

Cherwell Council

Full Council

20 October 2014

Cherwell Local Plan Proposed Modifications

Report of Head of Strategic Planning and the Economy

This report is public

Purpose of report

To consider Proposed Modifications to the Submission Cherwell Local Plan and representations received. To approve the Proposed Modifications, Further Proposed Minor Modifications and Sustainability Appraisal Addendum for submission to the Secretary of State for Communities and Local Government. The Modifications are required to proceed with the public Examination and to ensure that the Local Plan is 'sound', and conforms to the National Planning Policy Framework.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the Proposed Modifications to the Submission Local Plan, incorporating Further Proposed Minor Modifications and Sustainability Appraisal Addendum, for submission to the Secretary of State for Communities and Local Government through the Planning Inspectorate.

2.0 Introduction

- 2.1 The Draft Cherwell Local Plan - Part 1 was submitted to the Planning Inspectorate on the 31 January 2014. The Examination commenced on 3rd June 2014 with a detailed opening statement by Cherwell District Council (see Appendix 1)
- 2.2 On the second day the Inspector suspended the Examination for 6 months to enable the Council to, "...put forward proposed modifications to the plan involving increased new housing delivery over the plan period to meet the full, up to date, objectively assessed, needs of the district, as required by the National Planning Policy Framework (NPPF) and based on the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA)...". The Oxfordshire SHMA was published in April 2014 after submission of the Local Plan. The SHMA was produced by independent consultants on behalf of all the Oxfordshire Councils in order to meet the requirements of the National Planning Policy Framework (NPPF para. 147) see press release at Appendix 2).

- 2.3 The Inspector advised that “...the tests of legal compliance and in relation to the “duty to co-operate” are considered to have been met by the Council, to date, with no compelling evidence to indicate otherwise.” He also indicated at the Hearings that he had not identified any significant areas of concern with the submitted Sustainability Appraisal.
- 2.4 Officers indicated at the Hearings that the necessary increase in new housing needed to be achievable without significant changes to the strategy, vision or objectives of the submitted plan. The Inspector also noted that there were reasonable prospects of delivery over the plan period.
- 2.5 The Inspector recorded that, “...there is no necessity for an immediate strategic review of the extent/boundaries of the Oxford Green Belt in the district for new housing, albeit the plan is likely to require an early review once the established process for considering the full strategic planning implications of the 2014 SHMA, including for any unmet needs in Oxford City, has been fully considered jointly by all the Oxfordshire Councils.”. He was clear at the Hearings that the purpose of Proposed Modifications should be to meet the identified needs of the district. (Note: As a result modification 29 is proposed which sets out a process and timetable for addressing the Oxford issues separately from the Cherwell growth).
- 2.6 The timetable for preparing the Proposed Modifications was established for the Inspector with the preparation of evidence and modifications from June to August 2014; consultation over August and September and submission on 21 October 2014. This was to enable the Inspector to reconvene the Examination Hearings in December. Officers, in liaison with the Leader Member, have met this timetable. The key dates are:

Submission	31 st Jan 2014
Examination commenced	3 rd June 2014
Examination suspended	4 th June 2014
Inspectors Written Statement	9 th June 2014
Preparation of evidence base & formulation of Main Modifications	9 th June 2014 to 11 th Aug 2014
Proposed Main Modifications to inspector	11 th Aug 2014
Consultation on proposed Main Modifications including on SA / SEA / HRA	22 nd Aug 2014 to 3 rd October 2014
Review of consultation responses	3 rd Oct 2014 to 10 th Oct 2014
Full Council meeting	20 th Oct 2014
Submission of Modifications and Evidence	21 st Oct 2014
Examination hearings (anticipated)	9 th December 2014

- 2.7 This report considers the issues arising from the development of the proposed modifications.

3.0 Report Details

The Examination

- 3.1 In response to the Inspector's initial findings and written statement at the June 2014 Examination (Appendix 3) officers have completed the preparation, publication and consultation on proposed modifications to the Submission Cherwell Local Plan including modified Policies Maps and an update to a Sustainability Appraisal.
- 3.2 The proposed main and minor modifications were prepared following discussions at the suspended hearing sessions that took place in June 2014 and the Inspector's consideration that the Plan does not make sufficient provision to meet the objectively assessed need for 22,800 homes (2011-2031) as identified in the new 2014 Oxfordshire Strategic Housing Market Assessment (SHMA). The Inspector considers that main modifications are necessary to make the Plan sound. The attached note from the Inspector to the Council (9th June 2014) sets out the reasons for this (Appendix 3).

Preparing modifications

- 3.3 Over the past few months officers have undertaken additional work which considers reasonable options to address the identified housing need and associated implications for other land uses and infrastructure. In formulating the modifications officers have reconsidered evidence submitted by representors prior to the suspension of the hearings, commissioned and prepared new and updated evidence and cooperated with prescribed bodies. Informal consultation and discussions have also taken place with key stakeholders and other interested parties. The cooperation and consultation undertaken is summarised in an Addendum to the Statement of Consultation (see Appendix 7) and will be reflected in updating the Council's Topic Paper (TOP1) - Duty to Cooperate for re-commencement of the Examination Hearings.
- 3.4 Officers prepared a list of changes to the Local Plan known as "Proposed Modifications" (See Appendices 4, 5 & 6).
- 3.5 Modifications are of two types referred to as "Main modifications" and "Minor Modifications". 'Minor modifications', relate to factual updates and changes which are not significant. However, 'Main Modifications' are significant and relate to policies and proposals in the Plan. Main Modifications must be consulted upon and subject to Sustainability Appraisal.
- 3.6 In addition, as part of the suite of proposed modifications is an updated Infrastructure Delivery Plan which sets out what infrastructure is committed and planned, how it is being funded and when it is anticipated it might be delivered. This is intended to be reviewed on an on-going basis and reported on through the Annual Monitoring Report.

Duty to Cooperate

- 3.7 The Duty to Cooperate is a legal requirement. Over the course of preparing the modifications, officers cooperated with parties including Oxfordshire County Council; Oxford City Council; South Oxfordshire, Vale of White Horse and West

Oxfordshire District Councils; Stratford on Avon District Council and Aylesbury Vale District Council. Officers also cooperated through the Oxfordshire Growth Board (formerly the Spatial Planning and Infrastructure Partnership and the Oxfordshire Planning Policy Officers group. Regular 'Bilateral' meetings, telephone conferences and technical meetings took place with Oxfordshire County Council particularly on transport and education matters (including site visits for the latter).

- 3.8 A meeting and conversations took place with English Heritage on site specific matters and Sustainability Appraisal Scoping. Dialogue took place with the Highways Agency through meetings and telephone conversations. Officer calls and an exchange of information occurred with Natural England.
- 3.9 Further details are provided in the Addendum to the Statement of Consultation (see Appendix 7)

Sustainability Appraisal and Habitats Regulations Assessment

- 3.10 Two critical pieces of evidence underpinning the Local Plan at each stage are the Sustainability Appraisal (SA) and the Habitats Regulations Assessment (HRA).
- 3.11 The SA is a key foundation for the Local Plan and needs to be legally compliant and sufficiently robust for the examination. The SA must assess reasonable alternatives, appraise the environmental, economic and social effects of the Local Plan and identify areas of mitigation. The requirements of the SA are based on the Strategic Environmental Assessment (SEA) Directive. The Submission SA was published with the Submission Local Plan in January 2014. To inform preparation of the Proposed Modifications, an SA Addendum has been produced (see Appendix 9).
- 3.12 Consultation was undertaken on a Sustainability Appraisal (SA) Addendum Scoping Report and comments from prescribed bodies have been taken into account in the production of the SA addendum report for the proposed modifications. In the SA addendum report alternative options including for new and extended site allocations have been appraised against the Sustainability Framework Objectives as have proposed changes to policy. The SA considers the economic, social and environmental effects of the proposed modifications and its recommendations have informed the preparation of in the proposed modifications.
- 3.13 The complete SA comprises the Submission SA (January 2014) and the SA Addendum and includes a full comparative assessment of all site options that have been considered since 2008, and an assessment of all policies.
- 3.14 The SA has informed site selection and the detailed wording of policies including mitigation and/or enhancement where appropriate. The residual effect of the loss of greenfield land to development remains as a significant adverse effect as result of the Proposed Modifications. Despite the identification of major areas of previously developed land (e.g. Graven Hill, Former RAF Upper Heyford, Canalside, Bolton Road), this is an inevitable consequence of meeting the development needs of this rural district.
- 3.15 An updated Habitats Regulations Assessment (HRA) (Stage 1 - Screening) of the proposed modifications to the Submission Local Plan has been published. The HRA concludes that none of the plan's policies and proposals will lead to likely

significant effects on Oxford Meadows SAC or other sites of International importance, either alone or in combination with other plans and projects. (See Appendix 10)

Development Sites

- 3.16 A call for sites was undertaken in updating the Strategic Housing Land Availability Assessment and reasonable alternatives for accommodating the additional development needs have been assessed. This includes:
- Further consideration of reasonable alternative strategic development locations that were discounted for the Submission Local Plan, but requiring reconsideration in order to deliver the increased level of growth needed in the District.
 - Appraisal of new reasonable strategic development locations.
 - Increasing the density of development on existing strategic development locations included in the Submission Local Plan – Part 1.
 - Extensions to proposed allocations.
- 3.17 Assessment of the options included consideration of the following factors:
- National objectives and guidance as set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
 - How well each option relates to the vision and strategic objectives of the Local Plan.
 - Suitability, developability and deliverability of sites having regard to information submitted through the call for sites and the subsequent Strategic Housing Land availability Assessment (August 2014).
 - The objectively assessed scoring of options and sites in the Sustainability Appraisal (SEA/SA) in terms of the economic, environmental and social impacts.
 - The conclusions of evidence (listed below) relating to matters such as landscape, flooding, economic needs and main strategic transport implications
- 3.18 The main modifications were developed having regard to all available evidence. The strategy, vision and objectives of the submitted Local Plan have been retained and the sites identified support the delivery of the Plan. The strategy remains to continue to focus the bulk of the proposed growth at the two towns of Bicester and Banbury, although an appropriate increase in growth in the rural parts of the District is proposed together with some additional growth at Former RAF Upper Heyford, such that the heritage, environmental and transport constraints permit.

- 3.19 The strategic release of Green Belt land to meet the additional identified need in Cherwell is not required, nor proposed.
- 3.20 A number of revisions have also been proposed to the policies detailed in Themes One, Two and Three of the Local Plan in addition the development site proposals. The modifications also include a new set of town proposal maps to show where the full package of proposed additional development is to take place.
- 3.21 The modifications consist of a range of the assessed options, combinations of sites and policies put forward to achieve the assessed housing need, other land use needs including for employment generating development and to achieve sustainable development.

Main Development Site Proposals

3.22 The proposed development site modifications include the following:

3.23 Housing (main changes to housing figures):

Site Title	Site Number	Submission Local Plan housing units	Proposed Modification housing units
<i>Extensions to previously proposed sites</i>			
Graven Hill	Policy Bicester 2	1900	2100
South East Bicester	Policy Bicester 12	400	1500
Bankside Phase 2	Policy Banbury 4	400	600
Former RAF Upper Heyford	Policy Villages 5	761	2361
<i>Proposed new development sites</i>			
Gavray Drive	Policy Bicester 13	-	300
South of Salt Way West	Policy Banbury 16	-	150
South of Salt Way East	Policy Banbury 17	-	1345
Land at Drayton Lodge Farm	Policy Banbury 18	-	250
Higham Way	Policy Banbury 19	-	150
<i>Increasing the development capacity of sites</i>			
North of Hanwell Fields	Policy Banbury 5	500	544
South West Bicester Phase 2	Policy Bicester 3	2241	2468
<i>Changed Policy Principles</i>			
Bolton Road Development Area	Policy Banbury 8	0	200
Canalside	Policy Banbury 1	950	700
<i>Re-profiling of the rate of development at previously proposed development site</i>			
North West Bicester	Policy Bicester 1	1793	3293

3.24 Other Proposed Land Uses (main changes):

- New employment site at Banbury - Junction 11 of M40 – Policy Banbury 15
- Extension to employment site at Banbury – West of M40 – Policy Banbury 6
- Relocation of the football ground site at Banbury – Policy Banbury 12
- Extension to North East Bicester employment site – Policy Bicester 11
- Extension Bicester Gateway employment site – Policy Bicester 10
- Extension to employment allocation at South East Bicester – Policy Bicester 12
- Extension of Bicester Town Centre area of search – Bicester 5

3.25 The additional development identified would ensure the district's objectively assessed needs are met, that a 5 year supply of deliverable housing land is provided, that employment land is provided which both supports housing growth and sustains wider economic growth, that town centre uses and supporting infrastructure is provided. It would provide the Council with better control over where development will take place, and prevent unsuitable sites and unsustainable development from coming forward.

Updated Evidence

3.26 The modifications are supported by the following new evidence commissioned and prepared since June 2014. In some cases, this additional evidence updates previous reports. The new evidence includes the following:-

- New village surveys to review village categorisation policy (see background papers)
- The Strategic Housing Land Availability Assessment (SHLAA) August 2014. A 'call-for sites' was undertaken and the new village surveys / village categorisation work were used to define the study area. Over 100 new submissions were received and other sites re-appraised. Sites were processed and appropriate opportunities visited and assessed. The suitability and potential developability / deliverability of sites were appraised.
- Sustainability Appraisal Addendum of the proposed new sites and policy changes (see above)
- Habitats Regulation Assessment – Stage 1 (see above)
- An updated Strategic Flood Risk Assessment (SFRA)
- Sequential Test (Flooding) to consider the flood risk for strategic development sites at Banbury, Bicester and Upper Heyford and their wider sustainability
- A revised Economic Analysis Study to help align employment and housing growth and to cater for company demand.
- Updated Employment Land Forecasts

- Landscape assessments of new sites/areas of land at the two towns and Upper Heyford have been completed and update earlier studies.
- Capacity Study of Former RAF Upper Heyford. Detailed consideration of the potential for additional growth at Upper Heyford has taken place having regard to, the site's ecological, heritage and transport constraints. The Capacity Study identifies the potential for up to 1600 additional units over the existing consent for 761 houses (net).
- New strategic transport modelling for the District to identify the main impacts of the proposed additional growth. Detailed modelling to identify mitigation and detailed transport measures continues in order to inform the positions of the County and District Councils at the Local Plan Examination and the on-going review of the County Council's Local Transport Plan. It is intended that this will inform a Statement of Common Ground in due course.
- Other evidence includes an updated viability appraisal of the Plan.

Consultation and Representations

- 3.27 The Main Modifications were required to be consulted on for six weeks and be subject to a Strategic Environmental Assessment (SEA) / Sustainability Appraisal (SA). The documents were published for consultation from Friday 22 August 2014 to Friday 3 October 2014. The consultation related to the proposed modifications only (minor modifications were included, though not required to be consulted upon). The Council did not consult on other aspects of the Plan that had previously been consulted upon.
- 3.28 Evidence supporting the proposed modifications was made publicly available at the commencement of the consultation (see paragraph 3.26 above). The Executive Summary of the Viability Study update was available but the full report (consistent with the Executive Summary) could not be published until the end of September. The modifications and all supporting documents remain available online at www.cherwell.gov.uk/localplanexamination.
- 3.29 Following the consultation, representations have been reviewed. The Addendum to the Statement of Consultation (see Appendix 7) provides a detailed summary of all duly made representations. Appendix 8 (being tabled at the meeting) provides a summary of the main issues by modification number and highlights any recommended Further Proposed Minor Modifications.
- 3.30 In total, there were over 300 individual responses containing over 1,500 individual comments. The main issues raised were as follows:

Overview

- There was a considerable amount of support to the Local Plan as well as objections.
- Generally there was community concern relating to:
 - Increased housing requirements based on the SHMA
 - The proposed local review of the Green Belt for Kidlington, if needed to meet Kidlington's needs
 - Development at Gavray Drive

- Scope for some villages to receive slightly more minor development
- There was limited community concern generally and relating to the majority of proposed strategic sites
- There was general support from a number of agents/developers relating to:
 - The overall pro-growth strategy in sustainable locations
 - Strategic housing sites at Banbury and Bicester
 - Strategic employment sites at Banbury and Bicester
 - Increased housing requirements based on the SHMA
 - Increased housing provision in the most sustainable villages
 - The allocation of more employment land
- There was some objection from a number of agents/developers relating to:
 - The focus of housing and employment growth at Banbury and Bicester and a lack of growth identified at Kidlington
 - Detail relating to site policies
 - Omission sites
 - The consideration of some sites in Part 2 of the Local Plan rather than Part 1.

Duty to Cooperate

- The Plan is supported by Aylesbury, Vale of White Horse, South Oxfordshire, South Northants and Oxfordshire County Council.
- No response was received from West Oxfordshire or Stratford District Councils, but meetings were held under Duty to Cooperate requirements in July with no significant concerns expressed.
- There was support from Oxfordshire County Council regarding the use of the SHMA figures and the strategy of focussing growth at Banbury and Bicester with a commitment to continuing to work with the District to find the optimum transport solutions for the towns and at Upper Heyford.
- Substantial objection was raised relating to the Local Plan strategy from Oxford City and to some detailed elements, associated documents, and the process of producing the Local Plan. Opposition from the City Council related to the Plan not proposing to meet Oxford's needs, the focus of growth at Banbury and Bicester at the expense of Kidlington and the lack of a strategic review of the Green Belt (Despite modification 29 setting out a timetable for addressing the Oxford issues separately from the Cherwell growth).

Strategy

- There was a broad measure of support for modifications to the Local Plan including support for the growth strategy at Banbury and Bicester.
- There was also some objection to focussing housing and employment growth at Banbury and Bicester.
- Some objection was raised relating to the lack of major growth identified in the rural areas, including at Kidlington.
- There was limited objection to proposed strategic housing sites except for at Gavray Drive.
- The overall SHMA figures are questioned by a number of Parish Councils and individuals, following a letter campaign by the CPRE.

- The delivery of the SHMA figures are questioned by a number of developers who suggest more housing sites need to be allocated to provide a contingency.
- Garden City principles were promoted.
- Oxford Preservation Trust support retention of Green Belt (contrary to information provided by Oxford City in June that civic Oxford supported the lifting of the Green Belt).
- Green Belt retention supported by many community respondents.

Economy

- Continued support was received for the increased amount of employment land identified at Banbury and Bicester
- There was support for encouragement of the logistics sector, with some concerns over B8 development.
- Continued support was received for the allocation of employment sites for mixed B use classes to encourage a range of employment.
- There was support for a more permissive policy for rural employment.
- Some limited concern about the potential expansion of Bicester town centre was raised.
- Omissions sites are proposed at Junction 9 and Junction 10 of the M40 for employment

Transport

- General support for Local Plan strategy was received from the County Council with outstanding assessments required.
- Representations were received from the County Council highlighting traffic capacity issues at Banbury and Bicester and the potential need for relief roads at Banbury and Bicester and the need to promote the use of sustainable modes
- There were some representations raising the lack of infrastructure and concerns over an increase in traffic.
- Cross boundary transport issues to be resolved through corridor agreements with Aylesbury and South Northants.

Community

- There were some representations from the community requesting that there is more investment in community facilities.
- Representations were received from the County Council relating to the need to provide for more school places, particularly at Banbury, and the limited capacity of some primary schools in the District.
- The need to ensure that there is sufficient public open space was expressed.

Environment

- There were representations from developers against policies ESD1 to 5 contending that building regulations only should be used.
- There are no objections by Natural England regarding levels of growth and the Council's Habitat Regulation Assessment. Some comments relating to matters of detail in the Local Plan relating to Bicester 12 – South East Bicester and Bicester 13 – Gavray Drive were made.
- There are no objections to Local Plan strategy by the Environment Agency. Some comments relating to matters of detail in the sequential test and site policies were received.

- Some concern over the ecological impacts of increased housing requirements and the development of strategic sites were expressed.
- No objection to the Local Plan strategy, but concerns expressed about development at Upper Heyford and South East Bicester in relation to potential impact on the historic environment were received from English Heritage.
- Mixed views were expressed about the use of Green Buffers and their proposed modification to address issues that were raised in the June Examination.

Bicester

- There was some objection to development at South East Bicester in relation to the extended site area and potential impact on areas of ecological value.
- A petition was received to development at Gavray Drive from 'Save Gavray Meadows Campaign' (about 1500 signatures).
- A reduction in developable area at Gavray Drive was suggested by Bicester Local Historical Society.
- Bicester Vision support the Local Plan in terms of the employment land allocated stating that Bicester has land to support growth of Oxford companies.
- Bicester Chamber of commerce proposed more employment land is provided and the transport infrastructure of the town is addressed.
- Bicester Town Council supported the allocation of more employment land and supported the provision of a south east link road.
- Comments were received on the detailed policy requirements at north west Bicester.
- Value Retail and Sainsbury's express concern over the extent of the town centre boundary.
- Bicester Heritage Limited is promoting the allocation of employment land at Bicester Airfield.

Banbury

- South Northants District Council expressed some concern over transport at Junction 11 but suggest continuing dialogue.
- Some concern was expressed over levels of development at Banbury including from Banbury Town Council.
- Banbury 17 South Salt Way - Developer concern expressed over site policy detailed requirements. Some community concern expressed including from Bodicote Council.
- Banbury 19 Drayton Lodge - Developer concern expressed over site details. There was support for protection of woodland and dwellings at the centre of the site.
- Support for, including from Banbury Town Council, the development of Bolton Road, Spiceball, Canalside and Higham Way.
- Banbury Town Council express a view that a primary school should be provided at Canalside.
- Some support for a south east link road was received.
- Some promotion of extensions to strategic sites including at land west of Bretch Hill and at Southam Road was received.

Kidlington

- There was community concern over the small scale green belt review and that this will lead to a more significant strategic review.
- Support for growth within the built up area of villages rather than the use of Green Belt land.
- Concern from Kidlington Parish Council about traffic but qualified support for the opportunity for a limited small scale review of the Green Belt to meet local needs and the removal of a separate housing figure for Kidlington.

Rural

- Justification for the rural numbers was disputed and some developers are arguing for an increase to give the Plan greater flexibility
- There was concern from some Parish Council's relating to housing growth in villages, including from Bloxham, Adderbury and Milton.

Upper Heyford

- Representations for and against the principle of development were received.
- English Heritage and Oxfordshire County Council have clear unambiguous opposition to development beyond 1600 dwellings which the plan proposes.
- Concern in terms of scale and particularly transport impacts, including at Kidlington and Middleton Stoney.

Monitoring & Infrastructure

- Oxfordshire County Council have advised of the need to consider a Plan Review in the future to ensure infrastructure needs are catered for.
- Some general concern over the lack of infrastructure planning in the Local Plan.
- Views that developer contributions need to be sought to fund infrastructure

3.31 Subject to the decision of Full Council, the final proposed modifications will be submitted to the Secretary of State for Communities and Local Government. At that point, the Local Plan Public Examination will re-commence. It is currently anticipated that the public Hearings will reconvene in early December 2014 but this is a matter for the appointed Inspector to confirm.

3.32 The Inspector will consider in full all duly made representations received by the Council in response to the proposed main modifications and proceed with the Hearings before issuing his report of recommendations (anticipated in spring 2015).

Next Steps

3.33 Subject to the decision of Full Council final proposed modifications will be submitted to the Secretary of State for Communities and Local Government and the Public Examination will re-commence.

3.34 In preparation for the Examination, updated Topic Papers and responses to written statements will be drafted.

3.35 Once the Examination of the Local Plan has been completed, the Masterplans for Bicester, Banbury and Kidlington will be completed within the framework set by the Local Plan, once adopted.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The Inspector will consider all representations made on the main modifications at the recommencement of the Examination, together with all the other previously, duly made representations made on the Proposed Submission Local Plan. Following consideration of the representations the Inspector will issue a report with recommendations to the Council. The Council will then consider the report and decide whether to accept the recommendations.
- 4.2 It should be noted that it will be for the Inspector to judge which of the proposed modifications are retained. The Inspector may also recommend other main modifications following his deliberations. If the Council accepts the Inspector's recommendations, the Local Plan – Part 1 will be amended prior to adoption.
- 4.3 The proposed modifications together with our continued engagement with all our surrounding neighbouring Councils under the 'Duty to Cooperate' shows that we have a set of proposed modifications which have been positively prepared, are justified, consistent with national policy, and which will achieve sustainable development.
- 4.2 The meeting is recommended:

To approve the Proposed Modifications to the Submission Local Plan, incorporating Further Proposed Minor Modifications and Sustainability Appraisal Addendum, for submission to the Secretary of State for Communities and Local Government through the Planning Inspectorate.

5.0 Consultation

Public Consultation was undertaken between 22 August 2014 and 3 October 2014.

A schedule summarising the responses received is attached as Appendix 6.

6.0 Alternative Options and Reasons for Rejection

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

Option 1: Don't approve the proposed modifications and develop an alternative set of modifications – rejected as this would involve preparing a new Local Plan.

Option 2: Amend the proposed modifications – rejected as any amendments at this point will trigger the need for further consultation on any changes. All modifications have had a full Sustainability Assessment undertaken which would need to be rerun with a further delay to the submission of the Plan and its subsequent Examination.

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:

Paul Sutton, Head of Finance 03000030106

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Legal Implications

- 7.2 The Council is required to have an up to date Local Plan. This report and associated documents mark an important step towards updating the 1996 Cherwell Local Plan.

Comments checked by:

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8.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: Yes

Wards Affected

All

Links to Corporate Plan and Policy Framework

- Accessible, Value for Money Council
- District of Opportunity
- Safe and Healthy
- Cleaner Greener

Lead Councillor

Councillor Michael Gibbard

Lead Member for Planning

Document Information

Appendix No	Title
1	CDC Opening Statement 3 rd June 2014 – attached to this report
2	CDC Press release 5th June 2014 – attached to this report
3	Cherwell Local Plan Examination 2014. Inspector's Note No. 2 – 09.06.14 – attached to this report
4	Proposed Main Modifications August 2014 – attached to this report
5	Proposed Minor Modifications August 2014 – attached to this report
6	Proposed Infrastructure Delivery Plan August 2014 – attached to this report
7	Addendum to Statement of Consultation October 2014 (incorporating summary of main issues) – attached to this report
8	Schedules of Main Issues and Officer Responses October 2014 – to be tabled at the meeting
9	Submission Sustainability Appraisal Addendum October 2014 – to be tabled at the meeting
10	Habitats Regulations Assessment: Stage 1 Screening October 2014 – to be tabled at the meeting
Background Papers	
<p>To Be Made Available For The Meeting:</p> <ol style="list-style-type: none"> 1. Village Categorisation Update October 2014 2. Sequential Test (Flooding) October 2014 3. Local Plan Proposed Modifications – Consultation Documents August 2014 & September 2014 (www.cherwell.gov.uk/LocalPlanExamination) including: <ul style="list-style-type: none"> - Local Plan Viability Update September 2014 - Cherwell Economic Analysis Study Addendum Final Draft August 2014 - Updated Employment Land Forecasts May 2014 - Banbury Landscape Sensitivity and Capacity Assessment Addendum August 2014 4. Local Plan Proposed Modifications – Consultation Documents August 2014 Submission including Local Plan Viability Update September 2014 (www.cherwell.gov.uk/LocalPlanExamination) 5. Submission Local Plan (January 2014) and associated evidence base (www.cherwell.gov.uk/LocalPlanExamination) 	
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Appendix 1 – Opening Statement 3rd June 2014

RE: CHERWELL LOCAL PLAN EXAMINATION

OPENING STATEMENT On behalf of Cherwell District Council

Introduction

1. Cherwell is a rural District located in the north of Oxfordshire. It includes the towns of Banbury and Bicester together with many villages and an extensive rural hinterland.¹

2. The Local Plan² (the Plan) is the strategic plan for the development of the District of Cherwell. It is a spatial policy document, in very broad terms concerning places and activities; and all other planning policy documents prepared for Cherwell will reflect what it says. The Plan also has a key role in influencing the coordination of and delivery of other services and related strategies, for example, those prepared by the Local Enterprise Partnerships (LEPs).

3. The Plan has been in development for a considerable time. Both the process for producing development plan documents and the Governments expectation of what they should cover has changed and evolved significantly since work first started on it. These changes have necessitated review along the way in the formulation of the Plan, but now the Plan is ready to be examined for adoption against current circumstances, including a more settled national policy context.

4. The process of gathering evidence, developing and considering options and consulting on those, in various ways and at multiple stages has, the Council believes, enabled a Plan to be produced that it is confident is the most appropriate Plan for guiding the future of Cherwell District.

5. Preparation of the plan has involved consideration of a substantial evidence base on housing, employment, transport and the environment and undertaking comprehensive consultation exercises. The Council has also taken into account the representations received during the consultation exercises undertaken as well as the views of the community and stakeholders in the preparation of the Plan.³

6. Planning in Cherwell is a high profile exercise, reflecting the sensitivities of a place that faces major growth pressures. It gives rise to issues on which many individuals and organisations have strong and varied views. The Plan has therefore been scrutinised in detail at every stage of the plan making process. This has served to strengthen the Plan.

Introduction to the Plan

7. Work on the Plan began in 2005, shortly after 'the new local planning system' was introduced. The intention was to replace the 'old style' local plan prepared by the District and adopted in 1996 with a new, spatially robust Core Strategy (as this plan was previously called). This Plan was to be the key document in a Joint Local Development

¹ See SUB01 the Local Plan p227 5.1 District Policies Map

² SUB01

³ See SUB04 the Sustainability Appraisal at p10-11 section 2.2 and table 2.1, which record the stages of work and consultation on the Plan

Framework (LDF) project managed through a Local Development Scheme (LDS).⁴ The LDF was to include other local planning policy documents which would accord with the overall strategic approach and direction set by the Plan.

8. In the years since work on the Plan commenced, it has had to take on board changes in process, policy and duty at a national and sub-national level, including:

- the streamlining of the plan making system in 2008;
- the attempted, and then successful revocation of the South East Plan;
- the near total replacement of Planning Policy Statements - a supplement remains to guide EcoTowns such as NW Bicester -and Planning Policy Guidance notes with the National Planning Policy Framework (NPPF) and the recent National Planning Policy Guidance (NPPG); and.
- The introduction of the 'Duty to Co-operate'.

9. The investment of time and resources into the Plan, since 2005, militates strongly in favour of adopting a sound Plan as soon as is possible.

10. The Council has submitted a Local Plan that addresses issues at a strategic scale. Following the adoption of the Plan, the Council is committed to completing a series of daughter documents, including Masterplans for Bicester and Banbury. Work on these is already underway.

11. The overriding aim of the Plan is to enable the area to grow and prosper in a managed, sustainable, deliverable and plan-led way.

A Compliant Plan

12. The Plan has been prepared in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) and the Town and Country Planning (Local Planning) (England) Regulations 2012.

13. Attached to this Opening Statement are two short legal notes, which address the duty to cooperate and sustainability assessment/habitats matters. The points made in those papers are important, but will not be repeated here. We hope these submissions will assist the Inspector when he considers the evidence during the hearing sessions.

14. The Plan has been prepared in line with the Local Development Scheme (recently updated⁵) and the Council's Statements of Community Involvement.⁶

15. The Council considers that the Plan accords with the NPPF and that the Plan is sound.

A Plan That Delivers

⁴ See BAC item 1, the report to the Council's Executive 17 January 2005 where the proposed Local Development Scheme was reported to members

⁵ BAC10

⁶ BAC09

16. It is critical that a Local Plan 'delivers' and the Plan does just that. It represents the most appropriate strategy for the area, when considered against all reasonable alternative potential strategic approaches.

17. The Plan says this about its overall spatial strategy:⁷

'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 main towns, the major single location for growth will be at the former RAF Upper Heyford base... 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 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...Development in the open countryside will be strictly controlled. In the south of the district, the existing Green Belt will be maintained, though a small scale local review of the Green Belt will be conducted to accommodate identified employment needs. In the north west of the district, the small area lying within the Cotswolds Area of Outstanding Natural Beauty will similarly be protected.'

18. The strategy of the Plan covers a range of spatial topics including the following:

- provision for a substantial amount of housing and employment growth, including affordable housing and mixed use development, focused at Bicester and Banbury (many schemes being already at advanced stages in the determination process).
- strengthening town centres and supporting neighbourhood regeneration in areas of deprivation;
- strategic allocations of urban extensions at Bicester & Banbury to ensure timely and planned provision to meet housing and employment needs, whilst avoiding coalescence with surrounding villages;
- supporting innovative housing delivery through the NW Bicester Eco-Town and self-build housing;
- protecting the particular character and attributes of the many special places across Cherwell's towns and countryside such as the Oxford Canal Conservation Area; and
- a detailed package of strategic supporting infrastructure, including transport, education & community infrastructure as detailed in Annex 8 of the Plan.

19. This short list is, of course, by no means exhaustive, but it provides an indication of some of the key elements we will be discussing over the next 3 weeks.

The Right Strategy for Cherwell

⁷ SUB01 p26 paragraph A11

20. Cherwell is a large rural District. The Plan aims to deliver the right development in the right places at the right times by facilitating economic prosperity, properly planning the major expansion of Bicester and Banbury and ensuring new communities integrate with existing ones, regenerating town centres and neighbourhoods, accommodating rural needs, all within a context of traditional Oxfordshire countryside, and respecting the Green Belt which has long served to prevent the unchecked sprawl of Oxford.

21. In terms of the format of the Plan, it has three main parts. The first part addresses the Plan's strategic aims.⁸ The second includes the District-wide policies, policies for development in Cherwell.⁹ The third part of the Plan focuses on the policies that will apply to the places of Bicester, Banbury, the villages and wider District.¹⁰ This is followed by a Monitoring and Implementation Framework.¹¹ The Council is confident that the Plan provides a locally-distinctive strategic framework to shape future growth.

A Positive Plan, Positively Prepared

22. The NPPF makes clear that plans should be 'positively prepared'.¹² Cherwell has positively planned for employment and housing growth through the Plan. The Plan includes strategic housing-led allocations in the form of Sustainable Urban Extensions. Economic development will come forward in association with planned housing development, together with a number of specific, dedicated employment sites, supported by a range of new infrastructure. This has been achieved through a strong and positive partnership working approach between the Council, the County Council and the developer community.

23. Significantly, the Plan positively dovetails with the efforts that are being made to bring forward the strategies of both LEPs in operation in the Plan area: the South East Midlands Local Enterprise Partnership (SEMLEP) and the Oxfordshire Enterprise Partnership (NEP), which in its town sections is particularly closely aligned with the contents of the Plan thanks to the work of the Council's colleagues at Oxfordshire County Council.

24. The Plan is also positive in terms of its treatment of climate change issues; and the management of the water and wider green environment. It addresses matters relating to flooding and nature conservation properly and carefully.

25. The plan takes a positive approach to the conservation of the historic environment, recognising its importance to Cherwell's communities.

26. A key tenet of the Plan is 'Place Making' it emphasises good design and thereby ensures that future generations will celebrate the new environments that are created through the implementation of the Plan.

27. A viability assessment undertaken by Montagu Evans¹³ shows our policies to be appropriate and affordable.

⁸ SUB01 p25 Section A Strategy for Development in Cherwell

⁹ SUB01 p48 Section B Policies for Development in Cherwell

¹⁰ SUB01 p99 Section C Policies for Cherwell's Places

¹¹ SUB01 p183 Section D The Infrastructure Delivery Plan and p189 Section E Monitoring and Delivery of the Local Plan

¹² NPPF paragraph 182

¹³ PWE02

28. The plan is also based on an extensive record of co-operating with neighbouring and other relevant authorities. In particular, the Council's joint working with Oxfordshire County Council is deep and extensive and agreements are in place with our neighbours including Aylesbury Vale, South Northants, Stratford on Avon and the Councils of Oxfordshire through the Strategic Planning and Infrastructure Partnership (SPIP) which has met regularly for many years and has held over 20 discussions on the recent County SHMA, an enviable record of cooperation.

Once The Plan Is In Place

29. It is evident that the economic climate within which the economy operates has changed significantly since work on the Plan started, with recession and now a return to economic growth. It is also clear that further changes will occur in the future, however the speed at which these happen is uncertain. The Plan, therefore, incorporates a comprehensive monitoring and review mechanism to identify early signs of over or under delivery, so that appropriate and timely joint corrective action can be taken. There is also recognition of the possible need for a partial review of the Plan or further development plan policy in order to accommodate unmet housing needs arising from the work currently being undertaken following the publication of the SHMA 2014.

30. The Council is convinced that the Plan before you is the most appropriate plan for the District; that it is positively prepared, that it has been informed by extensive consultation and, above all, that it is 'sound'

31. It is a viable plan, a deliverable plan and a sustainable plan. In short, the best plan for the Cherwell District.

The Planning Policy Division

32. Finally, we would like to introduce the Planning Policy team from Cherwell District Council, who lead on the Local Plan:

Adrian Colwell, who is the Head of Strategic Planning and the Economy
David Peckford, who is the Principal Planning Officer leading the Planning Policy team,
and who works with:

Chris Thom
Sharon Whiting
Maria Dopazo
Yuen Wong
Amy Brent
Shukri Masseri
Tony Crisp

Craig Howell Williams QC
Melissa Murphy

FTB Chambers

3 June 2014

Appendix 2 – Cherwell District Council Press release 5th June 2014

Local plan halted to allow for additional homes

The examination into Cherwell District Council's submitted local plan has been temporarily paused to enable an increased number of homes to be included within the document.

Yesterday (Wednesday, 4 June), Government planning inspector Nigel Payne formally suspended the examination until December to allow council officers time to consider proposed modifications to the plan in order to accommodate additional homes across the district.

Cllr Barry Wood, leader of Cherwell District Council, said: "The inspector is asking us to look at a new housing target of 22,800 to deliver by 2031 which is 6,050 more than the submitted plan."

At the time the document was submitted to the Government for examination in November, Cherwell was planning to accommodate 16,750 homes between 2006 and 2031. However in light of the recent publication of the Strategic Housing Market Assessment (SHMA) in April, the council has indicated its willingness to seek to accommodate an increase in housing.

Cllr Michael Gibbard, lead member for planning, said: "As part of his examination into whether the local plan is legally sound, Mr Payne has to consider three factors. The first is whether we have fulfilled our duty to cooperate with partner agencies, stakeholders and interested parties. The second is whether the sustainability appraisal of the plan is adequate. And the third factor is an objective assessment of housing need which examines whether we will meet the necessary housing demand.

"Subject to confirmation in a formal letter, Mr Payne is satisfied with the submitted plan on points one and two so far, but due to the publication of the SHMA figures in April, not in relation to new housing numbers on which he will consider modifications.

"While this delay is disappointing, it is important to note this is not a failure or a rejection; the inspector does have the power to stop the process and not proceed with the plan but he didn't do that. We are not being asked to start again but to amend what we have already done to bring it up to date with figures which have been published since the plan was submitted last year."

In revising the plan, council officers will work with interested parties and partner agencies with the aim of accommodating the increased housing numbers and providing supporting infrastructure. This will involve reviewing sites which have already received planning consent to see if they can be adapted to deliver additional homes and an obligation to revisit sites which had previously been dismissed as unsuitable to reconsider any development potential. However throughout this review, officers will continue to prioritise the development of urban and brownfield locations to preserve green spaces and villages.

Once the plan has been revised, the modified document will go out to public consultation in the autumn. It will then be presented to councillors for them to vote on whether to adopt the changes prior to the hearing in public reconvening in December.

If Mr Payne accepts the modifications the plan could be adopted by March 2015.

Appendix 3 - Cherwell Local Plan Examination 2014.

Inspector's Note No. 2 – 09.06.14

The examination hearings were suspended on 4 June 2014 for six months. This is to enable the Council to put forward proposed modifications to the plan involving increased new housing delivery over the plan period to meet the full, up to date, objectively assessed, needs of the district, as required by the National Planning Policy Framework (NPPF) and based on the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA).

Notwithstanding the above, the tests of legal compliance and in relation to the “duty to co-operate” are considered to have been met by the Council, to date, with no compelling evidence to indicate otherwise.

The proposed modifications, including consequential modifications arising from the increase in new housing, will be subject to a full, six week, period of public consultation, together with an appropriate Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA), likely to be based on the draft timetable attached, with the hearings currently expected to resume on 9 December 2014.

For the avoidance of doubt, the Council has indicated that it considers the increase in new housing needed to be achievable without significant changes to the strategy, vision or objectives of the submitted plan. There are considered to be reasonable prospects of delivery over the plan period.

This includes that there is no necessity for an immediate strategic review of the extent/boundaries of the Oxford Green Belt in the district for new housing, albeit the plan is likely to require an early review once the established process for considering the full strategic planning implications of the 2014 SHMA, including for any unmet needs in Oxford City, has been fully considered jointly by all the Oxfordshire Councils.

Further information regarding the proposed modifications and the next stages of the examination process will be sent to all representors and published on the examination website as soon as possible.

Nigel Payne – 09.06.14