

## **CHERWELL LOCAL PLAN 2011-2031 PART 1 SUSTAINABILITY APPRAISAL (SA) ADOPTION STATEMENT, ADDENDUM, JUNE 2016**

- 
1. The Cherwell Local Plan 2011-2031 Part 1 was adopted on 20 July 2015. Its adoption included the preparation and publication of a Sustainability Appraisal Adoption Statement in compliance with SEA Regulation 16. The July 2015 SA adoption statement explains:
    - How environmental (and sustainability) considerations have been integrated into the plan
    - How the Environmental Report (contained within the SA Report) has been taken into account during preparation of the plan
    - How the opinions expressed by the public, consultation bodies and where appropriate other European Member States, during consultation on the plan and Environmental/SA Report have been taken into account
    - The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives dealt with
    - The measures that are to be taken to monitor the significant environmental and sustainability effects of the implementation of the plan.
  2. This statement is an addendum to the July 2015 Sustainability Appraisal Adoption Statement and is made in response to the Order (No. CO/4622/2015) of the High Court of Justice dated 19 February 2016 and subsequent Planning Inspector's Addendum Report (18 May 2016) into the Examination of the Cherwell Local Plan. It records the High Court conclusions on the Sustainability Appraisal process and amends Table 3.1 of the SA Adoption Statement to reflect changes to the Local Plan.
  3. On 19 February 2016 the High Court of Justice ordered that Policy Bicester 13 of the Adopted Cherwell Local Plan 2011-2031 be treated as 'not adopted' and remitted to the Secretary of State for Communities and Local Government. It also ordered that the Secretary of State appoint a planning inspector who recommends adoption of Policy Bicester 13 subject to a modification that deletes from the policy the words: **'That part of the site within the Conservation Target Area should be kept free from built development'**.
  4. The On 18 May 2016 an addendum to the Local Plan Inspector's report was received. The appointed Inspector stated:

*'Following the Order of the High Court of Justice No. CO/4622/2015, dated 19 February 2016, I recommend that, in relation to Policy Bicester 13 – Gavray Drive, Main Modification No. 91, page 130, the first sentence of the third bullet point under "Key Site Specific Design and Place Shaping Principles" which states – "That part of the site within the Conservation Target Area should be kept free of built development." be deleted in*

*the interests of soundness, clarity and to facilitate implementation of the policy and allocation in the plan.'*

5. In his conclusion and recommendation, the Inspector states '...I conclude that with the amendment to the schedule of main modifications recommended in this addendum report relating to Policy Bicester 13 the Cherwell Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.'
6. The High Court Judge considered (CO/4622/2015, 18 February 2016, para. 81) the effect of the ordered modification and noted: *'As to sustainability, without the first sentence of the third bullet point of policy Bicester 13, the policy is clear in that it says that the development must not adversely impact upon the CTA. It is difficult to see where a requirement for a further sustainability appraisal, in those circumstances, would come from. There has been no suggestion that the sustainability appraisal was not properly considered. The site itself was addressed in considerable detail by at least two ecologists at the examination hearing '* With regard to sustainability, the Judge then concluded (para. 88) *'I reject the contention that a further sustainability appraisal will be required. The residual wording of the policy is such that it secures the objective of any development having a lack of adverse impact upon the CTA'.*
7. The following addition to Table 3.1 of the SA Adoption Statement is therefore made.  
Table 3.1 shows stages of Local Plan Part 1 preparation and corresponding SA stages and how the SA Reports have been taken into account.

Addition to Table 3.1 of the SA Adoption Statement

Time period	Plan-making stage	SA/SEA stage
July 2015 to December 2016	<p>High Court Challenge</p> <p><b>Order of the High Court of Justice No. CO/4622/2015, 19 February 2016, and Addendum Report on the Examination of the Cherwell Local Plan, 18 May 2016</b></p>	<p>The Court Order and Addendum to the Inspector's Report result in the deletion of the words 'That part of the site within the Conservation Target Area should be kept free from built development' from the third bullet point of the Key Site Specific Design and Place Shaping Principles of Local Plan Policy Bicester 13.</p> <p>The High Court concluded that no further SA stages are required (JJ Gallagher Ltd &amp; Ors v Cherwell District Council &amp; Anor, Court of Appeal - Administrative Court, February 18, 2016)</p>