, health and community facilities and public services and utilities. Policy BSC7 confirms the Council's commitment to work with partners to ensure the provision of facilities which provide for education and the development of skills. It indicates that new school buildings should be located in sustainable locations, and consider co-location of other services and facilities to create community hubs. Policy BSC8 confirms the Council's support for the provision of health facilities in sustainable locations. Policy BSC9 indicates the Council's support for new or improved

public services and utilities if they are required for the delivery of sites and comply with other planning policies. It also indicates that all new development will be expected to include provision for connection to Superfast Broadband. Policy BSC 12 encourages the provision of community facilities to enhance the sustainability of communities.

### National Policy Context

**4.168** National policy recognises the role that the planning system can play in creating healthy, inclusive communities. In order to secure the facilities and services to meet community needs, planning policies should plan positively for the provision and use of community facilities and other local services, and guard against unnecessary loss of facilities and services (especially where this would reduce the community’s ability to meet its day to day needs). They should also ensure that facilities are able to develop and modernise in a way that is sustainable, and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

**4.169** Government guidance stresses the importance of sufficient school places and indicates that local planning authorities should take a positive, proactive collaborative approach to provision, by giving great weight to the need to create, expand or alter schools and working with school promoters to identify and resolve key planning issues. Changes to education policy at national level in recent years have encouraged the provision of Free Schools, and the conversion of schools to Academies.

**4.170** Government guidance also indicates that local planning authorities should: “work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.” (NPPF paragraph 171). Health and well-being, and health infrastructure should be considered in local and neighbourhood plans.<sup>(1)</sup>

### Community Facilities- Key issues for Local Plan Part 2

#### Improving Education

**4.171** Following changes to government policy Oxfordshire County Council as the Local Education Authority is no longer the automatic provider of schools and supporting services, but remains responsible for the overall provision of new schools and spaces. The County Council’s vision is “for Oxfordshire to be a dynamic and forward looking place for education and learning, providing the best quality experiences for children and young people to grow up, learn, develop and achieve”.<sup>(2)</sup> Its strategy contains three aspirations: raising achievement, narrowing gaps in outcomes and keeping all children safe. Although there has been some recent improvement, the County’s schools have generally lagged behind the performance of its neighbours, and this has been a concern for many years.

**4.172** Cherwell District has historically had a relatively low education and skills base and the Council is keen to diversify and develop the education and skills base of the District into the future.

1 NPPG Paragraph 001 Reference ID: 53-001-20140306

2 A Strategy for Change: Improving Educational Outcomes in Oxfordshire 2012-2015  
<https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/childreducationandfamilies/educationandlearning/schools/ourworkwithschools/EducationStrategy.pdf>

**2011 Census Key Statistics for Cherwell: What has changed since 2001?**



**4.173** The planning system can assist in securing new education facilities by being supportive of proposals for new provision (subject to their compliance with other policies in the Plan) and, where necessary and justified, including site specific proposals in the local plan. Local Plan Part I contains policy BSC7 which is supportive of new provision, and in addition a number of the strategic site allocation policies require new schools to be provided as part of development proposals. The County Council has identified the potential need for new secondary school provision at Banbury and whilst potential solutions are still being investigated by the County Council, Local Plan Part I does identify land adjacent to the Oxford Road as potentially suitable for a new secondary school under Policy Banbury 12.

**4.174** Community use of school and college buildings and land can support learning in the wider community and contribute towards community facilities and recreation provision. Emerging policy at national level promoting Free Schools and Academies has led to many educational buildings and land now being under the ownership and control of the respective governing bodies, requiring individual agreements to be negotiated for joint use of facilities.

**4.175** In preparing Local Plan Part 2, we will consider whether there is a need for specific sites to be allocated for education provision, and whether there is a need for additional policies and proposals that would assist in improving the education and skills base of the District.

**Question 40**

**Education**

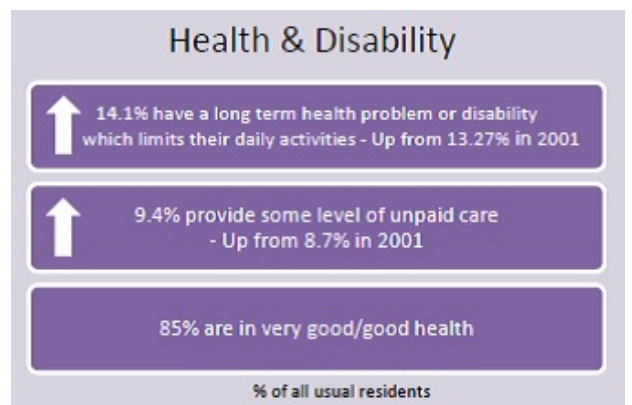
What do you consider to be the key issues for education provision in Cherwell District?

How do you think the planning system can assist in addressing these issues?

**Improving Health and Well-Being**

**4.176** Information from the 2011 Census suggested that the majority of the District’s population are in good health. However there is still a significant proportion of the population with long term health problems or disabilities:

**2011 Census Key Statistics for Cherwell: What has changed since 2001?**



**4.177** The Council is active in Health Improvement and the Health and Wellbeing Board. The Director of Public Health for Oxfordshire's Annual Report (June 2015) conducted a review of the health of Oxfordshire's residents and concluded that the overall state of health in the County is fundamentally good, but in order to continue to improve the remaining and emerging health challenges should be tackled in a more comprehensive way. The number one challenge is considered to be the changing character of the population with an increasing number of elderly residents.

**4.178** One of the other challenges identified is directly relevant to the planning system; "*Building better health through housing, roads and planning*", recognising that the built environment is fundamentally connected to our quality of life and our health. Good quality housing, providing safe and easily accessible space including green space, and reducing traffic by promoting sustainable modes of transport with provision of cycleways can all contribute to improved health and well-being. The distribution of uses can also have an impact, for example the proximity of fast food takeaway outlets in relation to schools. The availability of cultural facilities such as theatres, and adequate faith provision can also contribute to our well-being. Policies in Local Plan Part 1 can help to address some of these issues; policies support the provision of health facilities and promote sustainable transport and provision of open space in association with new development. However there may be a need for additional policies in Local Plan Part 2 to further address these issues.

#### Question 41

#### Improving Health and Well-being

What additional policies or proposals do you consider should be included in Local Plan Part 2 to help improve health and well-being in the District?

#### *Protecting and Enhancing Community Facilities*

**4.179** Local Plan Part 1 proposes significant new development at Banbury, Bicester and the former RAF Upper Heyford. Local Plan Part 2 will be proposing smaller scale development in the towns and the Category A settlements in line with the overall level of provision outlined in Part 1 of the Plan. Some of the developments will result in new community facilities being provided or existing community facilities being enhanced.

**4.180** The availability of community facilities can help to ensure sustainable communities and foster community spirit. On larger new developments, the availability of a community development officer can help new communities to shape their community, developing local social activities, and integrating with the existing population. In smaller settlements, community facilities can provide the social focus of the village.

**4.181** The Council has commissioned a social and community infrastructure study which will include an assessment of indoor community facility provision in the District and make recommendations for effective community development. This study will help to inform Local Plan Part 2.

**4.182** The loss of existing services and facilities, such as local shops and pubs, particularly in the villages, has been a cause for concern in recent years. Parish Councils and defined community groups can now request that the Council lists as an Asset of Community Value (ACV) a building or land which contributes to the social well-being of the community. If an asset is listed, and then goes up for sale, the community can be given six months to submit a bid. Government guidance<sup>(3)</sup> on ACVs indicates that it is open to local planning authorities to decide whether ACVs are a material consideration in the determination of planning applications.

**4.183** The adopted Cherwell Local Plan 1996 and the Non-Statutory Cherwell Local Plan 2011 contained policies aimed at protecting village services (policy S29 and S26 respectively). In preparing Local Plan Part 2 we need to consider whether a replacement policy is needed, to include reference to Assets of Community Value.

### Question 42

#### Protecting and Enhancing Community Facilities

Do you consider the availability of community facilities to be adequate?

Do you think a policy should be included in Local Plan Part 2 to protect community facilities?

Some local planning authorities have a policy to indicate that listed ACV status will be a material consideration. Should we consider this approach?

What additional measures could be included in the Plan to help integrate new and existing communities?

### 4.2.3 Open Space, Sport and Recreation Facilities

#### Introduction

**4.184** Local Plan Part 1 (Policy BSC 10) sets out the overarching approach to open space, sport and recreation provision, which is based on protecting existing sites, addressing deficiencies in provision through qualitative enhancement of and improved access to existing provision or securing new provision, and ensuring that new development contributes to provision to meet its own needs. Local Plan Part 1 (Policy BSC 11) also sets out standards of provision which new development is expected to meet. Local Plan Part 1 (Policy BSC 12) sets out a similar approach with regard to indoor

<sup>3</sup> Para 2.20 DCLG's Community Right to Bid: Non-statutory advice note for local authorities [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/14880/Community\\_Right\\_to\\_Bid\\_-\\_Non-statutory\\_advice\\_note\\_for\\_local\\_authorities.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14880/Community_Right_to_Bid_-_Non-statutory_advice_note_for_local_authorities.pdf)



sports provision. The responsibility for open space, sport and recreation in the District is shared between County, District, Town and Parish Councils, private sports clubs and associations and effective partnership working will therefore be required.

**4.185** Some of the strategic site allocations contained in Local Plan Part 1 will result in additional open space, sport and recreation provision at Bicester, Banbury and Upper Heyford. This includes the Sports Village currently under construction at South West Bicester, and the proposed Cherwell Country Park and relocation of Banbury United Football Club at Banbury.

**4.186** Local Plan Part 1 indicates that further work will be undertaken through Local Plan Part 2 and the masterplans, to update the evidence base regarding future needs, and further define the new provision required.

### **National Policy Context**

**4.187** National policy recognises that access to high quality open space and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of need and opportunities for new provision. The NPPF indicates that it is for local planning authorities to assess the need for new provision, but reference is made to using Sport England's guidance in assessing the need for sport and recreation facilities.

**4.188** The NPPF indicates that open space, sport and recreation buildings should not be built on unless an assessment demonstrates they are surplus to requirements, or the facility would be replaced by equivalent or better provision in terms of quantity, quality and location, or

the development is for alternative sport and recreation provision which outweigh the loss. Public rights of way and access should be protected, and opportunities sought to improve facilities for users.

**4.189** National policy also allows for local communities, through local and neighbourhood plans, to identify for special protection green areas of particular importance to them. Areas meeting the criteria set out in the NPPF can be designated as a Local Green Space when a local or neighbourhood plan is being prepared or reviewed.

### **Open Space, Sport and Recreation - Key Issues for Local Plan Part 2:**

#### ***Reviewing the Adequacy of Open Space, Outdoor Sport and Recreation Facilities***

**4.190** The evidence base for Local Plan Part 1 assessed the level of open space, outdoor sport and recreation facilities in the District and identified deficiencies in provision. The evidence base is in the process of being reviewed to inform Local Plan Part 2, and will take into account updated population information and new open space provision allocated in Local Plan Part 1. The review will also include an update of the Playing Pitch Strategy 2008 (LE103). In undertaking the review it would be helpful to receive your views on the adequacy of open space, outdoor sport and recreation provision in the District.

### Question 43

#### Open Space, Sport and Recreation

Do you consider the current quantity, quality and accessibility of open space, outdoor sport and recreation provision to be adequate? Please make clear the locations you are referring to in your response.

#### *Reviewing the Adequacy of Indoor Sports Provision*

**4.191** Initial work has already been undertaken to update our evidence base relating to indoor sports provision. Sport England has carried out some modelling work to assess the future need for sports halls, swimming pools and Artificial Grass Pitches (used primarily for hockey and football) based on the proposed level of growth in the District.

**4.192** It is important that the findings of the Sport England modelling are consulted upon to ensure that they reflect the current position in the District. The initial findings of the modelling indicate the following:

- The existing sports hall facilities at Bicester, Banbury and Kidlington are highly utilised, with older, more isolated facilities less well used. Existing provision meets most of the demand, with unmet demand mainly due to the geographical spread of facilities. There will be unmet demand for sports hall provision around Bicester in particular during the plan period. A future consideration will be how to ensure maximum use of existing facilities whilst maintaining a fit for purpose offer, bearing in mind the facilities will be ageing.

- In quantity terms, compared to the national average, Cherwell is currently well provided with swimming pools, but there is unmet demand due to the geographical location of facilities. By the end of the plan period demand will exceed supply, with particularly poor provision at Bicester and the former RAF Upper Heyford.
- In quantity terms, compared to the national average, Cherwell is well provided with Artificial Grass Pitches (AGPs), but there is some unmet demand due to the location of facilities. The share of facilities around Bicester is poorer than the share around Banbury. Football facilities are 100% utilised both now and in future forecasts at the end of the plan period, whereas the modelling for hockey indicates facilities are currently 57% utilised at the present time and 63% utilised at the end of the Plan period. The surface of the AGPs is not of the type recommended for football. A future consideration could be whether to alter the balance of provision between football and hockey, and whether some AGPs should be resurfaced to a surface appropriate to the sport being played.

### Question 44

#### Indoor Sports Provision

Do you agree with the initial findings of the Sport England modelling relating to sports hall, swimming pool and AGP provision in the District? Do they reflect your experience of using these facilities?

Do you have any views on facilities for other indoor sports?

### Considering the Need for Local Green Space Designations

**4.193** Local Green Space designation can be considered to protect green areas of particular importance to local communities. Once designated, new development can only be permitted in very special circumstances. Government guidance<sup>(4)</sup> makes it clear that Local Green Space designation will *not be appropriate for most green areas or open space, and should only be used:*

- *“Where the green space is in reasonably close proximity to the community it serves;*
- *Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *Where the green area concerned is local in character and is not an extensive tract of land.”*

**4.194** Government guidance indicates<sup>(5)</sup> that Local Green Space could include *“land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis”*, but that land that has planning permission for development will rarely be appropriate for designation. If the green space is already protected by other designations then consideration would need to be given to whether there would be any additional benefit in designating it a Local Green Space.

**4.195** There are currently no designated Local Green Spaces in Cherwell District but proposals from local communities can be considered through the preparation of Local Plan Part 2. It should be noted that those

areas of existing green space recorded on the Council’s open space database are afforded some protection under Policy BSC10 of Cherwell Local Plan part 1. (These sites are indicated in the Open Space Update 2011 evidence base document LE102).

#### Question 45

#### Local Green Space

Are there areas of green space that you consider meet the requirements for the designation of a Local Green Space? If so, please provide details.

### Management and Maintenance of Public Open Space

**4.196** The scoping consultation raised the issue of the long term management of open space. Traditionally in Cherwell District, open space secured through new development has been transferred to the District Council on completion and in most cases then transferred to the relevant town or parish council to manage, accompanied by a commuted sum to cover maintenance costs for the first fifteen years. Developers sometimes request that Local Management Companies are used to maintain and manage public open space on new developments as an alternative to land being transferred to the District/town/parish councils. The Council has generally resisted this approach to date but as public finance becomes more restricted the longer term maintenance costs of open space to the councils may need to be given further consideration.

4 NPPF paragraph 77

5 NPPG Paragraph: 013 Reference ID: 37-013-20140306

**Question 46**

**Management and Maintenance of Public Open Space**

What are your views on the long term maintenance and management of public open space?

***Considering the Need for Development Management Policies for Open Space, Sport and Recreation***

**4.197** The adopted Cherwell Local Plan 1996 and the Non-Statutory Cherwell Local Plan contained detailed criteria based policies against which development proposals could be assessed, relating to a number of specific recreation uses:

- Public Rights of Way (NSCLP Policy R4)
- Re-use of redundant railway lines and quarries for recreation use (Adopted 1996 Policy R5)
- Playing fields (NSCLP Policy R7a)
- Noisy sports (NSCLP Policy R12)
- Allotments (NSCLP Policy R17)
- Golf courses (NSCLP Policy R13)

**4.198** These policies reflected issues relevant to the District at the time the plans were formulated. For example, when the Non Statutory Cherwell Local Plan was being prepared, the Council was receiving a number of planning applications for new golf courses in the District, and it was considered necessary for a policy to be included indicating the requirements that would need to be met for planning permission to be granted.

**4.199** In preparing Local Plan Part 2 we need to consider whether replacement policies are needed for the above recreation uses, or if national planning policy and the strategic policies in Local Plan Part 2 are sufficient in considering development proposals. It is important that policies in the Plan do not merely replicate national guidance.

**4.200** There may be new Cherwell specific open space, sport and recreation issues which you consider require policy guidance. For example, responses to the initial consultation on the scope of the Plan requested policies on community orchards. There has been a decline in the number of traditional orchards both nationally and within the District. The government is encouraging communities to conserve or create community orchards, recognising the benefits of orchards for wildlife, community events and as an educational resource<sup>(6)</sup>.

**Question 47**

**Development Management Issues- Open Space, Sport and Recreation**

Do you consider that there is a need to include development management policies for specific recreation uses? If so, please provide details.

6 CLG Community Orchards 'How to Guide'  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/11466/1973262.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11466/1973262.pdf)

## 4.3 Theme Three: Ensuring Sustainable Development

### Introduction

**4.201** Part of the vision for the District set out in Local Plan Part 1 is to protect and enhance our distinctive natural and built environment and our rich historic heritage, and embrace environmental technologies and adapt our behaviour to meet the global challenge of climate change. A number of challenges to achieving the vision for ensuring sustainable development were identified in Part 1 of the Plan and these are summarised in Appendix 3 'Local Plan Part 1 Challenges and Issues'.

**4.202** The Strategic Objectives identified in Part 1 of the Plan to address these challenges are listed below:

**SO 11** To incorporate the principles of sustainable development in mitigating and adapting to climate change impacts including increasing local resource efficiency (particularly water efficiency), minimising carbon emissions, promoting decentralised and renewable or low carbon energy where appropriate and ensuring that the risk of flooding is not increased

**SO 12** To focus development in Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the countryside and landscape and the setting of its towns and villages.

**SO 13** To reduce the dependency on the private car as a mode of travel, increase the attraction of and opportunities for travelling by public transport, cycle and on foot, and to ensure high standards of accessibility to services for people with impaired mobility.

**SO 14** To create more sustainable communities by providing high quality, locally distinctive and well designed environments which increase the attractiveness of Cherwell's towns and villages as places to live and work and which contribute to the well-being of residents.

**SO 15** To protect and enhance the historic and natural environment and Cherwell's core assets, including protecting and enhancing cultural heritage assets and archaeology, maximising opportunities for improving biodiversity and minimising pollution in urban and rural areas.

**4.203** The policies and proposals contained in Local Plan Part 1 will help to address some of the challenges and issues identified. In preparing Local Plan Part 2 we need to consider what additional policies and proposals need to be included to help secure the Plan's objectives and address the issues identified.

### 4.3.1 Sustainable Construction and Renewable Energy

#### Introduction

**4.204** Local Plan Part 1 contains a number of policies relating to sustainable construction and renewable energy. Policy ESD 1 sets out the strategic approach to mitigating and adapting to climate change, and Policy ESD 2 sets out an energy hierarchy designed to reduce carbon emissions. Policy ESD 3 contains a specific standard relating to water efficiency in new development, and encourages all development proposals to reflect high quality design and environmental standards. All non-residential development is expected to meet BREEAM "Very Good" standard. Policy ESD 4 promotes the use of decentralised energy systems (District Heating or Combined Heat and Power), and requires the submission of

a feasibility assessment for certain types of development to ensure that where deliverable or desirable, such systems form part of the development. Policy ESD 5 encourages proposals for renewable energy subject to certain conditions being met, and requires a feasibility assessment for on-site renewable energy to accompany certain types of development, to ensure that where deliverable and viable this forms part of the development.

### National Policy Context

**4.205** National policies indicate that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking account of flood risk, water supply and demand. New development should be planned in locations and ways to reduce greenhouse gas emissions. Energy efficient improvements to buildings should be actively supported, and when setting local requirements for a building's sustainability they should be consistent with the Government's zero carbon buildings policy and adopt nationally described standards.

**4.206** Local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources to help increase the use and supply of renewable and low carbon energy. They should (paragraph 97):

- *“Have a positive strategy to promote energy from renewable and low carbon sources;*
- *Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;*
- *Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this*

*would help secure the development of such sources;*

- *Support community-led initiatives for renewable and low carbon energy including developments outside such areas being taken forward through neighbourhood planning; and*
- *Identify opportunities where development can draw its energy supply systems and for co-locating potential heat customers and suppliers.”*

**4.207** The NPPG indicates that if local planning authorities are considering policies on local requirements for the sustainability of existing buildings, consideration should be given to nationally described standards and the impact on viability of development.

### Emerging Government Policy

**4.208** Recent government announcements have signalled intended changes to national planning policy on sustainable construction and renewable energy. The outcome of the Housing Standards Review (published on 27 March 2015) confirmed the withdrawal of the Code for Sustainable Homes, and set out a new approach to the setting of technical housing standards and a new set of national streamlined technical standards. This is resulting in changes to the Building Regulations, including the introduction of optional higher standards for access and water efficiency. A nationally described space standard has also been introduced, but this together with the optional requirements for access and water efficiency can only be applied where there is a local plan policy based on evidenced local need and where the viability of the development would not be compromised. The optional Building Regulations higher standard for water efficiency has been included in the Local Plan Part I Policy ESD 3. Questions relating to the incorporation into Planning Policy of the

optional technical standards relating to access and to space are set out in Section 4.2.1 'Housing'.

**4.209** In March 2015 a Written Ministerial Statement (WMS) to Parliament<sup>(7)</sup> was made which proposes through the Deregulation Act the removal of the sections in the Planning and Energy Act 2008 that allow local authorities to set planning policies requiring energy efficiency standards which exceed the national Building Regulations. The relevant provisions of the Deregulation Act are yet to come into force and there is no published timetable for their commencement. The WMS set out transitional arrangements whereby Local Plans can continue to exceed the energy requirements of the Building Regulations, up to the standards equating to what was Code for Sustainable Homes Level 4 (19% reduction in carbon emissions compared to the 2013 Building Regulations Part L). The WMS stated that this was a transitional arrangement until 2016 when the national standards would again be reviewed as part of the Government's commitment to achieving zero carbon development.

**4.210** However, the government's productivity plan published in July 2015<sup>(8)</sup> stated that the Government would not be proceeding with its zero carbon timetable. Nor would it be proceeding with the 'allowable solutions' offsetting scheme, which would have allowed 'zero carbon' to be achieved partly through building fabric efficiency, partly through onsite 'carbon compliance' (the use of renewable energy) and partly through offsite offsetting.

**4.211** Given that the provisions for local authorities to require standards that exceed the Building Regulations will be removed at some point, it is not considered that new

policy should be developed in the Local Plan Part 2 document that seeks to do so. Similarly, given that the Government will not be pursuing its allowable solutions approach it is not recommended that the Council continues with its own local approach to allowable solutions – this would be inconsistent with national policy, which is seeking to reduce regulation on housebuilders. Instead, the Council's Community Infrastructure Levy (CIL) will be used to seek contributions to energy infrastructure where appropriate.

**4.212** New issues identified following the recent Government statements are set out below.

### **Sustainable Construction and Renewable Energy - Key Issues for Local Plan Part 2**

#### **Onsite Renewable Energy Provision**

**4.213** The Government has not made statements regarding any intention to withdraw the ability for local authorities to require the provision of decentralised low carbon or renewable energy on development sites (Section 1 (a) and (b) of the Planning and Energy Act 2008). Local Plan Part 1 policies ESD 4 and ESD5 encourage the provision of decentralised, low carbon or renewable energy of sites over a particular threshold. It was considered that Policy ESD 3, which focused on the achievement of sustainable construction and 'zero carbon development' in accordance with the Government's timetable for the national introduction of zero carbon development, would ultimately require the provision of decentralised, low carbon or renewable energy (since there is only so much of a reduction in carbon emissions that can be

7 Planning Update March 2015 <https://www.gov.uk/government/speeches/planning-update-march-2015>

8 Fixing the foundations: Creating a more prosperous nation, HM Treasury & BIS, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/443898/Productivity\\_Plan\\_web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443898/Productivity_Plan_web.pdf)

achieved by efficiencies in the building fabric before additional reductions must be achieved through renewable or low carbon energy or other solutions), without being prescriptive on specifics.

**4.214** However, the Government's statement of July 2015 that it will not be proceeding with the introduction of a mandatory 'zero carbon development' standard by 2016<sup>(9)</sup> in effect reintroduces a focus on levels of sustainable construction that can be achieved through fabric efficiency alone, without requiring the incorporation of renewable energy. It can no longer be expected that decentralised, low carbon or renewable energy will have to be provided on site in order to meet national building standards. It is therefore important to consider in this Issues paper whether the Council should, through its planning policies, encourage the provision of decentralised, low carbon or renewable energy on development sites as allowed for by Section 1 (a) and (b) of the Planning and Energy Act 2008.

### Question 48

#### Onsite Renewable Energy Provision

Should the Council require a proportion of the energy used in developments to come from renewable or low carbon energy sources in the locality of the development, subject to considerations of development viability and feasibility?

What should that proportion be?

What types of development should the Council require to provide low carbon or renewable energy?

Should the Council differentiate between low carbon energy sources and renewable energy sources?

Should the Council prioritise one particular source of low carbon or renewable energy?

#### **Renewable Energy and Community Benefit**

**4.215** The Council supports renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily. Local Plan Policy ESD 5 sets out the key issues relating to renewable energy development in the Cherwell District and states that renewable energy development will be encouraged providing that there is no unacceptable adverse impact on those issues.

<sup>9</sup> Note that this refers to the achievement of wide scale zero carbon development and not the achievement at specific development sites such as the eco development at North West Bicester, which is subject to separate policies in the Local Plan Part 1



**4.216** The National Planning Practice Guidance (NPPG) explains that it is important that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. There are valid planning concerns relating to the inappropriate siting of renewable energy, and these are listed in Policy ESD 5. However, there are also potential benefits to local communities including financial benefits associated with public ownership (owning shares in a renewable energy project, for example) and the production of affordable electricity, as well as other benefits negotiated directly between the community and the developer (such as payments to provide a community facility or local environmental improvements). The NPPG further explains that one way of providing positive local benefit from renewable energy development is through community initiatives for renewable energy, which show clear evidence of local community involvement and leadership. Neighbourhood plans are an opportunity for communities to plan for community led renewable energy developments.

**4.217** Any planning policy seeking to secure community benefit from renewable energy generation will not apply to wind turbines (since such proposals cannot now be approved unless allocated in the Local Plan or Neighbourhood Plan (see below)).

### Question 49

#### Renewable Energy and Community Benefit

Do you agree that the Local Plan Part 2 should include a policy relating to the community benefits of renewable energy proposals?

How should these benefits be weighed in the balance of determining planning applications?

#### Wind Turbines

**4.218** A Written Ministerial Statement by the Secretary of State for Communities and Local Government in June 2015<sup>(10)</sup> makes clear that in determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant permission if:

- The development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- Following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

**4.219** The Council's Renewable Energy and Sustainable Construction Study (2009) (ENVI4) investigated the potential for small (10 metres and above) and large scale (45 metres and above) wind turbines in the Cherwell District (as well as other renewable energy sources). It found that only a very

<sup>10</sup> House of Commons: Written Statement (HCWS42), Secretary of State for Communities and Local Government (Greg Clark MP), 18 June 2015

small proportion of the District, in the north west, appeared to have sufficient wind resource for small scale wind turbines. Site specific studies, including the collection of accurate wind speed data, would be necessary in order to explore these opportunities and other constraints.

**4.220** For large scale turbines, the study mapped wind speeds, a buffer zone around dwellings, aerodromes, ancient woodlands, SSSIs, the AONB, Special Areas of Conservation and Local Nature Reserves. It found very few unconstrained areas, due to the highly valued landscape and historic environment of this rural District. In addition, the District's dispersed settlement pattern means that large scale wind turbines on most sites will generate some amenity impacts. The District is also used extensively for aviation activities and this is likely to act as a further constraint on wind turbine development over extensive areas.

**4.221** A small number of areas were identified that could warrant further investigation. These were relatively scattered and there were no obvious pattern of clusters or groupings. However even the areas where there is sufficient wind speed, and located a sufficient distance from dwellings, are still subject to constraints (one of the areas is within the AONB). More detailed investigation would be required to take into account local topography and obstructions such as individual trees, technical constraints such as electromagnetic interference on TV reception and telecoms, as well as detailed studies on biodiversity, heritage impacts, and landscape and visual amenity. Grid connection issues would also need to be identified.

## Question 50

### Wind Turbines and Site Allocations

Do you consider that the areas highlighted in the Renewable Energy and Sustainable Construction Study as warranting further investigation should now be considered further, through a more detailed study, with a view to allocating sites for wind turbine development?

Are there any potential community wind energy projects that we should be aware of?

### Solar Farms

**4.222** Local Plan Part I Policy ESD 5 sets out the key issues relating to renewable energy development in the Cherwell District, including solar power, and states that renewable energy development will be encouraged providing that there is no unacceptable adverse impact on those issues. Paragraph B.201 of the Local Plan Part I notes that there is increasing interest in the development of large scale solar PV arrays ('solar farms') in Cherwell District. The issues of local significance set out in Policy ESD 5 will be relevant considerations in the determination of such proposals as well as the need to protect the District's high quality agricultural land.

**4.223** Given the relatively high number of proposals for solar farms in the District recently we may need to develop a more detailed policy, specifically to guide decisions on proposals for solar farms and to cover issues particularly relevant to solar farms including agricultural land value. The

Government has stated<sup>(11)</sup> that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. There is guidance in the NPPG on the planning considerations relating to solar farms which covers issues such as the effective use of land, glint and glare from the sun, security measures, and the energy generating potential of schemes.

**4.224** Areas where detail specific to Cherwell might be required include landscape considerations, heritage assets and their settings, public and residential amenity (including relationships between solar farms and dwellings/settlements), and biodiversity considerations, as well as detail on grid connection. Any policy in the Local Plan Part 2 on solar farms would be prepared in the context of Oxfordshire County Council's Position Statement on Proposals for Solar PV arrays, which seeks to ensure that such proposals are appropriately sited, respect local landscape, heritage and visual amenity, mitigate transport impacts, and take account of opportunities to enhance biodiversity.

### **Renewable Energy and Sustainable Construction in the Historic Environment**

**4.225** Local Plan Part I policy ESD 5 sets out the key issues relating to renewable energy development in Cherwell District and states that renewable energy development will be encouraged providing that there is no unacceptable adverse impact on those issues. One of the key issues identified is the impact on the historic environment including designated and non-designated assets and their settings. Policy ESD 15 sets out how the Council will seek to protect the historic environment when determining proposals for development.

**4.226** The Council has produced a householder guide to energy efficiency and renewable energy in traditional buildings<sup>(12)</sup>. While historic homes can benefit from renewable technologies in the same way as modern homes, they are more at risk of being visually damaged by inappropriately placed systems. Whilst planning permission is not required for most micro generation technologies in many locations, consent (s) will be required where they are proposed at or within the curtilage of listed buildings, and in line with the principles in the General Permitted Development Order the Council's approach has been to seek to avoid the attachment of technology in highly visible locations such as the front of buildings. This would also apply to electric car charging points.

#### **Question 51**

##### **Solar Farms**

Do you consider that additional policy is required, further to Local Plan Policy ESD 5, to guide decisions on proposals for large scale solar PV arrays ('solar farms')?

What issues do you suggest the policy covers?

11 Written Statement to Parliament, Secretary of State for Department for Communities and Local Government Sir Eric Pickles MP, Planning update, March 2015

12 Energy Efficiency in Traditional Buildings <http://www.cherwell.gov.uk/index.cfm?articleid=1673>

### Question 52

#### **Renewable Energy and Sustainable Construction in the Historic Environment**

Should the Council develop an additional policy further to Local Plan Policies ESD 5 and ESD 15 to provide guidance on sustainable construction and renewable energy in historic buildings and in Conservation Areas?

What should such a policy contain?

this process and supply this as hot water to local housing through a private distribution network. Thus a residual or waste product can be captured to provide local benefit. Work undertaken so far has shown that it is technically and economically feasible to create a heat supply network connecting the Ardley ERF and the North West Bicester eco development, to supply 95% of the total annual heat demand of that development. In the context of Local Plan Policy ESD 4 it could be important to highlight in planning policy the importance of the Ardley ERF as a heat supply source for North West Bicester and for other development, and for potential opportunities for connection to be fully maximised.

### *Energy from Waste*

**4.227** Policy ESD 4 in the Cherwell Local Plan Part I sets out the Council's support for decentralised energy, with all new developments encouraged to source energy from decentralised sources, and size thresholds set above which development proposals are required to undertake a feasibility assessment for decentralised energy. Decentralised energy centres are connected to local customers via a private distribution network, which avoids the inefficiencies and losses occurring over larger transmission and distribution networks from centralised power stations. Decentralised energy systems can be used to provide either heating (District Heating) or heating and power (Combined Heat and Power (CHP)), and either renewable or non-renewable energy can be used as a fuel source.

**4.228** The Ardley Energy Recovery Facility (ERF) is now operational and provides a significant potential heat source to supply District heating or CHP networks. The incineration of waste generates energy (power in the form of electricity) which is fed into the National Grid, but it is also possible to capture the heat produced during

### Question 53

#### **Energy from Waste**

Do you consider that it is important to recognise the potential of the Ardley Energy Recovery Facility as a potential source of heating to supply homes and businesses?

Are there any other opportunities for District Heating/Combined Heat and Power that the Council should acknowledge – in terms of demand (customers) or supply (energy sources?)

### ***Other Development Management Issues for Sustainable Construction and Renewable Energy***

**4.229** The Non Statutory Cherwell Local Plan contains policy D9 relating to energy efficiency, which includes some provisions not covered in the strategic policy ESD 5 of the Local Plan Part I. These issues are raised elsewhere in this Issues paper, with the

exception of bin storage which is now a national requirement for new development as part of the Building Regulations (Part H).

**4.230** You may consider that there are new development management issues related to energy efficiency and renewable energy that are not already covered in this section, or elsewhere in this paper. Alternatively you may consider that national planning policy, the strategic policies in Local Plan Part 1, and the additional issues raised in this section, will be sufficient in considering development proposals. It is important that policies in the Plan do not merely replicate national guidance.

#### Question 54

##### Other Development Management Issues

Are there any other development management issues relating to sustainable construction, energy efficiency and renewable energy that you consider require policy in the Local Plan Part 2?

### 4.3.2 Protecting and Enhancing the Natural Environment

#### Introduction

**4.231** Local Plan Part 1 contains a number of strategic planning policies on the natural environment to ensure that development takes place in a sustainable way, protecting and enhancing our natural resources. These comprise policies on flood risk management (ESD6), sustainable urban drainage systems (ESD7), water resources (ESD8), protection

of the Oxford Meadows SAC (ESD9), protection and enhancement of biodiversity and the natural environment (ESD10), Conservation Target Areas (ESD11), Cotswolds Area of Outstanding Beauty (ESD12) and local landscape protection and enhancement (ESD13).

**4.232** Whilst these policies provide a sound strategic policy framework there may be a need to consider additional policies as part of Local Plan Part 2 to cover more detailed considerations, as discussed under key issues below.

#### National Policy Context

**4.233** Government guidance<sup>(13)</sup> indicates that the planning system should contribute to and enhance the natural environment by:

- “protecting and enhancing valued landscapes, geological conservation interests and soils;
- Recognising the wider benefits of ecosystem services;
- Minimising impacts on biodiversity and providing net gains in biodiversity wherever possible, contributing to the government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

13 NPPF para 109

**4.234** The government is increasingly promoting an ecosystems services approach to ensure that the value of our natural resources and services is taken into account in decision making. Ecosystem services are services provided by the natural environment that benefit people. These benefits include:

- Resources needed for our survival such as clean air and water;
- Contributing to good physical and mental health through access to green spaces and providing resources for medicines;
- Protection from hazards through the regulation of the climate and water cycle;
- Support for a strong and healthy economy by providing raw materials for industry and agriculture, or through tourism and recreation; and
- Social, cultural and educational benefits and improved wellbeing through interaction with nature<sup>(14)</sup>

**4.235** Government guidance indicates that the ecosystems services approach is not a separate process to policy development and does not replace existing approaches to achieving sustainable development and adapting to climate change. However it can assist in considering the natural environment in delivering both aims.

### **Protecting and Enhancing the Environment - Key Issues for Local Plan Part 2**

#### ***Biodiversity Issues:***

**4.236** Local Plan Part 1 policies ESD9, 10 and 11 provide a sound strategic policy basis for the protection and enhancement of biodiversity, however the initial consultation

on what policies and proposals Part 2 of the Plan should contain suggests that there are other biodiversity issues that need to be considered, as follows.

#### ***Securing and Demonstrating Net Biodiversity Gain On-Site***

**4.237** Non-strategic site allocations will be included as part of Local Plan Part 2, and their impact on ecology, including cumulative impact, will need to be assessed. Part 1 policies seek a net gain in biodiversity by protecting, managing, enhancing and extending existing resources, and creating new resources. More guidance could be given in Local Plan Part 2 as to how this can be achieved, with development management policies to indicate what is required of developers. When impact on biodiversity cannot be avoided, mitigation to minimise the impact, or restoration of biodiversity on-site should be undertaken to achieve net biodiversity gain. Measures that can be taken on-site to increase biodiversity in new development include the installation of bird boxes (particularly for swifts, swallows and house martins), bat boxes, and green walls and roofs, enhancement of existing and creation of new wildlife corridors, the inclusion of species to enhance biodiversity as part of landscaping schemes, and management of open space to include less mowing particularly in areas where there are significant wild flowers. Consideration could also be given to the creation of new sites to secure biodiversity enhancement, although this could have implications in terms of how such sites could be secured and managed.

14 What nature can do for you January 2015  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/396840/pb13897-nature-do-for-you.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396840/pb13897-nature-do-for-you.pdf)

**Question 55**

**Securing and Demonstrating Net Biodiversity Gain On-Site**

Should more policy guidance be contained in Part 2 of the Plan on securing net biodiversity gain?

**Additional Guidance on Conservation Target Areas**

**4.238** Local Plan Part 1 sets out the general approach to development proposals within or adjacent to Conservation Target Areas (CTAs) - those areas identified as providing the greatest opportunity for strategic biodiversity improvement in the District. CTAs are similar to “Nature Improvement Areas” referred to in the NPPF. Consideration needs to be given as to whether additional guidance should be included in Part 2 of the Plan, to specify the types of development that may be appropriate in these areas (as suggested in paragraph 117 of the NPPF), and make clear how development can enhance biodiversity in CTAs.

**Question 56**

**Conservation Target Areas**

Should more policy guidance be contained in Part 2 of the Plan on enhancement of biodiversity in the Conservation Target Areas?

**Biodiversity Offsetting and Assessing Net Biodiversity Gain**

**4.239** Biodiversity offsetting is being explored at national level as a way of compensating for biodiversity loss in an effective way, when the impact of development cannot be avoided or adequately mitigated. Biodiversity offsetting is designed to ensure that when development would result in residual adverse impacts on biodiversity new, bigger or better nature sites will be created. Biodiversity offsets differ from other types of ecological compensation as they need to demonstrate measureable outcomes. Defra has produced guidance explaining how to calculate the impact of a development and the resulting offsetting requirement, using the “matrix approach.” Whilst national policy on biodiversity offsetting is still emerging biodiversity offsetting has the potential to contribute to the improvement of biodiversity in the CTAs. In addition, some authorities are using the Defra assessment guidance to assess to what extent development will achieve net biodiversity gain.

**Question 57**

**Biodiversity Offsetting and Assessing Net Biodiversity Gain**

What are your views on biodiversity offsetting and assessing net biodiversity gain?

**Availability of Natural Accessible Green Space**

**4.240** Natural England has for a number of years advocated standards for natural accessible green space provision. The availability of natural accessible green space has the potential to improve health and well-being and play an environmental education role as well as benefitting

biodiversity. A Natural England and Forestry Commission assessment of provision in Cherwell District indicated that 72% of Cherwell's households did not meet its standards. This reflected the relatively low number of country parks and common land in the District; however the assessment did not take into account a number of smaller areas of open space, and countryside which is accessible solely by Public Rights of Way. In addition, policies and proposals in Local Plan Part I include a new Cherwell Country Park at Banbury, and a community woodland at south west Bicester (Burnehyll Community Woodland).

#### Question 58

##### Availability of Natural Accessible Green Space

Should the Council be seeking to secure more accessible natural green space, including woodland?

#### Provision of Local Nature Reserves

**4.241** One of the Natural England standards recommends a minimum of 1 hectare of Local Nature Reserve per thousand population. Local Nature Reserves (LNRs) contain wildlife or geological features of local interest and can provide the opportunity for people to learn about and enjoy nature. Local authorities can declare LNRs and there is provision in the National Parks and Access to the Countryside Act for town and parish councils to create LNRs if the District Council gives them the power to do so. The land must be in the control of the local authority, either through ownership, lease or agreement with the owner. The natural features must be

protected and at least part of the site must be publicly accessible. LNR designation is therefore accompanied by management implications. Cherwell District currently has three statutory Local Nature Reserves: Adderbury Lakes, Bure Park and Kirtlington Quarry. In addition, there are a number of other nature reserves managed by the Berks, Bucks and Oxfordshire Wildlife Trust (BBOWT), Banbury Ornithological Society and other nature conservation bodies.

#### Question 59

##### Local Nature Reserves

Should the Council be seeking to designate more Local Nature Reserves?

#### Areas of Tranquillity

**4.242** Local Plan Part I Policy ESD13 states that development proposals will not be permitted if they would impact on areas judged to have a high level of tranquillity. The supporting text (para B.248) indicates that the CPRE's Tranquillity Map of Oxfordshire<sup>(15)</sup> will be used as a guide in assessing areas of tranquillity and that further guidance would be contained in Part 2 of the Plan.

**4.243** Government guidance indicates that planning policies should identify and protect areas of tranquillity which are relatively undisturbed by noise and are valued for their recreational and amenity value. For an area to be protected for its tranquillity it is likely to be relatively undisturbed by noise from human caused sources that undermine the intrinsic character of the area. In addition to being valued for its tranquillity, such areas are also likely to be considered special for

15 <http://www.cpre.org.uk/resources/countryside/tranquil-places/item/1835->



other reasons, including their landscape.<sup>(16)</sup> In Cherwell District maintaining or improving the existing level of tranquillity in the Cotswolds AONB is particularly important and this is one of the policies contained in the Cotswolds AONB Management Plan.<sup>(17)</sup> Tranquil areas can be beneficial to our health, helping to reduce stress, and may also benefit the economy in attracting visitors to the area.

**4.244** The CPRE Map was prepared in 2007 and is based on the impact of noise and visual intrusion from major infrastructure such as motorways, major roads, urban areas and airports. The most tranquil areas in

Cherwell District are concentrated in the north west of the District in the ironstone downs including part of the Cotswolds AONB, and in the south of the District in Otmoor.

### **Question 60**

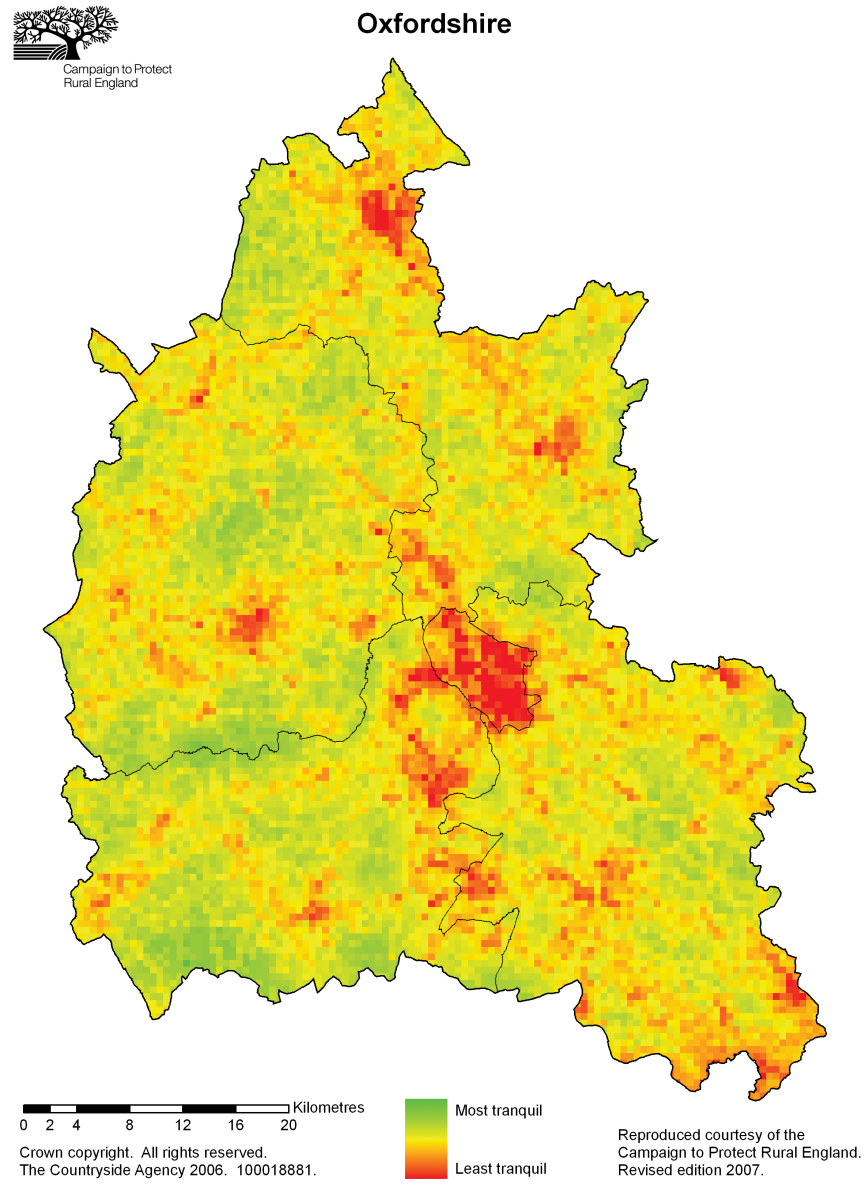
#### **Tranquillity**

Do you consider that Local Plan Part 2 should contain additional policy guidance on areas of tranquillity?

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16 NPPG Paragraph: 012Reference ID: 30-012-20140306  
17 [http://www.cotswoldsاونب.org.uk/management\\_plan/index.html](http://www.cotswoldsاونب.org.uk/management_plan/index.html)

Figure 1 CPRE'S Tranquillity Map for Oxfordshire



### Light Pollution

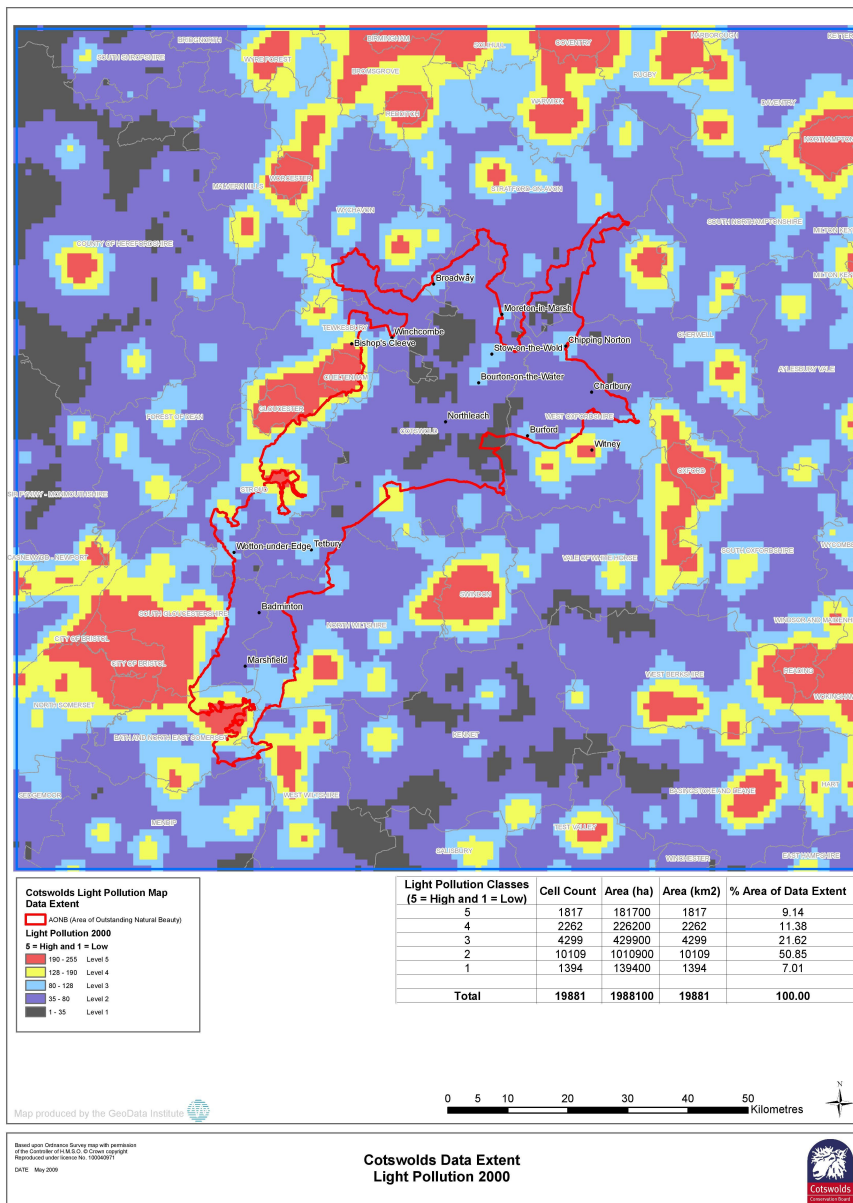
**4.245** Light pollution can also have an influence on the tranquillity of an area, and the character of the countryside. Whilst artificial light can in some cases be necessary and beneficial (for example in terms of security and extending opportunities for

sport and recreation), it can also be the source of annoyance, have a detrimental impact on countryside character and enjoyment of the night sky, and be harmful to wildlife. Government guidance indicates that planning policies should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and

nature conservation by encouraging good design. The Cotswolds Light Pollution Map<sup>(18)</sup> shows Bicester and Banbury as having high levels of light pollution, with no

areas of the District recorded in the lowest category. However there are parts of the District where light pollution is at a relatively low level.

Figure 2 Light Pollution (Source: Cotswolds Conservation Board)



18 <http://www.cotswoldsaoanb.org.uk/userfiles/file/position%20statements/tranquility-ps-appendix-l-light-pollution.pdf>

**4.246** The Non Statutory Cherwell Local Plan included a policy on light pollution (EN6). In preparing Local Plan Part 2 we need to consider whether a replacement policy should be included on light pollution.

**Question 61**

**Light Pollution**

Do you consider that Local Plan Part 2 should contain additional policy guidance on light pollution?

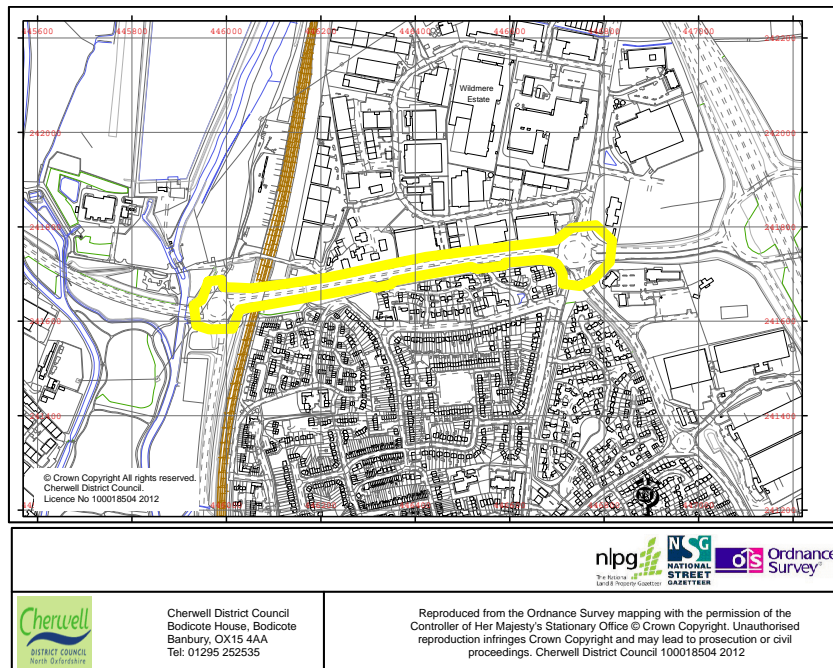
**Air Quality**

**4.247** Maintaining and improving air quality is important as air pollutants can impact on our health, climate change and biodiversity. EU legislation sets limits for concentration of air pollutants and Defra assesses air quality

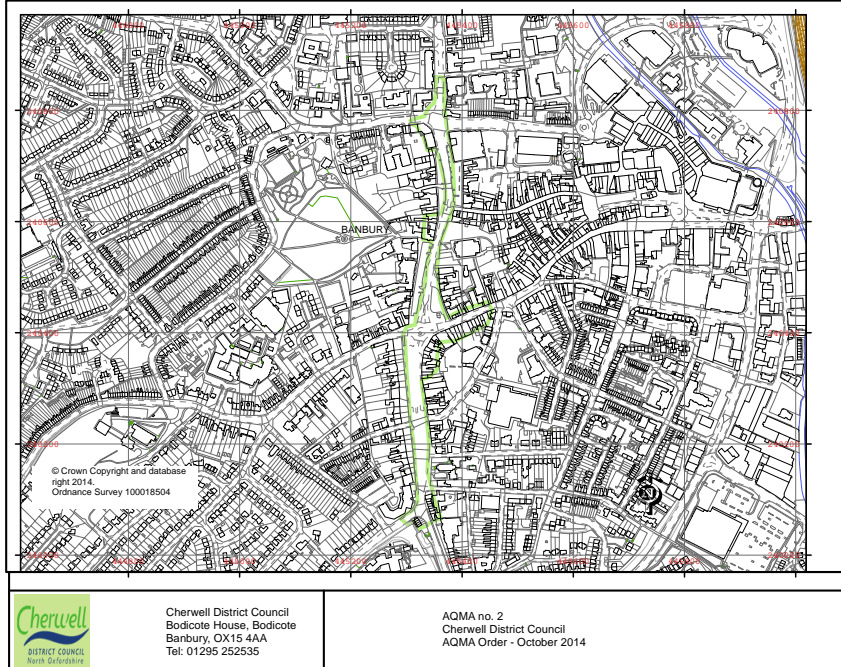
annually to monitor compliance with the limits. Local authorities are required to regularly review and assess air quality in their area and if national standards are not being met an air quality management area must be designated, and an action plan prepared. Government guidance makes it clear that the potential impact of new development on air quality should be taken into account in planning decisions where the national assessment limits have been exceeded or are close to the limit. Air quality action plans can also contain measures with implications for planning decisions.

**4.248** The air pollutant of concern in Cherwell District is nitrogen dioxide from transport sources. Three air quality management areas (AQMAs) have been declared in Cherwell District: at Hennef Way, Banbury (declared 2011), Horsefair/North Bar/South Bar, Banbury, and Bicester Road, Kidlington (declared September 2014).

**Figure 3 Air Quality Management Area 1: Hennef Way, Banbury**



**Figure 4 Air Quality Management Area 2: Horsefair/North Bar/South Bar, Banbury**



**Figure 5 Air Quality Management Area 3: Bicester Road, Kidlington**



**4.249** Air quality action plans outlining measures to improve air quality in the AQMAs will be developed in consultation

with the Highways Agency and Oxfordshire County Council (as road transport sources are the cause of the problem). The Non

Statutory Cherwell Local Plan included a policy on air quality (EN5). In preparing Part 2 of the Plan we will need to consider whether to include a policy on air pollution to replace this policy and to assist in meeting the objectives of the action plans and the maintenance and improvement of air quality in general.

### Question 62

#### Air Quality

Do you think that Part 2 of the Local Plan should contain a policy on air quality?

What measures do you consider could be included in the plan to maintain and improve air quality, particularly in the vicinity of the AQMAs?

#### Soil

**4.250** Soil is a fundamental finite resource of particular importance for agriculture, biodiversity, and as a store for carbon and water. The planning system can play a role in ensuring that soil is protected and enhanced and unacceptable levels of pollution are prevented. New development can have a detrimental impact if construction is not managed to protect soil, and Defra has published a Code of Practice for the sustainable use of soils on construction sites as part of the government’s “Safeguarding our Soils” strategy.

**4.251** The strategic site allocation policies in Local Plan Part I include a requirement for a soil management plan to be submitted with planning applications to ensure that soils will be retained on site and used wherever

possible. In preparing Part 2 of the plan we need to consider whether further policy guidance is needed to protect and enhance our soil resource.

### Question 63

#### Soil

Do you consider that Local Plan Part 2 should include policy guidance on soil?

#### **Land Contamination and Unstable Land**

**4.252** Land contamination and land instability can impact on public health, the natural environment and property, and can also prevent development from going ahead. Land contamination is mostly a result of previous industrial activities, but can also be found in rural areas, caused for example by inappropriate spreading of materials. There are also naturally occurring hazardous substances such as methane or radon. The Environmental Protection Act 1990 sets out a system for identifying and remediating contaminated land. There are other regulations, such as the Building Regulations and the Environmental Permitting Regulations, which can be used to address land contamination and land instability. The Council maintains a list of contaminated land in Cherwell District and regularly inspects land that may be contaminated. It has published a Contaminated Land Strategy<sup>(19)</sup> setting out its approach to contaminated land.

**4.253** The planning system can also play a role in ensuring that where development is proposed, the type of use is suitable for the site, taking into account ground conditions and land instability. The planning

19 <http://www.cherwell.gov.uk/index.cfm?articleid=1748>

system needs to ensure that adequate site assessment information is submitted as part of development proposals, and that after remediation, the site would no longer be classified as contaminated land under Part IIA of the Environmental Protection Act 1990.

**4.254** Government guidance indicates that the responsibility for securing a safe development lies with the developer and/or landowner where a site is affected by contamination or land stability issues. The NPPG contains some indication of the type of information that site assessments should contain. The Oxfordshire authorities have published a planning advice note on land contamination<sup>(20)</sup> which focusses on ensuring risks from land contamination are addressed during development. Further guidance may be issued on naturally occurring contaminants, such as radon gas.

**4.255** The Adopted Cherwell Local Plan 1996 contained a policy (ENV12) on development on contaminated land, and the Non-Statutory Cherwell Local Plan contained policies on both contaminated land and unstable land (EN17 and EN18). In preparing Local Plan Part 2 we need to consider whether a new local policy should be included to replace these policies and clarify the role of developers and the Council's requirements for information and assessments to support planning applications to establish whether land contamination or land stability is likely to be an issue.

## Question 64

### Land Contamination and Unstable Land

Do you consider that Local Plan Part 2 should include policy guidance on land contamination and unstable land?

### *Other Development Management Issues Relating to Protecting and Enhancing the Environment*

**4.256** The adopted Cherwell Local Plan 1996 and the Non-Statutory Cherwell Local Plan contained other detailed criteria based policies against which development proposals could be assessed, relevant to conserving and enhancing the environment:

- Protection of the ecological value and rural character of specified features of value in the District (Oxford Canal and river Cherwell corridors, Salt Way Banbury, flood plains of the River Bure and Langford Stream Bicester, Otmoor and the flood plain of the River Ray, and the rich calcareous grassland at former RAF Upper Heyford). (Adopted 1996 Policy C5, NSCLP Policy EN28)
- Development adjacent to river corridors and watercourses (NSCLP Policy EN13)
- Development proposals adjacent to the River Thames (Adopted 1996 Policy C6, NSCLP Policy EN29)
- Sporadic development in the open countryside including in the vicinity of motorway or major road junctions (Adopted 1996 Policy C8, NSCLP Policy EN30)

<sup>20</sup> Oxfordshire Planning Advice Note: Dealing with Land Contamination During Development: A Guide for Developers <http://www.oxford.gov.uk/Library/Documents/Environmental%20Development/Oxfordshire%20Planning%20Advice%20Note%20-%20Dealing%20with%20Land%20Contamination.pdf>

- Countryside management projects, new tree and woodland planting (Adopted 1996 Policy C14, NSCLP Policy EN37)
- Prevention of the coalescence of settlements and protection of important gaps (Adopted 1996 Policy C15, NSCLP Policy EN32)
- Land resources and protection of best and most versatile land (NSCLP Policy EN16)
- Development likely to cause detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution (Adopted 1996 Policy ENVI, NSCLP Policy EN3)
- Redevelopment of sites causing detriment to local amenity (Adopted 1996 Policy ENV2, NSCLP Policy EN4)
- Development sensitive to noise from road and rail traffic, and development sensitive to vibration (NSCLP Policies EN7, EN8, EN9)
- Development proposals likely to damage or be at risk from hazardous installations (Adopted 1996 Policy ENV10, NSCLP Policy EN19)
- Proposals for new installations handling hazardous substances (Adopted 1996 Policy ENVI1, NSCLP Policy EN20)

**4.257** In some cases these policies reflected issues relevant to the District at the time the plans were formulated, and it may no longer be relevant to include replacement policies in Local Plan Part 2. There may also be new issues which are not covered in the list above. In preparing Local Plan Part 2 we need to consider whether replacement policies are needed for the above local policies, or if national planning policy and the strategic policies in Local Plan Part 1 are sufficient in considering development proposals. It is important that policies in the Plan do not merely replicate national guidance.

### Question 65

#### Other Development Management Issues for Protecting and Enhancing the Natural Environment

Do you consider that local development management policies are needed for any of the issues identified above?

Are there new issues that you consider require policy guidance as part of Local Plan Part 2?

### 4.3.3 The Oxford Green Belt

#### Introduction

**4.258** The southern part of the District lies within the Oxford Green Belt. The outer boundaries of the Green Belt were approved in 1975 with the inner Green Belt boundaries being approved in 1992. The purposes of the Green Belt are to:

- Preserve the special character and landscape setting of Oxford
- Check the growth of Oxford and prevent ribbon development and urban sprawl
- Prevent the coalescence of settlements
- Assist in safeguarding the countryside from encroachment
- Assist in urban regeneration, by encouraging the recycling of derelict and other urban land

**4.259** The Cherwell Local Plan Part 1 sets out the general approach to development proposals in the Green Belt in Policy ESD14. It also indicates (Policies ESD14 and Kidlington 1) that a small scale local review of the Green Belt boundary in the vicinity of



Langford Lane, Kidlington and Begbroke Science Park would need to be undertaken as part of Local Plan Part 2, in order to accommodate high value employment needs.

### **National Policy Context**

**4.260** National policy indicates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence, and once approved, boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan. When altering Green Belt boundaries, local planning authorities should have regard to their intended permanence, and ensure they are capable of enduring beyond the plan period.

### **The Oxford Green Belt - Key Issues for Local Plan Part 2**

### ***Small Scale Local Green Belt Review for Employment Purposes***

**4.261** Local Plan Part I identified two “areas of search” for the small scale local review of the Green Belt, as indicated on the maps below. The small scale local Green Belt review is required to meet specific high value employment needs at Kidlington, as identified in Local Plan Part I (paragraphs C.226-C.231 and Policy Kidlington I). The Employment Land Review Update 2012 (ECO06) identified a need for additional employment land at Kidlington, which cannot be met on sites within the built up area of the village (on non- Green Belt land). Kidlington plays an important role in the District’s economy and together with Begbroke Science Park has the potential to further support the provision of land for high tech university spin outs and secure a wider, high value economic base. The exceptional circumstances which justify the small scale local review of the Green Belt, and which were established through the Local Plan Part I are summarised below: