



The Planning Inspectorate

Report to Cherwell District Council (Addendum - March 2016)

by Nigel Payne BSc (Hons), Dip TP, MRTPI, MCIM

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 18 May 16

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

ADDENDUM REPORT ON THE EXAMINATION INTO THE CHERWELL LOCAL PLAN

Document submitted for examination on 31 January 2014

Examination hearings held between 3 June and 23 December 2014

File Ref: PINS/C3105/429/4

Addendum

1. This report is an addendum to my report of May 2015 containing my assessment of the Cherwell Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). This considered first whether the Plan's preparation complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considered whether the Plan was sound and whether it was compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. 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.

Conclusion and Recommendation

3. **Policy Bicester 13 of the Plan has a deficiency in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of Policy Bicester 13 as submitted, in accordance with Section 20(7A) of the 2004 Act.**
4. **The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. 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.**

Nigel Payne

Inspector