

This report is public	
Submission of the Cherwell Local Plan Review 2042	
Committee	Executive
Date of Committee	1 July 2025
Portfolio Holder presenting the report	Portfolio Holder for Planning and Development Management, Councillor Jean Conway.
Date Portfolio Holder agreed report	9 June 2025
Report of	Assistant Director - Planning and Development, David Peckford

Purpose of report

To present the Cherwell Local Plan Review 2042 (draft) and to seek approval for its submission to the Secretary of State for Housing, Communities and Local Government for independent examination.

1. Recommendations

The Executive resolves:

1.1 To recommend to the Council:

- a) the proposed submission Regulation 19 draft of the Cherwell Local Plan Review 2042 (December 2024) (Appendix 1) and;
- b) approve the submission of the draft (the “Proposed Submission Local Plan”) to the Secretary of State for Housing, Communities and Local Government for independent examination with all necessary prescribed and supporting documents.

1.2 To note:-

- a) the responses to the consultation on the Proposed Submission Local Plan draft of the Cherwell Local Plan Review 2042 summarised in the Statement of Consultation at Appendix 6;
- b) the supporting documents relevant to the preparation of the Cherwell Local Plan Review 2042 presented at Appendices 3 to 9 and available online at <https://www.cherwell.gov.uk/local-plan-review-2042-submission> .

1.3 To approve:-

- a) the Schedule of Proposed Changes and Minor Modifications to the Proposed Submission Local Plan draft of the Cherwell Local Plan Review presented at Appendix 2;
 - b) the Local Development Scheme (July 2025), presented at Appendix 10.
 - c) the use of £300,000 from the Council's reserve for the costs of the examination
- 1.4 To delegate authority to the Assistant Director - Planning and Development in consultation with the Portfolio Holder for Planning and Development Management and Corporate Director - Communities:-
- a) to make any necessary presentational changes to the Submission draft of the Cherwell Local Plan Review 2042 and to necessary prescribed and supporting documents before submission to full Council;
 - b) to propose changes and corrections to the Cherwell Local Plan Review 2042 and supporting documents, including policy updates, editorial changes, and correction of typographical and grammatical errors during the examination.
 - c) to invite the examining inspector(s), post submission, to recommend any modifications they consider to be necessary in accordance with section 20(7C) of the Planning and Compulsory Purchase Act 2004.

2. Executive Summary

- 2.1 This report presents the Cherwell Local Plan Review 2042 for approval and subsequent presentation to Council as a draft 'Submission' Local Plan. Upon approval by Council the Proposed Submission Local Plan would be submitted to the Secretary of State for Housing, Communities and Local Government for independent examination.
- 2.2 Consultation on the Proposed Submission Local Plan commenced on 19 December 2024 and extended to 25 February 2025. A total of 345 representations were received in response to the consultation. They have been considered by officers in reviewing whether the Cherwell Local Plan Review 2042 (the 'Plan') is 'sound' and legally compliant - the tests of the independent examination of the Plan starts when the Proposed Submission Local Plan is submitted.
- 2.3 The view of officers is that the Plan is sound but that a number of 'proposed changes' and 'minor modifications' should be suggested to the examining inspector(s) in the interests of its improvement, clarification and updating and to address minor presentational, grammatical and typographical issues. These are all presented for approval in the updated appendices and schedule of changes at Appendices 1b and 2 to this report.
- 2.4 This report also seeks approval of an updated Local Development Scheme (LDS).

Implications & Impact Assessments

Implications		Commentary		
Finance		The work associated with preparing the Proposed Submission Local Plan to date has been met from existing budgets. Costs associated with the examination are provided for from the Council's earmarked reserve for such matters. Kelly Wheeler, Finance Business Partner, 28 May 2025		
Legal		The Proposed Submission Local Plan has been prepared to comply with primary and secondary legislation for plan making. The Proposed Submission Local Plan will be submitted for Examination by an independent Planning Inspector to test the Plan's soundness and legal compliance and this will include public hearings. Shiraz Sheikh, Assistant Director Law & Governance, 20 June 2025		
Risk Management		The risk related to not having an up-to-date Plan is managed through the Council's Leadership Risk Register. A decision to proceed to Submission assists in mitigating that risk. Julie Miles, Performance Analyst & Developer, 28 May 2025		
Impact Assessments		Positive	Neutral	Negative
		Commentary		
Equality Impact				
		The Proposed Submission Local Plan is accompanied by a Health and Equalities Impact Assessment (Appendix 5 to this report)		
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
		Refer to Health & Equalities Impact Assessment		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
		Refer to Health & Equalities Impact Assessment		
Climate & Environmental Impact				
		Refer to the supporting Sustainability Appraisal and Habitats Regulations Assessment.		
ICT & Digital Impact				
		Not applicable		
Data Impact				
		Not applicable		

Procurement & subsidy				None
Council Priorities	All			
Human Resources	N/A			
Property	N/A			
Consultation & Engagement	• Regular Portfolio Holder Briefings • Briefings for Political Group Leaders • Internal Local Plan Members Advisory Group meetings attended by Overview & Scrutiny Committee Members			

Supporting Information

3. Background

- 3.1 The adopted Local Plan is the main part of the statutory Development Plan – the starting point for considering development proposals. The district’s existing adopted Local Plans are:
- saved policies of the Cherwell Local Plan 1996 (those not replaced)
 - Cherwell Local Plan 2011 – 2031 (Part 1) (adopted 2015)
 - Cherwell Local Plan 2011 – 2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need (adopted 2020).
- 3.2 National Planning Practice Guidance makes clear that most plans are likely to require updating in whole or in part at least every five years. Successive iterations of the Council’s Local Development Scheme (LDS) have programmed a local plan review. The current LDS was approved by the Executive in December 2024. An update to the LDS, which reflects the most up to date programme, is presented at Appendix 10 for approval. An up-to-date LDS must support submission of the Plan.
- 3.3 This local plan review provides the opportunity to re-assert a plan-led approach to considering proposed development. It establishes a new set of policies for addressing development needs, for climate action, for healthy place-shaping, for biodiversity net gain, for our urban centres and rural areas and for responding to current Government policy and guidance.
- 3.4 The review of the Cherwell Local Plan commenced in 2020 and three public consultations were undertaken prior to the publication of the Proposed Submission Local Plan in December 2024. These consultations comprised:
- Community Involvement Paper Consultation (July 2020),
 - Community Involvement Paper 2: Developing our Options Consultation (September 2021)
 - Consultation draft Local Plan (September 2023).

- 3.5 The Proposed Submission Plan, informed by these previous consultations, a continuous process of engagement and cooperation, and technical evidence, was subsequently approved for consultation by the Executive on 5 December 2024.
- 3.6 The Proposed Submission Local Plan documents were published for the purposes of inviting representations between 19 December 2024 and 25 February 2025.
- 3.7 The Procedure Guide for Local Plan Examinations (28 August 2024) states that the Plan that is published for consultation at Regulation 19 stage should be the Plan that the Local Planning Authority (LPA) intends to submit to the Planning Inspectorate for examination. The Council must satisfy itself that it is submitting a local plan for examination which it considers to be sound and meets all the necessary legal requirements. It emphasises that this is a key premise of delivering an efficient examination timetable.

4. Details

- 4.1 This report presents the Cherwell Local Plan Review 2042 for approval and subsequent presentation to Council as the 'Submission' Local Plan. Upon approval by Council the Plan would be submitted to the Secretary of State for Housing, Communities and Local Government for examination.
- 4.2 Members are invited to consider the following documents:
- i. The Proposed Submission Local Plan (December 2024) previously approved by the Executive for consultation in December 2024 (Appendix 1)
 - ii. The Statement of Consultation (Appendix 6) which summarises how consultation informed the preparation of the Plan, summarises the representations received to the Proposed Submission Plan and identifies the main issues arising from those representations. Members are advised that the representations are available in full on the Council's website.
 - iii. The proposed Schedule of Proposed Changes and Minor Modifications (Appendix 2) which officers consider would improve and update the draft Plan in view of the representations received and updated evidence.
 - iv. The Sustainability Appraisal (SA) of the Proposed Submission Local Plan (with Non-Technical Summary) and SA Addendum. Together these comprise the full Sustainability Appraisal (Appendix 3),
 - v. A Habitats Regulation Assessment (Appendix 4)
 - vi. A Health and Equalities Impact Assessment (Appendix 5)
 - vii. An Infrastructure Delivery Plan (Appendix 9)
 - viii. Other supporting documents and background papers also comprising the evidence base for the Cherwell Local Plan Review 2042 (available at <https://www.cherwell.gov.uk/info/83/local-plans/729/planning-for-cherwell---local-plan-review>).
- 4.3 Following approval by the Executive and Council, these documents would comprise the Submission documents and would be subject to independent examination.
- 4.4 The Proposed Submission Local Plan sets out a vision and proposes homes, employment land, infrastructure and other essential services required to support the local community over the Plan period.

- 4.5 It has a series of objectives for meeting the vision and addressing its key themes. It then presents a strategy, policies and proposals for meeting these objectives and delivering the vision. In summary, the proposed strategy is to:
- Ensure that our committed growth is delivered;
 - Focus new development at Bicester, Banbury and to a lesser extent in the Kidlington area;
 - Revitalise our urban centres and encourage investment;
 - Raise the design quality of our built and 'green' environments;
 - Minimise carbon emissions and achieve set net gains in biodiversity; in delivering new development.
- 4.6 The district-wide strategy is supported by area strategies for Banbury, Bicester, Kidlington, Heyford Park and the Rural Areas.
- 4.7 Consultation on the Proposed Submission Local Plan commenced on 19 December 2024 and closed 25 February 2025. A total of 345 representations were received in response to the consultation. All representations received are available on-line. The Statement of Consultation at Appendix 6 provides a detailed summary of the comments received. Responses were received from a wide range of respondents, including individuals, neighbouring authorities, parish and town councils, land-owners and developers, the Environment Agency, Historic England, Natural England, Highways England and Oxfordshire County Council.
- 4.8 The key issues raised in the representations and officer responses are set out in Appendix 7. This detailed table is also included in the Statement of Consultation. These documents should be read for a full understanding of the issues raised.
- 4.9 Officers have considered all representations in reviewing whether the Plan is 'sound' and legally compliant – and considered the tests of the independent examination of the Plan. In addition, a PINS advisory visit, by an experienced local plan inspector took place in March 2025. Our barrister has also been consulted on the key issues raised.
- 4.10 To be considered 'sound' the Plan must be shown to be:
- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by a statement of common ground; and
 - d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, where relevant.

- 4.11 Legal compliance includes whether the Plan has been prepared in accordance with required procedures, including the duty to cooperate with prescribed bodies on cross boundary strategic planning issues.

Duty to Cooperate

- 4.12 Legal compliance will be one of the matters considered at the Examination to ensure that the Local Plan has been prepared in accordance with required procedures, including the duty to cooperate with prescribed bodies on cross-boundary strategic matters. A Duty to Cooperate Statement of Compliance has been prepared to demonstrate this. This will form part of the Proposed Submission Local Plan documents.
- 4.13 The Duty to Cooperate is a statutory requirement for the Council to cooperate with Local Planning Authorities (LPAs) and other prescribed bodies when it undertakes certain activities, including the preparation of local plans and in relation to cross boundary strategic matters. This is to maximise the effectiveness with which activities are undertaken. LPAs are required 'to engage constructively, actively and on an on-going basis'.
- 4.14 Since the close of the Regulation 19 consultation, officers have continued to engage with prescribed bodies, including neighbouring authorities, National Highways, Natural England, the Environment Agency, Historic England, and the BOB-ICB to resolve outstanding issues raised in their representations. Statements of Common Ground are also being prepared.

Additional Evidence and Background Papers

- 4.15 Ahead of submission, officers have been working to finalise the evidence base for the Plan. These documents include:
- An addendum to the Sustainability Appraisal, following advice at the PINS Advisory Visit.
 - Updates to the Employment Needs Assessment, following additional information on past trends.
 - Updated flood risk assessments, following receipt of new flood risk maps and additional information requested by the Environment Agency.
 - Air Quality Assessments
 - Updates to the Infrastructure Delivery Plan (IDP) to reflect up to date information.
- 4.16 In addition to the evidence updates, officers are preparing a suite of Topic Papers which provide detailed explanations and bring together background information for the examination. These include:
- A Housing Topic Paper
 - Site Selection Topic Paper
 - Employment Topic Paper
 - Gypsy and Traveller Topic Paper
 - A Delivery Topic Paper

Proposed Focussed Changes

- 4.17 The Procedure Guide for Local Plan Examinations (28 August 2024) states that the Plan that is published for consultation at Regulation 19 stage should be the Plan that the Council intends to submit to the Planning Inspectorate for examination. The Council must satisfy itself that it is submitting a Local Plan for Examination which it considers to be sound and meets all the necessary legal requirements.
- 4.18 If the Council wanted to make substantive changes to the Plan following the Regulation 19 consultation and before submission, and wanted these changes to be considered as part of the submitted Proposed Submission Local Plan, the procedure would require an addendum to the Proposed Submission Local Plan to be prepared containing the proposed changes. The addendum, together with a sustainability appraisal [SA] and any Habitats Regulation Assessment [HRA] of the proposed changes would need to be published for consultation, on the same basis as the Regulation 19 consultation, before the plan is submitted for examination.
- 4.19 A further Regulation 19 consultation would result in the Local Plan falling outside the transitional arrangements set out in the 2024 NPPF.
- 4.20 The guidance does however also provide the opportunity for the Council to propose changes to the Regulation 19 Plan for consideration by the inspector at the examination. As these changes have not been subject to consultation, the Inspector will not treat these changes as part of the plan to be examined. However, the Inspector may consider it appropriate for some or all of the Council's proposed changes to be discussed at the hearing sessions, and in appropriate circumstances they may form the basis for future Main Modifications to the Proposed Submission Local Plan as recommended by the Inspector.
- 4.21 The current view of officers is that the Regulation 19 published Plan is sound but that a number of 'proposed changes' and 'minor modifications' should be suggested to the Inspector. They would not affect the soundness of the Plan but would rather refine existing policies, having regard to additional information included in representations, on-going cooperation and discussion with consultees and updates/additions to the Plan's evidence base.
- 4.22 The schedule of proposed changes is presented at Appendix 2.
- 4.23 In summary, the main proposed changes include:
- A new policy addressing nature conservation and watercourses requested by the Environment Agency;
 - A new policy addressing MOD airport safeguarding areas requested by the MOD;
 - Policy LEC 1 (Meeting Business and Employment Needs) – updated/redrafted employment policy to reflect the advice received at the PINS advisory visit and to reflect updated evidence. The total employment need rises from 280 hectares to 316 hectares.
 - Policy COM 1 (District-wide Housing Distribution) – updated/redrafted policy to reflect advice received at the PINS advisory visit.

- Policy CSD 10: Oxford Meadows Special Area of Conservation – amendments requested by Environment Agency and part correction and consistency with Policy CSD11 and local plan evidence.
- Editorial improvements to Policy COM 13 – Settlement Gaps.
- Policy COM 25: Local Green Space – the removal of Hudson Street, Bicester from the list as the site is required for improved/expanded education provision.
- Amendments throughout the Plan to clarify and where necessary remove unnecessary references to ‘saved’ or ‘retained’ policies following advice received at the PINS advisory visit.
- Policy KID 1 – Improvements and amendments to the policy wording and supporting text requested by Historic England
- Updates to Appendix 1 (Retained Policies List), Appendix 2 (Housing Supply and Trajectory), Appendix 3 (Monitoring Framework), Appendix 4 (Strategic Gaps) and Appendix 11 (List of Strategic and Non-strategic policies).
- Updates and improvements to the Policies Map, including a draft interactive Policies Map.

Overall Response to Proposed Submission Local Plan Consultation

- 4.24 The representations received have been considered by officers in reviewing the soundness and legal compliance of the Plan. The representations are summarised as an appendix to the Statement of Consultation (Appendix 6 to this report). The Statement of Consultation summarises the main issues and provides a collective response from officers for each section/policy of the Plan.
- 4.25 The proposed changes and Minor Modifications presented at Appendix 2, have been identified in the context of the representations made, on-going cooperation and associated reviews of evidence.
- 4.26 The view of officers is that the Proposed Submission Local Plan has been positively prepared and is justified, effective, consistent with national policy and legally compliant.
- 4.27 It is recommended that the Proposed Submission Local Plan together with the schedule of proposed Changes and Minor Modifications be approved for presentation to Council with a recommendation that they be Submitted to the Secretary of State together with all supporting documents.

Next Steps

- 4.28 Should the Plan be approved by the Executive, and subsequently by Council, its submission would mark the start of its examination by a Government appointed Planning Inspector in accordance with his/her programme.

5. 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: Not to approve the Proposed Submission Local Plan for Submission
Not approving the Proposed Submission Local Plan would mean that the Proposed Submission Local Plan would potentially require significant amendments. These amendments and the need to consult on them prior to Submission would result in the Proposed Submission Plan failing to meet the transitional arrangements set out in NPPF paragraph 234(a). The Council would then be obliged to prepare a revised Local Plan in accordance with the December 2024 NPPF. In addition to creating considerable delay, the revised Local Plan would have to meet the full objectively assessed housing need based on the December 2024 Standard Method figure for Cherwell.

Option 2: To approve the Proposed Submission Local Plan and seek significant changes.

Approving the Proposed Submission Local Plan with significant changes would mean that we would need to reconsult on these changes as an addendum to the Regulation 19 Local Plan. This would result in the Proposed Submission Local Plan failing to meet the transitional arrangements set out in NPPF paragraph 234(a). The Council would then be obliged to prepare a revised Plan in accordance with the December 2024 NPPF. In addition to creating considerable delay, the revised Plan would have to meet the full objectively assessed housing need based on the December 2024 Standard Method figure for Cherwell.

Option 3: Seek further proposed changes in response to specific issues raised in consultation on the Proposed Submission Local Plan draft.

Officers are mindful that the Council must consider the Proposed Submission Local Plan to be submitted to be a 'sound' and legally compliant Plan. Officers have proposed changes that do not affect the soundness of the Plan. Officers advise that any additional proposed changes and the reasons for them are given consideration by officers before they are presented to Council.

6. Conclusion and Reasons for Recommendations

- 6.1 The Cherwell Local Plan Review has been prepared in the interest of having up to date planning policies which respond positively and effectively in meeting development needs and the planning issues that the district and our local communities face. An up-to-date Local Plan is important for a plan-led approach to decision making and contributing to the achievement of sustainable development. Preparation of the Proposed Submission Local Plan has been informed by three formal public consultations (Regulation 18), continuous engagement and cooperation and evidence gathering.
- 6.2 Consultation on the Proposed Submission Local Plan commenced on 19 December 2024 and closed on 25 February 2025. A total of 345 representations were received in response to the consultation. They have been considered by officers in reviewing whether the Proposed Submission Local Plan is 'sound' and legally compliant – the

tests of the independent examination of the Plan that commences on the Proposed Submission Local Plan's submission.

- 6.3 The view of officers is that the Proposed Submission Local Plan is sound but that a number of proposed changes and 'minor modifications' should be made to it in the interests of its improvement, clarification and updating, and to address minor presentational, grammatical and typographical issues. These are presented for approval in the schedule of changes at Appendix 2 to this report.
- 6.4 An updated Local Development Scheme has also been prepared and this is presented for the Executive's approval at Appendix 10 to this report.

Decision Information

Key Decision	Yes. Community threshold met.
Subject to Call in	Yes
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Submission Cherwell Local Plan Review 2042 https://www.cherwell.gov.uk/download/downloads/id/16064/cherwell-lp---proposed-submission-dec-2024---complete---72dpi-single-pages.pdf
Appendix 1a	Submission Cherwell Local Plan Review 2042 – Policies Maps https://www.cherwell.gov.uk/download/downloads/id/16045/policies-maps.pdf
Appendix 1b	Submission Cherwell Local Plan Review 2042 – Updated Appendices
Appendix 2	Submission Cherwell Local Plan Review 2042 – Schedule of Proposed Changes
Appendix 3a	Sustainability Appraisal (November 2024) - Non-Technical Summary https://www.cherwell.gov.uk/download/downloads/id/16060/cherwell-local-plan-sustainability-appraisal-non-technical-summary-dec-2024.pdf
Appendix 3b	Sustainability Appraisal (November 2024) https://www.cherwell.gov.uk/download/downloads/id/16059/cherwell-local-plan-sustainability-appraisal-december-2024.pdf
Appendix 3c	Sustainability Appraisal Addendum (May 2025)

Appendix 4	Draft Habitats Regulations Assessment (November 2024) https://www.cherwell.gov.uk/download/downloads/id/16061/habitats-regulation-assessment-november-2024.pdf
Appendix 5	Health and Equalities Impact Assessment (November 2024) https://www.cherwell.gov.uk/download/downloads/id/16065/health-and-equalities-impact-assessment-nov-2024.pdf
Appendix 6	Consultation Statement (June 2025)
Appendix 7	Officer responses to representations received (June 2025)
Appendix 8	Duty to Co Operate Statement of Compliance (June 2025)
Appendix 9	Infrastructure Delivery Plan (June 2025)
Appendix 10	Local Development Scheme (June 2025)
Background Papers	None
Reference Papers	Reports and Minutes, Executive 5 December 2024 Proposed Cherwell Local Plan 2042 http://svc-sql-modg-01:9070/ieListDocuments.aspx?CId=115&MId=4186 Report and Minutes, Executive 4 September 2023, Draft Cherwell Local Plan Review 2040 (Regulation 18) Consultation: https://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=11%2005&MId=3811&Ver=4 Report and Minutes, Executive 6 September 2021, Planning for Cherwell: Cherwell Local Plan Review - Options Consultation Paper: https://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=11%2005&MId=3530&Ver=4 Report and Minutes, Executive 6 July 2020, Cherwell Local Plan Review: Planning for Cherwell to 2040 - A Community Involvement Paper: https://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=11%2005&MId=3366&Ver=4 Evidence Base on-line: https://www.cherwell.gov.uk/info/83/local-plans/729/planningfor-cherwell---local-plan-review/6 National Planning Policy Framework (7 February 2025) https://www.gov.uk/government/publications/national-planning-policy-framework--2 National Planning Policy Framework (5 September 2023) https://webarchive.nationalarchives.gov.uk/ukgwa/20230929144819/https://www.gov.uk/government/publications/national-planning-policy-framework--2 Planning Practice Guidance https://www.gov.uk/government/collections/planning-practice-guidance

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Corporate Director Approval (unless Corporate Director or Statutory Officer report)	Corporate Director for Communities, 4 June 2025.