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**STATEMENT ON RESUMPTION OF EXAMINATION HEARING**

**On behalf of Cherwell District Council**

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Introduction

1. Cherwell District Council is pleased to be able to resume the examination hearing into the draft Local Plan (the “Plan”) and welcomes everyone involved in this process.
2. We attach to this statement the opening statement that we made on behalf of the Cherwell District Council (the “CDC”) on 3 June 2014 at the opening of the examination hearing. The essential points made in that document remain relevant.
3. The submitted modified Plan remains in compliance with the relevant statutory requirements. In particular, the requirements of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 have been complied with. The Plan has been prepared in line with CDC’s Local Development Scheme<sup>1</sup> and the Council’s Statements of Community Involvement<sup>2</sup>. The statutory duty to co-operate has also been complied with and the Plan with its modifications continues to be supported by an up to date Sustainability Appraisal. Attached to this statement are two short legal notes, which address the matters of the statutory duty to co-operate and SA/SEA and Habitats, which we hope will assist the Inspector in considering the evidence.<sup>3</sup>
4. The Plan remains set out in two main parts. The first part sets out the Cherwell wide policies, with the second part focusing on the policies applying to specific places where major housing and/or employment growth will take place.
5. The modified Plan maintains the same spatial strategy for the Cherwell District, a strategy that will deliver the right development in the right places at the right times whilst ensuring local distinctiveness is secured.
6. As we stated in June 2014, the Cherwell Plan continues to be a ‘positive’ Plan, positively prepared; and a key tenet is ‘Place Making’, with an emphasis on achieving good design and thereby ensuring that future generations celebrate the new environments that will be created through the implementation of the Plan.

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<sup>1</sup> BAC14PM Local Development Scheme October 2014

<sup>2</sup> BAC09 Statement of Community Involvement (July 2006)

<sup>3</sup> These notes can be read with the two legal notes attached to CDC’s opening statement on 3 June 2014.

7. We should also note that the Plan also continues to take account of the work of other organisations including the two Local Enterprise Partnerships (LEPs) which cover the Cherwell District.
8. When the examination of the Plan was suspended on 4 June, the Council was invited by the Inspector to consider where best to meet CDC's housing land requirements as set out in countywide strategic housing market assessment (the "SHMA 2014")<sup>4</sup>. This means making provision for 22,800 new homes between 2011 and 2031. We are glad to report that CDC has met this challenge. The Council has worked at pace, but with accuracy too. It has updated its evidence base appropriately, worked closely with key Agencies, engaged with key site promoters, considered their representations and those of the community. Consultation on the modifications was carried out between 22 August and 3 October. As a result of the call for sites, new technical assessments and public engagement CDC proposes amendments to the Plan for the Inspector's examination in line with his recommendations.
9. The proposed Plan and its modifications:
  - a. will deliver the full Objectively Assessed Housing Needs for the district, and also puts in place, through paragraph B.89b as proposed to be modified, clear and unambiguous provisions for working with our neighbours under the 'Duty to Cooperate' to meet as necessary unmet needs arising in neighbouring authority areas, in particular Oxford City within a two year period;
  - b. will maintain our strategy of focusing the proposed housing growth for the district at Bicester and Banbury, with the release of land for housing in the larger, most sustainable villages and additional provision at Upper Heyford, proportionate to the assessment of its capacity and the limits of the conservation and transport constraints which exist;
  - c. will constitute a 'balanced' plan, balancing housing growth with employment growth, with allocations on news sites for both; and
  - d. will not require the release of Green Belt land for meeting CDC's housing needs.

### Preparing the modifications

10. Following the Inspector's findings in June 2014, CDC considered that additional work was required in order to further demonstrate that the Plan meets the tests of soundness set out in the National Planning Policy Framework (NPPF)<sup>5</sup>:
  - that the Plan is positively prepared based on a strategy which seeks to meet objectively assessed development (and infrastructure requirements);
  - that it is justified with the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  - that the Plan is effective and deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
  - that it is consistent with national policy and enables the delivery of sustainable development in accordance with the policies in the NPPF.

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<sup>4</sup> HOU12 Oxfordshire SHMA Report (April 2014)

<sup>5</sup> Paragraph 182

11. Since June, the Council has done what was required of it, working to consider sites that will be appropriate to deliver the full SHMA 2014 housing land need for Cherwell district.
12. The task has been challenging, but our proposals for meeting this level of growth are based on an updated evidence base and have been carefully considered.
13. CDC has not sought blindly to increase housing numbers but to consider what is right for Cherwell, a rural district with two market towns, and sought to plan for the long term. CDC has sought to build on the submitted Plan and ensure that the modified plan is a balanced, pro-growth plan. The Plan continues to be ambitious in the level of development it supports, but the representations made have given the Council confidence that those who have promoted sites for inclusion will deliver what they have promised (whilst noting the monitoring processes within the Plan which can address any shortfall).
14. The process of preparing modifications required the identification of sufficient deliverable and developable land to meet the new housing figure for the District. With this objective in mind, the Council initiated a call for sites and from those sites identified: existing sites on which development might be increased; existing sites which might be extended in size; and appropriate new sites (a number of which were the omission sites that were considered during the second day of the examination in June. This assessment confirmed that it would be possible to maintain the town focused strategy of the submitted Plan, subject to the completion of the required Sustainability Appraisal of 'reasonable alternatives' and assessment of generic and site specific policies.
15. CDC was also determined to maintain a balance in how we plan for the future. The Plan therefore aims at achieving a balance between seeking to meet the full SHMA requirement figure for Cherwell through growth at our towns and maintaining most of the District as a rural District.
16. The modified Plan is supported by an updated evidence base as well as a new Sustainability Environmental Assessment/Sustainability Assessment and Habitat Regulation Assessment.<sup>6</sup>
17. In preparing the proposed modifications full regard was given to the evidence already considered at the examination. Substantial new evidence was also considered, including;
  - a. the sites assessment in the Strategic Housing Land Availability Assessment Update (SHLAA)<sup>7</sup>;
  - b. the Level 2 Strategic Flood Risk Assessment Update and Additional Sites Assessment (second addendum)<sup>8</sup> and the Sequential Test and Exception Test (Flooding) Strategic Sites<sup>9</sup>;

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<sup>6</sup> SUB26PM Submission Sustainability Appraisal Addendum for Main Modifications October 2014 and SUB27PM Habitat Regulation Assessment (HRA) Submission Cherwell Local Plan incorporating Proposed Modifications; Stage 1 – Screening October 2014.

<sup>7</sup> HOU14PM Strategic Housing Land Availability Assessment Update August 2014

<sup>8</sup> ENV22PM Level 2 Strategic Flood Risk Assessment Update and Additional Sites Assessment (second addendum) October 2014

<sup>9</sup> ENV23PM Sequential Test and Exception Test (Flooding) Strategic Sites October 2014

- c. the Cherwell Economic Analysis Study addendum<sup>10</sup>;
- d. the Updated Employment Land Forecast<sup>11</sup>
- e. the Village Categorisation update<sup>12</sup>;
- f. the Landscape Sensitivity and Capacity Assessment Addendums for Bicester<sup>13</sup>, Banbury<sup>14</sup> and for the Upper Heyford<sup>15</sup> site;
- g. the Upper Heyford Assessment Interim Final Report<sup>16</sup>;
- h. the updated district wide Transport Assessment<sup>17 18</sup> to identify the impact of new growth, plus Transport Assessments for Bicester<sup>19</sup>, Banbury<sup>20</sup> & Upper Heyford<sup>21</sup> - which also informs the development of the new Local Transport Plan led by Oxfordshire County Council;
- i. the new Local Plan Viability Update<sup>22</sup>
- j. the Proposed Modifications - Infrastructure Delivery Plan (IDP) Schedule<sup>23</sup>.

17. The result of this work is a commitment to a significant number of extended or new sites for housing and employment. The Council has sought to maintain ‘sound’ planning, through the use of a wide diversity of sites. New sites have been brought forward, some sites in the submitted plan have been extended, and some have been reconsidered in terms of their delivery profile in the light of new evidence.

### The Proposed Main Modifications – Key Elements

20. We now provide a brief introduction to the key modifications, presented in the order of the main sections of the Plan.

#### The Spatial Strategy:

22. The strategic focus of urban focused growth on the two market towns is retained, using Masterplan processes to ensure the growth is coordinated. There are limits to this growth, however, as the landscape evidence and Sustainability Assessment records. Cherwell is a rural District with a distinct identity, and this character must be protected as far as possible.

23. Whilst the fundamental Spatial Strategy remains unchanged it has been necessary to update this section to include revised housing and employment figures to reflect the new objective assessment of housing needs and the rebasing of the Plan to cover the period 2011 to 2031. It is now proposed that the Plan makes provision for 22,800 new homes between 2011 and 2031.

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<sup>10</sup> ECO12PM Cherwell Economic Analysis Study addendum October 2014

<sup>11</sup> ECO13PM Updated Employment Land Forecast October 2014

<sup>12</sup> HOU15PM Village Categorisation update October 2014

<sup>13</sup> ENV19PM Landscape Sensitivity and Capacity Assessment Addendum October 2014

<sup>14</sup> ENV18PM Landscape Sensitivity and Capacity Assessment Addendum October 2014

<sup>15</sup> ENV20PM Landscape Sensitivity and Capacity Assessment Addendum October 2014

<sup>16</sup> ENV21PM Upper Heyford Assessment Interim Final Report October 2014

<sup>17</sup> INF10PM District wide Transport Technical Note October 2014

<sup>18</sup> INF11PM Summary of Transport Technical Note October 2014

<sup>19</sup> INF07PM Bicester Transport Modelling October 2014

<sup>20</sup> INF08PM Banbury Highway Model; Forecasting Report October 2014

<sup>21</sup> INF09PM Upper Heyford Transport Technical Note October 2014

<sup>22</sup> PWE04PM Local Plan Viability Update October 2014

<sup>23</sup> SUB17PM Proposed Modifications - Infrastructure Delivery Plan (IDP) Schedule August 2014

24. In parallel with meeting housing land needs the Strategy makes provision for a minimum net increase of some 23,000 jobs between 2011 and 2031 across the Plan area, aiming to maintain a broad balance between homes and jobs over time.
25. The hierarchy of settlements, together with the overall distribution of development between these places is unaltered in the Plan.

#### Sustainable Development:

26. The overall aim of the Plan continues and is supported by the proposed main Modifications, which ensure that the policy framework is robust and accords with the NPPF. The plan continues to take a positive approach in favour of sustainable development.
27. The Sustainability Appraisal has considered from all perspectives the spatial strategy and the proposed distribution of growth as provided for in the Plan.

#### The Economy:

28. A central theme of the Plan is to secure the economic stability and prosperity of the district by enabling a plentiful and varied range of job opportunities. The aim is for the district to continue to be successful economically and the Plan reflects this, with its continued support for land release for employment uses.
29. The Plan takes advantage of Bicester and Banbury's locational advantages, at two crossroads, the M40 and the A34/A43, and alongside the Chilterns rail line from Birmingham to London and the new East-West Rail scheme from Oxford, to Bicester and Milton Keynes (and ultimately on to Felixstowe). The district also boasts an internationally known retail offer at Bicester Village, the best retail location in the County, and a growing opportunity at Banbury where the new Gateway is under construction as a major retail site for the county and beyond.
30. Employment land provision had been increased to reflect the additional housing growth and new sites have been brought forward into the plan to ensure that the district will continue to grow its manufacturing, high performance engineering, logistics and retail base, responding positively to market demands.
31. To this end a major release of employment land is proposed at the two towns and Upper Heyford, at Bicester 12 and Graven Hill. At Banbury, new investment is flowing into current and proposed employment sites and, as more growth is supported, there is a need to ensure that jobs are available close by. Junction 11 is an unconstrained site with no landscape issues and represents one of the limited number of sites suitable for new B class investment.
32. The proposed main Modifications make provision for over 23,000 new jobs, an increase from 15,000 in the submitted plan. Policy SLE1 has been further strengthened in that it now provides greater flexibility in the type of employment development supported on sites and where growth should be located.

#### Housing:

33. This Council supports growth. It is positive and outward looking, and even wishes itself to drive the market; for example, buying the Graven Hill site from the MoD, supporting the biggest self-build scheme in the UK and constructing advanced sustainable housing at NW Bicester in the 'Eco-Town'.
34. The Modifications update the housing land supply policies in response to the SHMA 2014 and there are revisions to site proposals in order to secure an increase in housing numbers. Policy BSC1 Housing Distribution has been updated to account for these changes.

#### Built and Natural Environment:

35. The Plan retains a range of policies addressing issues such as climate change, sustainable construction, biodiversity, green infrastructure, landscape, heritage assets, water and pollution control. A number of policies have been revised as a result of the representations received.
36. Policies ESD1 to ESD5 concerning energy and sustainable construction have been amended in the light of impending government changes in response to the Housing Standards Review consultation and current national policy and guidance, whilst still seeking high levels of sustainable construction.
37. Revisions are also proposed to Policy ESD15 (the urban – rural fringe) to further clarify the purposes of the policy and the approach to the assessment of development proposals within green buffers, recognising the importance of key gaps and avoiding coalescence.
38. Furthermore, consistent with Government policy, CDC considers that the Green Belt matters – not least as a check on urban sprawl. It has not proved necessary to seek to release Green Belt to meet the SHMA figure for Cherwell's housing needs. This means that CDC's protection of the Green Belt is maintained, as provided for in Government policy.

#### Sustainable Urban Extensions:

39. CDC has major but realistic ambitions for our two towns. We are looking to grow Banbury and Bicester as places to live, visit, invest and work.
40. A key tenet of the Plan remains to deliver new development that is needed in the form of a series of sustainable urban extensions. The IDP has been revised to reflect a close engagement with the County Council and other infrastructure providers to support growth in the most appropriate, sustainable locations.

#### Rural Areas:

41. We are increasing the level of growth to be supported in the rural parts of the district, but there is recognition that there are serious infrastructure challenges facing rural communities, particularly on transport and educational capacity. Therefore, whilst there will be additional rural growth, it will be more limited than that proposed at the two towns.

42. Modifications to Policy Villages 1 and 2 are proposed to facilitate opportunities for additional housing and for employment to be sensitively provided across rural areas at a scale that serves their needs and supports the future provision of services.

### The Duty to Cooperate

43. Since the hearing in June the CDC has continued to engage with all neighbouring authorities and others in accordance with the statutory duty to co-operate.
44. The Council wishes to place on record the very welcome collaboration it has had with our partners at Oxfordshire County Council in what has been a very concentrated period of work and the continuing support given by, and positive engagement had with, partner Councils across Oxfordshire.
45. All of the Oxfordshire councils, meeting as the new Oxfordshire Growth Board on 20 November 2014, reached agreement on a set of principles and a broad timetable for working together to meet Oxford City's unmet need for housing. There is still work to be done to resolve the issue of the precise capacity of Oxford but there is now a clear process for considering the issue across the four Districts surrounding Oxford. The Plan makes clear that if the joint work reveals that CDC and other districts need to meet additional need for Oxford, this will trigger a partial review of the Plan, to be completed within two years of the Plan's adoption. This is set out in detail in both paragraph B.89b as proposed to be modified and the published revised Local Development Scheme<sup>24</sup>, both of which give a clear and unambiguous indication of our commitment to undertaking the necessary work in collaboration with the other Oxfordshire authorities.
46. It is also true to say that CDC looks beyond the relatively narrow prism of Oxfordshire. The Council has close relationships with authorities in Warwickshire, Northamptonshire and Buckinghamshire too. Joint work with these authorities continues, maintaining partnerships that are forging shared approaches and avoiding unnecessary conflict.
47. CDC has welcomed how the national agencies have worked with the local planning authority during the modifications period and has also appreciated the positive contributions from those in the development sector who continue to pursue their commercial interests in a constructive way towards our common objective of well planned development.
48. The announcement by DCLG on 2 December 2014 alongside the Pre-Budget Report of Bicester's new status as a 'Garden Town', with new funding being made available to support the delivery of 13,000 houses included within this local plan, made up of 10,200 houses in the plan period and 2,800 following at NW Bicester, is a welcome endorsement of CDC's record, its aspiration and its innovation. Mr Colwell will elaborate on this matter when it is convenient to do so.

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<sup>24</sup> BAC14PM Local Development Scheme October 2014

## Consultation and Representations

49. Public consultation took place between 22 August and 3 October.
50. The two part Addendum to the Statement of Consultation<sup>25</sup> includes a summary of all the representations received. The schedules contain summaries of the main issues arising from representations received. All comments received have been duly considered and a number of further modifications were approved at the Council meeting held on 20 October.

## Conclusion

51. On behalf of Cherwell District Council we are pleased to record that the Plan is ready to be considered at these resumed examination hearing sessions.
52. CDC considers that the submitted and now modified Plan provides a ‘sound’ planning policy basis for the future and the most appropriate strategy for district in meeting its needs for higher housing and employment growth. The Council seeks to encourage growth in a positive way, fully consistent with the Government’s objective for sustainable development and its core planning principles in particular establishing as the NPPF seeks ‘a clear strategy for allocating sufficient land which is suitable for development’<sup>26</sup> in the District.
53. The Plan is ‘sound’: it is positively prepared, justified, effective, deliverable as well as being consistent with the NPPF.
54. CDC considers that the time for plan-making is coming to an end. The time for delivery is here.

**Craig Howell Williams QC**  
**Melissa Murphy**

**FTB Chambers**

**9 December 2014**

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<sup>25</sup> SUB28PM Addendum to Statement of Consultation Part 1 & SUB29PM Addendum to Statement of Consultation Part 2; Summary of Representations

<sup>26</sup> NPPF Para 17 third bullet – part.