

Cherwell District Council

Executive

7 September 2020

<p>Partial Review of the Cherwell Local Plan 2011-2031 - Oxford's Unmet Housing Need: Inspector's Report and Plan Adoption</p>

Report of Assistant Director - Planning and Development

This report is public

Purpose of report

To consider the Inspector's Report on the Examination of the Partial Review of the Cherwell Local Plan 2011-2031 - Oxford's Unmet Housing Need (the Partial Review Plan) and to make recommendations to Council on the adoption of the Plan.

1.0 Recommendations

The meeting is recommended:

1. To note the conclusions of the Inspector's Report and endorse the Inspector's recommended Main Modifications (Appendix 1).
2. To endorse the incorporation of the minor modifications set out in Appendix 2.
3. To note the necessary changes to the Housing Trajectory (Appendix 3) and Infrastructure Schedule (Appendix 4) arising from the Inspector's recommendations and Main Modifications.
4. To note the Equalities Impact Assessment at Appendix 5.
5. To note the final Policies Maps at Appendix 6.
6. To recommend to Council that it adopts the Partial Review of the Cherwell Local Plan as presented at Appendix 7.
7. To recommend to Council that it delegates to the Assistant Director – Planning and Development the publication of an updated Adopted Policies Map to illustrate graphically the application of policies contained in the adopted development plan.
8. To recommend to Council that it delegates to the Assistant Director – Planning and Development, the correction of minor spelling, grammatical or typographical

errors and any minor improvements from a presentational perspective prior to the publication of the Local Plan.

9. To recommend to Council that it authorises the Assistant Director – Planning and Development to publish the Sustainability Appraisal Adoption Statement (Appendix 8) and Local Plan Adoption Statement (Appendix 9).

2.0 Introduction

- 2.1 The Partial Review of the Cherwell Local Plan was prepared to meet a commitment in the adopted Cherwell Local Plan 2011-2031 in the interest of assisting Oxford with its unmet housing need.
- 2.2 Work on the Partial Review Plan commenced in earnest in 2016. Public consultations took place on Plan issues from January to March 2016, on Plan options from November 2016 to January 2017, and on a proposed Plan from July 2017 to October 2017. The draft Plan was approved by Council on 26 February 2018 having considered representations. It was submitted to the Secretary of State for Examination on 5 March 2018. Public hearings were held in September 2018 and February 2019.
- 2.3 This report presents the conclusions of the Examination process and makes recommendations as to whether the Plan should proceed to adoption by the Council.
- 2.4 The Oxfordshire Local Planning Authorities have been working cooperatively in the interest of addressing Oxford's unmet housing need since 2013. West Oxfordshire, Vale of White Horse and Oxford City Councils now have adopted Local Plans which meet their respective commitments and South Oxfordshire has now concluded the examination hearings on its Plan.
- 2.5 The Cherwell Partial Review Plan makes provision for the development of 4,400 homes in the south of the district close to Oxford on six sites in the Kidlington, Gosford and Water Eaton, Yarnton and Begbroke area within the Oxford Green Belt. Adoption of the Plan would result in the reduction of the total area of Cherwell that comprises Green Belt from 14.3% to 13.8% (a reduction of 275 hectares).
- 2.6 In examining the Plan, the appointed Planning Inspector is required to assess whether the Council has met a legal Duty to Cooperate, whether the Plan is legally compliant and whether the Plan is sound. The four tests of soundness, as set out in paragraph 182 of the National Planning Policy Framework (NPPF, 2012), are:
 - Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - Justified - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - Effective - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- Consistent with national policy - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

2.7 In examining the soundness of the Plan, the Inspector has had to consider the housing need, the Plan's strategy, whether there are exceptional circumstances for development in the Green Belt, the suitability of the sites proposed for development and the deliverability of the Plan.

2.8 On 13 July 2019, the Inspector's preliminary advice was received (Appendix 10). The Inspector advised that:

- the apportioned 4,400 dwellings figure provides a sound basis for the Plan
- 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.

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

2.10 Modifications were prepared and consulted upon from 8 November to 20 December 2019 following engagement with the Inspector. On 24 February 2020, Council considered representations received and approved Main and Minor Modifications and their Submission to the Secretary of State for Housing, Communities and Local Government for the continuance of the examination. Submission occurred on 25 February.

2.11 The Planning Inspector concluded the Examination by issuing his final report on 6 August 2020. He finds that the Duty to Cooperate has been met, that the Plan complies with other relevant legal requirements and that, with recommended Main Modifications set out in the Inspector's Report, the Plan is sound.

2.12 Officers have considered the Inspector's report and his recommendations. It is advised that all the Inspector's recommendations should be accepted, that his recommended Main Modifications be incorporated into the Plan (together with other minor modifications) and that the Plan proceeds to adoption so that it is considered as part of the statutory Development Plan.

3.0 Report Details

Overview of the Partial Review Plan

3.1 The Plan's vision is based on helping to meet Oxford's housing need in the Cherwell context. It seeks to support Oxford's world class economy, its universities and employment base; ensure that people have convenient, affordable and sustainable travel opportunities to the city's places of work, study and recreation and to its services and facilities. It seeks to provide development so that it:

- i. creates balanced and sustainable communities
- ii. is well connected to Oxford

- iii. is of exemplar design which responds distinctively and sensitively to the local built, historic and environmental context
- iv. is supported by necessary infrastructure
- iv. provides for a range of household types and incomes reflecting Oxford's diverse needs
- v. contributes to improving health and well-being, and
- vi. seeks to conserve and enhance the natural environment.

3.2 The Plan has four strategic objectives (SO16-SO19) which supplement those in the adopted Local Plan (2015). They relate to:

- 1. partnership working to meet needs and required infrastructure by 2031 (objective SO16)
- 2. providing development so it supports the projected economic growth which underpins the housing needs and local Oxford and Cherwell economies (objective SO17)
- 3. substantively providing affordable access to new homes for those requiring affordable housing, new entrants to the housing market, key workers and those requiring access to Oxford's key employment areas; and, providing well-designed development that responds to the local context (objective SO18)
- 4. providing development so that it complements the County Council's Local Transport Plan (including the Oxford Transport Strategy) and facilitates demonstrable and deliverable improvements to the availability of sustainable transport for access to Oxford (objective SO19).

3.3 The Plan includes a strategy and a set of policies to deliver this focused vision and objectives and has been informed by the consideration and examination of options for accommodating development across the district.

3.4 The Partial Review's strategy establishes the need for development to be well connected to Oxford and plans for development in the area of the district with the strongest economic and social relationship to the city. The Plan's strategy integrates fully the County Council's policies on sustainable transport and provides opportunities for greater integration of existing and new green infrastructure and for place shaping within that context.

3.5 The Plan explains that there are exceptional circumstances for development in the Green Belt to help meet Oxford's needs and that other options would not deliver the Plan's vision and objectives in the same way. Importantly, the Plan's strategy avoids undermining the delivery of planned growth in the adopted Local Plan (2015).

3.6 The Partial Review Plan, incorporating the Inspector's recommended Main Modifications, and other minor modifications, is presented at Appendix 7. Its key policies provide for:

- 1. the delivery of 4,400 homes for Oxford by 2031 so that it achieves sustainable development (policy PR1) with a set of site allocations in the Kidlington, Gosford and Water Eaton, Yarnton and Begbroke area:

Policy PR6a - Land East of Oxford Road:

690 homes

Policy PR6b - Land West of Oxford Road:	670 homes
Policy PR6c - Land at Frieze Farm: reserved site for replacement Golf Course	
Policy PR7a - Land South East of Kidlington:	430 homes
Policy PR7b - Land at Stratfield Farm:	120 homes
Policy PR8 - Land East of the A44:	1950 homes
Policy PR9 - Land West of Yarnton:	540 homes

2. the delivery of a mix, tenure and size of homes that responds to identified needs (policy PR2)
3. exceptional alteration of Green Belt boundaries having considered all other reasonable options for development and the vision and objectives to be achieved (policy PR3)
4. maximising the opportunity for affordable and sustainable transportation from development areas to Oxford's key employment areas, services and facilities (policy PR4a)
5. using the advantage of sustainable transport opportunities to help strengthen Kidlington centre in accordance with the existing Local Plan (2015) and the Kidlington Framework Masterplan (policy PR4b – Kidlington Centre)
6. providing a consolidated and integrated approach to the provision of green infrastructure alongside new development, particularly within the Green Belt (policy PR5).

3.7 The Plan was informed by:

- the work of the Oxfordshire councils on the level of unmet housing need and how much of that need should be apportioned to each district
- an examination of the critical and cross boundary issues relevant to meeting those needs.
- public consultation and engagement
- evidence.

3.8 The examination process involved the Inspector considering: the draft Plan, evidence and other supporting documents; representations and submissions, written statements made for the public hearings; oral evidence presented at the hearings (including arguments presented by those opposing the Plan, by developers and other interested parties); statements of common ground and post-hearing documents and proposed modifications. The hearings, and the questions put to Council officers and others, were led by the Inspector. Housing need, the apportionment of that need to the districts and the exceptional case for alteration to Green Belt boundaries were given particular attention.

3.9 The final Inspector's Report on the examination (Appendix 1), received on 6 August 2020, was made publicly available on 7 August 2020. The report and the examination library are available on-line.

Inspector's Report

- 3.10 Paul Griffiths was appointed by the Secretary of State for Housing, Communities and Local Government as the independent Inspector to examine the Partial Review of the Cherwell Local Plan. The Inspector is required to consider all representations made in accordance with Regulation 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.11 In examining the Plan, the Inspector's responsibilities are to assess whether the local planning authority has met the Duty to Cooperate, whether the Plan is legally compliant and whether the Plan is sound based on the NPPF's test of soundness (para 2.6 above). As the Partial Review Local Plan was submitted before 24 January 2019, it is the 2012 version of the NPPF under which the Plan was examined.
- 3.12 The Planning Inspectorate's guidance, *Procedure Guide for Local Plan Examinations (June 2019)* states that the Inspector will make the report as concise as possible while ensuring it is adequately reasoned. In drafting the report, the Inspector will concentrate on:
- reaching clear conclusions, backed by reasoned judgements, on soundness and legal compliance of the plan; and
 - recommending main modifications as necessary to rectify any aspect of the plan which he or she considers to be unsound or legally non-compliant, provided it is possible to do so.
- 3.13 The legislation enables the Inspector to recommend a Main Modification only if the plan would otherwise be unsound or legally non-compliant. The focus on soundness and legal compliance means that, as far as possible, the Inspector's report will avoid summarising the cases of individual parties, referring to specific representations and representors, or describing what was said at hearing sessions. The report will not respond to every point or issue raised by those objecting to the plan or refer to every policy or site allocation. Instead, it will explain concisely why the Inspector has arrived at his or her conclusions and recommendations.
- 3.14 In addition, minor changes known as Minor Modifications can be made by the local planning authority without the need for them to be examined. Section 23 of the Planning and Compulsory Purchase Act 2004 provides that the Council can adopt a plan with additional modifications, if those additional modifications (taken together) do not materially affect the policies that would be set out in the document if it were adopted with the main modifications recommended by the Inspector.
- 3.15 The basis for the Inspector's examination is the Plan as submitted on 5 March 2018.
- 3.16 His report comprises two parts:
1. The main report giving the Inspector's assessment of the Plan, his recommendations and the reasons for his recommendations; and
 2. An appendix comprising a schedule of Main Modifications necessary to make the Plan sound.

The Inspector's Main Conclusions and Recommendations

- 3.17 The Inspector concludes that the Plan *'provides an appropriate basis for the District to meet its commitment to dealing with the unmet housing need of the City of Oxford, provided that a number of main modifications are made to it.'* (Inspector's Report Non-technical summary).
- 3.18 The Inspector's modifications reflect those modifications endorsed by the Council in February 2020.

Assessment of Duty to Co-operate (Paragraphs 12 – 17)

- 3.19 The Inspector considers that in engaging constructively, actively and on an on-going basis through the Oxfordshire Growth Board in assessing the unmet need of Oxford and then subsequently apportioning this total to each of the Oxfordshire local planning authorities, the Duty to Co-operate has been met.

Assessment of Other Aspects of Legal Compliance (Paragraphs 18 – 24)

- 3.20 The Inspector concludes that:

- The Plan has been prepared in accordance with the Council's Local Development Scheme (LDS);
- Consultation on the Plan and the Main Modifications was carried out in compliance with the Council's Statement of Community Involvement;
- Sustainability Appraisal has been carried out and is adequate;
- The Habitats Regulations Assessment (HRA) Stage 1 and Stage 2 Addendum, together with the original HRA sets out that a full assessment has been undertaken and that while the plan may have some negative impact which requires mitigation, this mitigation has been secured through the Plan, as modified;
- The Development Plan, namely the Partial Review alongside the adopted Cherwell Local Plan 2015, includes policies to address the strategic priorities for the development and use of land in the area;
- The Development Plan, taken as a whole, includes policies designed to ensure that the development and use of land in the local planning authority's area contributes to the mitigation of, and adaption to, climate change;
- The Plan complies with all other relevant legal requirements.

Assessment of Soundness (Paragraphs 25-161)

- 3.21 The Inspector identified seven main issues upon which the soundness of the plan depended and recommended Main Modifications (appended to Inspector's Report - Appendix 1 of this report) to address them where required in the interest of soundness. His overall conclusion on each is summarised below.
- 3.22 Issue 1: Have the figures for Oxford's unmet need, and the apportionment for Cherwell been justified?

'...the figure for Oxford's unmet need, and the apportionment for Cherwell, have been justified and form a robust basis for the Plan.' (para. 32)

3.23 Issue 2: Have the vision and spatial strategy of the Plan been positively prepared and are they justified and effective?

'... the vision and spatial strategy of the Plan have been positively prepared; they are justified; and likely to be effective. That said, most of the sites identified lie within the Oxford Green Belt and if adopted, the Plan will result in areas of land being removed from the Green Belt...' (para. 43)

3.24 Issue 3: Are the exceptional circumstances necessary to justify the alterations to Green Belt boundaries proposed in the Plan in place so that the Plan is consistent with national policy?

'... the exceptional circumstances necessary to justify the alterations to Green Belt boundaries proposed in the Plan are in place. The Plan is therefore consistent with national policy.' (para. 49)

3.25 Issue 4: Are the sites proposed for allocation appropriately located in accordance with the Plan's spatial strategy and thereby justified?

'The group of proposed allocations closest to Oxford (at North Oxford, Kidlington, Begbroke, and Yarnton) are fully in accord with the Plan's spatial strategy and have therefore been justified. The site proposed for allocation adjacent to Woodstock [policy PR10] is not in accord with that spatial strategy, has not been justified, and must therefore be removed from the Plan' (para. 57)

'That removal has consequences, not least the fact that it leaves the Plan 410 dwellings short of meeting Cherwell's apportionment of Oxford's unmet need...' para. 58)

3.26 Issue 5: Have the ramifications of the deletion of the proposed Policy PR10 allocation been dealt with in a manner that is justified and effective?

'In setting out to the Council my reasons why the proposed Policy PR10 allocation should be deleted I also made some suggestions as to how the Council might approach the 410 dwelling shortfall that would result. Following on from discussions around residential densities and land take, I made the point that to best accord with the spatial strategy, these 410 dwellings could potentially be spread around the other allocations, with increased densities, and perhaps a western extension of developed area of the Policy PR9 site, with the possibility of housing on the Policy PR6c site (Land at Frieze Farm) reserved for a replacement golf course, if required, but left it to the Council to explore options' (para. 59).

'To inform that process, the Council carried out further work, notably the Cherwell Green Belt Study (Second Addendum); a Site Capacity Sense Check; a Landscape Analysis for Policy PR9; and a SA Addendum (including a non-technical summary). Having done that, the conclusion drawn was that the shortfall caused by the deletion of the Policy PR10 allocation could best be accommodated by increasing the amount of housing on five of the remaining six sites, with, in some cases, adjustments to developable areas, site boundaries, and the extent of land to be removed from the Green Belt.'

Having regard to the additional work the Council carried out, I am satisfied that as a principle, that is the approach that best reflects the spatial strategy' (para. 60).

3.27 For Issue 5, the Inspector then considers the affected sites and the potential changes. His conclusions include:

a. PR6a – Land East of Oxford Road (para's. 61 to 63)

Further analysis has demonstrated that the density proposed for the residential element of the allocation is reasonable. The Education Authority has confirmed that the required primary school need only be two rather than three forms of entry. This reduces the land take for the school from 3.2 Ha to 2.2 Ha. There is no good reason why the 1 Ha gained should not be given over to housing. This increases the housing capacity of the allocation from 650 dwellings to 690 dwellings.

b. PR6b – Land West of Oxford Road (Golf Course) (para's. 64 to 68)

The site is an excellent one for the sort of housing the Plan proposes, given its location close to Oxford Parkway and the Park and Ride, and its proximity to the centre of Oxford. Residential densities can be increased without having to remove any important individual specimens or groups of trees. This together with the fact that this gateway location could accommodate higher density housing types allows for the overall density to be increased to 30 dwellings per hectare, meaning that the allocation could provide for 670 dwellings, an increase of 140, overall.

Land at Frieze Farm (Policy PR6c) could, if required, provide a replacement facility.

c. PR7a - South East Kidlington (para's. 69 to 73)

Extending the southern boundary of this site, to follow an historic field boundary would give the site a more logical relationship with development on the opposite side of Bicester Road, and allocation Policy PR7b. It would allow for the provision of an additional 200 dwellings (i.e. in addition to the 230 originally proposed). The reduction in formal sports provision is in line with the Council's Playing Pitch Strategy (2018). There would be a need for additional land to be removed from the Green Belt but the purposes of the Green Belt would not be harmed to any significant additional degree. The exceptional circumstances necessary to justify this additional removal are in place.

d. PR7b – Stratfield Farm (para's. 74 to 78)

Further analysis of capacity at the Kidlington Roundabout, potential layouts, and reducing the size of the nature conservation area by 1 Ha, alongside expansion of the developable area of the site which will ensure that the revised Green Belt Boundary follows a physical feature, in this case an established field boundary, without any significant increase in harm, has

shown that 120 dwellings could be accommodated on 5 Ha earmarked for residential development without threatening any of the identified constraints.

The site can be extended without any significant increase in harm to the Green Belt and the new Green Belt boundary would follow a physical feature likely to endure. The sense of separation between Kidlington and Oxford would be maintained, and the relationship between this site, the Policy PR7a allocation, and the Sainsbury's Supermarket would be a logical one. The purposes of the Green Belt would not be harmed to any significant, additional degree. The exceptional circumstances necessary to justify this additional removal are in place.

e. PR8 – East of the A44 (para's. 79-81)

There is no capacity for an increase in housing numbers on this allocation.

f. PR9 – West of the A44 (para's. 82 to 86)

The area set aside for the school should be 1.8 Ha. In addition, analysis following the hearings has shown that while it would entail further removal of land from the Green Belt, extending the developable area to the west up to the 75m contour, which is approximately the lower end of this topography, would still avoid the greater harm associated with the release of the higher slopes.

The site does have significant constraints and the original residential density proposed was optimistic. There is a need for additional land to be removed from the Green Belt. The upshot of an extended developable area, with additional land take from the Green Belt and a reduced density is that the site can reasonably accommodate 540 dwellings. A new Green Belt edge can be established without undue impact in landscape terms. The impact of the change on the purposes of Green Belt would be marginal, in the light of the original deletion proposed. There are exceptional circumstances necessary to justify this additional removal.

3.28 Overall on Issue 5, the Inspector concludes:

'The result of these changes to Policies PR6a, PR6b, PR7a, PR7b, PR8 and PR9, alongside others that I move on to below, is to reinstate the 410 dwellings lost from the overall requirement of 4,400 as a result of the deletion of the Policy PR10 allocation' (para. 87).

'While I acknowledge that this involves further Green Belt releases, exceptional circumstances have been made out for them. Overall, I consider that the ramifications of the deletion of the Policy PR10 allocation been dealt with in a manner that is justified and effective' (para. 88).

3.29 Issue 6: Are the remaining elements of the allocation policies, including Policy PR6c, justified, effective and compliant with national policy? (para's. 89 to 129)

3.30 The Inspector notes that the scrutiny through the examination process has resulted in a myriad of changes that as part of the policies themselves, need to be dealt with

as Main Modifications. Some of these changes, required to make the policies effective, are common to all of them.

3.31 His conclusions include recommended modifications as suggested by the Council. They include modifications to:

- allow minor variations in the location of specific uses from what is shown on the Policies Maps (as revised) where shown to be justified (para. 90)
- make plain that phase 1 habitat surveys must include surveys for protected and other notable species (para. 91)
- broaden requirements for foul drainage (para.92)
- deal with issues around the re-use and improvement of soils (para.93)
- make clear that all sites designed to meet Oxford's unmet need should act in concert to maintain a five-year supply (para. 94)
- introduce more specific requirements arising from the outcomes of archaeological investigations (para. 95)
- introduce a series of detailed policy changes for the various site allocations.

3.32 In respect of the site at Frieze Farm for a potential replacement Golf Course (policy PR6c), the Inspector confirms his view that the extent of the site is such that it could provide a facility that would be similar, or superior, in quality and quantity to the existing course and make detailed recommendations for expanding the policy.

3.33 With the Main Modifications recommended, the Inspector finds that the allocation policies are sound.

3.34 Issue 7: Are the other policies in the Plan, aimed at supporting the allocation policies, and the appendices, justified, effective and consistent with national policy?

3.35 The Inspector considers the Plan's overarching and cross-cutting policies covering other matters:

Policy PR1:	Achieving Sustainable Development for Oxford's Needs
Policy PR2:	Housing Mix, Tenure and Size
Policy PR3:	The Oxford Green Belt
Policy PR4a:	Sustainable Transport
Policy PR4b:	Kidlington Centre
Policy PR5:	Green Infrastructure
Policy PR11:	Infrastructure Delivery
Policy PR12a:	Delivering Sites and Maintaining Housing Supply
Policy PR12b:	Sites Not Allocated in the Partial Review
Policy PR13:	Monitoring and Securing Delivery

3.36 His conclusions again include recommended modifications as suggested by the Council. They include recommendations to:

- add reference to the primary aim of supporting necessary infrastructure within policy PR1 (para. 131)
- cross refer to the definition of affordable housing in the NPPF within policy PR2 (para. 132)
- update policy PR3 to reflect the wider recommended changes to site allocations and to cross refer to policy Kidlington 1 of the adopted Plan relating to the extension of Begbroke Science Park (para's. 133 to 134)
- expand the list of measures and objectives within policy PR5 that green infrastructure involves and tighten the policy requirements (para. 136 to 141)
- update the context for policy PR11 on infrastructure delivery and on the policy's detailed requirements and potential funding mechanisms (para's. 142-147)
- remove the requirement for phasing for the delivery of two development sites under policy PR12a, while recognising that the Council's proposal to deliver and monitor a five year supply for the Partial Review separately from the commitments in the 2015 Plan would '*avoid the situation where meeting Oxford's unmet needs could be disregarded because of better than expected performance on the Local Plan 2015 Cherwell commitments, or vice versa*' (para. 148)
- ensure that the onus is on sites contributing to the delivery of a five year land supply for the Partial Review Plan overall rather than for individual sites (para. 151)
- ensure that the requirements within Policy PR12b for dealing with applications that come forward for unallocated sites are policy compliant and effective (para's. 153-158)
- ensure Policy PR13's measures for monitoring are effective (para. 160)

3.37 Consequential changes are recommended across the Plan including the updating of the housing trajectory and infrastructure schedule (see Appendices 3 and 4 to this report). The recommended Main Modifications also require corresponding changes to policies maps. The Inspector clarifies that the Council will need to update the Adopted Policies Map to include all the changes published alongside the Main Modifications. This includes the changes necessary from the deletion of Policy PR10 (land at Woodstock).

The Inspector's Overall Conclusion and Recommendation

3.38 The Inspector indicates that the Submitted Plan (March 2018) has a number of deficiencies relating to soundness and as such recommends non-adoption of the Plan as submitted in March 2018. However, he concludes that with the recommended Main Modifications appended to his report, the Cherwell Local Plan 2011 - 2031 (Part 1) Partial Review – Oxford's Unmet Housing Need satisfies the requisite legislative requirements and is sound.

Summary of Residential Allocations notable site allocation modifications

3.39 The effect of the Inspector's Main Modifications on the number of homes for each residential site is shown below:

Site	No. of Dwellings with Main Modifications
PR6a - East of Oxford Road	690
PR6b - West of Oxford Road	670
PR7a - South East Kidlington	430
PR7b - Stratfield Farm	120
PR8 - East of A44	1,950
PR9 - West of A44	540
Total	4,400

Officer Consideration of the Inspector's Report

- 3.40 Officers have considered the report and have no reason to disagree with the Inspector's conclusions and recommendations. It is noted that the recommended Main Modifications are those that were publicly consulted upon from November to December 2019 and approved by Council on 24 February 2020. The Main Modifications secure the overall soundness of the Plan and help achieve the Plan's vision, objectives and strategy.

Minor Modifications

- 3.41 The Council last approved Minor Modifications to the Plan on 24 February 2020. They were provided to the Inspector in the interests of professional clarity notwithstanding that they can lawfully be made by the local planning authority without the need for their examination if, taken together, they do not materially affect the policies that would be set out in the Plan if it were adopted with the Main Modifications recommended by the Inspector.
- 3.42 An updated schedule of Minor Modifications is presented for approval at Appendix 2. The additional modifications since February 2020 comprise future proofing in relation to footnotes and website links.
- 3.43 Should the Council adopt the Partial Review of the Local Plan, further minor editorial and presentational changes may be required before formal publication. Delegation is therefore sought in the usual way.

Sustainability Appraisal

- 3.44 A Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA) has been undertaken to ensure the Partial Review Plan meets sustainability objectives. The SA has been considered by the Inspector.
- 3.45 Although no further Sustainability Appraisal work is required for the Partial Review Plan, the Council would need to make 'the sustainability appraisal (SA) report' available alongside the Plan should it be adopted. A SA Adoption Statement has

been prepared (Appendix 8) which explains what comprises the final SA Report, how the requisite legal requirements have been met and provides a monitoring framework for implementation of the Plan. The SA Adoption Statement would be published should the Plan be adopted.

Equalities Impact Assessment

- 3.46 An Equalities Impact Assessment was carried out in September 2019 supporting the November 2019 consultation on Main Modifications. The Partial Review Plan Main Modifications submitted to the Secretary of State in February 2020 were accompanied by an updated Equalities Impact Assessment.
- 3.47 An updated Equalities Impact Assessment accompanies the Plan as proposed for adoption (Appendix 5). Officers consider that the Plan incorporating Main and Minor Modifications would comply with equalities legislation.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The Partial Review of the Local Plan is an important part of the Council's Local Development Scheme. Its completion would enable the Council to fulfil its commitment in paragraph B.95 of the adopted Cherwell Local Plan (2015). It would draw to a conclusion a significant period of concerted, cooperative work and provide certainty for the affected communities, notwithstanding the concerns of many who have objected to the development proposals.
- 4.2 Those objections have been considered by the Planning Inspector. He has considered why and how the Plan has been prepared, its proposals and its likely effects. He has considered the case against the Plan, including through public hearings.
- 4.3 The purpose of the Plan is clear - to provide housing to meet identified need. The plan would provide 4,400 homes including 2200 homes as affordable housing. It would ensure that this happens in the area of the district most suitable for responding to the source of that need. Completion of the Plan would provide certainty of supply. The Plan is supported by significant proposals for sustainable transport, the delivery of green infrastructure and net gains in biodiversity. It seeks to provide the opportunity for distinctive place-shaping.
- 4.4 It has now been clearly stated by the appointed Planning Inspector that, with Main Modifications (as proposed by the Council), the Plan is sound. It has been prepared in accordance with necessary regulatory, procedural and national policy requirements. It had been informed by cooperation and engagement with prescribed bodies and a process of sustainability appraisal. An evidenced led process has been followed.
- 4.5 It is therefore the view of officers that the Partial Review of the Local Plan, incorporating Main and Minor Modifications, would appropriately and sustainably deliver on the Council's commitment.
- 4.6 Officers advise that the Inspector's recommendations should be accepted, that the Main and Minor Modifications be endorsed, and that the Plan proceeds to Council for adoption.

5.0 Consultation

- 5.1 Statutory consultation requirements were met in preparing the Plan. The Inspector's Report has been made publicly available but no public consultation is required at this stage in the Local Plan process.
- 5.2 Cllr Colin 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: To proceed to adoption of the Local Plan with the Inspector's Main Modifications only.

This option was rejected as this would fail to address minor matters of clarification, updating and corrections, which together do not materially affect the policies but without which the Plan would be of lesser quality.

Option 2: Reject the Inspector's Main Modifications and not proceed to adoption of the Plan.

This option was rejected as the Inspector has recommended all of the Main Modifications proposed by the Council.

Plan making is a crucial part of the planning process and the Secretary of State may direct a local authority to make a plan to ensure that the planning process in any area is properly administered (Section 27, Planning and Compulsory Purchase Act 2004 as amended).

7.0 Implications

Financial and Resource Implications

- 7.1 The cost of Plan adoption would be met from existing resources. Significant budget expenditure has been required in preparing the Plan.

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Legal Implications

- 7.2 Should the Council adopt the Partial Review Plan, it will be part of the statutory development plan for the District. The Partial Review Plan does not supersede any of the policies in the adopted development plan.

- 7.3 The Partial Review Plan is an important part of the Council's Local Development Scheme and the Council has a commitment to preparing it under paragraph B.95 of the adopted Local Plan. Failure to do so could increase the risk of challenge to planning decisions and encourage speculative development proposals.
- 7.4 The Secretary of State may direct a local authority to make a plan to ensure that the planning process in any area is properly administered (Section 27, Planning and Compulsory Purchase Act 2004 as amended).
- 7.5 There is provision under Section 113 of the Planning and Compulsory Purchase Act 2004 for legal challenge to be made within six weeks of adoption of a Local Plan by any aggrieved person. Officers have considered this risk in preparing this report.

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

Business Plan 2020/21

The completion of a new Local Plan will assist in meeting the business plan's strategic priorities:

- Housing that meets your needs
- Leading on environmental sustainability
- An enterprising economy with strong and vibrant local centres
- Healthy, resilient and engaged communities

Lead Councillor

Councillor Colin Clarke, Lead Member for Planning

Document Information

Appendix No	Title
Appendix 1	Inspector's Report with recommend Main Modifications
Appendix 2	Minor Modifications
Appendix 3	Housing Trajectory
Appendix 4	Infrastructure Schedule
Appendix 5	Equalities Impact Assessment
Appendix 6	Policies Maps
Appendix 7	Plan for Adoption
Appendix 8	Sustainability Appraisal Adoption Statement
Appendix 9	Local Plan Adoption Statement
Appendix 10	Inspector's Preliminary Advice Note (PC5)
Background Papers	
<p>26 February 2018 Report to Council - Submission of the Partial Review of the Cherwell Local Plan 2011-2031 - Oxford's Unmet Housing Needs https://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=114&MId=2837&Ver=4</p> <p>24 February 2020 Report to Council - Submission of Main Modifications https://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=114&MId=3241&Ver=4</p>	
Report Author	<p>David Peckford Assistant Director – Planning & Development</p> <p>Maria Garcia Dopazo Acting Planning Policy, Conservation & Design Manager</p>
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