Cherwell District Council

Council

24 February 2020

Partial Review of the Cherwell Local Plan 2011-2031 – Oxford's Unmet Housing Needs: Submission of Main Modifications

Report of Assistant Director – Planning and Development

This report is public

Purpose of report

To seek approval for the submission of Main Modifications to the Partial Review of the adopted Cherwell Local Plan 2011-2031 to the Secretary of State for Housing, Communities and Local Government for the continuance of the independent examination.

1.0 Recommendations

The meeting is recommended:

1.1 To note the responses to the consultation on the Main Modifications summarised in the Statement of Consultation at Appendix 1.

1.2 To note the supporting documents relevant to the preparation of the Main Modifications at Appendices 1 - 17 and available on line at http://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=114&MId=3241&Ver=4.

1.3 To approve the Schedule of Main Modifications presented at Appendix 2.

1.4 To approve the Minor Modifications at Appendix 3 and authorise the Assistant Director – Planning and Development to make any further changes he considers appropriate to minor or presentational issues.

1.5 To approve the submission of the Modifications to the Secretary of State for Housing, Communities and Local Government for the continuance of the independent examination with all necessary prescribed and supporting documents.

2.0 Introduction

2.1 The Partial Review of the Cherwell Local Plan was prepared to meet a required commitment in the adopted Cherwell Local Plan 2011-2031 in the interest of assisting Oxford with its unmet housing need. It makes provision for the

development of 4,400 homes in the south of the district close to Oxford. The Plan was approved by Council for submission to the Secretary of State on 26 February 2018 to enable its examination by an independent Planning Inspector.

2.2 The Plan was formally submitted on 5 March 2018 at which point the examination commenced. Public hearings were held in September 2018 and February 2019.

2.3 On 13 July 2019, the Inspector's preliminary advice was received (Appendix 6). The Inspector advised that:

- the apportioned 4,400 dwellings figure provides a sound basis for the Plan
- there can be no reasonable justification for suspending the examination to allow the Oxford examination to be advanced to its final stages
- the Partial Review's strategy is appropriate
- there are exceptional circumstances for alterations to the Green Belt
- with one exception (land south east of Woodstock) the proposed land allocations, and the process by which they have been arrived at, are sound, in principle.

2.4 The Inspector advised that the Council prepares Main Modifications to address his concern about development at Woodstock and highlighted a number of potential alternatives.

2.5 Modifications were prepared by officers. On 30 September 2019, the Lead Member for planning gave his endorsement to proceed with the requisite informal consultation with the Inspector ahead of a formal public consultation.

2.6 On 29 October 2019, the Inspector advised that he was happy for the modifications to be published for consultation.

2.7 Consultation took place from 8 November to 20 December 2019. A total of 96 representations were received. The Statement of Consultation at Appendix 1 details the consultation undertaken since the February 2019 hearing including a summary of the Main Modifications representations and an officer response. The officer responses are proportionate and, when appropriate, provide a view on the representors' suggested change. No changes to the Main Modifications are considered necessary for the Plan's soundness. Officers have considered all representations and consider that the modifications remain appropriate in their published form and should be submitted to the Planning Inspector to enable the examination to continue.

2.8 The approval of Council is now being sought on the modifications, as presented, for submission to the Secretary of State for Housing, Communities and Local Government.

2.9 The modifications, all supporting documents and all representations would be provided to the Inspector for his consideration.

2.10 Members are invited to consider the following documents:

i. the proposed Schedule of Main Modifications (Appendix 2);

ii. the proposed Schedule of Minor Modifications (Appendix 3);

iii. The Addendum to the Sustainability Appraisal (SA) relating to the proposed Schedule of Main Modifications (Appendix 7);

iv. an Addendum to the Statement of Consultation (Appendix 1) which summarises how consultation informed the preparation of the Main Modifications and the main issues raised in the representations. The representations are available on-line at http://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=114&MId=3241&Ver=4 and a set has been placed in the Members' Room.

v. other supporting documents and background papers comprising the additional evidence base for the Main Modifications (available at http://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=114&MId=3241&Ver=4).

2.11 Upon approval and submission, these documents would supplement the existing examination documents available at: https://www.cherwell.gov.uk/info/83/local-plans/515/local-plan-part-1-partial-review---examination.

3.0 Report Details

3.1 In 2018, the Council approved the Partial Review's development strategy to accommodate 4,400 homes to help meet Oxford's unmet housing need. The 4,400 homes were apportioned to Cherwell through a process of joint work by the Oxfordshire planning authorities coordinated by the Oxfordshire Growth Board. The Plan was prepared through an evidence based, cooperative and consultative process of examining issues, testing options and developing proposals.

3.2 The development strategy, "…*prioritises the need for development to be well connected to Oxford, to be related to the area of the district that has the strongest economic and social relationships with Oxford, which is fully integrated with the County Council's sustainable transport policies, which seeks to grasp the opportunities for distinctive place-shaping and to provide a consolidated approach to green infrastructure and for the achievement of net gains in biodiversity*." (Partial Review, para. 5.1).

3.3 Having considered options across the district to potentially accommodate development, the Partial Review included proposals for housing, associated amenities and green infrastructure on seven development sites:

Site PR6a	-	East of Oxford Road
Site PR6b	-	West of Oxford Road
Site PR7a	-	South East Kidlington
Site PR7b	-	Stratfield Farm
Site PR8	-	East of A44
Site PR9	-	West of A44
Site PR10	-	South East of Woodstock

3.4 An eighth site (PR6c – Frieze Farm) was reserved for the potential replacement of a golf course at Site PR6b (North Oxford Golf Course).

3.5 Site PR10 – South East of Woodstock was the only site identified outside the Oxford Green Belt that could sustainably meet the vision and objectives of the Plan in the interest of meeting Oxford's unmet housing needs.

The Inspector's Preliminary Advice (July 2019)

3.6 All supporting evidence and representations received on the draft Plan were submitted to the Planning Inspector on 5 March 2018. Because the Plan was submitted on or before 24 January 2019, the policies in the National Planning Policy Framework as published in March 2012 apply for the purpose of the Examination rather than the current iteration.

3.7 Following the Inspector's consideration of the submitted information, public hearings were held in September 2018 and February 2019. Subsequently, as requested by the Inspector, an informal consultation on additional technical documents was undertaken.

3.8 The Inspector's Post-Hearings Advice Note (Appendix 6), which was received in July 2019, provided his preliminary findings. They included:

- the 4,400 dwellings figure that represents Cherwell's apportionment of Oxford's unmet housing need provides a sound basis for the Plan;
- the approach of locating the housing and infrastructure required as close as possible to Oxford, along the A44 and A4165 transport corridors, is an appropriate strategy;
- the pressing need to provide homes, including affordable homes, to meet the needs of Oxford, that cannot be met within the boundaries of the city, in a way that minimises travel distances, and best provides transport choices other than the private car, provide the exceptional circumstances necessary to justify alterations to Green Belt boundaries;
- on density, whilst some additional capacity may be possible, the Council has struck a broadly sensible balance between the extent of land proposed to be removed from the Green Belt, and the need to accommodate development that respects its context; and
- in transport terms, the principle of siting the required allocations along an established transport corridor is a sound one.

3.9 The Inspector advised that, with the exception of site PR10 (land South East of Woodstock), the proposed site allocations and the process by which they have been arrived at, are sound in principle.

3.10 He recommended the deletion of site PR10 stating:

"I do not believe that the impact on the setting, and thereby the significance, of the nearby Blenheim Palace World Heritage Site (WHS) would be unacceptable, considered in isolation. However, notwithstanding the potential for screen planting, it is my view that the development of the site for housing would represent an incongruous extension into the countryside that would cause significant harm to the setting of Woodstock, and the character and appearance of the area. That, alongside the travel distance to Oxford (which is likely to tempt residents away from more sustainable travel choices like public transport or cycling notwithstanding the proximity of the site to a proposed Park & Ride facility), and the impact on the

setting and significance of the WHS, lead me to the conclusion that the allocation is unsound."

3.11 The Inspector's advice relates to the Proposed Submission Plan as consulted upon in July 2017. The Proposed Submission draft is available at https://www.cherwell.gov.uk/info/83/local-plans/515/local-plan-part-1-partial-review---examination/4.

3.12 The Council's Focused Changes and Minor Modifications (February 2018) were submitted to the Inspector and raised during the public hearings.

3.13 Further Focused Changes and Further Minor Modifications were suggested in Statements of Common Ground and during the course of the public hearings. An example was the Council's proposal to reconfigure the development area proposed for site PR10 at Woodstock having consulted further with Historic England (SOCG 05A, available at https://www.cherwell.gov.uk/info/83/local-plans/515/local-plan-part-1-partial-review---examination/5). Whilst agreement was reached with Historic England, that proposed modification evidently did not satisfy the Inspector.

3.14 Because the modifications requested by the Inspector would be changes to the 2017 draft plan, it has been necessary for officers to consider whether, and how, alternative provision could be made for the 410 dwellings originally intended for land to the south east of Woodstock (site PR10) (i.e. rather than the 500 homes subsequently proposed by the Council as a 'Focused Change').

3.15 The Inspector suggested ways in which this could be addressed but did not preclude other approaches:

"1. There could be scope to divide the 410 dwellings around some of the other allocations, without having any undue impact on the character and appearance of the general area;

2. That could be combined with additional dwellings on the Policy PR9 allocation which could lead to a better-designed layout… ; or

3. There may be the possibility that the Policy PR6c – Land at Frieze Farm allocation could accommodate some housing (and possibly the link road) as well as any replacement golf course. However, this would necessitate further land-take from the Green Belt for which exceptional circumstances would need to be demonstrated. This might prove difficult to justify unless options 1 and 2 above and any other options outside the Green Belt were shown to be unsuitable."

Preparing Main Modifications

3.16 The main task in preparing modifications was to consider whether the 410 homes originally proposed at Woodstock could be sustainably accommodated elsewhere. An Explanatory Note of the process for preparing modifications was published to support the public consultation (Appendix 5).

3.17 The consideration of options was important in the interest of achieving sustainable development and to avoid further alteration to Green Belt boundaries if at all

possible. Under national planning policy, Green Belt alteration can only take place in exceptional circumstances.

3.18 Officers considered whether there were options outside of the Green Belt; whether there were options requiring no additional Green Belt release; and, in the light of those conclusions, whether there were options within the scope of the Plan's existing strategy that would sustainably and exceptionally permit further Green Belt release. A total of 18 options were considered (Appendix 5, Table 2 and Appendix 7, Table 1).

3.19 The process for preparing modifications involved the following stages which are explained further in the Explanatory Note (Appendix 5, sections 6 to 15):

i. internal review of the plan/existing evidence base in the context of the Inspector's advice;
ii. scoping of significant changes in circumstances / new information;
iii. the identification of reasonable options;
iv. the formation of initial working assumptions for testing;
v. engagement with promoters;
vi. evidence testing and technical engagement;
vii. the formation of proposed modifications and further testing;
viii. the completion of sustainability appraisal and consideration of conclusions;
ix. the consideration of exceptional circumstances for additional Green Belt alterations;
x. the consideration of deliverability and implementation;
xi. further engagement and finalisation of modifications.

Duty to Cooperate

3.20 The Duty to Cooperate is a legal requirement. During the course of preparing Main Modifications, officers engaged constructively, actively and on an ongoing basis to maximise the effectiveness of plan preparation in the context of strategic cross boundary matters. This included liaison with prescribed bodies such as neighbouring local planning authorities, Oxfordshire County Council, Highways England, other infrastructure providers and agencies.

3.21 The Council's participation as a member of the Oxfordshire Growth Board, and as a partner authority in the implementation of the Oxfordshire Housing and Growth Deal (including in the preparation of the Oxfordshire Plan 2050), ensures that there is common awareness of plan preparation and understanding of cross boundary strategic planning issues. This Council's joint management arrangements with Oxfordshire County Council assist this. Countywide groups such as Heads of Planning, the Growth Board Executive Officer Group, the Growth Deal Programme Board, the Oxfordshire Plan Liaison Group and the Oxfordshire Planning Policy Officers provide for on-going, constructive dialogue and partnership working.

3.22 An addendum to the to the submitted Duty to Cooperate statement (Appendix 9) and to the submitted Statement of Consultation (Appendix 8) provide more information. No new, specific, relevant cross-boundary strategic matters were identified that affected preparation of the modifications. Engagement either informed or helped confirm the proposals as they emerged.

Sustainability Appraisal and Habitats Regulations Assessment

3.23 Two critical pieces of evidence underpinning the Plan at each stage are the Sustainability Appraisal (SA) and the Habitats Regulations Assessment (HRA).

3.24 The SA is a key foundation for the Local Plan and needs to be legally compliant and robust. The SA must assess reasonable alternatives, appraise the environmental, economic and social effects of the Local Plan and identify areas of mitigation. The assessment should be proportionate and not repeat policy assessment already undertaken (NPPF 2012, para. 167).

3.25 An SA Scoping Report was prepared and consulted upon with an Issues Paper in January 2016. An initial SA Report was prepared and consulted upon with an Options Paper in November 2016. A full SA Report was prepared and consulted upon with the proposed submission Plan in June 2017. An SA Addendum appraising Focused Changes and Minor Modifications to the proposed submission Plan was submitted with the rest of the SA in February 2018. No concerns have been raised by the Inspector about the SA process to date.

3.26 A second SA Addendum (Appendix 7 CD PR113) informed the preparation of proposed modifications including the testing of the 18 options identified.

3.27 Previous stages of plan preparation had also been informed by Habitats Regulations Assessment (HRA). Again, no concerns have been raised by the Inspector to date. The preparation of modifications was supported by further HRA work, again documented in an Addendum (Appendix 11).

Other Evidence

3.28 The full list of evidence supporting the preparation of the Main Modifications is shown below and supplements that already submitted to support the Plan:

- PR104 Cherwell Green Belt Study Second Addendum (September 2019)
- PR105 Cherwell Water Cycle Study Addendum (September 2019)
- PR106 Ecological Advice Cumulative Impacts Addendum (September 2019)
- PR107 Habitat Regulations Assessment Stage 1 and Stage 2 Addendum (September 2019)
- PR108 Landscape Analysis for PR09 (September 2019)
- PR109 Transport Assessment Addendum (September 2019)
- PR110 Site Capacity Sense Check (September 2019)
- PR111 Local Plan Viability Assessment Addendum (September 2019)
- PR112 Site Policy PR7b Stratfield Farm Highways Update (September 2019)
- PR113a Sustainability Appraisal Addendum Non-technical Summary (September 2019)
- PR113b Sustainability Appraisal Addendum (September 2019)
- PR114 Statement of Consultation Amendment (November 2019)
- PR115 Duty to Cooperate Addendum (September 2019)
- PR116 Developer Submission PR6a
- PR117 Developer Submission PR6b
- PR118 Developer Submission PR6c
- PR119 Developer Submission PR7a
- PR120 Developer Submission PR7b

- PR121a Developer Submission PR8 – Newcore Capital Management
- PR121b Developer Submission PR8 – Smith and Smith
- PR121c Developer Submission PR8 – The Tripartite
- PR122 Developer Submission PR9
- PR123 Developer Submission PR10
- PR124 Additional Information on the Significance of Trees
- PR125 Equality Impact Assessment (September 2019)

Officer Conclusions

3.29 Having regard to all Partial Review evidence, and as set out in the Explanatory Note (Appendix 5), officers concluded:

a) there are now no suitable options for development to meet the Plan's needs outside of the Oxford Green Belt (with the deletion of site PR10);

Evidence previously submitted and examined by the Inspector explained that there are no potentially suitable options available outside of the Green Belt other than the land comprising site PR10. The Areas of Search considered are set out in section 7 of the Sustainability Appraisal previously submitted to the Inspector (Core Document PR43).

The officer re-consideration of site PR10 is highlighted at paragraphs 2.5, 8.12 to 8.16, 9.3 to 9.4 of the Explanatory Note.

Having regard to all considerations, and the fact that the Inspector's concerns relate to the principle of development in the countryside rather than the quantum or configuration, it was considered that site PR10 was not suitable for the purpose of preparing main modifications.

A re-configuration of the residential area would not overcome the Inspector's concern of development extending into the countryside, causing significant harm to the setting of Woodstock and the character and appearance of the area. Similarly, a reduced number of dwellings on the site would not overcome the Inspector's concerns on travel distance to Oxford and the wider relationship with the World Heritage Site.

b) additional housing could be accommodated on the existing developable areas of the sites to the east and west of Oxford Road (PR6a and PR6b);

c) additional Green Belt release at south east Kidlington (PR7a) (10 hectares) would be justified while retaining a significant, albeit narrower, gap (11.5 hectares) to the A34 and the achievement of policy objectives for green infrastructure and sport and recreation;

d) additional Green Belt release at Stratfield Farm to the south of Kidlington (PR7b) (1 hectare) would be justified while still achieving significant positive use of the Green Belt and net biodiversity gains as set out in the Plan;

e) additional Green Belt release to the west of Yarnton (PR9) (9 hectares) would be justified, allowing for an improved layout and form of development while accommodating a wider playing pitch for the nearby school.

Main Modifications

3.30 The modifications consulted upon are attached at Appendices 2 and 3. The key modifications are set out in the table below. The illustrative plans at Appendix 4 show the sites as presented in July 2017, March 2018 and as now proposed.

Site	Number of dwellings in Proposed Submission Local Plan July 2017	Number of dwellings at Submission in March 2018	Number of dwellings in Main Modifications September 2019	Net change from 2017
PR6a – East of Oxford Road	650	650	690	+40
PR6b – West of Oxford Road	530	530	670	+140
PR7a – South East Kidlington	230	230	430	+200
PR7b – Stratfield Farm	100	100	120	+20
PR8 - East of A44	1950	1950	1950	No change
PR9 – West of A44	530	440	540	+10
PR10 – South East of Woodstock	410	500	0 (deleted)	-410
Total	4400	4400	4400	0

3.31 The key Main Modifications entail:

i. PR6a – Land East of Oxford Road – the use of an additional hectare of land no longer required for a primary school. The Focused Changes previously approved by the Council in February 2018 had allowed for this land to be proposed for residential development, but no specific provision had been made for an increase in the number of homes. An additional 40 homes are now provided for;

ii. PR6b – Land West of Oxford Road (Golf Course) - increasing the efficiency (density) of the use of land having reconsidered tree coverage, particularly the groups of important trees that would need to be retained;

iii. PR7a - South East Kidlington - extending the developable area further south up to an established hedge line having revisited the Green Belt study among other evidence;

iv. PR7b – Stratfield Farm - extending the developable area into an additional field parcel having further regard to the constraints of the site;

v. PR8 – East of the A44 – no change - in view of the number of homes (1950) that already need to be delivered by 2031;

vi. PR9 – West of the A44 - extending the developable area to respond to the Inspector's comments about accommodating a more satisfactory layout and in doing so allowing for a small increase in the number of homes. This,

effectively, is an alternative to the Council's 'Focused Change' of 2018 and the decision to reduce the number of homes on a relatively narrow site from 530 to 440. More land is now being provided to allow for 540 homes.

vii. PR10 – South East of Woodstock - the deletion of this site in the light of the Inspector's advice and having reconsidered the option in the context of all evidence and other alternatives.

3.32 The majority of the other Main Modifications are consequential changes to the deletion of PR10 and redistribution of 410 dwellings as detailed above. Some exceptions include:

- deletion of clause 17 of Policy PR6b (cross-reference to NPPF para. 74 requirements to replace open space and recreation provision) in response to Inspector's preliminary advice (see later commentary).

- the incorporation of Focused Changes submitted by the Council in February 2018 and further changes discussed at the Local Plan hearings. For example, additional wording on forward funding of Infrastructure (policy PR11); the deletion of a phased housing delivery requirement for land south east of Kidlington (policy PR12a); minor variations in the location of specific uses where evidence is available (site policies PR6a, PR6b, PR7a, PR7b, PR8 and PR9); and, the addition of more detailed policy requirements for Land at Frieze Farm to guide potential construction of a golf course (policy PR6c).

Minor Modifications

3.33 The Minor Modifications are presented at Appendix 3. These comprise changes such as factual updates, typographical corrections and presentational improvements. These modifications would not be formally considered by the Inspector but would be provided to him for information. They are required in the best interests of achieving a professionally completed Plan. It is possible that further minor changes may be required before the Plan is finalised, and Members are asked to delegate authority to the Assistant Director Planning and Development to make such further changes.

Consultation on Main Modifications

3.34 Representations were invited on the proposed Main Modifications to the Partial Review Plan between 8 November 2019 and 20 December 2019. The Addendum to the Statement of Consultation presented to Members at Appendix 1 documents the consultation arrangements. On 9 December, officers held a joint meeting with the affected Parish Councils to answer any questions without prejudice to the Council's position and the examination process.

3.35 Representations were invited specifically on the Main Modifications as required by procedure:

"…*it will be made clear that the consultation is only about the proposed MMs and any policies map changes (and no other aspect of the plan), that they are put forward without prejudice to the Inspector's final conclusions, and that all representations made will be taken into account by the Inspector…"* Procedure Guide for Local Plan Examinations, Planning Inspectorate, June 2019.

3.36 The Plan as a whole has previously been consulted upon and considered through the examination process. It is for this reason that the modifications were presented in schedules.

3.37 Consultation on Main Modifications is not an opportunity to revisit matters which have been settled in principle by the Inspector's Advice Note (Appendix 6) and which are not subject to the Main Modifications.

Representations

3.38 A total of 96 representations were received and each has been individually reviewed. Of the 96, it is considered that 15 do not materially relate to the Main Modifications. However, all representations received have been published at http://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=114&MId=3241&Ver=4 and, should the modifications be approved, they will be sent to the Inspector. The main issues raised in the 'duly made' representations are summarised and responded to in detail in the Statement of Consultation Addendum (Appendix 1). An overview of the main issues is set out below. All representations are available in the Members' Room.

3.39 The following organisations advised that they had no substantive comments:

- Scottish and Southern Electricity Networks (PR-D-0002)
- The Forestry Commission (PR-D-0003)
- National Grid (PR-D-0009)
- Natural England (PR-D-0012)
- Environment Agency (PR-D-0053)
- The Canal and River Trust (PR-D-0059)
- South Oxfordshire and Vale of White Horse District Councils (PR-D- 0074)

North Oxford Golf Course

3.40 A majority of the representations object to the development and increased number of dwellings for site PR6b - land west of Oxford Road (the North Oxford Golf Course). Officers highlight that the Inspector expressed some clear views on this site:

"…*I have no doubt that the North Oxford Golf Club is a much-valued facility. However, the site it occupies is an excellent one for the sort of housing the Plan proposes, given its location so close to Oxford Parkway, with its Park & Ride, and its proximity to the centre of Oxford. In that light, I do not find the allocation proposed in Policy PR6b – Land West of Oxford Road unsound, in principle*.

I raised a question at the hearings about the reference in the policy (under criterion 17) to the need for any application to be supported by enough information to demonstrate that the tests contained in paragraph 74 of the (2012) NPPF are met, so as to enable development of the golf course. Policy PR6c – Land at Frieze Farm allocates land for a replacement golf course and from what I saw of the existing golf course, it could, if necessary, provide equivalent or better provision in terms of quantity and quality, on a site very close to the existing facility.

On that basis, notwithstanding questions around whether the existing golf course is surplus to requirements, which are addressed under criterion 21 in any event, the tests in paragraph 74 have been met and criterion 17 can be deleted."

3.41 Officers are of the view that an increase in the number of dwellings on site PR6b is appropriate in the context of evidence, which included a re-examination of the site's potential having regard to additional information, and the Inspector's advice.

Alternative Sites

3.42 Representations from site promoters about the Main Modifications are considered below. Within these representations were six suggested alternatives to the locations or development areas proposed for accommodating the 410 homes:

i. land north of the Moors, Kidlington

This site is promoted by Bloombridge for 300 homes.

This site has been considered in the overall plan preparation process as a reasonable option. Having regard to the Inspector's views and all evidence now available, the view of officers is that there is no reason to re-consider the Council's site selection nor to select this Green Belt site. A sound and sustainable Plan can be achieved without this site.

ii. 14-16 Woodstock Road, Yarnton

This site is promoted by Edgars for Mr and Mrs Tomes for 50 homes.

This site has been considered in the overall plan preparation process. The safeguarded land, site PR3(a) was assessed in the Sustainability Appraisal. Having regard to the Inspector's views and all evidence now available, there is no reason to re-consider the Council's site selection nor to select this Green Belt site. A sound and sustainable Plan can be achieved without this site.

iii. land at no. 42 and the rear of 30-40 Woodstock Road East, Begbroke

This site is promoted by RPS for Mr R Davies for 200 homes.

This site has been considered in the overall plan preparation process. Having regard to the Inspector's views and all evidence now available, there is no reason to re-consider the Council's site selection nor to select this Green Belt site.

iv. Frieze Farm (site PR6c – potential golf course)

This site is promoted by Turnberry for Exeter College for 220 homes and a link road. A golf facility is suggested for adjoining land.

Officers highlight that the Council's original site selection conclusions for this site stated, "*Residential development would be segregated from Oxford and separated from Kidlington and Yarnton. Development would breach the A34 and be perceived as a freestanding development and a new highly*

urbanising influence between Oxford and Cherwell. The relatively exposed and elevated nature of the site to the south would result in residential development being highly visible from the north. Central and eastern land parcels are land locked by road and rail corridors".

The Planning Inspector stated, "*It was put to me that if the land covered by Policy PR6c – Land at Frieze Farm was allocated for housing, then a link road between the A44 and A34 could be provided that would alleviate congestion at the roundabouts to the south. That might assist but I do not consider the possibility sufficient reason to justify allocation of the site, or part of the site, for housing. That said, there may be other reasons why housing on the site might prove necessary …"*

"There may be the possibility that the Policy PR6c – Land at Frieze Farm allocation could accommodate some housing (and possibly the link road) as well as any replacement golf course. However, this would necessitate further land-take from the Green Belt for which exceptional circumstances would need to be demonstrated. This might prove difficult to justify unless options 1 ['divide the 410 dwellings around some of the other allocations, without having any undue impact on the character and appearance of the general area'] and 2 [combine [1] with additional dwellings on the Policy PR9 allocation which could lead to a better-designed layout…] and any other options outside the Green Belt were shown to be unsuitable." (CD PR43, paras. 10.130 – 10.132).

This site has been considered as a reasonable option in preparing Main Modifications. However, it has been shown by evidence that the displaced 410 homes can be sustainably accommodated on the other Partial Review sites already identified. There has been no need to pursue this less favourable option nor other sites that are outside of the Plan. A sound and sustainable Plan can be achieved without this site.

v. South-East of Woodstock (site PR10)

This site continues to be promoted by Terence O' Rourke for the Vanbrugh Unit Trust and Pye Homes.

Notwithstanding the Inspector's advice on site PR10, officers considered land to the south east of Woodstock as a reasonable option in preparing Main Modifications (see Appendices 2 and 3). This included consideration of whether a re-configuration of the developable area or a reduced number of dwellings might overcome concerns. It was concluded that the site was not suitable for the purpose of preparing Main Modifications (Appendix 5, para. 8.16).

vi. West of the A44 (site PR9)

Whilst supportive of the proposed extension of the residential area within site PR9, Gerald Eve on behalf of Merton College (PR-D-0084) propose an extended area for development in the form of an area of safeguarded land. An alternative Green Belt boundary to accommodate the expansion of the primary school (discussed with the County Council) is proposed.

Officers consider that the extended developable area identified in the Main Modifications responds appropriately to the evidence (particularly the landscape appraisal Appendix 12), the setting of Yarnton Village, and seeks to minimise the additional Green Belt release necessary. The Main Modifications proposed include a wider area to accommodate a playing field responding to earlier representations made by the County Council. Officers are of the view further release of land for education use cannot be justified.

General Comments

3.43 General comments include:

i. **Oxford City Council** (PR-D-0076) welcomes the publication of the proposed modifications and supports the approach taken and evidence in following through on the Inspector's recommendations.

ii. **Historic England** (PR-D-0072) advises that the proposed modifications do not substantively change its position as set out in its statement of common ground agreed on 4 February 2018 and addendum statement on 8 February 2019. However, the increased densities now proposed on some of the allocated sites could reduce the scope for the outcomes of archaeological investigation to be incorporated in to the development schemes. This will therefore need to be given particular attention, as plans for such sites develop, through both the plan-making and development management processes.

Officers highlight that there has been close cooperation with Historic England during the overall plan-making process. The Plan and the proposed Main Modifications require planning applications to be supported by a Heritage Impact Assessment within or adjacent to the proposed sites as well as desk-based archaeological investigations to determine further evaluation and appropriate mitigation. These measures are intended to ensure greater certainty that appropriate mitigation and enhancement measures will be implemented as identified in the Sustainability Appraisal.

The densities proposed for net developable areas by the Main Modifications as shown in the Explanatory Note (Appendix 5) range from 29 dph (site PR7a) to 39dph (site PR6a). The density for site PR8 remains unchanged at 42 dph. The approach is site specific, responding to known constraints, opportunities and the character of each site's location. Officers consider that the range of densities proposed, considerations taken on site capacity (see Appendix 13), together with the measures required in site policies, will help ensure that the outcomes of archaeological investigation can be accommodated.

Officers will continue to engage with Historic England through the development brief process.

iii. **Gosford and Water Eaton PC** (PR-D-0086) made the following points:

a. this proposal is inappropriate and excessive, both in size and location;
b. area PR7a, in the parish, has had its housing allocation almost doubled, this further increases concerns about traffic, pollution etc;

a. an increased allocation to other adjacent areas further exacerbates issues with reduction of the green gap between Oxford and Kidlington;
c. the current burial site allocation will not be sufficient for future use with the increase in housing;
d. the increase in allocation for housing in area PR7a significantly reduces the area allocated to sports provision and green space;
e. the potential Oxford to Cambridge Expressway along the route of the A34 would have significant noise and pollution effect on PR7a's extended site.

Whilst acknowledging the concerns expressed by Gosford and Water Eaton Parish Council, officers consider that in the context of housing need and the plan's strategy, additional Green Belt release at site PR7a (10 hectares) can be justified while retaining a significant, albeit narrower, gap (11.5 hectares) to the A34 and the achievement of policy objectives for green infrastructure and sport and recreation.

Evidence demonstrates that additional development would be acceptable and contribute to the achievement of sustainable development. In relation to the concerns raised regarding the potential Oxford-Cambridge Expressway, a Government decision has yet to be made. The Partial Review requires the provision of 0.7 hectares of land within the developable area of site PR7a for an extension to Kidlington Cemetery. This is considered sufficient to meet the need resulting from the changes proposed to site PR7a. This matter can be further explored as part of the development brief process.

Comments on Specific Proposed Main Modifications

3.45 There have been a number of detailed responses received to individual Main Modifications as set out in the Consultation Statement Addendum (Appendix 1). That document provides officer responses to each of the substantive points made. An overview is provided below:

i. **Kidlington Parish Council** (PR-D-0080) raises strong objections to the proposed release of additional Green Belt land as an extension to site PR7a (South East Kidlington). It states that the proposed extension conflicts with the available evidence and is not justified. It is concerned that there would be a reduction in outdoor sports provision.

The Parish Council is largely supportive changes to the policy for Stratfield Farm including the increase in the number of dwellings.

It has indicated a desire to enable a new vehicular access from the site to Stratfield Brake to the south.

As has been expressed by other Parish Councils, Kidlington Parish Council considers that they should be partners in the preparation of the Development Brief for the site rather than Oxford City Council.

Officers highlight the proposed extension to site PR7a is supported by evidence including the Green Study (CD PR40), its Addendum (Appendix 14) and the existence of exceptional circumstances (Explanatory Note, section 13). The Council's Playing Pitch Strategy (CD PR99) indicates a need for 4 hectares of land for playing pitches at Kidlington to 2031. The reduced area of

11 hectares as proposed is more than sufficient to accommodate this and to continue to provide for green infrastructure as originally expected by the policy.

The reference to engagement with Oxford City Council is in the context of the Plan being prepared to help meet the city's unmet housing needs. Wider consultation on the development briefs will be necessary and, importantly, with the affected Parish Councils.

ii. **Yarnton Parish Council** (PR-D-0056) states that it and local residents have already made their comments and objections to the Plan and these responses still stand. It views the modified Plan as being unnecessary, unsustainable and unsound. The Parish Council objects to the extension proposed to site PR9 (west of the A44) as it involves further encroachment in to the Green Belt and makes other specific observations. However, should development be progressed, the Parish Council wishes to be fully involved.

Officers consider that this modification is consistent with the Inspector's preliminary findings in respect of site PR9 that "*there is scope for the developable area to extend westward and this might well provide the scope for a development more interesting in its design and layout"*.

In the context of housing need and the plan's strategy, additional Green Belt release at site PR9 (9 hectares) can be justified to extend the development westwards. Whilst there is additional landscape impact, the Council's further evidence (including landscape assessment – Appendix 12) demonstrates that this would be acceptable. A deeper development can be achieved allowing for an improved layout and form of development and accommodating a wider playing pitch for the nearby school. Evidence demonstrates that the additional development would be acceptable and contribute to the achievement of sustainable development.

iii. **Harbord Road Area Residents Association** (PR-D-0070) raises objections to the increase in the number of dwellings proposed for site PR6b (west of Oxford Road). It argues that a premature judgement has been made on the importance of groups of trees to be retained in order to increase densities. It considers that this constrains proper, future consideration of the trees which should be retained and that it is not possible to determine the appropriate number of dwellings for site PR6b without a detailed tree survey. In addition, they raise detailed comments in relation to sites PR6a (east of Oxford Road) and PR7a (south east Kidlington).

Officers consider that the increase in numbers at site PR6b is justified by the evidence. The originally proposed density of 25 dwellings per hectare (dph) was relatively low, reflecting the need for caution in view of the tree cover on the site. More information on the important groups of trees gave reason to reconsider the capacity of the site.

This included information from the site promoters and from the Council's internal landscape advisers. The density now proposed (circa 30 dph) provides the opportunity for higher density typologies, including terrace blocks and apartment buildings. The latter of which could work well with blocks set within a generous green landscape incorporating the tree belts (Appendix 15).

The increase in density is also appropriate in the context of the Inspector's preliminary conclusion that the site is, "…*an excellent one for the sort of housing the Plan proposes, given its location so close to Oxford Parkway, with its Park & Ride, and its proximity to the centre of Oxford…".*

iv. **Begbroke and Yarnton Green Belt Campaign** (PR-D-0082) raises objections to the proposed extension to site PR9 (west of the A44). It argues that there are no exceptional circumstances to warrant further encroachment into the Green Belt and that the extended site would breach natural, established and defensible boundaries. It considers that the extension would have an adverse impact on the historic and local landscape, and on heritage assets.

Officers note that the comments in respect of site PR9 are similar to those raised by Yarnton Parish Council and considered above.

v. **Cherwell Development Watch Alliance** (PR-D-0083) supports the deletion of site PR10 (south east of Woodstock) but objects to the proposed reallocation of the 410 dwellings to other sites. The objections are primarily raised to the extension of PR7a (south east Kidlington) which, it is argued, further encroaches on the 'Kidlington Gap'; and, the increased housing density at PR6b (west of Oxford Road), based on its view that there has not been proper consideration of the trees on the site. Concerns are also expressed about the absence of a meaningful strategy to replace the North Oxford Golf Course which it states has not been shown to be surplus to requirements; and concerning a number of transport projects listed in the modified Infrastructure Schedule.

Officers note that the objections raised to the main modifications for sites PR7a and PR6b are similar to those raised by Gosford and Water Eaton Parish Council, Kidlington Parish Council and the Harbord Road Area Residents Association, considered above.

The issue of the North Oxford Golf course was examined extensively at the hearings and the Inspector reached his preliminary conclusions having considered all available evidence including golf specific evidence submitted by GreenWay Oxfordshire, the site promoters and the Council.

vi. **Oxfordshire County Council** (PR-D-0085) supports the proposed redistribution of housing which is consistent with the plan's spatial strategy. It advises that the proposed redistribution will require minimal changes to the transport and education mitigation requirements.

With regard to education, it considered that it should be made explicit that the shape and location of all proposed school sites are indicative. It continues to object to the secondary school location shown on the policy map for site PR8 (east of the A44). In relation to site PR9 (west of the A44), confirmation is sought that sufficient land has been reserved to meet OCC's requirements for the school site. Detailed comments on specific main modifications have also been submitted.

Officers highlight that there was discussion at the hearings about whether some additional flexibility was required for the allocation of specific land uses

within the development sites. Main Modifications 99 and 117 are proposed as a consequence. The policies allow for minor changes to the location of specific land uses within the development sites. The development brief process will further allow for the formulation of a comprehensive scheme and outline layout for the delivery. The County Council will be fully engaged in that process.

The revised PR9 policy map amends the area reserved for the improvement/replacement of playing fields and amenity space for William Fletcher School. The area proposed reflects the requirements set out in the County Council's representations to the Submission Plan (July 2017).

vii. **West Oxfordshire District Council** (PR-D-0016) **and Woodstock Town Council** (PR-D-0073) both support the deletion of site PR10 (Woodstock).

viii. **Wolvercote Neighbourhood Forum** (PR-D-0092) objects to the increased housing numbers proposed at PR6b (west of Oxford Road). It considers that a detailed tree survey should be undertaken before the capacity of the site is determined. Concerns are raised about a reference to the access into the site as being 'primarily' from Oxford Road. It argues that it should be made clear that any access from Lakeside should be restricted to pedestrians and cyclists. Objections are also raised to the proposed extension of site PR7a.

Officers highlight that the housing potential and tree coverage of site PR6b are considered above in relation to other representations.

The reference to access being 'primarily' from Oxford Road into site PR6b simply allows for the possibility of pedestrian / cycle / wheelchair access from a non-primary point of access. A change is not necessary for the soundness of the Plan but, as with all representations, the Inspector will have an opportunity to consider the issue. The development brief process provides an opportunity to consider access arrangements in further detail.

ix. **Kidlington Development Watch** (PR-D-0093) considers that the majority of the remaining sites can accommodate more houses than suggested. It argues there is potential for site areas to be reduced or one or more sites deleted. It considers that the Council has not acted to prevent further incursion in to the Green Belt or to protect the spatial separation and integrity of communities. It considers that the Council should decline to provide the 410 homes if further release of Green Belt is the only option.

More generally, KDW argues that the identification of modifications has not been informed by public feedback. Detailed comments are provided on a number of the proposed modifications. In particular, objections are raised to the proposed extension of PR7a (South East Kidlington). Concerns are also raised to the reference to a 'bus gate' near Kidlington centre in the modified infrastructure schedule (Appendix 2) and the timeframe of the plan.

Officers consider that all reasonable options have been considered. The process is explained in the Explanatory Note (Appendix 5) and Sustainability Appraisal Addendum (Appendix 7).

The objections to the extension of site PR7a (South East Kidlington) are similar to those raised by Gosford and Water Eaton Parish Council which are considered above.

With regard to consultation, the publication of the Main Modifications has provided the appropriate opportunity for public comment. All representations have been considered, are available to Members and, subject to the approval of the modifications, will be provided to the Inspector. The Inspector will make recommendations on the Main Modifications required in the interest of soundness.

The Infrastructure Schedule has been updated in the context of other Main Modifications having regard to the advice of the County Council as Highway Authority. Should the County Council consider that a bus-gate would not be appropriate or would not be required at the detailed planning stage, it would not be pursued. The Infrastructure Schedule will be subject to annual monitoring.

x. **GreenWay Oxfordshire** (PR-D-0063) states that the Main Modifications do not address their representations made to the Inspector; including that exceptional circumstances for development in the Green Belt have not been demonstrated, that the recreational and health benefits of the golf course have not been taken in to account and that Frieze Farm is not a suitable site for a re-provided golf course.

Specific objection is raised to the Main Modification (no.66) which deletes criterion 17 for Policy PR6b as it leaves Frieze Farm as the only site available for the re-provision of the golf course (criterion 17 had required a future planning application to be supported by '*sufficient information to demonstrate that the tests contained in paragraph 74 of the NPPF* [for equivalent or better provision in terms of quality and quantity in a suitable location] *are met to enable development of the golf course*'

An objection is also raised to the increased number of dwellings on PR6b (West of Oxford Road). Strong criticism is made of the Council's tree surveys. GreenWay endorses the submission by the Harbord Road Residents Association relating to the trees on the site.

Officers again highlight that the Inspector has advised, that the existing golf course site is "…*an excellent one for the sort of housing the Plan proposes, given its location so close to Oxford Parkway, with its Park & Ride, and its proximity to the centre of Oxford*". He has also stated "*PR6c – Land at Frieze Farm allocates land for a replacement golf course and from what I saw of the existing golf course, it could, if necessary, provide equivalent or better provision in terms of quantity and quality, on a site very close to the existing facility*". He is satisfied that the tests in paragraph 74 have been met and criterion 17 can be deleted.

Other issues raised are similar to those raised by the Harbord Road Area Residents Association as considered above.

xi. **North Oxford Golf Club** (PR-D-0071) also objects to Main Modification no. 66 It disagrees with the Inspector's view that the golf course is capable of being

replaced by equivalent or better provision in terms of quantity and quality in a suitable location and his reliance on policy criterion 21 (which requires a programme for the submission of proposals and the development of a replacement golf course at Frieze Farm before development of land at the existing North Oxford Golf course commences, or the submission of evidence to demonstrate that a replacement course is not required)

Officers highlight the consideration above and at para. 3.40.

xii. **CPRE Oxfordshire** (PR-D-0067) cites national policy and a Secretary of State's decision elsewhere to argue that the proposal to accommodate Oxford's unmet need on Green Belt land in the 'Kidlington Gap' is unsound. It is also argued that housing densities should be increased to reduce the land required to be released from the Green Belt.

Officers are of the view that a sound and robust process has been followed to prepare the Main Modifications, in considering options and in ensuring that there are exceptional circumstances for some additional alterations to Green Belt boundaries.

xiii. Twenty-eight representations specifically include objection to MM 66 (the deletion of criterion 17 of Policy PR6b). A further eleven representations raised similar concerns without specifically referring to MM 66. Thus, a total of 39 representations out of a total of 96 raise this matter.

Whilst there is a significant level of objection to the development of the North Oxford Golf Course, officers consider that the Inspector has provided a clear view on this site and that additional evidence suggests that a higher number of dwellings could now be achieved.

Comments from Councillors

3.46 Three councillors have made representations:

i. **Councillor Buckley, County Councillor for Wolvercote and Summertown Division** (PR-D-0068) raises objections to the increase in the number of houses at PR6b (west of Oxford Road). He argues that it is not compliant with the Duty to Cooperate and that the increase would lead to the felling of a larger number of mature trees that are a characteristic feature of the current golf course and comprise a long-established green boundary to Oxford. He is not aware of any contact between CDC and Oxford City councillors to debate this change. He considers that the additional tree felling is not justified. Concerns are also raised that MM 61 (points of access) may lead to increased vehicular traffic via Lakeside (a residential street).

Officers consider the Plan, including its Main Modifications, has been prepared in compliance with the Duty to Cooperate explained earlier in this report (see Appendices 2 and 9). As explained above, evidence indicated that a higher number of dwellings could be achieved. The primary, vehicular access into the site would be from Oxford Road but as advised above a secondary point of access is provided for in the interest of pedestrians, cyclists and wheelchair users.

ii. **Councillor Liz Wade, City Councillor for Wolvercote Ward** (PR-D-0079) raises objections to modifications relating to Policy PR6b (west of Oxford Road) from a housing need perspective. She considers that there should be a full tree survey and plan for landscape protection; archaeological survey and plan for protection; and air quality and noise modelling.

The issue of housing need is not within scope of the required modifications. The Inspector has advised that he is satisfied on the proposed allocation of the site and the issue of site capacity and trees is considered above.

iii. **Councillor Ian Middleton, Cherwell Councillor for Kidlington East** (PR-D-0091) has submitted a detailed representation which makes comments on a number of the proposed main modifications. Principally, he objects to further release of Green Belt land rather than increasing densities on the existing allocations. He considers that this is at the expense of previously promised green infrastructure provisions such as parks, woodlands and schools. He is concerned there is a serious 'democratic deficit' in terms of the involvement of local parish councils in the proposals. He argues that the original proposals give scant regard to such issues as climate change, wildlife habitat and environmental issues and that the declaration of a climate emergency provides an opportunity to include additional measures and safeguards.

Officers consider that a robust process has been followed to consider all reasonable options and to avoid unnecessary further alterations to Green Belt boundaries. The issue of density is covered in the Explanatory Note (also see para. 3.8 above). The further alterations now proposed are only put forward in the context of the evidenced exceptional circumstances which are summarised in section 13 of the Explanatory Note (Appendix 5).

With regard to consultation, as explained above, preparation of the modifications has involved the requisite cooperation and the publication of the Main Modifications has provided the appropriate opportunity for public comments. All representations have been considered and are available to Members. The Plan has a whole has been informed by cooperation, engagement and consultation and no concerns on those issues have been raised by the Inspector to date. Members have correctly had the opportunity to consider the Plan at each stage of its development.

Councillor Middleton has raised other detailed comments, and these are responded to in the Addendum to the Statement of Consultation at Appendix 1.

Representations on Main Modifications from Site Promoters

3.47 The key points raised are:

i. Bloombridge (PR-D-0069) is critical of the Council's proposed modifications including the extensions to sites PR7a and PR9. Criticisms of the Council's evidence including Sustainability Appraisal (CD PR113b) and the consideration of options is provided.

Officers consider that the Main Modifications have been soundly produced. All reasonable options have been considered.

ii. Edgars for Mr and Mrs Tomes (PR-D-0087) raise objections to its promoted land being 'safeguarded' from development during the period of the Plan.

Site PR3a in the Partial Review comprises safeguarded land (to the south of development site PR8) and has been previously identified to meet national Green Belt policy. Whilst the use of this land for housing would not result in additional Green Belt land release, there is a need to consider the endurance of the Green Belt once altered. The safeguarded land provides contingency beyond the Plan period. No concerns have been raised by Inspector to date and no modification is suggested.

iii. Turnberry on behalf of Exeter College (PR-D-0081) considers that the Council has departed from the guidance provided by the Inspector in deciding to release more land from the Green Belt at sites PR7a and PR7b. The representation is critical of the Council's evidence.

Officers are of the view that a sound and robust process has been followed to prepare the Main Modifications, in considering options and in ensuring that there are exceptional circumstances for some additional alterations to Green Belt boundaries.

iv. RPS for Mr R Davies (PR-D-0061) argues that brownfield land in the Green Belt should be prioritised over greenfield land (it's promoted site contains some brownfield land)

Others advise that all reasonable options have been considered (including previously developed land opportunities) during the Plan preparation process. The reasonable options for Main Modifications, which includes some previously developed land, have been considered in the interest of achieving sustainable development and having regard to a wide range of sustainability factors. Additional Green Belt release has been minimised and is only proposed in light of the exceptional circumstances that exist.

v. Vanbrugh Unit Trust and Pye Homes (PR-D-0062) object to the deletion of site PR10 (Woodstock) and the consequential further release of Green Belt land which they argue is contrary to national policy. They raise specific concerns about the Sustainability Appraisal (SA),

Officers consider the further work on the Sustainability Appraisal to be robust. Specific comments on the SA are considered below. No concerns on the overall process have been raised by the Inspector to date.

vi. Gerald Eve on behalf of Merton College (PR-D-0084) (site PR9 – West of the A44) have concerns about the justification for and viability of the revised proposals for open space/parkland at site PR9.

Officers consider that the refinement of the original proposals, following discussion with promoters and providing for a clearly defined area of open space, is compliant with national policy for the beneficial use of the Green

Belt. All proposals for site PR9 as modified have been subject to viability assessment.

vii. Pegasus on behalf of Barwoods (PR-D-0014) welcomes the removal of the phasing that had been suggested for the delivery of site PR7a (South East Kidlington) in the housing trajectory but has concerns that existing requirements for a delivery plan aligned to the Plan's housing trajectory are contradictory to the removal of the phasing restriction.

Officers understand that the concern here is that the site may continue to be phased despite the removal of the explicit phasing requirements in the Plan. This is not the case. Each development site is required to have a Delivery Plan in the interest of maintaining a five-year housing supply and the Plan's housing trajectory as a whole.

Main Modification no. 138 includes the removal of the requirement for delivery to be measured against site specific housing trajectory requirements. Main Modification 136 clarifies "*we are requiring developers to clearly show that they can contribute towards maintaining a five-year supply"*. The text "*for their own sites*" is proposed for deletion.

This matter was previously discussed at the Local Plan hearings and a change agreed to by officers. Retention of the modification is needed to provide certainty that a five-year housing land supply can be achieved. It is also justified in light of the urgent need for housing and land being released in the Green Belt for that reason.

3.48 Other responses from site promoters are considered in the Addendum to the Consultation Statement (Appendix 1).

Comments on Sustainability Appraisal (SA) Addendum

3.49 The main comments received are:

i. the Council should have considered options outside the Green Belt for the main modifications
ii. the Council should not have re-distributed the 410 dwellings from the site at Woodstock (PR10)
iii. all sites within Area of Search 'A' should have been assessed in the SA addendum to accommodate the dwellings re-located from the proposed allocation at Woodstock (*officer note: Areas A and B were those identified as being the most sustainable and suitable for informing the site selection process*)
iv. other sites not selected for the proposed modifications score more favourably in the SA than the selected sites
v. the SA results show that alternative sites to those in the main modifications should be allocated in the Plan
vi. there are inaccuracies in the assessment of sites in the SA addendum
vii. the evidence used for the SA is flawed and inaccurate
viii. the SA process is not legally complaint and flawed
ix. it is not explained why sites have been selected for the main modifications

3.50 There is also support for the SA in the formation of the main modifications**.**

3.51 The Council's consideration of reasonable options for preparation of the proposed submission Plan is set out in the June 2017 SA Report (CD PR43). The sites selected for inclusion in the Plan were considered to be the most suitable for meeting the Plan's vision and objectives and achieving sustainable development.

3.52 The Inspector's preliminary findings indicate the approach of locating the housing and infrastructure required as close as possible to Oxford, along the A44 and A4165 transport corridors is an appropriate strategy. He considers that the Council has demonstrated exceptional circumstances to justify removal of land form the Green Belt.

3.53 The Inspector has advised, '*With one exception...I regard the various allocations, and the process by which they have been arrived at, as sound, in principle*…'. Other than site PR10, the Council has no reason to question its site selection process to date, including the non-selection of all reasonable alternatives to the proposed site allocations considered to date. The Inspector has not raised any concerns with the SA in his advice note.

3.54 The 2019 SA addendum (Appendix 7) at Table 1 sets out the options considered in preparing the main modifications. Officers consider the scoring and SA process undertaken to be robust. The SA addendum and the Council's Explanatory Note explain the methodology and how reasonable alternatives were appraised. Had it been demonstrated that it was not possible to accommodate the displaced development requirements within the Plan's original scope, there would be a need to consider other options. That has not been required however.

3.55 The 2019 SA addendum concludes that although there will be negative effects associated with the reallocation of the 410 homes from PR10 to allocation Policies PR6a, PR6b, PR7a, PR7b and PR9, overall, the significance of these adverse effects has not changed from those already identified through the SA of the original number of homes allocated at each location. SA addendum Appendix 1, setting out the additional evidence gathered to establish the likely effects of the redistribution also supports this.

3.56 The legal requirements for SA (and SEA) have been met. The SA takes account of NPPF1 (2012), government guidance on SA and appropriate evidence.

Officer Conclusions on Main Modifications

3.57 The Main Modifications have been prepared in accordance with necessary regulatory, procedural and policy requirements. They have been informed by cooperation and engagement with prescribed bodies and a process of sustainability appraisal. All reasonable options have been considered through an evidenced led process.

3.58 The modifications have been subject to the requisite consultation. All representations have been considered. The concerns expressed by affected Parish Councils and community groups, from those people most directly affected, have been considered carefully along with those of other interested parties. The particular concerns about intensifying development on site PR6b (West of Oxford Road) and about the necessary and exceptional changes to Green Belt boundaries have been considered in the context of evidence.

3.59 Having regard to those representations, officers consider that the modifications as proposed and consulted upon are appropriate for submission to the Planning Inspector. No changes are considered to be necessary. Officers consider that the Main Modifications as consulted upon would lead to the completion of sound plan.

3.60 Officers consider that there is no reason for delay. It is of interest that public hearings were held for Oxford City Council's draft Local Plan in December 2019. In January 2020, the City Council received the interim conclusions of its Inspectors (Appendix 16). The Inspectors found:

- that no modifications are required with regard to housing need or affordable housing need
- that there are exceptional circumstances to release Green Belt land in Oxford, and
- that the capacity-based housing requirement as proposed to be modified by the City Council does not result in '*meaningfully different implications for planning in the wider Oxfordshire area compared with the assumptions used by the Growth Board, and do not raise any significant new issues in respect of the unmet need'*.

3.61 These findings are entirely consistent with the Cherwell Inspector's preliminary advice.

Next Steps

3.62 Subject to the decision of Council, the modifications will be submitted to the Planning Inspector (on behalf of the Secretary of State for Housing, Communities and Local Government) with all supporting documents and representations. At that point the Examination would re-commence.

3.63 The Inspector could then either proceed to complete his full report or, having considered the information, require a further hearing before doing so. The Inspector would need to provide six weeks' notice of a hearing.

3.64 Once the Inspector's report is completed, officers would, typically, be given a two-week period to fact check the report for inaccuracies.

3.65 Upon receipt of the final report it must be published as soon as is 'reasonably practicable' and public notification given. The Inspector would reach a conclusion on whether the Plan is legally compliant and 'sound' (with or without modification). Officers would then prepare reports inviting Members to consider the Inspector's findings. If the Plan is considered to be 'sound', Members would be invited to adopt it incorporating any necessary modifications recommended by the Inspector.

4.0 Conclusion and Reasons for Recommendations

4.1 The Partial Review has reached a very advanced stage of preparation. The Plan was prepared over the course of 2016-2018 and submitted in March 2018 for Examination. It has been the subject of preliminary and main public hearings. The Inspector provided his preliminary advice. Main Modifications required to make the

Plan sound have been prepared and consulted upon for a six-week period. All representations have been considered.

4.2 It is recommended that the modifications as presented with this report are approved for submission to the Planning Inspector and the completion of the Examination.

5.0 Consultation

Public consultation from 8 November to 20 December 2019.

Internal briefing: Councillor Clarke, Lead Member for Planning

6.0 Alternative Options and Reasons for Rejection

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Do not approve the proposed modifications and develop an alternative set of modifications

This option is not recommended as the modifications presented are evidence based. Alternative modifications could prevent the completion of a sound plan

Option 2: Amend the proposed modifications

This is not recommended as the modifications presented are considered to be the most appropriate. Changes to the Main Modifications may necessitate further consultation and result in delay.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial and resource implications arising directly from this report. The cost of preparation of the Local Plan is met from existing resources.

Comments checked by:
Dominic Oakeshott – Assistant Director – Finance (Interim) – 0300 003 0110,
Dominic.oakeshott@cherwell-dc.gov.uk

Legal Implications

7.2 The Council is under a duty to prepare a local development scheme that sets out what local development documents (which include local plans) will be prepared (Sec 15 Planning and Compulsory Purchase Act 2004 as amended). The power to make a local plan is contained in Section 19. The National Planning Policy Framework states that the planning system should be plan-led. All development decisions must be made in accordance with the appropriate local plan unless

material considerations indicate otherwise. Plan making is therefore a crucial part of the planning process and the Secretary of State (amongst other related powers) may direct a local authority to make a plan to ensure that the planning process in any area is properly administered (Sec 27 Planning and Compulsory Purchase Act 2004 as amended). This review is an essential part of the Council's duty to follow through on the Development Scheme.

Comments checked by:
Matthew Barrett, Planning Solicitor
Matthew.barrett@cherwell-dc.gov.uk tel:01295 753798

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

Business Plan 2019/20

- District of Opportunity & Growth
- Clean, Green and Safe
- Thriving Communities & Well-Being

Lead Councillor

Councillor Colin Clarke, Lead Member for Planning

Document Information

Appendix No	Title
Appendix 1	Addendum to the Statement of Consultation - February 2020
Appendix 2	Schedule of Proposed Main Modifications - September 2019
Appendix 3	Schedule of Proposed Minor Modifications - September 2019
Appendix 4	Illustrative Plans of sites in 2017, 2018 and now proposed - February 2020
Appendix 5	Explanatory Note - November 2019
Appendix 6	Inspectors Post Hearing Advice Note - July 2019
Appendix 7	Sustainability Appraisal Addendum - September 2019
Appendix 8	Statement of Consultation Addendum - November 2019
Appendix 9	Duty to Cooperate Addendum - September 2019
Appendix 10	Statement of Consultation - February 2018_(2 parts)
Appendix 11	HRA Stage 1 and Stage 2 Addendum - September 2019
Appendix 12	Landscape Analysis for PR09 - September 2019
Appendix 13	Site Capacity Sense Check - September 2019
Appendix 14	Cherwell Green Belt Study 2nd Addendum - September 2019
Appendix 15	Additional information on the significance of trees
Appendix 16	Inspectors Interim Conclusions - January 2020
Appendix 17	Equality Impact Assessment Update - February 2020

Background Papers	
https://www.cherwell.gov.uk/info/83/local-plans/215/partial-review-of-cherwell-local-plan-2011-2031---oxfords-unmet-housing-need https://www.cherwell.gov.uk/info/83/local-plans/515/local-plan-part-1-partial-review---examination/11	
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