

**Vale of White Horse Local Plan 2031**

**(Part 1 Strategic Sites and Policies)**

**Stage 1 Examination**

**Matter 1 – Duty to Cooperate and Other Legal Requirements**

**Statement on behalf of Commercial Estates Group**

## **1 Introduction**

- 1.1 This statement is submitted to the Vale of White Horse Local Plan Examination on behalf of Commercial Estates Group (hereafter referred to as CEG). CEG is promoting the whole of the draft North Abingdon-on-Thames strategic site allocation for around 800 dwellings.
- 1.2 This statement refers to Matter 1 – Duty to Cooperate and Other Legal Requirements and the matters and questions identified by the Inspector in his ‘Matters and Questions for the Stage 1 Examination’.

## **2 Question 1.1**

**Has the Council satisfactorily discharged its Duty to Cooperate to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters, including in particular minerals and waste and housing?**

- 2.1 Yes. Topic Paper 1 ‘Duty to Cooperate and Cross Boundary Issues’ provides an overview of how the Council is meeting its obligations under the ‘duty-to-cooperate’ as required by the Localism Act 2011 and National Planning Policy Framework (2012). The Council has also, as part of its submission documents, included a Statement of Compliance with the Duty to Cooperate.
- 2.2 It is clear that there has been, and will be, effective and on-going engagement with neighbouring authorities and other prescribed bodies throughout the Local Plan process and that the Council has satisfactorily discharged its duty to cooperate.
- 2.3 In respect of housing, this is clearly evidenced by the joint working with Oxfordshire County Council and the other local planning authorities in the county to prepare an updated joint Strategic Housing Market Assessment (SHMA) for the housing market area. This work provides a robust assessment of the sub-regional housing market and housing need and demand in Oxfordshire.
- 2.4 The Council proposes to meet the District’s objectively assessed housing needs (as identified in the SHMA) in full through the Local Plan 2031. Further, the Council recognises that Oxford City may not be able to accommodate the whole of its new housing requirement for the 2011-2031 period (as identified in the SHMA) within its own administrative boundary. The Oxfordshire authorities (including Vale of White Horse) are working through the Oxfordshire Growth Board to devise a robust methodology and process to determine how any unmet need shall be accommodated within the county /housing market area.
- 2.5 Proposed Core Policy 2 of the Local Plan 2031 Part 1 includes a commitment to joint working with all of the other Oxfordshire authorities to address any unmet housing need. This approach is considered to be pragmatic and robust, and is discussed further in the Statement prepared for Matter 4 – Unmet Housing Needs.

- 2.6 The Council's on-going commitment is further evidenced by the recent consideration by Cabinet of a report of the Head of Planning (on 07 August 2015) whereby Cabinet endorsed both the possible range of Oxford's unmet need as well as broad plan-making principles and the approach to addressing the Vale of White Horse Council's 'share' of the unmet housing need.
- 2.7 It is inevitable that there will be challenges in reaching agreement on the extent of any unmet housing need from Oxford City that needs to be accommodated in the surrounding Districts, and how this unmet need should be apportioned between the surrounding Districts. The Oxfordshire Statement of Cooperation, signed by all of the Oxfordshire authorities, provides a structure and process for dealing with these challenges – but there is clearly scope for some delay in reaching full agreement.
- 2.8 Within this context, it is right that the Council is progressing with the Local Plan Part 1 without delay, on the basis of meeting its own objectively assessed housing needs in full – but with a clear and explicit ongoing commitment to working with the other Oxfordshire local authorities to meet the overall need for housing in the Oxfordshire housing market area.
- 2.9 The recent Written Statement made by the Minister of State for Housing and Planning (July 2015) emphasises the importance of the duty to cooperate, but also makes it clear that a commitment to an early review of a Local Plan may be appropriate to ensure the Plan is not unnecessarily delayed by matters which are not critical to its soundness or legal competence. The approach being taken by the Vale of White Horse Council reflects the Government's position in this regard.
- 2.10 The recent report of the Cherwell Local Plan Inspector (June 2015) found the Plan to be sound, with Cherwell District Council effectively discharging their duty to cooperate. In particular, the Inspector endorsed the formal arrangements in place between the various Oxfordshire Councils to fully address the results of the 2014 SHMA. He considered that these arrangements should materially assist satisfactory on-going co-operation.
- 2.11 A copy of the Inspector's Report is attached as Appendix A to this Statement.

### **3 Question 1.2**

**Are the likely environmental, social and economic effects of the plan adequately and accurately addressed in the Habitats Regulations Assessment and Sustainability Appraisal (SA)? Does the SA test the plan against all reasonable alternatives in terms of the overall requirement for land for housing and employment and its broad spatial distribution?**

- 3.1 Yes. The Council has provided a full and robust Habitats Regulations Assessment and Sustainability Appraisal.

- 3.2 The Local Plan's Spatial Strategy has been developed following the refinement of options considered at each stage of consultation and by up-to-date evidence. The Spatial Strategy has been informed by Sustainability Appraisal at each of these stages.
- 3.3 The sites selection methodology is set out in Topic Paper 3 and this too was informed by detailed evidence testing, consultation and the Sustainability Appraisal.
- 3.4 There were two stages of options development to determine the preferred spatial distribution of housing development in the Vale - consideration of the overall pattern of development and the assessment of the refined spatial options. The Overall Pattern of Development included six reasonable alternatives (see para 10.3.2 and 10.3.3 of the Sustainability Appraisal);
- Option A within existing towns and villages;
  - Option B only on brownfield or previously developed land;
  - Option C as extensions to the edges of main settlements;
  - Option D as extensions to the edges of villages;
  - Option E in a new settlement; and
  - Option F in settlements along public transport routes.
- 3.5 This was followed by the development of two refined options; Option A 'Urban Focus' and Option B 'Urban Concentration', then a third, further refined, option (Option C) combining the best aspects of the two preceding refinements.
- 3.6 The Sustainability Appraisal of the preferred option finds that refined Option C 'Building on our Strengths' performs the best as there are a number of positive significant effects associated with it, including the provision of services and facilities, reducing the need for travel, improving health and well-being, reducing inequality and supporting a strong economy. It considers that this approach is the most sustainable and should also address areas of weakness, to try and achieve a holistic improvement across the Vale.
- 3.7 The Sustainability Appraisal explains why the alternative options were considered and the preferred approach selected.
- 3.8 The Council also tested a range of seven housing delivery options (or growth scenarios). This enabled the Council to test and articulate the preferred spatial strategy for different housing numbers and a range of potentially suitable strategic housing development locations.
- 3.9 In terms of employment, three alternative spatial approaches to the scale of employment land have been considered which included identifying sites to meet forecast demand, plus two alternative surplus options.
- 3.10 Options have also been considered for the location of employment land;
- Option A - Allocate additional sites for employment development at Faringdon and Wantage/Grove, and identify land at Didcot A to provide for the remaining balance of the employment land requirement; and;

- Option B - Do not allocate additional sites for employment development at Faringdon and Wantage/Grove, and instead identify land at Didcot A to provide for the whole balance of the employment land requirement.

- 3.11 The Sustainability Appraisal explains why the alternative options were chosen and the preferred approach (Option A) selected, and how this reflects its findings.
- 3.12 In conclusion, we are satisfied that all reasonable alternatives in terms of the overall requirement for land for housing and employment and its broad spatial distribution have been tested and that a satisfactory Sustainability Appraisal has been undertaken to support the preparation and drafting of the Local Plan.

#### **4 Question 1.3**

**Is it appropriate for the plan to include only Strategic Policies and Site Allocations and for detailed planning policies and non-site strategic allocations to be devolved to a Part 2 Local Plan document? Is there a clear justification for this and does it accord with national policy?**

- 4.1 Yes. The 2004 Act and 2012 Development Plan Regulations provide for the preparation of Local Plans, which may include more than one Development Plan Document. The approach being taken by Vale of White Horse District Council, with a Local Plan Part 1 setting out the spatial strategy and strategic site allocations, with further development plan documents to follow, is legally compliant with the 2004 Act and related regulations.
- 4.2 The NPPF and related Planning Practice Guidance provide for the preparation of more than one Local Plan (or more than one Development Plan Document) where there is clear justification.
- 4.3 In relation to the Vale of White Horse District, the Council has taken a pragmatic approach to planning for the delivery of new housing, employment, other development and related supporting infrastructure. It has sought to make early progress in addressing the full objectively assessed housing need for the area (in accordance with national policy), by prioritising the preparation of a coherent spatial plan. The Local Plan Part 1 provides a strategic framework for future decision-making and allocates a number of strategic sites to ensure early progress is made in addressing identified housing needs.
- 4.4 The work required to prepare and incorporate detailed development management policies in the Local Plan Part 1 would significantly delay the adoption of the Local Plan. This would have a number of significant and detrimental consequences. For the next 2-3 years or more, development in the Vale of White Horse would not be plan led (contrary to Government aspirations and guidance in the NPPF). There would be no coherent plan in place for infrastructure delivery, and there may well be a delay in addressing the significant need for additional housing.

4.5 The Council has saved Local Plan policies that can continue to be used for development management purposes, until a Local Plan Part 2 has been adopted.

**5 Question 1.4**

**Is the plan compliant with:**

- a) The Local Development Scheme**
- b) The Statement of Community Involvement**
- c) The 2004 Act and the 2012 Regulations?**

5.1 Yes.

- a) We are satisfied that the Plan is compliant with the Local Development Scheme 2015 -2018 (March 2015).
- b) We are satisfied that the Plan complies with the Council's Statement of Community Involvement 2009. The Council's Regulation 22 Consultation Statement provides a summary of the consultation undertaken on the Local Plan 2031 Part 1 to demonstrate compliance with this, as well as Regulation 22 (1)(c) of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- c) We are satisfied that the Plan complies with the 2004 Act and the 2012 Regulations.

Appendix A

Inspector's Report on the Examination into the Cherwell Local Plan



The Planning Inspectorate

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# Report to Cherwell District Council

by Nigel Payne BSc (Hons), Dip TP, MRTPI, MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 9<sup>th</sup> June 2015

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE CHERWELL**

**LOCAL PLAN**

Document submitted for examination on 31 January 2014

Examination hearings held between 3 June and 23 December 2014

File Ref: PINS/C3105/429/4

## Abbreviations Used in this Report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
CA	Conservation Area
CSH	Code for Sustainable Homes
DtC	Duty to Co-operate
EA	Environment Agency
EH	Historic England [formerly English Heritage]
GB	Green Belt
HE	Highways England [formerly Highways Agency]
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NE	Natural England
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
OCC	Oxfordshire County Council
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SEP	Strategic Economic Plan
SFRA	Strategic Flood Risk Assessment
SHMA	Strategic Housing Market Assessment
SO	Strategic Objective
SUDs	Sustainable Urban Drainage Systems

## Non-Technical Summary

This report concludes that the Cherwell Local Plan provides an appropriate basis for the planning of the district to 2031, providing a number of modifications are made. The Council has specifically requested that I recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Council, but where necessary for soundness I have amended and/or deleted wording where required. I have recommended their inclusion after considering all the representations from all other parties on these issues.

The Main Modifications can be summarised as follows:

- Increase the total number of new houses to 22,840, 2011 – 2031, (1,140 per year) from 16,750, 2006 – 2031 (670 per year) in the submitted plan to meet the full, up to date, objectively assessed needs of the district, including for affordable housing;
- Allocate additional strategic housing sites at Banbury and Bicester and extend others to meet the above, using the sustainable opportunities available to improve delivery in accord with an amended new Housing Trajectory and Infrastructure Delivery Plan, as well as the designation of Bicester as a "Garden City" by government;
- Extend the site of, and increase the expected total of new homes from, the former RAF Upper Heyford site (policy Villages 5) to help meet the increased local housing needs;
- Allocate land at J11, M40 for additional employment development at Banbury (policy Ban 15), but on a smaller scale than that proposed by the Council, which is not fully justified or necessary in the plan period;
- Add a formal commitment from the Council, together with other relevant Councils, to undertake a joint review of the boundaries of the Oxford Green Belt, once the specific level of help required by the city of Oxford to meet its needs that cannot reasonably be met within its present confines, is fully and accurately defined.

## Introduction

1. This report contains my assessment of the Cherwell Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The basis for the examination is the submitted plan of January 2014. The questions posed during the examination process and for discussion at the hearing sessions are listed in the programme available on the website.
3. This report deals with the main modifications that are needed to make the plan sound and legally compliant and they are identified in bold (**MM**). In accordance with Section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the plan unsound and thus incapable of being adopted.
4. The main modifications that are necessary for soundness are set out in the Appendix and all relate to matters that were discussed at the Examination hearings. Pages 126 onwards of the Appendix deal with consequential amendments to the Policies Map that are a matter for the Council and not part of my formal recommendations. The Council prepared a schedule of proposed main modifications, as well as carrying out a further Sustainability Appraisal (SA), which were subject to public consultation for six weeks.
5. I have taken account of all the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the main modifications where necessary for soundness, consistency and/or clarity. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA that has been undertaken. Where necessary I have referred to these amendments in the report.
6. The Council also prepared a series of additional minor modifications, largely addressing matters of clarification, updating and corrections of text, on which they also sought public comments alongside the main modifications. The Council will take all such responses into account before finalising the plan's text for adoption, but these are not directly relevant to my examination of the plan for soundness and thus most are not referred to further in this report.

## Assessment of Duty to Co-operate

7. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the plan's preparation. It is a requirement that the Council engages constructively, actively and on an on-going basis with the County Council, neighbouring local authorities and a range of other organisations, including Highways England (former Highways Agency) (HE), the Environment Agency

(EA) and Natural England (NE). All relevant bodies listed in Regulation 4 have been engaged, albeit some more than others depending on the extent of their involvement in the plan's proposals.

8. In the Duty to Co-Operate Topic Paper (TOP 1) and elsewhere, including in para 149 of the plan itself, the Council has satisfactorily documented where and when co-operation has taken place, with whom and on what basis, as well as confirming that these discussions have influenced the plan preparation process. This includes regular contacts with Oxfordshire County Council (OCC) and Oxford City Council, amongst others, the outcomes of which demonstrate constructive engagement by the Council on an on-going basis, including in relation to the proposed modifications and on future development prospects in the county. They have also provided later evidence that positive engagement has continued since submission. The plan now includes a firm commitment together with other relevant Councils to help meet any needs for new housing arising in the city that cannot be met within its present boundaries.
9. As made clear at the examination and through Inspector Notes 1 and 2, the publication of the new 2014 countywide Strategic Housing Market Assessment (SHMA) (HOU 12d) helped to confirm that there were serious soundness issues regarding the submitted plan, particularly in respect of the level of new housing proposed for Cherwell district. However, its emergence as important new evidence did not affect the Council's compliance with the duty to co-operate up to that point in time, or indeed since, as the necessary on-going co-operation with all relevant parties, including Oxford City Council, had been continuing as expected by the duty and is suitably evidenced to that effect.
10. The formal arrangements now in place between the various Oxfordshire Councils to fully address the results of the 2014 SHMA (HOU 12d) for the county, including the needs of the city, as now referred to in para B.89b of the plan, as modified, reinforce my conclusion that the duty to co-operate has been met by the Council in relation to this plan. Moreover, I also consider that these arrangements should materially assist satisfactory on-going co-operation. This is so notwithstanding that there is as yet no final agreement on how or where the new housing needs of the city that cannot be met within its boundaries, whatever they may be once finally assessed, would be met, as the duty to co-operate is not a duty to agree.
11. For the time being at least, with the important exception of Oxford City Council as referred to above, none of Cherwell's neighbours has sought help in meeting their local housing or other needs and Cherwell has not asked any other authority to help them; nor does it intend to. Furthermore, no other significant cross boundary strategic issues relating to co-operation with neighbouring Councils or Reg. 4 bodies remain unresolved. Any future request that may come from London for help in regard to the capital's needs would be a matter for a new or reviewed plan to consider at the appropriate stage(s). Therefore, I am satisfied that the duty to co-operate has been met.

## **Assessment of Soundness**

### **Preamble**

12. The principal area of debate surrounding this plan relates to the provision of new housing over the plan period to 2031. Clearly, the plan is expected to

comply with the National Planning Policy Framework (NPPF) (March 2012), including by defining the full, objectively assessed, needs for both market and affordable housing at the outset (para 47 NPPF), before deciding whether or not it can be delivered in practice, taking into account relevant national and important local constraints, such as Green Belt and flood risk.

13. Many respondents expressed serious doubts about the Council's overall approach to new housing in the submitted plan, not least regarding the initial assessment of need. I have shared some of those concerns during the examination process, as reflected in my initial findings following the first hearings in June 2014. The Council has responded positively by reconsidering their figures, particularly in respect of using the full, up to date, levels of objectively assessed need (OAN) in the 2014 Strategic Housing Market Assessment (SHMA) (HOU 12d), in producing the proposed modifications in August 2014, in accord with the guidance in the NPPF.
14. Consequently, these now include a significant increase in the level of new housing provision from 16,750 (2006 – 2031) to 22,840 (2011 – 2031) net new homes over the plan period and the allocation of additional strategic sites, as well as extensions to others, to meet the full OAN for the district. Together with the other relevant authorities, the Council has also chosen to make a firm commitment to a joint review of Green Belt boundaries around Oxford in order to help deliver the necessary new homes to meet the city's identified local needs that cannot be met within it in the near future. This should ensure that the overall needs of the countywide housing market area are fully addressed.
15. For further justification of the logic and merits of the Council's decision to select the high growth option, as many respondents pointed out, it is relevant to consider comparisons with Cambridgeshire, with its equally pre-eminent university city, and the economic growth that has taken place there recently and which will continue in the overall national interest. Therefore, I endorse this important policy decision by the relevant Councils, including Cherwell, as appropriate, reasonable and realistic in the current context.
16. The Council also expects to make other new housing land allocations in the Part 2 LP below the strategic site size level and there will also be a continuing contribution from "windfalls" (para 48 NPPF), as well as from sites brought forward through neighbourhood plans. The plan's vision, objectives and overall strategy of concentrating most new development at Banbury and Bicester, together with some provision at Upper Heyford and Kidlington, remains essentially unchanged. Therefore, I am fully satisfied that the Council's proposed modifications are not so extensive or so significant as to constitute a complete re-write of the originally submitted version or, effectively, a new plan and that they are, essentially, sound.
17. It is unrealistic to expect that this district could reasonably provide for all of any unmet need arising from the city of Oxford's lack of capacity to meet all of its own requirements, as set out in the 2014 SHMA. Clearly, a joint approach involving all the relevant Councils is required on a co-operative basis to fully address the OANs of the whole county as one overall strategic housing market area. Such a process could only be harmed by Cherwell not meeting its own full district OAN, but if it does then that will at least mean that the pressures on the city of Oxford will not be made any worse by a failure to deliver the

necessary level of new housing in this district and the sustainable development of the county as a whole will be materially assisted.

18. Accordingly, I am satisfied that it is appropriate for this plan to proceed on that basis, provided that there is a firm commitment from the Council to play its part in addressing the needs of Oxford city through that joint process in the near future, once those needs have been fully clarified/confirmed. In my judgement, the Council's modifications, notably in para B.89.b, are intended to and should help achieve that important objective.

### **Main Issues**

19. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified fourteen main issues upon which the soundness of the plan depends.

### **Issue 1 – Strategy, Vision and Objectives**

20. The plan sustainably focuses new development in the district's two main market towns of Banbury and Bicester, with their good transport connections, including by rail and on the M40 to London and Birmingham, and where most major services and facilities are located. The majority of local employment opportunities are also sited here. These two large towns are clearly the most sustainable locations in the area.
21. Additional development, albeit of a smaller overall scale, is also directed to Upper Heyford, a very large former military base, and the village of Kidlington, particularly in respect of high tech employment in the latter case, involving a local, small scale, Green Belt (GB) review, as proposed by the Council in the submitted plan. This is to provide a greater variety of realistically deliverable and sustainably located opportunities to help meet local needs, including for the rural areas outside the two main towns.
22. Otherwise, the Council's strategy envisages only limited new development in the more rural parts of the district, some of which in the south is designated as part of the Oxford Green Belt (OGB) around the city, with a small area in the north-west included in the Cotswolds Area of Outstanding Natural Beauty (AONB). Accordingly, new housing to meet local needs in the rural area is largely directed towards high and medium sustainability villages only. A plan strategy that focussed most of the new growth needed on the edge of Oxford rather than Bicester and Banbury would simply not have been a "reasonable alternative", due to the scale of the loss of GB around the city contrary to the guidance in the NPPF and the PPG, as well as the likely infrastructure and environmental implications.
23. In contrast, delivery of the selected strategy and the vision for the district is properly linked with the provision of the necessary supporting infrastructure, involving close working with Oxfordshire County Council (OCC), as set out in the Infrastructure Delivery Plan (IDP) (App 8), especially in respect of transport and education, but also for other necessary community services and facilities. This takes into account already planned enhancements of the area's transport network, including the East/West rail scheme and M40 junction improvements, as well as the implementation of the Oxford/Oxfordshire City Deal (2014) that has secured funding for new investment locally to help

deliver the economic growth of the county envisaged in the Strategic Economic Plan (SEP) for Oxfordshire (ECO 09) (March 2014). The 2013 LP Viability Study (PWE 02) and 2014 update (PWE 03) provide firm evidence that the policies and proposals of the plan are realistically and economically deliverable in terms of on and off site infrastructure provision, as envisaged in the plan.

24. In this local context, the plan's spatial vision and strategic focus for new development on Banbury and Bicester, plus Upper Heyford, is entirely sound and sustainable in principle. Both are also fully consistent with national guidance in the NPPF and PPG; provide a policy background that has good prospects of achieving the anticipated levels of growth and do not rely on the delivery of developments in any neighbouring areas for success. There is no clear evidence that, realistically, any of the alternatives put forward by representors would be more likely to do so over the plan period.
25. The strategy is supported by 15 sensible strategic objectives (SO), each of which has an appropriate part to play in delivering the plan's vision to 2031. The vision and objectives are also consistent with the relevant national guidance in the NPPF and PPG, as well as the Oxfordshire Sustainable Community Strategy (SCS) (TOP SD 25) that seeks to create a world class economy for the county, focussing particularly on the high tech sector.
26. Overall, the Council's evidence base relating to the strategy, vision and objectives of the plan is clear and robust. It is also sufficiently comprehensive and detailed, including by clearly demonstrating that reasonable alternatives to the proposed strategy have been assessed at all the relevant stages dating back to 2008 ("Options for Growth") of the Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) process. This includes in respect of the final submission SA (December 2013) (SUB 04a-d) and subsequent Addendum (August 2014) (SUB 26PM) relating to the main modifications.
27. This has been on an iterative basis, with appropriate inputs to the various versions of the emerging plan that have reasonably and realistically reflected the outcomes of that work and together show how and why the preferred strategy was selected. Any scenario that relied on a more dispersed pattern of major developments instead and/or strategic scale releases of land in the OGB, would simply not have been reasonable or realistic at any stage of the plan preparation process so far in relation to national policies/guidance in the NPPF and PPG.
28. Similar conclusions apply in respect of the work carried out on the Council's behalf in relation to the Habitats Regulations Assessment/Appropriate Assessment (HRA/AA) (SUB 09/10/11) and subsequent Addendums (SUB 26PM/27PM), given that necessary amendments were made to subsequent draft stages of the plan. Accordingly, and taking into account the advice from relevant consultees, notably Natural England (NE), the plan is sound in these respects and requires no further modification.
29. All the available evidence, and particularly the Statement of Consultation (SUB 05) and Addendum (SUB 28PM), confirm that the Council has carried out extensive and appropriate public consultation at each relevant stage of the plan process, including in respect of the proposed main modifications, in accordance with its Statement of Community Involvement (SCI) (July 2006)

(BAC 09).

## **Issue 2 – Employment (Policy SLE 1)**

30. As modified, the plan now positively seeks to deliver a net increase of approximately 23,000 new jobs in the district by 2031, on around 236 ha (gross) of land identified, compared to about 15,000 in the submitted version. This is in the light of the increased new housing proposed and taking account of the August 2012 Cherwell Economic Analysis Study (ECO 01) and its Addendum (ECO 12PM) that anticipates a 0.5% annual district growth rate.
31. Several strategic new employment sites to help provide these jobs would be sustainably focussed primarily at Bicester, but also at Banbury, alongside the majority of the new housing. The LP Viability Study (PWE 02) and update (PWE 03) provide robust evidence that the strategic employment sites identified are essentially deliverable under current market circumstances, albeit some are marginal. However, there is also clear evidence of sites continuing to come forward “on the ground” in both main towns, with good progress made towards delivery on others. Moreover, the plan now contains greater flexibility over B class uses and mixed schemes can also take advantage of an element of cross funding of infrastructure from residential development. Thus, all are considered to have reasonable prospects of completion over the plan period.
32. Whilst Banbury has a relatively good balance between housing and jobs at present, including 41% of the district's employment, the strategy rightly seeks to redress the balance somewhat in Bicester (20% of current employment) to help reduce out-commuting through new job growth, by taking advantage of its good and improving transport links, including for B2 and B8 uses.
33. There would also be limited provision at Kidlington to support its contribution to the important role of Oxford in the county's economy. This would involve a local, small scale, review of the boundaries of the OGB around the existing Begbroke Science Park and Langford Lane/Oxford Airport (Oxford Tech Park) locations. It is intended to reinforce their roles as part of a high tech “cluster” of existing businesses that includes university “spin off” companies with good short term growth prospects. The specific details of this review are a matter for the LP Part 2, albeit two “areas of search” are identified. All of the above is consistent with the Oxford/Oxfordshire City Deal, the Oxfordshire Strategic Economic Plan (ECO 09) and the Oxford Innovation Engine report (ECO 10), as well as the Economic Analysis Study for Cherwell (ECO 01).
34. It is essentially unrealistic to have specific jobs growth targets for particular sectors of the economy, as the market is inherently more flexible and the relevant technologies change so quickly, nowadays. In that context, the evidence supports the plan's conclusion, that, including existing commitments and allocated sites, enough office space is likely to be available over the plan period such that no new strategic level provision is required. In these circumstances, any other proposals for B1 office space should therefore be considered on their own merits in the light of specific local needs and all other relevant plan policies.
35. There is a significant supply of land committed for B8 uses that is likely to

come forward over the plan period. Nevertheless, the B8 sector continues to be successful locally and the area retains its general attractiveness for logistics operators. It is also desirable to retain a range of size and type of sites for potential new businesses and the expansion of existing ones to provide local jobs, including towards the end of the plan period. Moreover, the "frontloading" of that supply should increase choice and provide flexibility to help achieve that aim as part of the area's economic growth. At present, the limited availability of larger sites to meet Banbury's needs in particular is said to be inhibiting these prospects.

36. Therefore, taking into account the increased level of new housing, an additional strategic employment site has been proposed at J11 of the M40 (new policy Ban 15) in the modified plan. This should help meet the identified demands from local companies for further B2 and B8 space in the Banbury area. The main modifications put forward by the Council in relation to this site are addressed in detail under issue 11. With this additional allocation, in principle, the employment provision satisfactorily reflects the overall spatial strategy of the plan, including the likely level and locations of new housing, as well as local needs for new employment opportunities, and would help maintain a broad balance between the two. It also takes into account the limited loss of some existing employment land in Banbury in connection with the proposed re-development of the Canalside site (policy Ban 1).
37. The Council's evidence includes the 2012 Employment Land Review update (ECO 06), a review of all existing sites across the area which confirms, amongst other things, that the vast majority remain suitable for continuing B class uses. Accordingly, and taking into account the natural "churn" of sites within these sectors and the provisions also made at the strategic sites to balance most of the new housing requirements, it is appropriate that policy SLE 1 should seek to retain the vast majority of existing and allocated employment sites in B class uses. However, a rewording of the policy and some of the supporting text in paras B41 and B46 is necessary for clarity and to assist its operation in practice, including the introduction of greater flexibility to accept differing B class uses in particular locations (**MMs 19/20**).
38. Subject to the necessary monitoring and review set out in the plan, policy SLE 1 should provide for sustainable economic growth and meet the objectively identified business needs, in accord with the expectations of the NPPF. Nor does it constrain additional job provision coming forward above the estimated figures in suitable locations, including on mixed use sites and within existing built up areas, should that prove realistic and viable, including alongside new housing growth. This also takes into account the anticipated increases in jobs arising from local growth in non B use class sectors, such as retail, which is sustainably focused on the town centres of Banbury and Bicester.
39. Consequently, with one exception at J11 M40 on the edge of Banbury, there is no need for the plan to identify any further strategic or out of town locations for major new employment development, in order to provide a broad balance between new homes and new jobs over the plan period. None of the further strategic employment site alternatives put forward by representors, whether related to motorway junctions or elsewhere in the area, would provide a more sustainable location than those in the plan. Those of a non-strategic scale can be considered on their own merits in the LP Part 2, if appropriate, or in

relation to specific proposals against other relevant policies.

40. Together with the renewal and regeneration of some older industrial areas, as part of the retention of existing employment land and buildings under policy SLE1, as well as growth in office space and non B class uses, such as retail, the plan provides an appropriate overall approach to sustaining, diversifying and improving the local economy, in accord with the NPPF. The policy is also consistent with and should help to meet strategic objectives SO 1 to SO 5. This includes by focusing new employment development first on the most sustainable locations at Banbury and Bicester, followed by Kidlington to a lesser extent, particularly in terms of high tech employment. Accordingly, with essential modifications for clarity of intent (**MM21**), policy SLE 1 is sound and compliant with NPPF guidance, such as in paras 21, 23, 24 and 161.
41. However, despite the Council's willingness to include a reference to "examining options for the release of land at motorway junctions in the district for very large scale logistics buildings in the Part 2 LP", it is not necessary or appropriate to include this commitment in the policy. This is because the existence of such a need, specifically in this district, is as yet largely unproven and appears to be essentially reliant on speculative enquiries only at present. Moreover, such schemes would be road based and likely to prove visually intrusive in the open countryside due to the size of buildings, as well as potentially difficult and/or expensive to cater for satisfactorily at the M40 junctions in highway capacity terms.
42. Nor does it take into account the availability of alternative locations, such as at DIRFT III near Daventry, Northamptonshire, not far away from Banbury, where around 345 ha of land for such uses has recently been permitted under the national infrastructure regime, specifically to meet the national and regional need for such major facilities, with the great advantage of rail access availability in sustainability terms. Given that the strategic and other employment sites identified in the plan are sufficient to provide the level of new jobs necessary to deliver the plan's strategy and objectives over the plan period, there is no particular need for policy SLE1 to include this commitment by the Council, not least as it may raise unrealistic expectations and/or unnecessary concerns as to the content of the Part 2 LP. Otherwise, policy SLE 1 is sound.

### **Issue 3 – Housing Scale and Distribution (Policies BSC 1 to 6)**

#### *Policy BSC 1*

43. The submitted plan included provision for 16,750 new homes (670 per year) in the district from 2006 to 2031. This was largely based on a 2007 countywide Strategic Housing Market Assessment (SHMA), as supplemented by a 2012 update and review for Cherwell district only. However, following the hearings in June 2014, my preliminary findings were that this figure did not represent the full, objectively assessed, local need for new housing.
44. This was largely because it essentially relied on an out of date evidence base. This had not been properly reconsidered in the light of current needs and circumstances, including not only the guidance in the NPPF, but also the 2011 Census results, amongst other things, such as more recent DCLG/ONS

population and household projections providing the necessary inputs on migration and demographic change. Nor did it represent an unconstrained initial assessment of needs, including for affordable housing, to which relevant constraints and market factors could later be applied, as required by the NPPF.

45. The Council responded positively by reconsidering their figures, particularly in respect of using the full, up to date, levels of objectively assessed need (OAN) in the 2014 Oxfordshire SHMA (HOU 12d), in producing the proposed main modifications in August 2014. Importantly, as a starting point, the 2014 SHMA figures are not affected by considerations of possible constraints to capacity or to delivery, in either policy or practical terms, in accord with the NPPF's requirements in this regard.
46. This re-assessment has led to a net new housing requirement of 22,840 homes for the district, equivalent to an average of 1,140 units per year from 2011 to 2031 to meet local needs. It is based on the Council's conclusions, supported by other relevant Councils, that the district's sustainable development can realistically only be fully met through the very positive "Committed Economic Growth" scenario set out in the SHMA. As a policy decision by the Council over and above the numbers needed to meet population and demographic projections alone, this takes into account the present level of employment commitments in the district and nearby, the very positive prospects for the county's economy, the relevant county and district Strategic Economic Plans, the Oxford/Oxfordshire City Deal (2014) and the objectives of the two Local Economic Partnerships involved.
47. Criticisms of the 2014 SHMA and the Council's decision to adopt the higher "Committed Economic Growth" scenario outcome as the basis for the new housing figures focus on both the process undertaken and the factors taken into account. However, the process was defined and the methods agreed and monitored by all the Councils commissioning the work from independent consultants, at each relevant stage, as being consistent with the requirements set out in the NPPF, such as paras 47 and 159, and appropriate for the task. In common with all the relevant councils at the hearings, I am fully satisfied that the methods used in, and the scenario outcomes arising from, the 2014 SHMA are consistent with the requirements of the NPPF and the PPG.
48. Other criticisms of the SHMA are essentially based on alleged inadequacies and inconsistencies in national policy and in relation to the potential implications that might arise. For example, it is argued that developers will simply sit on land once allocated and ration delivery of new housing according to their own financial interests alone. However, neither individually nor collectively do these criticisms amount to a justification for finding the SHMA or the modified new housing figures unsound, still less the plan or its strategy, vision and objectives, given their consistency with the NPPF and PPG.
49. Forecasting of new housing needs is not an exact science. It has been particularly difficult of late with complications arising from the recent recession, particularly in respect of new household formation, and short term variations in international migration into this country that are difficult even to accurately record, let alone project forward with confidence for a number of years. Notwithstanding, I have concluded that the Council's revised total, based largely on the 2014 SHMA, is essentially consistent with national

guidance as to best practice in this regard, and suitable for the purpose in this particular instance, having regard to the local circumstances referred to above.

50. As required by the NPPF, it also properly reflects current "market signals" confirming the strong level of demand in the area given its location. For instance, Oxford has recently been identified in the property market as the "least affordable location in the country" to buy a home. The evidence for the very positive economic growth prospects in the county in general and the district in particular is robust and realistic, bolstered by the national economic recovery now underway. It has therefore been acknowledged by the relevant Councils, including Cherwell, as the most suitable and appropriate basis on which to plan for their new housing needs up to 2031.
51. This enhanced level of growth significantly above the baseline requirement necessary for population growth and demographic trends alone would take full account of the robust economic evidence, as well as the strong "market signals". It would help to deliver sustainable development by taking advantage of the good opportunities for new employment growth in the district and nearby to benefit the local, regional and national economies as a result. It would also take advantage of important transport improvements locally, especially for rail services and facilities.
52. In the Council's judgement and as demonstrated in the modified plan this can be done without the need to release land from the OGB for new housing, compromise the appropriate protection of the small area of AONB in the district or build on areas of significant flood risk. Suitable infrastructure provision can also be viably and realistically delivered to facilitate that level of development over the plan period.
53. None of the alternative proposals produced by representors would provide a more suitable basis for new housing provision, taking into account all the evidence submitted, including that with the proposed main modifications and the comments thereon. In short, a "business as usual" scenario, continuing previous levels of new housing delivery in the district or just meeting local population growth and demographic trends alone, as advocated by some, is simply not realistic or reasonable in current circumstances and would not be compatible with the requirements of the NPPF (e.g. para 158).
54. In contrast, the 2014 SHMA and the modifications arising from it now properly address the NPPF's requirements for a "significant boost" to new housing supply and to meet the full OAN, including for affordable housing, as well as take account of "market signals", which the submitted plan did not. The Council's work on the modifications, including the SA Addendum (2014), has confirmed that the full OAN for Cherwell can be met over the plan period without the need to remove land from the OGB for new housing or to compromise any other policies of the NPPF, such as in respect of nature conservation sites of European importance or flood risk. Thus, there are no significant national or local policy constraints that preclude the Council's ability to plan for meeting the full OAN in the district over the plan period.
55. Moreover, the revised IDP also indicates that the necessary levels of infrastructure can be viably delivered alongside the new homes and related development, particularly given the promised government funding to help with

delivery in Bicester as a new "Garden City". All of the above strongly reinforces the conclusion that the higher level of new housing is reasonable and realistic, particularly as the plan's strategy concentrates the vast majority on Bicester and Banbury with an overall reduction in the annual rate in the rural areas of the district so that their character and appearance need not be materially harmed. The plan, as modified, should also help to reduce pressures for development in and around Oxford city, albeit not to the extent necessary to meet all of its needs that seem likely to be unmet within its present boundaries, such as through the major growth at Bicester, which is not far away and with significantly improving public transport links to Oxford and elsewhere.

56. All the available evidence, including the recent viability update (PWE 04PM) indicates that both the timing and total of new housing would be largely viable and essentially deliverable over the full plan period, albeit challenging for all concerned given that this level has only been achieved in one previous year (2005/6) in recent times. Notwithstanding, the Council's evidence in the IDP (App 8) is essentially robust, up to date and credible in these respects, with no insurmountable barriers (or "showstoppers") apparent in relation to the strategic sites.
57. Whilst this conclusion is based on the current position, continuing strengthening of the national and local economy could only reinforce this judgement. I therefore conclude that the plan, as modified, would be effective in this regard. Moreover, there are also no phasing restrictions in the plan that might hinder an enhanced rate of delivery should that prove viable on any strategic site, or elsewhere. In the light of all of the above, there would be no justification for any such measures in any event.
58. Overall, and taking into account all the available evidence, statements and submissions, I conclude that, as modified, the plan is based on a full and up to date objective assessment of housing need in the area to 2031, taking account of reasonable population and household projections, having regard to all relevant local factors, including current market conditions in the district. The modified new housing total and revised housing trajectory represent a reasonable and realistic, deliverable and justified, basis for meeting local needs over the plan period. In particular, there are no national or local policy constraints that significantly and demonstrably outweigh the benefits of complying with the other relevant parts of the NPPF in terms of meeting the full OAN for new housing, including affordable housing, in Cherwell to 2031.
59. The plan would be consistent with the objectives of the NPPF in providing a significant boost to new housing delivery and in terms of helping to provide a rolling 5 year supply of sites across the area. In particular, this would be assisted by the allocation of the strategic sites that are critical to overall delivery, in direct accord with the first point in para 47 of the NPPF. Through its policies, the plan would also confirm the general suitability of other sites, encouraging their early development.
60. The proposed main modifications were subject to public consultation and SA/SEA and I have taken all the responses fully into account in reaching these conclusions on this important issue. They also include a new housing trajectory to help ensure that the plan is effective and up to date (**MM 168**).

Nevertheless, it can only be a broad estimate of likely new housing delivery, including on the strategic sites, and will have to be regularly reviewed through the plan's monitoring process.

61. Overall, I conclude that, subject to appropriate main modifications that are essential for soundness, including provision of 22,840 net new homes (**MM 34**), as well as the identification of additional and extended strategic sites, the plan suitably and sufficiently addresses the full OAN for housing, including affordable housing, in Cherwell to 2031.
62. Much of the supporting text to policy BSC 1 also needs to be modified to accord with the above (**MMs 30-33**). It is also essential for clarity and soundness that the Council's firm commitment to help meet the needs of Oxford city as part of the countywide housing market area, jointly with other relevant authorities including through the Oxfordshire Growth Board, as well as in respect of the Oxford and Oxfordshire City Deal (2014), is formally recorded in the plan as in new paras B.89.b and B.90 (**MMs 28-29**).
63. This joint review of the boundaries of the OGB, as distinct from any "in principle" consideration of the need for its existence, will have to take into account the important objectives that underpinned its initial designation, as well as the OANs of the city of Oxford that cannot reasonably be met within its present built up area. However, the fact that it was first designated and defined very many years ago now supports the conclusion that a review of its boundaries is at least timely, if not necessarily overdue.

#### *Policy BSC 2*

64. In regard to the distribution of new housing across the district, the plan logically focusses the majority on strategic sites at Bicester (around 10,000) and Banbury (about 7,300), clearly the most sustainable locations. Approximately 5,400 homes are also directed to the former RAF Upper Heyford, Kidlington and the largest villages, thus on a lesser scale overall, consistent with their status in the settlement hierarchy.
65. The general concentration of new housing on sites around Bicester and Banbury partly reflects their clear potential to deliver significant numbers of new homes in a relatively short timescale, alongside the provision of necessary new infrastructure, services and facilities to support growth and help to achieve the plan's aims and objectives. Together, these allocations provide an appropriate range of size and type of new housing site across the area to provide reasonable choice and some flexibility for the house building industry. The involvement of national house builders in many of the allocated sites in the plan should also assist early delivery in most cases.
66. In these circumstances the balance of new housing between the two towns and the rural areas is appropriate, given the economies of scale and concentration of new infrastructure that are likely to assist delivery in respect of the former. These conclusions are borne out by the additional SA/SEA work prepared in relation to the proposed main modifications. The same would not apply to a more dispersed pattern of new housing growth, incorporating smaller scale schemes at less significant settlements. Accordingly, subject to the proposed modifications, the general distribution of housing put forward in

the plan is also sound.

67. Policy BSC 2 properly expects that new housing should make effective and efficient use of land by seeking a density of at least 30 units per net developable hectare on all sites, unless a particular justification exists for a lower figure. It also encourages the re-use of previously developed or "brownfield" land in sustainable locations, including on a number of major allocated sites in Banbury, Bicester and at former RAF Upper Heyford. Both elements are entirely in accord with national guidance in principle. However, modifications are necessary for soundness, including to delete reference to a specific target percentage over the plan period (and to amend the text accordingly), as this would be largely a "hostage to fortune" in the absence of any phasing mechanisms or other control measures in the plan (**MM 25-30**).

*Policy BSC 3*

68. In relation to affordable housing, a net need of 407 new affordable units a year has been identified in the 2014 SHMA, excluding any contribution from the private rented sector. This high level of need is properly reflected in the full OAN figure for the district of 1,140 new homes annually from 2011 – 2031 and the housing trajectory (App 8). The Council's own active involvement with a district wide community land trust and self-build projects, including a major one at Graven Hill, Bicester (Bic 2), should materially assist in meeting the affordable housing needs.
69. The Affordable Housing Viability Study and later update (March 2013) adequately demonstrate that, in general, affordable housing can normally be delivered in Cherwell without social housing or other grant funding and that percentage rates of 30% in Banbury and Bicester and 35% elsewhere are viable under current circumstances, taking into account all other relevant policy requirements of the plan. This is based on an expected tenure split of 70% affordable/social rented and 30% intermediate housing that also accords with identified local needs.
70. However, in view of the latest government policy announcement on affordable housing (28 November 2014), it is necessary for soundness to delete the third para of policy BSC 3 in relation to all schemes of 3 - 10 dwellings and add the words "and elsewhere in the district" after "Kidlington" in the second para thereof for consistency (**MM 39**). Subject to this, the policy is sound and fully justified by the available evidence. It would help meet the affordable housing component that is fully included in the total OAN figure for the district.

*Policy BSC 4*

71. The 2014 SHMA also provides relevant up to date figures on the mix of size and type of new housing needed in the district between now and 2031, including that arising from the significant increase in the percentage of elderly people in the population, as acknowledged in the NPPF. Given that a relatively recent study (February 2011) confirms that overall scheme viability would not be significantly reduced, policy BSC 4 appropriately seeks a mix of homes to meet identified local needs and help create socially mixed communities, including that a minimum provision of extra care units will be expected on larger schemes of 400 dwellings or more. Subject to the updating of the text

to reflect the 2014 SHMA and addition of a reference to the provision of housing for the disabled and those with mental health needs, and others for clarity, the policy is sound (**MMs 40-45**).

*Policy BSC 5*

72. Policy BSC 5 confirms the Council's general support for and direct investment in improving the physical and community fabric of particular areas of the district with challenging social conditions. This includes in eastern and western Banbury in accord with the "Brighter Futures in Banbury" initiative. The policy is sound with no modifications required.

*Policy BSC 6*

73. An up to date assessment (January 2013) for the district (and two adjoining authorities) indicates that a further 15 pitches are required from 2012 – 2027, with 5 by 2017, to meet the local needs of the gypsy and traveller communities. A similar, albeit older (2008), assessment for travelling show-people concludes that their needs are for a further 14 plots by 2018. Applying a compound growth rate of 3% to the latter and extrapolating the 5 year scenarios in the needs assessment for the former (HOU 06) results in a need for 19 (net) new pitches and 24 (net) new plots by 2031. The Council has modified the numbers in the policy accordingly (**MM 46**).
74. No new pitches/plots are specifically identified as a result. However, this policy in a Part 1 LP would be followed shortly by a LP Part 2 that will allocate the required sites, as the Council has always intended from the outset of the overall process. The relatively swift completion of the LP Part 2, according to the Council's LDS, should ensure that there is no significant delay to the local needs of the gypsy and traveller communities being properly addressed and met by 2017 at the latest. In particular, para E.12 of the monitoring and delivery section of the modified plan now refers to the allocation of non-strategic sites for new housing, which would include for the needs of gypsies and travellers, in the LP Part 2 (or Neighbourhood Plans) and there is a specific indicator and appropriate target included in Theme Two of this plan's monitoring framework. I thus consider the approach to the assessment and provision of gypsy and traveller accommodation to be sound.
75. Also of importance in meeting gypsy and traveller needs locally, the latter part of the policy sets out a sequential and criteria based approach, to be utilised for both site selection in LP Part 2 and in the consideration of planning applications, that is comprehensive in its coverage. This should enable further gypsy and traveller sites to come forward during the plan period. Subject to adding relevant references to the existing level of local provision, the availability of alternatives to applicants, and reasonable walking distances, the policy tests and criteria are reasonable and contain sufficient and suitable detail to assist implementation, albeit para B.140 of the text also needs to be deleted as inappropriate (**MM 46**). The remainder of the policy is sound.

**Issue 4 – Retail (Policy SLE 2) and Tourism (Policy SLE 3)**

*Policy SLE 2*

76. A retail hierarchy for the district is effectively established through policy SLE 2

**(MM 22)**, with first Banbury and then Bicester naturally at the top and where the majority of new floorspace will be directed over the plan period, albeit with some limited further provision in Kidlington village centre. Although there are no specific figures in the policy itself, para B.51 of the text refers to the 2012 Retail Study (ECO 03) that identified the scale of need for both comparison and convenience shopping in the district up to 2031. This constitutes robust and up to date evidence to support the plan. As with all such studies, the Council can reasonably be expected to review the district's retail needs from time to time as a part of their normal monitoring process. Hence, it is not essential for a firm or formal commitment to a review date to be included.

77. Confirming developer interest and viability, new investment in retail led schemes is already underway in both main town centres to complement the allocated residential and employment development, with a range of suitable sites identified in the plan in accord with para 23 of the NPPF. These sites should provide sufficient capacity to deliver all the new floorspace deemed necessary in the 2012 Retail Study (ECO 03). However, the extension of town centre boundaries to take those projects into account does not need to be undertaken in this plan. Rather, in the main, this is a matter best addressed once the allocated sites have been developed and any wider effects on the functions and operations of the town centres as a whole taken into account.
78. Consequently, it is appropriate that this plan includes "areas of search" where such changes will be considered, with the detailed re-definition of boundaries to follow in the LP Part 2. This applies in Bicester, in relation to Bicester Village and its relationship to the town centre, as it does to Banbury in connection with the Canalside scheme (policy Ban 1). Given its specialist retail offer and economic importance to the district, it is equally appropriate that new text (para B55a) is added to clarify the niche role of Bicester Village, outwith the main hierarchy and the town centre, as it is not a suitable location for "main town centre uses", but complementary thereto. It is also relevant to record in the plan the Council's support for its further expansion in principle, not least to assist with improved connectivity with the town centre in all respects **(MM 23)**.
79. The policy itself requires some amendment to its wording for clarity and ease of implementation, including confirming that preference will be given to sites well connected to town centres; that compliance with policy SLE 4 (Transport) will be expected and that the Retail Study (ECO 03) provides supporting evidence and is background information, rather than having a direct role in the determination of applications. In addition, the policy's last sentence needs to be clear as to the type of retail floorspace that should be provided in connection with new residential developments and that it should be limited in scale and nature, so as not to risk harm to the vitality and viability of main town and other local centres **(MM 24)**. In all other respects the policy is sound and consistent with SO 4.

*Policy SLE 3*

80. Policy SLE 3 on tourism, which currently contributes around £300m to the district's economy, positively supports the provision of new and/or improved facilities in sustainable locations, including new hotels in both Banbury and Bicester, in accord with the guidance in para 28 of the NPPF and the 2008

Cherwell Tourism Development Study (ECO 04), as well as SO 5. In particular, the plan recognises the relevance and value of Bicester Village as a national/international tourist destination, with about 3.6m visitors a year, as well as the potential for new tourism developments at the former RAF Bicester, in the two main towns and along the Oxford canal.

81. However, for accuracy and completeness, the supporting text of the policy also needs to refer to the important opportunity for the creation of a Cold War visitor centre/experience at the former RAF Upper Heyford in connection with the retention and conservation of its unique character and features, as endorsed by Historic England (EH), as an integral part of the re-development and re-use of the overall site (**MM 26**). Otherwise, policy SLE 3 is sound.

## **Issue 5 – Transport (Policies SLE 4 and 5)**

### *Policy SLE 4*

82. The district already benefits from relatively good rail links, with significant improvements in progress, including the East – West link, the new station at Water Eaton and the upgrading of Bicester Town station. There are also generally good road links, including on the M40 to London and Birmingham. However, peak hour highway congestion issues in Banbury, Bicester and on the A34 and A41 all need to be addressed over the plan period, as does the improvement of bus services in the former particularly, notably across town.
83. In addition to making strategic site allocations where they are or can be made to integrate well with the existing local transport network, including rail and bus services, walking and cycling, the plan sustainably promotes modal shift away from private car use, where possible. New development is also expected to contribute to necessary improvements to transport infrastructure and services, including at M40 Junctions 9 and 10, in accord with the Oxfordshire Local Transport Plan 2011 – 2030 (LTP 3) and its update/review (LTP 4).
84. Both HE and OCC as local highway authority endorse this policy, as proposed to be modified, as well as the overall strategy and proposals in the plan, in terms of their respective interests and responsibilities (SOCG PM21). This includes confirming that, with the improvements planned, including at the M40 junctions, the strategic highway network should be capable of satisfactorily accommodating the growth levels in the modified plan to 2031.
85. Some amendments to the SLE 4 policy wording and text with consequential ones elsewhere in the plan are however necessary for soundness, including that transport improvements are required in connection with the re-development of the former RAF Upper Heyford. They would also clarify that options for new link and relief roads on the local networks at Banbury and Bicester towards the end of the plan period and beyond will be subject to full public consultation through the LTP review process, conducted by the County Council, and the LP Part 2, which will identify routes (**MM 25**). This is important as there has been some level of local uncertainty up to now on how these matters would be progressed. Subject to the above, and the addition of a reference to sustainable transport (**MM 27**), the policy is sound.

### *Policy SLE 5*

86. Policy SLE 5 relates to the High Speed 2 rail link between London and Birmingham that is planned to pass through the district. As this is a national infrastructure project, the policy is properly confined to setting out how the implementation of the scheme would be managed by the Council in association with the promoters/developers and contractors/operators, in order to minimise adverse impacts and maximise benefits for the locality. As such, it is sound.

**Issue 6 – Climate Change, Energy, Environment and Landscape (Policies ESD 1 – 18, except ESD 14)**

*Policy ESD 1*

87. Measures to be taken locally to mitigate the climate change impacts of new development are set out in policy ESD 1, including in respect of carbon emissions and renewable energy, as part of a proactive strategy with policies ESD 2-4 for adaptation. Bearing in mind the physical and environmental constraints to development in the district, notably in respect of flood risk, it is sound as submitted and has been properly taken into account in the identification of strategic site locations in the plan, as well as consistent with SO 10 in particular.

*Policy ESD 2*

88. Policy ESD 2 promotes an “energy hierarchy” and, as now modified by the Council (**MMs 52-55**), also includes reference to “allowable solutions”, so as to provide an additional element of flexibility in accordance with the emerging national approach. Accordingly, it is sound.

*Policy ESD 3*

89. Representors have suggested that policy ESD 3, dealing with sustainable construction, is no longer necessary in the light of the government’s decision (25 March 2015) to phase out the Code for Sustainable Homes (CSH) and for all such measures to instead be required under the new national technical standards. However, this will not apply to non-residential buildings and the policy makes direct reference to requirements being “in line with Government policy”. Therefore, acknowledging that there may well be a need for an early review regarding new housing, the policy, as modified/updated by the Council, remains relevant in principle, albeit some amendments to wording are needed for clarity and soundness (**MMs 56/57**). It is justified in relation to other forms of development in any event, as well as in the light of Cherwell’s designation as an area of water stress, and thus sound.

*Policy ESD 4*

90. The Council’s in principle support for decentralised energy systems, reflecting the broad potential for such supply in the district, in policy ESD 4, includes a requirement that all new housing schemes of 100 units or more should carry out a feasibility assessment for district heating and/or combined heat and power. Given the last sentence of the policy making the requirement subject to viability and deliverability and providing the opportunity for alternative solutions, the policy is not unreasonable or unduly restrictive. Even at this relatively low threshold of scheme size it is appropriate in this district bearing in mind the opportunities available locally and sound as a result.

*Policy ESD 5*

91. A similar threshold of 100 units or more for an assessment is now included in policy ESD 5, regarding renewable energy. It is equally appropriate in principle, given the energy hierarchy in policy ESD 1 and the plan's strategic objectives. Again, suitable provisos would apply in respect of delivery and viability as well as a potential role for "allowable solutions", once defined. It clearly deals with different aspects of climate change mitigation from policy ESD 4 and therefore needs to be a separate policy in the plan, rather than being merged together, and is sound.

*Policy ESD 6*

92. Whilst it largely reflects national policy and guidance in the NPPF and the PPG, policy ESD 6 provides a full analysis of the approaches and specific measures necessary to manage and reduce flood risks in a district that has a high risk of flooding in some places. It is supported by detailed research on water issues in the SFRA levels 1 & 2, including in respect of informing the strategic site allocations (ENV 10, 15,16, 17, 22PM & 23PM), and endorsed by the EA, as well as consistent with paras 99-108 of the NPPF and the PPG. It is therefore sound and appropriate in the plan.

*Policy ESD 7*

93. As part of the plan's treatment of water issues, policy ESD 7 requires the use of sustainable urban drainage systems (SUDS) for all development. This is justified locally by evidence from the SFRAs that all parts of the district are generally suitable for one form or another. The reference to the need to also protect water quality also helps to confirm that the policy is sound.

*Policy ESD 8*

94. In line with the Water Framework Directive, the Thames River Basin Management Plan and the EA's research confirming that Cherwell is in an area of serious water stress, policy ESD 8 suitably seeks to ensure that new development avoids adverse effects on the water environment, including in terms of quality.

*Policy ESD 9*

95. Policy ESD 9 deals appropriately with the protection of the Oxford Meadows SAC, the only site of European nature conservation importance in the district. This is in accord with the outcomes of the HRAs, including the appropriate measures recommended therein and especially in relation to groundwater flows and water quality, as well as para 113 of the NPPF.

*Policy ESD 10*

96. The biodiversity and natural environment of the district are sought to be protected and enhanced through policy ESD 10, including by seeking net gains and new resources from developments, as well as suitable mitigation of losses where the overall public benefits of the scheme outweigh the harm to the site. The policy is consistent with the NPPF, including paras 109 and 118, as well as being endorsed by both NE and the EA as sound.

*Policy ESD 11*

97. Where Conservation Target Areas have been identified to restore biodiversity and particularly priority habitats, appropriate surveys and reports will be required under policy ESD 11 in connection with developments in or adjacent thereto to identify constraints and opportunities for enhancement. This policy also accords with the guidance in the NPPF, including paras 109, 114 and 117, is supported by relevant local organisations and is sound.

*Policy ESD 12*

98. The Cotswolds AONB designation affects only a small part of the district around the village of Epwell, but nevertheless it is necessary to reflect the current AONB Management Plan of March 2013, as well as the NPPF, in a plan policy seeking to conserve its landscape and scenic beauty. Policy ESD 12 soundly achieves that objective.

*Policy ESD 13*

99. Policy ESD 13 seeks opportunities for enhancing the character and appearance of the landscape, particularly in urban fringe locations, as well as requiring new development to respect existing local landscape character, including by reference to the Oxfordshire Wildlife and Landscape Study. It is sound and consistent with the NPPF, including paras 17, 109 and 123, and the PPG.

*Policy ESD 14*

100. Policy ESD 14 relating to the OGB is dealt with under issue 13 jointly with Kidlington later in this report.

*Policy ESD 15*

101. Five purposes are listed for policy ESD 15, in addition to the initial requirement that all new development on the edge of a built up area must be carefully designed and landscaped to help assimilate it into the rural setting of towns. In particular, these relate to the definition of "green buffers" on the Policies Maps, whereby the Council seeks to retain the identity and settings of towns and villages, protect the landscape, gaps and views, prevent coalescence and help define limits to settlements.
102. Whilst strongly supported by some, notably parishes close to both Banbury and Bicester, this policy has been the subject of major criticisms from others. This is partly on the basis that it seeks to introduce an unnecessary and unjustified level of overall restraint on development in the defined areas, when other plan policies, such as ESD 13, are entirely suitable to protect those areas from inappropriate and/or harmful proposals in the countryside.
103. Notwithstanding its "evolution", including through the various iterations of the Green Buffers Reports (ENV 04 and ENV 07), which reviewed boundaries amongst other things, the policy effectively duplicates some of what is covered under policy ESD 13 (which is sound), notably in relation to the protection of local landscape character. Moreover, as modified, the last section of the policy is intended to make clear that it should not operate as an overall restraint on development, as some fear, but inevitably that is how it will be seen and

interpreted by many, bearing in mind the title and the designations on the Policies Maps, in practice.

104. Indeed, whilst the Council says that it is not intended to preclude development, the true purpose of the policy is questionable at best if that is not the case, given the duplication with other plan policies in relation to aspects such as the protection of important landscape features and heritage assets. The policy is also said by the Council to be about “place shaping” but, inevitably will be seen by those interested in the very long term future of both Banbury and Bicester as identifying by omission those areas which are not seen as worthy of protection from development and which will then be subject to development pressures that would be premature at best. To avoid this effective “pre-judgement”, it would be more appropriate for such important decisions to be taken at a time in the future if and when they actually need to be made and when all relevant factors and up to date evidence is available.
105. Furthermore, para B260a of the modified plan confirms that infrastructure provision in the green buffers is not excluded and that their boundaries may need to change following the allocation of new sites to meet the local needs of villages in LP Part 2. Sufficient land to meet the needs for both housing and employment to 2031 has been allocated in the plan, as modified, so no new strategic sites should need to come forward. Policy C15 of the adopted LP (TOP SD 31) will also continue to apply to help prevent coalescence between settlements, pending completion of the LP Part 2. In such circumstances, policy ESD 15 is unnecessary, as all the other relevant policies including ESD 13 which addresses some of the same matters should be suitable and sufficient in practice to protect vulnerable gaps between settlements from inappropriate development and avoid coalescence. Accordingly, it is unsound as submitted and as modified and should be deleted (**MMs 51 + 63**).
106. A reworded policy applying only to specific locations meeting the narrower definition of “valued landscapes” (para 80) and/or “areas of environmental or historic significance” (para 157) as defined in the NPPF, particularly around Banbury and Bicester, could be considered by the Council once the local needs of villages have been assessed to identify where development would be inappropriate, for inclusion in the LP Part 2.

*Policy ESD 16*

107. The built and historic environment of the area will be conserved and high quality design sought in all new development and is essential in the vicinity of the district's natural and historic assets under policy ESD 16. It is justified by relevant background evidence (notably in ENV 03, 05, 06 and 08), consistent with the NPPF, including paras 56, 58, 59 and 60, and supported by EH and NE. It will also be supplemented by more detailed design and historic environment policies in LP Part 2.

*Policy ESD 17*

108. The local importance of the Oxford Canal running north-south through the district is recognised in policy ESD 17, which properly seeks to protect and enhance it as a green transport route, tourist attraction, leisure facility and significant industrial heritage.

### *Policy ESD 18*

109. As part of sustainable development, policy ESD 18 seeks to secure an adequate network of green infrastructure across Cherwell, including the proposed country park to the north of Banbury (policy Ban 14), alongside policies BSC 11 and ESD 10, amongst others. It has the active support of NE as well as many other local organisations and accords with policies and guidance in the NPPF and PPG.

## **Issue 7 – Community Facilities and Green Spaces (Policies BSC 7 – 12)**

### *Policy BSC 7*

110. Policies BSC 7 – 12 focus on the provision of infrastructure necessary for sustainable development across the district, including education, health, public services/utilities, open space and community facilities. The requirements set out therein relate directly to the IDP (App 8) prepared jointly with OCC and accord with the guidance in the NPPF and PPG. In particular, policy BSC 7 on education, as modified by the Council (**MM 47**), now includes reference to new schools being provided in various locations, including at NW and SE Bicester and at Banbury, in addition to their identification in the strategic allocations.

### *Policies BSC 8/9*

111. In accord with para 171 of the NPPF, policy BCS 8 supports the provision of health facilities in sustainable locations, including the replacement of the Bicester community hospital, which is a local priority and underway. Policy BSC 9, as modified by the Council (**MMs 48-49**), also now refers to superfast broadband amongst the public services and utilities required for sustainable development. The clear necessity for additional burial space in both Banbury and Bicester to meet local needs is also acknowledged in the plan.

### *Policies BSC 10 -12*

112. Policy BSC 10 includes the protection of existing open spaces from loss to alternative forms of development, consistent with para 74 of the NPPF, as well as reference to existing deficiencies and the securing of new provision in connection with development. Consistent with para 73 of the NPPF, local standards for outdoor recreation are listed in tables related to policy BSC 11, based on the Green Space Strategy (LE 101), Open Space Update 2011 (LE 102) and Playing Pitch Strategy (LE 103). Indoor sport and recreation requirements, including for community halls in connection with major developments, are detailed in policy BSC 12, through defined local standards, with the Council now adding a reference to the existing deficiencies in Bicester as an additional/minor modification.

113. The Viability Study (PWE 02) and its update (PWE 03) provide further supporting evidence of soundness in that policies BSC 10 – 12 would not render new development schemes unviable, albeit the plan recognises that the standards may need updating in LP Part 2, with further details of implementation to be set out in a new Developer Contributions SPD. Accordingly, each of these policies is sound (with **MM 50** for clarity).

## **Issue 8 – Bicester Housing Sites**

*General*

114. Fulfilling its role in the overall strategy as one of the two most sustainable locations in the district, the plan focusses over 10,000 new homes on 5 strategic sites in and on the edge of Bicester by 2031. This will not only enhance its status as an economic centre but also help to attract new jobs, services and facilities to the town. It should also help to reduce growth pressures on Oxford city, to a degree, due to its location in the Oxford - Cambridge corridor with good and improving transport links, notably by rail.
115. The various iterations of the SA process, including the final submission report (SUB 04) and addendum (SUB 04A) confirm that the most sustainable options for new housing at Bicester have been identified in the plan and nothing that I have read, heard or seen during the examination process indicates otherwise. This includes in respect of the potential effects of development on each of the strategic sites in terms of landscape/visual impact, access/accessibility, biodiversity/ecological and cultural/heritage assets, coalescence with outlying villages/settlements, as well as flood risk and service provision.
116. The Council's evidence also demonstrates that all of the selected strategic sites for new housing in Bicester are viable and deliverable over the plan period (albeit Bic 1 may well continue to be developed beyond the plan period due to its overall size). Again, there is no firm evidence available that contradicts this conclusion. Accordingly, it is not necessary to consider in any detail any alternative or additional strategic scale site allocations to those identified in the plan, whilst those of a non-strategic scale are a matter for consideration in the Part 2 LP, should any further sites be necessary to meet needs over the plan period.

*Policy Bicester 1 – North West Bicester Eco-Town*

117. This scheme is well established as a major mixed use, zero carbon, development, including now for about 6,000 homes, on around 390 ha on the north western edge of the existing built up area of Bicester, having been previously identified as an eco-town location in the former national addendum to PPS 1. This presumably formed part of the justification for the recent government announcement of Bicester as a "Garden City", with potential public funding to assist with the delivery of new infrastructure, subject to value for money. Although progress since 2009 has been slow, work has recently commenced on site in respect of a phase 1 "exemplar" project.
118. Policy Bic 1 appropriately sets out detailed requirements to be met in respect of employment provision of mainly B1 uses, with limited B2 and B8, housing, including extra care and 30% affordable provision, as well as infrastructure needs and specific design principles. In particular, the height of new buildings, especially for any B2 and B8 uses, will also need to be carefully considered. However, in order to respond to market signals and provide some flexibility to encourage new investment and implementation, it would not be reasonable or appropriate to seek to restrict all employment development to B1 uses only.
119. Despite the inevitable loss of green fields and good agricultural land, around 40% of the site would be provided as open space, with small groups of woodland and existing hedges/trees retained if at all possible. It is essentially

common ground that these policy provisions are necessary to achieve the form and standard of development expected under the former eco-town concept. Furthermore, the viability evidence available is sufficient to demonstrate that they should be deliverable in practice, with sufficient "critical mass" to support the provision of necessary infrastructure and community facilities/services.

120. Since the plan's submission and with improving national and local economic conditions, the Council has acknowledged that the rate of new housing delivery on this important site is capable of proceeding more swiftly than envisaged earlier, enabling it to achieve a larger contribution to new housing needs in the town and district by 2031. Whilst challenging, this should prove possible once a number of house builders are operating on site. Consequently, a modification is required to increase the number of new homes expected during the plan period from 5,000 to 6,000 (**MM 67**).
121. Also, in the light of further work towards implementation, including in the context of specific planning applications for the first phases of the scheme, a number of other modifications are required to the policy for clarity, consistency with the NPPF and PPG and to better address understandable local concerns about the potential impacts of this major development on the town, notably in respect of traffic and transport.
122. These relate to a requirement for a Masterplan, as well as a minimum of 10ha of employment land, with a business park at the south east corner of the site, at least 3,000 new jobs from all sources over the plan period and a Carbon Management Plan for all employment developments (**MM 70**). Regarding new housing, in addition to the increased numbers, it is appropriate that Building for Life 12 and Lifetime Homes standards are met, as well as superfast broadband provided.
123. For infrastructure, the policy wording needs to be clarified in seeking primary and secondary school provision on site, a GP surgery, a 4 ha burial ground, indoor and outdoor sports facilities, plus an Energy Strategy and a Water Cycle Study, in addition to those requirements set out in the submitted policy. Concerning design, policy amendments/additions are also necessary relating to flood risk assessment, a programme of archaeological investigations, the maintenance of visual separation from outlying settlements (e.g. Bucknell and Caversfield), linkages with existing habitats and promoting the use of locally sourced building materials.
124. Importantly in the local context, as referred to above, a modification regarding the implementation of a Travel Plan, including to achieve a high level of public transport accessibility, as well as pedestrian and cycling facilities, is also essential. Subject to all of the above modifications (**MM 71**), the policy is sound and consistent with the NPPF and PPG. Moreover, it should materially assist in the delivery of a zero carbon scheme, as originally envisaged in the former eco-towns supplement to PPS 1.

*Policy Bicester 2 – Graven Hill*

125. 241 ha of predominantly brownfield former MOD land to the south of Bicester is allocated in the plan for mixed use re-development, including 2,100 homes and with around 2,000 jobs on 26 ha of the site, alongside the re-organisation

of continuing military operations at Arncott. The scheme would take advantage of the site's very good transport connections close to J9 of the M40, including rail links, as well as providing the opportunity for a new relief road on this side of the town. Given its sustainable location and the re-use of previously developed land, these proposals enjoy almost universal support in principle to help meet the growth needs of the town and the district.

126. This has been reinforced by the Council's recent acquisition of the site from the MOD, with the intention that part of the new housing should involve the largest "self-build" project in the country at present, in which considerable interest has already been expressed. The Council's evidence confirms that the implementation of policy Bic 2 is viable as currently envisaged, albeit rail access is not likely to be feasible until 2019 at the earliest.
127. Nevertheless, some changes are necessary to the policy wording to ensure soundness, clarity and consistency with the NPPF and PPG. These relate to requirements for biodiversity protection/enhancement measures, including protected species surveys, an archaeological evaluation, the provision of a buffer between the development and the sewage works, including a nature reserve, flood compensation works reflecting the flood risk assessment and protection of the character, appearance and setting of Langford Park Farm as part of landscape/visual and heritage impact assessments.
128. In addition, it is essential to make clear that contributions will be necessary to improve bus services and facilities locally, as well as pedestrian and cycle connectivity. Moreover, the evidence, including from the recent OCC transport studies and as considered at the hearings, is sufficient to confirm that a road alignment within the site to facilitate wider improvements to highways for this side of Bicester in the longer term is necessary, albeit completion of such a road may not be required in the plan period. Therefore, the words, "should it be required" also need to be deleted (**MMs 72-74**). With the above modifications, the policy is sound and deliverable.

*Policy Bicester 3 – South West Bicester (Phase 2)*

129. With a phase 1 (known as Kingsmere) already under construction, a further 29ha of land to the south west of Bicester is identified in the plan under policy Bic 3 as suitable for a further phase of mainly new housing development. It is within the town's peripheral road and viable and deliverable within the plan period, with low landscape sensitivity and ecological value in an accessible location relative to the town. Accordingly, this scheme constitutes sustainable development and would make a material contribution to meeting the needs of the town and district up to 2031.
130. Subject to necessary clarifications of the policy wording relating to the number of new homes (726, not 650), a convenience store rather than a local centre, bus routes and stops within the site, provision of a community woodland between the site and Chesterton village, and that the detailed scheme should be influenced by the flood risk assessment, as well as landscape/visual and heritage impact assessments, the policy is sound (**MMs 75/76**).

*Policy Bicester 12 – South East Bicester*

131. Land to the south east of the existing built up area of Bicester and beyond the

ring road is allocated for mixed use development in policy Bic 12. Whilst suitable in principle and in a relatively sustainable location on the edge of the town, it is adjacent to a Scheduled Ancient Monument (SAM) - the Wretchwick Deserted Medieval Settlement, and in the vicinity of the River Ray Conservation Target Area to the north. Therefore, for this major scheme to be sound, the policy needs to provide suitable and sufficient clarification relating to these important design and layout considerations, in addition to requiring that a route be provided for a future south east relief road around this part of Bicester, that would link into the similar provision on the Graven Hill site (Bic 2) to the south west, to provide a consistent policy approach on this matter.

132. In order to help meet the full OAN of the district the Council now proposes a significant increase in the size of this site from 40 to 155 ha, in the number of new homes from 400 to 1,500 and in the level of new jobs from 2,000 to 3,000, primarily in B8 uses, given the location and local demand, from that in the submitted plan. As a result, further modifications to the policy relating to a Masterplan, an Ecological Management Plan, retention of the northernmost part of the site free from built development, as well as providing links between areas of ecological interest, landscape/visual and heritage impact assessments and an archaeological field evaluation are needed for soundness (**MM 88**).
133. The policy also needs to ensure protection of the grade II listed Wretchwick Farmhouse, as well as the SAM and its setting, including through the provision of a landscape buffer. However, the exact nature and extent of that buffer is a matter for determination in the context of a detailed design and layout for the scheme, rather than predetermination in this policy. Furthermore, policy amendments to refer to improved pedestrian and cycle links, including to Bicester town centre, plus the protection of existing public rights of way and improved public transport services, including a through route for buses between the A41 and the A4421, are also necessary for soundness, as are contributions to secondary school provision and a mixed use local centre to serve new residents (**MM 88**).
134. It is only in the context of a Masterplan having been prepared that the details of the scheme in relation to the specific ecological interests of the site and its immediate surroundings can be resolved, rather than in a strategic plan. Similarly, any limited extension of the site, which might potentially assist in the resolving those issues, is a matter for either the LP Part 2 and/or a planning application, partly due to the non-strategic scale of the land involved.

*Policy Bicester 13 – Gavray Drive*

135. This area of largely flat land, bounded by railway lines to the north and west, the ring road to the east and residential development to the south lies to the east of Bicester town centre in a very sustainable location. Planning permission has previously been granted for new housing but that has now expired. In view of the need for additional sites to help meet OANs it is still considered suitable in principle to accommodate new development. However, the eastern part is now designated as a Local Wildlife Site, with the central/eastern sections containing lowland meadow; a BAP priority habitat.
136. Additionally, roughly a quarter of the site lies in Flood Zones 2 and 3 adjacent to the Langford Brook that runs north-south through the centre of the site.

The majority also lies within the River Ray Conservation Target Area. Nevertheless, even with these constraints, indicative layouts demonstrate that, taking into account appropriate and viable mitigation measures, the site is capable of delivering around 300 homes at a reasonable and realistic density not greatly different from that of the modern housing to the south.

137. In addition to necessary infrastructure contributions towards education, sports provision off site, open space, community facilities and public transport improvements, a number of other specific requirements are needed under policy Bic 13 for this proposal to be sound, in the light of current information about the site's ecological interests and environmental features. In particular, that part of the allocation within the Local Wildlife Site east of Langford Brook (just under 10 ha) needs to be kept free from built development and downstream SSSIs protected through an Ecological Management Plan prepared and implemented to also ensure the long term conservation of habitats and species within the site. Landscape/visual and heritage impact assessments and archaeological field evaluation are also required.
138. There must also be no new housing in flood zone 3 and the use of SUDs to address flood risks will be required. Subject to such modifications (**MMs 89-91**), policy Bic 13 is sound and would enable this site to make a worthwhile contribution to new housing needs in Bicester and the district in a sustainable location. This can be achieved without any material harm to environmental or ecological interests locally as a result of the various protection, mitigation and enhancement measures to be included in the overall scheme.
139. Requests that the developable area shown on the policies map should be reduced to avoid any development in the whole of the River Ray Conservation Target Area would significantly undermine this contribution. It would also potentially render the scheme unviable or at the very least unable to deliver a meaningful number of new affordable units, as required under policy BSC 3, when all other necessary contributions are also taken into account. Moreover, it could well materially reduce the potential for the scheme to contribute to enhancement of the Local Wildlife Site's ecological interest as part of the total scheme, thereby effectively achieving the main objective of the Conservation Target Area. Consequently, it would not represent a reasonable, realistic or more sustainable alternative to the proposals set out in the plan, as modified.
140. Similarly, despite the historic interest of parts of the site in terms of their long established field patterns and hedges, this does not amount to a justification for the retention of the whole of the land east of the Langford Brook as public open space, nor for its formal designation as Local Green Space. This is particularly so when the scheme envisaged in the plan should enable the more important LWS to be protected with funding made available for enhancement at a time when the lowland meadow habitat is otherwise likely to deteriorate further without positive action. Such an approach would be capable of ensuring no net loss of biodiversity as a minimum and also compliance with policies ESD 10 and 11 as a result.
141. All in all the most suitable balance between the need to deliver new housing locally and to protect and enhance environmental assets hereabouts would essentially be achieved through policy Bic 13, as modified, and the land's allocation for 300 new homes on approximately 23 ha in total, given that the

requirements of policies ESD 10 and 11, including to achieve a net gain in biodiversity arising from the scheme as a whole, can also be delivered as part of an overall package of development with appropriate mitigation measures.

## **Issue 9 – Bicester Other Sites**

### *General*

142. Alongside the major housing growth, the plan allocates sustainable sites for significant growth in employment provision in Bicester, as well as for related infrastructure, facilities and services. In total, this should help to create a more varied employment base, reduce the current level of out-commuting and also accommodate some of the growth pressures on Oxford city, given the proximity and improving transport links.

### *Policy Bicester 4 – Bicester Business Park*

143. To the south of the town centre and with good access to J9 of the M40 via the A41 to the west, the extended site of almost 30 ha provides a sustainably located opportunity for a principally B1a use (office) business park that is capable of delivering up to 6,000 jobs. Taking into account existing permissions, there are no material constraints to early delivery or that affect overall viability.

144. Given the flexibility demonstrated by the Council in accepting some alternative uses to help bring forward the overall scheme and the allocations elsewhere in the plan, there is no justification for changing the policy to permit further retail and/or leisure uses on the site. Subject to amendments reflecting the need for landscape/visual and heritage impact assessments of specific proposals and to fully take account of flood risks, as well as for improved walking and cycling connectivity, the policy is sound, as modified (**MM 77**).

### *Policy Bicester 5 – Bicester Town Centre*

145. The plan seeks to improve the town centre by providing a wider range of retail, commercial and leisure facilities to better serve the growing population, including through redevelopment schemes, increased car parking and complementary, rather than competing, retail growth at the nearby Bicester Village Retail Outlet Centre. However, pending completion of the on-going Bicester Masterplan, that is being produced on a collaborative basis with local interests, such as the Town Council, any changes to the town centre boundary or the primary shopping frontage are deferred to the LP Part 2.

146. Consequently, only an "Area of Search" for potential future town centre related development is defined in this plan, which includes Bicester Village and the land between it and the existing town centre. In the absence of any urgent need for any additional convenience retail floorspace over and above that already committed in Bicester, albeit there is a need for more comparison stores, it is not unreasonable for further such prospects in and around the town centre to be addressed in this way at present.

147. Nevertheless, for soundness, it is necessary to clarify that residential schemes, including as part of mixed uses, are acceptable in principle in the town centre except where they would result in the loss of sites for retail or other main

town centre uses. Also for improved certainty and to facilitate implementation, the role of Bicester Village in relation to the town centre and the requirements that would apply to any proposals for further retail growth there, including in respect of better connectivity between the two areas, need to be made clear in the supporting text (**MM 78**).

148. Bearing in mind its inclusion within the "Area of Search" and due to the present level of uncertainty about the prospects of delivery, the realistic potential for a new Town Park on land at Pingle Fields, between Bicester Village and the town centre, remains unclear. Accordingly, the reference in the plan to that proposal should be deleted and the matter more fully assessed in the context of the emerging Masterplan and LP Part 2 process, including in terms of economic viability and practical implementation (**MM 78**). This includes in respect of any proposals for the relocation and redevelopment of the existing sports pitches on the Oxford Road site. With these modifications the policy is sound.

*Policy Bicester 6 – Bure Place*

149. The completion of phase 1 of this redevelopment scheme, including a new supermarket, cinema, car park and bus interchange, should make a significant contribution to the regeneration of the town centre as a whole. It also facilitates phase 2 to provide new civic buildings, including a library, to create a public focal point in the centre of Bicester and thereby strengthen its functions as a growing market town and new "Garden City". Subject to deleting the outdated reference to phase 1 (**MM 79**), the policy is sound.

*Policy Bicester 7 - Open Space, Sport and Recreation*

150. The Council's evidence clearly demonstrates that there are obvious shortfalls in the present provision of allotments, parks/gardens, sports pitches and other green spaces in Bicester, which this policy seeks to address, together with the identification of specific locations in the Masterplan and LP Part 2. These measures include a community woodland, an urban edge park providing a circular route around the town, linked to the delivery of other site allocations, and the use of Stratton Audley (Elm Farm) Quarry for informal outdoor recreation that is compatible with its designation as a LWS and partial SSSI.

151. The latter is subject to a partly implemented permission for infilling to form a country park. Nevertheless, none of the above need necessarily involve the loss of or materially constrain continuing use for angling, particularly given existing ownership and tenancy arrangements, or gliding activities on the adjacent Bicester Aerodrome (see also Bic 8). Any specific proposals would be a matter for the Masterplan and/or LP Part 2 and thereby subject to public consultation. The policy itself requires only updating (**MM 80**) and is sound.

*Policy Bicester 8 – Former RAF Bicester*

152. To the north east of the ring road on the edge of the built up area of the town, this extensive former military area is identified in the plan for tourism related but conservation led commercial redevelopment. This process is already underway through the restoration and re-use of many of the inter-war former RAF buildings at the western edge of the site, many of which are listed and/or scheduled. This is helping to secure the future of the former Technical Site

and the Flying Field to the east in the context of the site's designation as a Conservation Area and with an extensive LWS on most of it. The Flying Field is used by a well-established gliding club that makes a positive specialist contribution to the range of recreational facilities available in the locality.

153. Together with the recently installed but already successful "heritage engineering" operations in the restored buildings, the site is well on its way to fulfilling the objectives of the 2009 Planning Brief. The evidence of what has already been provided on the site confirms that the proposals are viable and deliverable. Subject to deleting references to, first a museum for Bomber Command that now seems unlikely to proceed, and the qualification regarding the long established gliding activities on the site (**MM 81**), the policy is sound.

*Policy Bicester 9 – Burial Site Provision*

154. This policy confirms the urgent local requirement for a new burial site of around 4 ha in Bicester. It is consistent with the current expectation that it can be provided as part of the policy Bic 1 scheme, with funding contributions from other housing developments in the locality to help secure delivery. The evidence of need is clear and unquestioned and therefore policy is soundly based and requires no modifications.

*Policy Bicester 10 – Bicester Gateway*

155. South of the town and east of the A41, 18 ha of land is allocated for new employment development to provide up to 3,500 new jobs in a prominent "gateway" location between the town and J9 of the M40. It is intended to provide a major opportunity for high tech employment uses in high quality buildings with good transport links. As at Bic 4, this should prove suitable for companies and investors seeking sites in the "knowledge economy" spine or corridor(s) between Oxford and Cambridge and Oxford and Northampton. Given the planned growth in the local economy and the national recovery from the recent recession, this allocation is soundly based, likely to prove attractive to the market and deliverable over the plan period. It should help to reduce out-commuting from Bicester and some of the pressures for other sites elsewhere in the corridor, particularly in Oxford.

156. For soundness and consistency with other parts of the plan, policy wording changes are necessary to add references to the safeguarding of land for future highway improvements to routes around Bicester, improved walking and cycling links, the provision of a natural wetland buffer between the site and adjacent nature reserve, amongst other things, and taking full account of the flood risk assessment for the site, including that no built development will be permitted in flood zone 3b (**MMs 82-84**). Subject to the above modifications, the policy is sound and the scheme viable and deliverable, with mitigation measures for the protection of Alchester Roman Town SAM to the south. In addition, the Council proposes to amend the Policies Map to facilitate the development of a hotel on the site frontage as a part of the overall scheme.

*Policy Bicester 11 – Employment Land North East Bicester*

157. On the north eastern edge of the town and to the south east of the former RAF Bicester (Bic 8), 15 ha of greenfield land is allocated for mixed employment, B1, B2 and B8, uses and expected to provide up to around 1,000 new jobs. It

has good transport links, including on the main road network, and is close to other existing and proposed employment locations in and around the town. The presence of a SAM on the former airfield to the north and a Conservation Area on land to the north east, as well as the possible influence of any high B8 buildings on gliding activities on the flying field to the west, all indicate that the north/north eastern boundary of the allocation has been suitably identified on the Policies Map and should not be extended. Bearing in mind the number and scale of other suitable sites in the plan and the absence of any urgent or overriding need for further greenfield land allocations to meet the employment needs of the town or district, there is no clear justification for any further extension of the site at present.

158. However, with careful design, including in respect of the height of new buildings, and suitable landscaping, the allocated site is capable of being sustainably developed to help balance the town's need for new jobs with that for new housing, without material harm to the heritage assets, including the SAM, the continuing activities, including gliding, or the recently established commercial operations at the former RAF Bicester. This is based on modifications to the policy to confirm that any scheme must conserve or enhance the setting of the RAF Bicester Conservation Area and the SAM, with the preparation of an archaeological and cultural heritage assessment informing proposals, as well as landscape/visual and heritage impact assessments.
159. In addition, the design and layout needs to take account of a flood risk assessment for the site, particularly in respect of the Langford Brook, with no built development in flood zone 3b, amongst other things, the retention of existing mature trees and hedgerows, improved walking and cycling links, consideration of potential ring road improvements and the establishment of a planted area around a care home that has recently been constructed on the site frontage. Subject to these modifications (**MMs 85-87**), the policy is sound. The exact definition of the site's eastern/south eastern boundary, including in relation to flood risks, is a detailed matter for the Council to consider in the context of any specific proposals that may be submitted.

## **Issue 10 – Banbury Housing Sites**

### *General*

160. As the largest town, housing growth totalling around 7,000 new homes is sustainably focussed on Banbury, mainly on a number of peripheral greenfield sites and balanced by other development, notably for employment but also in services and facilities. The following sites are all intended to facilitate this growth, including in respect of the town's overall economy and its important role as a market town/service centre for a wide rural area, not all of which lies within Cherwell district.

### *Policy Banbury 1 - Canalside*

161. On land between Banbury town centre and the rail station, the plan identifies a site of about 26 ha for mixed use redevelopment to include now about 700 new homes (rather than 950, as submitted), including around 30% flats, together with commercial uses on the northern part and limited B1a class

offices. As a large complex project, the costs of delivery are expected to be higher than for most other allocated sites, but the Council's evidence, including the site specific Viability Study of Sep 2013), indicates that it would be viable over the plan period, albeit with a likely later start date and a lower total of new homes than originally envisaged.

162. Given the need to relocate a number of existing small and medium sized enterprises and to reorganise multiple services and facilities, this is inevitable, but it does not invalidate the proposals or render them unsound, particularly given the wider public benefits that should arise from the completed project in this highly sustainable location. Therefore, with policy additions to refer to education contributions, flood risks, landscape/visual and heritage impact assessments, as well as to provide clarity on the intentions for relocating and/or reorganising existing businesses (**MMs 95/96**), the proposals are sound.

*Policy Banbury 2 – Hardwick Farm, Southam Road (East and West)*

163. In a sustainable location on the northern edge of the existing built up area of the town about 32 ha of land, principally on the eastern side of Southam Road, and bounded by the M40 on the north east, is allocated for new housing for around 600 new homes. Planning permission has been granted by the Council. Subject to clarifications and an additional reference to secondary education contributions being required (**MMs 97/98**), policy Ban 2 is sound in principle as the scheme is viable and deliverable.
164. However, on the western side of Southam Road where the land rises quite steeply to the north, the Council now intends that development should be limited to the southern/south eastern parts of the site and to no more than 90 new homes. This is to minimise the potential harmful effects of new buildings on the landscape of the locality, including in long distance views across the town from the south. This reflects the conclusions of the 2013 Landscape Study (ENV 05) that identified low capacity in the western part of the site to accept new built development in landscape impact terms, due largely to the existing character of the rising ground and its wider visual prominence. This represents a change from the submitted plan by the Council, which indicated that around 42 ha in total and thus a further 11 ha or so of the rising ground west of Southam Road, was considered suitable for development originally.
165. In terms of housing need, the plan now makes sufficient provision on strategic sites to meet the district's overall requirements for the plan period. It also makes full and suitable provision on the deliverable sites in and around the town, including this one, to enable it to make an appropriate contribution to those needs. Thus, there is no overriding necessity to find more sites or to extend allocations to meet these needs, in the short to medium term at least.
166. Moreover, taking into account conflicting assessments of the site's intrinsic landscape qualities and the wider positive contribution made by the higher, rising, open slopes west of the road to the landscape setting of the town, including when seen from some distance away to the south, the evidence is neither convincing nor compelling that the Ban 2 policy/proposal would be unsound if it did not include the larger site area west of Southam Road.

167. The ability of the higher slopes to satisfactorily absorb more new housing in landscape impact terms could be re-examined, together with the position of the northern boundary, whether defined by a contour limit or otherwise, once the 90 or so homes on the lower slopes have been completed in accord with this policy. Nevertheless, there is no clear justification for requiring it to be further modified now, as local needs are being met in full elsewhere and the extended site would not be a clearly preferable alternative in sustainability terms to those selected due to the identified landscape impact. No further modifications are therefore necessary.

*Policy Banbury 3 – Land West of Bretch Hill*

168. It is essentially common ground that approximately 14 ha of land west of Bretch Hill is viably, suitably, and sustainably capable of accommodating and delivering around 400 new homes, with all necessary services and facilities. All the available evidence confirms that the policy and its detailed requirements are sound.

*Policy Banbury 4 – Bankside Phase 2*

169. To the south east of Banbury at Bankside east of the A4205 an urban extension of around 1,000 new homes, known as Longford Park, as well as an employment area and a large park has been permitted and is now under construction. In the light of the significantly increased level of district need, the Council now considers that a further 27 ha to the south east is capable of providing another 600 or so homes and also suitable for development as Phase 2 of this scheme. The fact that it comprises mostly grade 2 land in agricultural quality terms ("best and most versatile") does not invalidate that choice in this particular case, as it is largely free of other constraints such as flood risk, ecological interest or potentially harmful landscape/visual impact and in a generally sustainable location.

170. In particular, it provides an opportunity for sharing infrastructure with Phase 1, improving the viability of both, as well as enhancing the scale and range of services and facilities, so as to create a more sustainable and self-contained new community on this side of the town. In addition, the larger scheme should enable the relocation of Banbury United FC from their present ground within the Canalside site (policy Ban1) and the implementation of that policy, with its wider public benefits for the town, as well as policy Ban 12 (see below) on land to the south. In respect of potential effects on the village of Bodicote on the opposite side of the A4205, due to the location south of Phase 1 and with only a short road frontage, this is likely to be less than that associated with the permitted scheme and, subject to detailed design and layout, not materially harmful in principle, including in terms of traffic generation.

171. The details of density and thus the exact total of new houses are best addressed in the context of specific proposals, rather than this LP policy. Subject to clarifications of area figures, numbers of dwellings, requirements for vehicular, cycling and walking links to the Ban 12 site, as well as further afield, flood risks and archaeological evaluation (**MMs 99-101**), the proposals are viable and deliverable and the policy sound.

*Policy Banbury 5 – North of Hanwell Fields*

172. 26 ha of land on the north western edge of the town is identified for new housing, with 544 new units currently expected to be provided following a Council resolution to approve part, together with necessary infrastructure, that in this case includes green links beyond the site. The location involves extending the town into presently open countryside to the north of Dukes Meadow Drive, a recently built development spine road running east/west, albeit retaining a sufficient distance of about 500m from the village of Hanwell to the north (and about 400m from the southern boundary of its CA) to ensure that the setting of its CA is preserved, coalescence does not occur and that Hanwell would retain its separate identity.
173. Nevertheless, this relationship means that particular care is needed in the design and layout of the scheme, as well as in respect of peripheral landscaping and new planting, including regarding the heights of new buildings and outdoor lighting, as required in policy Ban 5. With the addition of references to flood risks, landscape/visual and heritage impact assessments, as well as the clarification of numbers (**MMs 102/103**), the proposals are reasonable and realistic and the policy sound.

*Policy Banbury 16 – South of Salt Way West*

174. To the south of Salt Way and west of the A361 Bloxham Road, the Council has identified one of four additional housing sites to help meet the OANs of the district, beyond those allocated at submission stage. This one is capable of delivering up to 150 new homes on a total of 8 ha, whilst protecting the historically important route of the Salt Way along its northern boundary and the slopes of Crouch Hill further west, a topographical landmark. The local value of Crouch Hill was acknowledged in the 2013 Landscape Study (ENV 05) as including the slopes and setting, as well as the summit. Also taking into account the presence of other heritage and ecological assets nearby, including Crouch Farm and Wykham Park Farm, both listed, there is no clear justification for extending the boundaries of this site, either to the west up the quite prominent slopes of the hillside, or to the south along the road frontage, thereby expanding the built up area of the town further than is strictly necessary into otherwise largely open countryside.
175. Overall, new housing, together with necessary services and facilities is viable and deliverable in this relatively sustainable location on the edge of the town. Subject to clarifications relating to secondary school places, bus stops, archaeological evaluation and landscape/visual and heritage impact assessments (**MMs 116-118**), the proposals and the policy are sound.

*Policy Banbury 17 – South of Salt Way East*

176. In common with Ban 16, this major site of around 68 ha to the south of the Salt Way and capable of providing approximately 1,345 homes as a new neighbourhood, is now allocated by the Council to meet the district's needs in a sustainable location on the southern edge of the present built up area. Land at the north west corner of the overall site has recently been granted permission for 145 dwellings. Despite differing land ownerships, the area is capable of being developed on a comprehensive basis in accordance with a masterplan, including an east – west link road, with a roundabout off the A361, for local traffic and as a bus route to join White Post Road at its eastern

end. This is properly and logically required by the policy to ensure effective implementation of the proposals and avoid harmful impacts on the local road network, including Wykham Lane.

177. The relative proximity of the western edge of the land to the Tudor Hall School site is such that both the Council and the prospective developers acknowledge the need for creating a "soft edge" to the scheme in this locality, to ensure that an appropriate relationship is established. However, the suggestion that the policy should require that there be no new built development on the westernmost field is not reasonable or realistic in the context of a strategic site allocation in a LP Part 1, particularly when the full details of appropriate access arrangements and necessary infrastructure provision have yet to be finalised. Therefore, this is a matter of detail to be resolved as part of specific proposals, taking into account the topography and potential mitigation measures, including peripheral planting and landscaping.
178. Again as with Ban 16, the scheme needs to protect and, if possible, enhance the route of the historic Salt Way on its northern boundary, as well as providing a new footpath/bridleway across the full length of the southern boundary. Moreover, as now indicated by the Council on the proposed amendments to the Policies Map, the scheme also needs to provide further recreational space on the southern edge of the site. This is in order to make suitable overall provision and provide reasonable and practical separation between the new development and the village of Bodicote to ensure that its separate identity is not lost and that for the new community, which will have its own local centre, more easily created. With firm developer interest in early delivery, as evidenced by the permission on part, the scheme is viable and the policy sound, subject to important clarifications in respect of secondary school provision, the delivery of the A361 to A4260 link road and archaeological features, plus landscape/visual and heritage impact assessments (**MMs 119/120**).

*Policy Banbury 18 – Land at Drayton Lodge Farm*

179. West of Warwick Road (B4100) this site adjoins the Ban 5 allocation east of the road and also land to the south that has recently been granted permission for new housing, in an urban fringe location. At approximately 15 ha it is considered capable of providing around 250 new homes, together with necessary infrastructure, albeit part of the central section contains some existing dwellings and a copse that should be retained. The caravan park and golf course formerly on the site have recently closed for viability reasons.
180. Given the relative proximity to the village of Drayton and the setting of its CA to the south west, there is no clear justification for extending the allocation onto adjoining land in the absence of any further need for new housing sites in Banbury at present. Subject to clarifications for effectiveness in respect of secondary school places, bus stops and archaeology, plus landscape/visual and heritage impact assessments, the policy is sound and the prospective scheme realistic and reasonable in all principal respects. However, the reference to "contaminated land" in the supporting text needs to be deleted as no evidence exists to justify this statement (**MMs 121/122**).

*Policy 19 – Land at Higham Way*

181. A relatively small allocation of 3 ha for new housing close to the town centre has been added into the plan by the Council to reflect the recent availability of this former waste management facility and concrete batching plant in a highly sustainable location next to Banbury rail station. Considered capable of viably delivering around 150 units in total, the scale and nature of the site is such that it is likely to provide mainly smaller homes, including a significant proportion of flats, and thus some greater variety in the size and type of new housing in the town over the plan period. Whilst there may be scope for more than 150 units, this is entirely dependent on the detailed design, layout and mitigation measures proving acceptable in relation to all of the above factors.
182. Subject to detailed considerations in design and layout terms reflecting the proximity to the river and canal in respect of flood risks and the rail lines/station regarding noise/disturbance, as well as ground conditions acknowledging the site's previous uses, this redevelopment of a central brownfield site is entirely appropriate in principle (**MMs 123/124**). The policy is sound in all its requirements for the scheme, including those listed above.

### *Conclusions*

183. As confirmed in the SA (SUB 04) and the SA Addendum (SUB 04A), which considered realistic alternative options, all of the strategic new housing sites allocated in Banbury (as in Bicester), including those added by the Council through the proposed modifications, are considered to be sustainable, including in respect of their locations. Moreover, there are no known "showstoppers" preventing implementation, including in terms of necessary infrastructure provision, in any case. Similarly, whilst Ban 1 – Canalside is more marginal at present and likely to start later as a result, all are also demonstrably viable (PWE 01) with most having direct developer involvement and many having permission in whole or in part, thereby adding positively to conclusions on reasonable delivery prospects.
184. In such circumstances, and again as in Bicester, it is not therefore necessary to identify any extra or further extended sites to meet local needs for new housing in Banbury over the plan period, as things stand. Accordingly, those additional locations put forward by representors, including land north of Dukes Meadow Drive, next to Ban 5, south of Bodicote (Cotefield Farm) and adjacent to Ban 3 at Dover Avenue/Thornbury Drive, are for potential consideration in the LP Part 2, if appropriate, and/or when the plan is reviewed, if required. However, no further modifications are needed in this respect as none would represent more sustainable alternatives to the selected allocations.

## **Issue 11 – Banbury Other Sites**

### *General*

185. To complement the new housing proposed, the plan also identifies a number of sites for employment, as well as for related services and facilities, in Banbury. Together, they should ensure that the town's growth takes place on a sustainable basis over the plan period, taking into account the guidance in para 17 of the NPPF, the positive market signals in the 2014 Employment Analysis update (ECO 12PM) and relevant physical constraints, such as topography and the route of the M40 motorway.

*Policy Banbury 6 – Employment Land West of M40*

186. Taking into account recent job losses in the town, Banbury retains the largest supply of employment land in the district and a strong manufacturing sector. Therefore, to secure the long term supply of employment land locally, a strategic site in a sustainable location fairly close to the town centre has been identified near to J11 of the M40. Permissions have already been granted for a mix of B1, B2 and B8 uses on most of a total of about 35 ha, that is anticipated to provide around 2,500 jobs. All the available evidence indicates that the scheme is viable and deliverable, with good links to the town centre.
187. Notwithstanding, it is necessary to ensure that the policy provides full guidance for a decision maker in respect of any further proposals for this area. In particular, this requires a reference to reserving land for a new road connection through the site to enable traffic to by-pass the town centre, which is already a condition of the recent planning permission. However, to avoid uncertainty, this should not be made subject to future consideration by the Highway Authority alone and rewording is required accordingly (**MM 105**).
188. The policy also needs additions referring to footpath connections, contributions to bus service improvements, taking full account of the flood risk assessment for the site and the deletion of the restriction on all built development south of the dismantled railway line, which is not strictly justified (**MM 106**). Subject to these modifications, the proposals and policy are both sound, with reasonable prospects of delivery.

*Policy Banbury 7 – Banbury Town Centre*

189. This policy seeks to strengthen the town centre, confirming that shopping leisure and other “main town centre uses” will be supported there. However, to achieve its objectives and for clarity, it also needs to encourage mixed use schemes and acknowledge that residential development will also be acceptable in appropriate locations that do not lead to the loss of retail or other “main town centre uses”. Otherwise, with modifications (**MM 107-109**), the policy is sound, including in respect of the definition of an “Area of Search” for a potential future expansion of the defined town centre boundary, to be assessed in detail in LP Part 2.

*Policy Banbury 8 – Bolton Road Development Area*

190. A mixed use area at present, incorporating car parks and service areas for commercial units, plus historic outbuildings, this 2 ha site is considered suitable, in principle, for redevelopment. Given its location west of the Castle Quay shopping centre and north of Parsons Street, it is capable of providing some larger shop units suitable for modern retail operations, as well as around 200 new homes, a hotel and leisure facilities, with replacement car parking. Accordingly, this potential needs to be recognised in the policy, including through references to high quality design in a conservation area, contributions to education, archaeological investigations and flood risks close to the River Cherwell and Oxford Canal. Subject to the above modifications (**MMs 110-112**), the proposals are reasonable and realistic and the policy is sound.

*Policy Banbury 9 – Spiceball Development Area*

191. 5 ha of land between the River Cherwell and the Oxford Canal with an Arts Centre and the town's Museum is well placed to accommodate an extension of the town centre. This policy reasonably expects it to provide for both new retail and leisure uses, as well as a hotel, library and car parking, including to strengthen the night time economy of the town and improve links with the existing centre. The available evidence indicates that the scheme is viable and realistic with firm developer interest in early implementation and the policy is therefore sound.

*Policy Banbury 10 – Bretch Hill Regeneration Area*

192. It is common ground that this policy for the co-ordinated regeneration of an area in the west of the town, which currently has relatively high levels of deprivation on a number of indices, is sound and consistent with para 69 of the NPPF.

*Policy Banbury 11 – Open Space, Sport and Recreation*

193. In common with the similar position in Bicester (Bic 7), the Council's evidence shows clearly that the present provision of allotments, parks/gardens, sports pitches, indoor sports facilities and other green spaces in Banbury is inadequate for current needs, let alone future growth. Accordingly, together with policies BSC 10 – 12, this policy seeks to rectify the situation over the plan period, including by integrating provision with the planning of strategic development sites. It also includes the intention to establish a series of linked open spaces based on the canal and river and a linear park from the north of the town to Bankside. In all of the above circumstances, the policy is sound.

*Policy Banbury 12 – Relocation of Banbury United FC*

194. In line with the above and to facilitate the implementation of the Canalside regeneration project (Ban 1), Banbury United FC, a long established club that provides important local facilities and sporting opportunities, needs a new home ground. Accordingly, land to the south of the existing Banbury Rugby Club has been identified as suitable and available.

195. The evidence of need is clear and the site is in a relatively sustainable location on the southern edge of the town, with bus services along the A420 and sufficient distance remaining between it and the village of Adderbury to ensure that no real risk of coalescence would arise. It is also separated from the village of Bodicote by the main road and adjoins an existing sports ground. Accordingly, I endorse the Council's choice that this is the best relocation site of the many originally considered.

196. Subject to policy and text additions (**MMs 113/114**) confirming that the scheme needs to take vehicular access from Oxford Road only and that that part of the 16 ha of land not needed for football use is allocated for a new secondary school to serve the town, with some shared facilities if at all possible, this proposal should prove to be deliverable within the plan period and the policy is sound.

*Policy Banbury 13 – Burial Site Provision*

197. This policy confirms the local requirement for new burial site provision in

Banbury with contributions from major new housing schemes to provide funding to facilitate an extension to the existing cemetery, subject to suitable ground conditions being demonstrated. The evidence of need is unquestioned and therefore policy is soundly based and requires no modifications.

*Policy Banbury 14 – Cherwell Country Park*

198. Around 33 ha of land, including the earth embankments of the Banbury flood alleviation scheme, east of the M40 and north of the town, are identified in the plan to provide a new country park. Other components of the scheme include a visitor car park off the A361, new woodland planting to augment Wildmere Wood and a network of new and improved walking routes. The Council's intentions and aspirations for this project are clear and deliverable, and it will make a significant contribution to the implementation of policy Ban 11 (see above). Accordingly, the policy is sound.

*Policy Banbury 15 – Employment Land NE of J11 M40*

199. For the reasons outlined above in relation to the increased growth in new housing in the district and in Banbury, the Council has now proposed the allocation of a new strategic employment site east of J11 of the M40, either side of the A361, totalling around 49 ha. This could be brought forward in phases, with the first on 13 ha land, bounded by the M40 motorway to the west, the A361 to the east and a firm hedge line to the north, which could be readily reinforced with strategic scale planting.
200. In this area the land is also fairly flat and new employment buildings would be largely seen in the context of the motorway in public views from the east, north and south east, with some large existing buildings beyond. This contrasts strongly with the rising ground to the east of the A4225, which is also principally open agricultural land but clearly of a higher landscape sensitivity to new built development, including the land below the higher slopes of the hill in the easternmost part of the overall site.
201. Development of the land east of the A361, as noted in earlier landscape assessment work for the Council (2013), would have a significantly detrimental impact on the local landscape, intruding as it would into presently open countryside currently in agricultural use with inevitably large industrial and warehouse buildings. In particular, it would materially extend the built up area of Banbury to the east and lead to a significantly harmful erosion of its rural setting on this side of the town.
202. Given the recent approval for DIRFT III, relatively close to Banbury at Daventry, which provides major strategic opportunities to meet the local and regional needs for new B8 floorspace and has the great advantage in sustainability terms in comparison with this site of being rail related, the likely requirement for further employment floorspace, including towards the end of the plan period, is reduced. Moreover, there are acknowledged barriers to delivery of the whole Ban 15 site at J11, including that the traffic movements likely to be generated would trigger the need for the new South East relief road through the town.
203. In addition, for the whole site to be developed as a mainly road based B2/B8 employment scheme, major contributions are likely to be necessary to other

transport and highway improvements, especially to the motorway junction itself. There is no clear evidence that an acceptable programme of works could viably and practically be delivered, taking into account the impacts of other developments committed in the plan.

204. However, a scheme of materially reduced scale, from 49 ha to 13 ha only, limited to land west of the A361, would be far less likely to give rise to significant traffic generation impacts going north into Northamptonshire towards Daventry, on the A422 travelling east, including at Farthinghoe, or "rat running" on the B4525 through Middleton Stoney, given that only 10-15% of total future traffic movements are expected to use those routes, rather than the M40.
205. Moreover, development of the whole 49 ha site, especially for very large B8 uses, might well provide direct competition to DIRFT to the detriment of the delivery of both, potentially also discouraging the increased transfer of freight to rail. Some doubts also remain regarding the delivery of other services and infrastructure requirements in connection with the full scheme. In contrast, a smaller scheme, limited to the land west of the A361, is likely to prove viable in the first part of the plan period, without the need for significant highway improvements, not least for the SE Relief Road to be brought forward much sooner, according to the HA, OCC and the scheme's promoters.
206. In the light of the above, only the land west of the A361 should be allocated for new employment development in the modified plan and none of that to the east of the road, even as a strategic reserve site. This would have the considerable benefit of reducing the very harmful landscape and potential environmental effects of the wider scheme on a main entrance to the town from the north, south east and east, as well as that on the largely rural landscape of the locality.
207. Bearing in mind that logistics operators seeking large sites in this area have the alternative of a major rail connected facility at DIRFT nearby, that has good road links to the M1, there is insufficient justification in the evidence for the allocation of the whole 49 ha of this site at present. However, a lesser scheme limited to the firm defensible boundaries provided by the M40 and the A361 could be viably delivered on the western part of the site only, in the short to medium term. This should ensure that sufficient new land is available to meet largely non-strategic B2 and B8 use needs arising from within and/or related to the Banbury area and its local economy.
208. Subject to appropriate design and layout incorporated within a suitable master plan, as required by new policy Ban 15, employment development, principally for B2 and B8 uses, at this location would represent the most sustainable means of providing the necessary additional employment land supply for the town and district. For example, it would have reasonably good transport links with the town, including by walking and cycling, including through the existing underpass beneath the motorway, and with opportunities to improve bus services at reasonable cost. Furthermore, peripheral landscaping and green spaces within the site should also reduce the potential impact on the rural areas to the north and east, including from along the approach roads, to an acceptable level in landscape and visual terms.

209. Although various alternatives have been put forward for strategic scale employment sites, including in relation to other M40 motorway junctions, none is a realistic or more sustainable location for this plan period, given doubts over deliverability, including regarding transport implications, especially for the strategic road network. Additionally, some are of insufficient size to be properly considered as strategic scale allocations (e.g. land off Hennef Way), whilst others are less well linked to existing communities and would represent an even greater intrusion of built development into the otherwise largely rural countryside, such as at Ardley.
210. Moreover, there are reasonable prospects that the new jobs total in the modified plan, related to the revised housing needs, can be achieved without the allocation of the larger site being required. Firstly, the existing land supply will be significantly augmented by the other allocations in the plan, with most likely to be available in the short to medium term at least. In addition, there are other deliverable opportunities for some smaller, non-strategic scale, sites to come forward in sustainable locations within or adjacent to the present built up areas of the towns in the LP Part 2. Finally, there are job opportunities likely to come forward in the non B class uses, such as retail and in the public and service sectors associated with the new housing growth.
211. With this significant reduction in scale, the new policy and allocation would be sound in principle. Other changes to policy wording are also necessary for soundness and clarity, including deleting the reference to contributions towards the new SE Relief Road and replacing it with a requirement for improved bus services, with consequential ones throughout the plan, to reflect the smaller size of the allocated site (**MM 115**).

## **Issue 12 – Villages and Rural Areas (Policies Villages 1 – 5)**

### *General*

212. The plan's overall strategy sustainably focusses most new development on the two towns of Bicester and Banbury, with about 5,400 new homes in the rural areas, including at Kidlington and the former RAF Upper Heyford to 2031. This is clearly the most sustainable strategy for the district over the plan period and reflects the guidance in paras 17 and 30 of the NPPF. It properly seeks to alter the local pattern of recent housing growth, as a disproportionate percentage (almost half) has taken place in the smaller settlements, adding to commuting by car and congestion on the road network at peak hours. The number of new homes outside the two towns would be around a quarter of the overall total for the plan period taking into account the significant level of housing land supply already available in the rural areas.

### *Policy Villages 1*

213. Most of the rural housing would be directed to the larger villages with existing services and facilities as the clearly more sustainable locations and in accord with paras 28, 55 and 70 of the NPPF. To this end, policy Villages 1 provides a categorisation of settlements to guide new housing proposals that will largely comprise small scale schemes within their present built up limits.
214. Since being updated in 2014, the survey work from which this hierarchy or ranking derives, supplemented by the Cherwell Rural Areas Integrated

Transport and Land Use Study (CRAITLUS), provides a generally robust evidence base. Policy Villages 1, as now modified by the Council, also takes into account "village clustering", to help reduce the need to travel by car, whereby smaller "satellite" villages in category B form a functional grouping with larger rural centres nearby in category A - service villages. Only limited infilling and conversions of existing buildings will normally be permitted in all other settlements in category C.

215. Many of the matters raised by representors relating to policies Villages 1 – 5 concern specific issues in individual settlements and/or sites of a non-strategic scale, i.e. with potential for less than 100 new homes, all of which are for consideration in the LP Part 2 process and consequently are not addressed in this report. Other representations, including from some Parish Councils, point to apparent inconsistencies and alleged inaccuracies remaining in the updated survey results, such that certain villages may have been mis-categorised.
216. However, even if so in one or two instances, the hierarchy is not "set in stone" for the full plan period and will, no doubt, be reviewed from time to time and as and when new services and facilities are provided or others may be lost. In particular, the relevant survey data will need to be thoroughly checked and comprehensively reviewed during the LP Part 2 process and before any new development sites are allocated therein for settlements in category A.
217. Consequently, these detailed concerns, whilst legitimate and understandable, do not render policy Villages 1 or the inclusion of a hierarchy unsound. Nor does it mean that the suitability of a three tier ranking of settlements across the district outside the towns needs to be reconsidered, given that it forms an appropriate part of the sustainable overall strategy and objectives in the plan. Taking into account that Kidlington is subject to its own policies, there is no necessity or justification for an additional category of "A plus" villages listing the largest ones, nor to make them the subject of increased allocations for that reason alone. Accordingly, as modified, policy Villages 1 is sound (**MMs 131-145**).

#### *Policy Villages 2*

218. Policy Villages 2 deals with the distribution of growth across the rural areas and indicates that around 750 new homes in total should be delivered at the category A villages, with all sites of a non-strategic scale to be allocated through the LP Part 2 and/or in Neighbourhood Plans where they are being produced. Subject to clarifications and adding a criterion regarding flood risk (**MM 147**), the policy is sound, with all of the other listed criteria being suitable and sensible considerations to be taken into account in each case.

#### *Policy Villages 3*

219. In accord with the guidance in the NPPF and PPG, Policy Villages 3 provides the opportunity for small scale rural exception sites to be brought forward, within or adjacent to villages, to meet specific identified local housing needs, subject to suitable tests. This policy is also consistent with the relevant evidence regarding the affordability and availability of rural housing across the district currently and is therefore sound.

#### *Policy Villages 4*

220. The Council's evidence base, including the Playing Pitch and Green Space Strategies, satisfactorily demonstrates that there are a number of existing deficiencies and likely future shortfalls in open space, sport and recreation facilities in Kidlington and the rural areas. Together with policies BSC 10, 11 and 12, and consistent with para 73 of the NPPF, policy Villages 4 sets out the detailed requirements in each of three rural sub-areas of the district, albeit the data will need to be updated as part of the LP Part 2 process to facilitate delivery, including in connection with new development schemes. Notwithstanding, the policy is soundly based and reasonable in principle.

*Policy Villages 5*

221. Former RAF Upper Heyford is a very large ex-military base of around 520 ha that already has permission for a new settlement as part of a complex planning history since its closure in 1994. This scheme, plus a further permission for 60 units, would provide 314 refurbished homes and 821 new ones (1,135 total), with employment uses and related facilities.

222. However, in view of the need for a significant increase in new housing delivery in the district to meet the full, up to date, OAN, the Council now recognises the site's potential for a substantially larger number of new homes. This includes in respect of the identification of some limited additional greenfield sites, immediately adjacent to the former base, where new housing development would be complementary to that already permitted. Together with associated infrastructure and the conservation of the site's unique historic heritage assets, such a larger scheme would be capable of creating a more self-contained new community. In total it would involve a further 1,600 or so dwellings, with at least 30% affordable housing in accord with policy BSC 3.

223. The evidence base that justifies this additional provision is extensive. It includes, as listed in para C.260 of the plan, the detailed studies on the site's historic importance and character, including by EH, the potential visual and landscape impacts of re-development, as well as that of the additional adjoining greenfield sites, given the location on top of a plateau in a rural area, and the transport and traffic implications, as well as the 2011 Masterplan for the permitted scheme. It is supported by the SA Addendum (SUB 26PM).

224. It is effectively common ground that the site essentially comprises three functional areas, with the main flying field and technical site to the north of Camp Road, that runs east-west through it, and the mainly residential area to the south of the road. The former has the greatest historical significance, both nationally and internationally, due to its associations with the "Cold War" and the number, variety and extent of retained structures from that era, many of which help to define its unique character and interest. In the main, these are listed buildings and/or SAMs and thus have legal protection in any event.

225. Proposals to create a "Cold War" Park/visitor experience open to the public, to help conserve, enhance and interpret the site's historic assets as part of the full project are being seriously pursued by the developers of the site, EH and both District and County Councils. Thus, such a facility has at least reasonable prospects for delivery at present in conjunction with the new housing and related elements, with its important public benefits. For sustainability reasons, reflecting the above and the market demand for space at the existing

Heyford Park employment site, it is entirely appropriate that the policy also provides for employment growth as part of the overall scheme to deliver around 1,500 new jobs in around 120k sq m of buildings, principally in use classes B1, B2 and B2.

226. There are understandable local concerns about the traffic and transport impacts of the increased level of development on the surrounding rural area and on the local road network in particular. However, it is very relevant that OCC, the local highway authority, and the HA are now essentially content that, with particular junction and other localised improvement works to be paid for by the scheme, notably at Middleton Stoney crossroads/traffic lights, the available capacity can be increased to cope satisfactorily with the likely increased traffic generation. However, it is also clear that more major works, with their associated costs, may well be necessary for any more new housing than now identified in the modified plan.
227. Even so, these conclusions are based on the reasonable but challenging assumption that the use of non-car travel modes, especially public transport and here that effectively means bus services, can be materially improved. In particular, this is likely to involve a minimum half hour frequency to Bicester and Oxford during the working week, at least. The main local bus operator (Stagecoach) confirmed at the hearings that such a high quality service is considered feasible on a commercially viable basis, albeit requiring subsidy from the development during the critical initial period to become established as new residents arrive and to influence their travel choices from the outset, as has been achieved elsewhere.
228. In the light of all of the above, the modified proposals would make effective use of largely previously developed land and constitute sustainable development in line with the NPPF and PPG, including in respect of the additional adjoining greenfield areas. This conclusion and the general acceptability of the modified proposals in the plan, including the potential impacts on the LBs, SAMs and CAs, their unity and the allocation of limited additional areas of currently undeveloped land to the south of Camp Road adjacent to existing dwellings for new housing, are confirmed by the August 2014 interim report of the independent "urban capacity" assessment commissioned by the Council (ENV 21PM).
229. Importantly, a number of relevant detailed considerations are addressed in the criteria set out in policy Villages 5, as well as appropriate expectations for the scheme to provide suitable utility services, health and community facilities, schools, sports pitches and open spaces and a contribution to any necessary improvements to the capacity of junction 10 of the M40. However, for soundness and in line with the significant increase in the provision of new homes on the overall site, it is necessary to modify policy Villages 5 in a number of ways in addition to the revised housing numbers. This includes by adding references to secondary education also being required and the new primary school having the potential to expand in the future. The need for special consideration to be given to respecting the historic significance and character of the taxiway and entrance to the flying field, including the existing hangars, by keeping development back from the northern edge of the development areas, particularly new housing areas A and B, as recommended by EH, also needs to be added.

230. Furthermore, for clarity and completeness, the policy should also refer to public rights of way and a walking network of routes to and from the site, the mitigation of noise impacts, the provision of new habitats for ground nesting birds and great crested newts, as well as the conservation and enhancement of the LWS (as extended to the south). An archaeological field investigation is another essential element of the scheme, which should also seriously examine the potential for district heating from the nearby energy recovery facility.
231. Policy criteria relating to the adjoining CA, high quality design and particularly the boundary treatment for adjacent greenfield land are also required, plus public open space and green infrastructure links, together with the provision of extra care units and opportunities for self-build affordable housing. The boundary treatment, including landscape impact mitigation, to the south west of the site, including between it and the village of Upper Heyford, is particularly important to help ensure that the latter retains its separate identity as a rural settlement once this scheme is complete. It is also relevant in relation to the adjoining Rousham, Lower Heyford and Upper Heyford CA. This contains the Grade 1 listed Rousham Park, albeit set in the valley of the River Cherwell largely at a level well below that of the site and thus, subject to the above, its setting need not be directly affected by the proposals.
232. This treatment should also include the re-instatement of the historic Portway route across the western end of the extended former main runway as a public right of way on its original alignment. Subject to all of these modifications (**MMs 148-157**), policy Villages 5 would be sound and compliant with the NPPF and PPG. The full and up to date OAN for the district can be met on the totality of sites allocated in the plan and the available evidence confirms that the overall new settlement project, as presently envisaged, is viable and deliverable over the plan period. Accordingly, there is no necessity to allocate any further greenfield sites around the former base either now or as "reserve" sites for the future, as they would not be more sustainable than those allocated in the plan.
233. Given the recent identification of Bicester as a "Garden City" by government, reflecting the scale of new development there and the likely costs of the required infrastructure to support that growth, as well as the modified proposals for former RAF Upper Heyford, there is no necessity for a further new settlement to be considered in Cherwell to 2031, as things stand. The OAN of the district can be met in full on the sites allocated in the plan. This conclusion applies in respect of sites related to the M40 motorway junctions as to any other locations within the district, at present.

### **Issue 13 – Kidlington (Policies Kid 1 and Kid 2) and the Oxford Green Belt (Policy ESD 14)**

#### *Policy Kidlington 1*

234. Taking into account the results of the Cherwell Economic Analysis Study (ECO 01) and the 2012 Employment Land Review update (ECO 06), including that there is a constrained supply but a continuing demand locally, as well as the Oxford/Oxfordshire City Deal, the Council has concluded that there are exceptional circumstances justifying a "limited, small scale," review of the OGB boundary at both Begbroke Science Park and at Langford Lane in Kidlington.

This would relate to the two "areas of search" shown on the Policies Map and be carried out through the LP Part 2 process.

235. It would aim to meet particular local employment needs arising from the present cluster of high tech and knowledge economy firms based at the two locations, with strong links to the city and university, and take advantage of a strategic opportunity to provide sustainable economic growth locally. Some occupiers are university "spin out" companies carrying out nationally and internationally important scientific research, with very good prospects for growth in the short to medium term.
236. As a result, new firms would be able to take advantage of the synergies with existing companies that should encourage economic growth through the effects of clustering and the proximity to the airport, which is, of course, an important but fixed infrastructure facility. Accordingly, sites at Banbury and Bicester are less likely to be realistic alternatives for some of these prospective occupiers. Moreover, the locations do not directly affect the important "Kidlington Gap" part of the OGB and the limited changes envisaged should be capable of providing new long term defensible boundaries so that no form of precedent for any other schemes need arise.
237. The fact that the extent of the land in the two "areas of search" is restricted in scale also means that the likely growth in traffic movements from new employment development should be safely accommodated on the strategic and local road networks without adding materially to congestion or delays. This is reflected in the initial transport assessment work carried out and accepted by OCC as the local highway authority and the absence of objection from the HA. It is also reinforced by the generally good bus services that exist and the significant public transport improvements taking place, including the new rail station at Water Eaton. For similar reasons, the total number of new jobs arising is not likely to add significantly to existing housing pressures in Kidlington itself, bearing in mind that it also forms part of a wider market area, including Oxford city.
238. In my judgement, this specific combination of factors amounts to the exceptional circumstances necessary to justify the very limited changes to the OGB boundary presaged in the policy and that it would be consistent with the guidance in paras 83-85 of the NPPF, including regarding the definition of boundaries. Given its small scale and defined extent in the areas of search thus likely minimal overall impact on the purposes of the OGB, this element of policy Kid 1 is therefore sound. But these exceptional circumstances do not also apply elsewhere in the locality and thus there is no necessity or imperative to conduct a more wide ranging review of the OGB at Kidlington or nearby for economic/employment reasons at present. The detailed design and development criteria set out in policy Kid 1 are all reasonable, realistic and appropriate for the locations and therefore, subject to the addition of "Oxford Technology Park" in part a) for clarity (**MM 127**), the policy is sound with other text amendments for clarity (**MMs 125/126**).

#### *Policy Kidlington 2*

239. Policy Kid 2 properly seeks to strengthen the village centre through further environmental improvements and encouraging the evening economy to

reinforce its role as a local service centre. However, references to the general acceptability of new housing in the village centre, where it would not lead to the loss of retail or "main town centre" uses, and to confirm that the boundary definition of the expanded centre will be a matter for the LP Part 2, need to be added for clarity and soundness (**MMs 128/129**).

*Policy ESD 14 – Oxford Green Belt*

240. The first two parts of policy ESD 14, dealing with the OGB, are entirely in accord with the NPPF and PPG and sound. The third part also refers first to the OGB boundary review at Kidlington to meet local employment needs, in accord with policy Kid 1 (see above).
241. Para B256 of the modified Plan supporting policy ESD 14 already refers to local affordable housing needs potentially being met by small scale schemes on rural exception sites, including in the OGB, under policy Villages 3. This applies to Kidlington, as elsewhere. Although it is the largest village in the district, the scale of that specific local need on its own is considered unlikely to generate the requirement for a strategic site on the edge of the settlement in the plan period. This conclusion is reinforced by the identification of some prospects for limited new housing within the existing built up area in the early work on the Kidlington Framework Masterplan, now underway. Consequently, the local housing needs of the village should be capable of being addressed under Policy Villages 3, rather than requiring a separate local review of the OGB boundary around Kidlington.
242. There are also likely to be particular complications and potential confusion that would arise for all concerned with such a review alongside the limited local OGB boundary review to meet employment needs. Additionally, there is the obvious difficulty of accurately assessing the needs that relate to Kidlington alone, rather than the wider Oxford area, especially if more than affordable housing is considered. Therefore, the Council's proposed modification to introduce such a commitment into the policy is not necessary and would be unsound, as exceptional circumstances do not exist at present to justify an OGB boundary review to help meet the local housing needs of the village. In the light of the above, further modifications are necessary to the policy and its text for clarity (**MMs 61/62**).

**Issue 14 – Infrastructure, Delivery and Monitoring (Policy INF 1)**

243. Significant investment is already underway in new and improved infrastructure locally, not least in respect of public transport and especially rail, thus enhancing the district's realistic capacity for growth over the plan period. Of the short to medium term projects listed in the IDP in App 8, some are now complete, with well over half the remainder having full funding secured or committed and only a relatively few, none of which are critical to the plan's implementation, without allocated funds at present. In addition, government has recently announced that funding of around £100m will be available, subject to value for money, to help deliver new development at Bicester in line with its designation as a "Garden City", alongside Ebbsfleet in Kent.
244. Moreover, with a variety of strategic sites identified, the plan's overall strategy does not rely on any one or more specific elements of new infrastructure

having to be provided before the delivery of the new housing, employment and related development envisaged. Consequently, it provides a reasonable degree of flexibility regarding delivery in the event that one or more of the key sites does not come forward as expected for whatever reason. In most cases, the allocated sites have active developer interest, with many having already commenced on site in part and/or with planning permission or Council resolutions to permit, subject to legal agreements.

245. In addition, the October 2013 LP Viability Study (PWE 02) concludes that the delivery of all the strategic sites is currently viable, including Canalside at Banbury (Ban 1) albeit with a slightly later start than most others. The Council itself is also taking a proactive role in implementation, including through the purchase of the Graven Hill site (Bic 2) from the Ministry of Defence and the emerging proposals for the largest "self-build" site in the country as part of the overall scheme, alongside new employment provision.
246. The new housing numbers in the plan are not intended to act as a cap or upper limit, nor those for new jobs, and there are no general or specific phasing policies in the plan directly affecting the timing of delivery on any of the strategic sites. Therefore, there is scope for some to come forward more quickly than initially envisaged, if viable, including at NW Bicester (Bic 1), albeit the annual level of new housing proposed is a significant increase compared to recent figures and is likely to prove challenging for all concerned to achieve consistently.
247. Notwithstanding, the modified housing trajectory in Table 15 (and that for employment in Table 16) (**MM 168**) represent reasonable estimates based on current information and provide a suitable basis for the purposes of monitoring. In the light of all of the above, there are reasonable prospects of delivering the plan's strategy and objectives by 2031 with the necessary essential infrastructure in place. Furthermore, in principle, the Council's intended monitoring and review processes should be satisfactory to provide sufficient flexibility and to assist implementation over time.
248. However, given the importance of maintaining a five year housing land supply, amendments and additions to paras E11, E12, E22 and E25 are required to provide adequate clarity in respect of the monitoring of new housing delivery and particularly the actions that would need to be taken if shortfalls arise (**MMs 164-167**). In addition, changes to para D22 are also necessary to refer to Upper Heyford specifically and other areas of the district to reflect other modifications for accuracy and completeness, including that there is no demonstrable overriding need for a review of the OGB boundaries at Kidlington to meet the current local housing needs of the village (**MMs 159-163**).

## Assessment of Legal Compliance

249. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Local Plan is identified within the latest approved LDS of November 2014, which sets out an

	expected adoption date of May 2015. The plan's content and timing are generally compliant with the LDS, albeit there has been some delay due to the need for modifications.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in July 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Reports of October 2009, September 2010 and August 2012, plus the Addendums of March 2013, October 2013 and October 2014, conclude that there are no likely significant adverse effects on the Oxford Meadows Special Area of Conservation (SAC), or any other SACs outside the district, arising from the plan, including "in combination with other plans/proposals", as agreed by Natural England.
National Policy	The Local Plan complies with national policy in the NPPF, except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The Local Plan complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

250. The plan has a number of deficiencies in relation to soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

251. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Cherwell Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Nigel Payne*

Inspector

This report is accompanied by the Appendix containing the Main Modifications