



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and Date of Committee	EXECUTIVE – 12 FEBRUARY 2025
Subject	CHERWELL LOCAL PLAN REVIEW 2042
Wards Affected	All
Accountable Member	Councillor Hugo Ashton – Executive Member for Planning Email: hugo.ashton@westoxon.gov.uk
Accountable Officer	Chris Hargraves – Head of Planning Email: chris.hargraves@westoxon.gov.uk
Report Author	Chris Hargraves – Head of Planning Email: chris.hargraves@westoxon.gov.uk
Purpose	To agree the District Council's response to the proposed submission draft Cherwell Local Plan Review 2042
Annex	Annex A – Draft WODC response
Recommendations	That the Executive resolves to: <ol style="list-style-type: none">1. Note the content of the report;2. Approve the draft response attached at Annex A;3. Delegate responsibility to the Head of Planning Services, in consultation with the Executive Member for Planning, to make any minor changes to the Council's draft response before it is formally submitted
Corporate Priorities	<ul style="list-style-type: none">• Putting Residents First• A Good Quality of Life for All• A Better Environment for People and Wildlife• Responding to the Climate and Ecological Emergency• Working Together for West Oxfordshire
Key Decision	NO
Exempt	NO

Consultees/ Consultation	The proposed submission draft plan has been the subject of 3 formal public consultations in 2020, 2021 and 2023. This final current statutory consultation is being carried out in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
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1. INTRODUCTION

- 1.1** Members will be aware that Cherwell District Council is in the process of developing a new Local Plan. The proposed submission draft of the plan has been formally published for consultation in line with legislative requirements and representations are being sought until 25 February 2025.
- 1.2** This report provides a brief overview of the new Local Plan and seeks agreement on the Council's draft response. Once finalised, the response will be submitted to Cherwell District Council. If the plan proceeds to examination, West Oxfordshire District Council will then have the opportunity to participate in the examination process.

2. BACKGROUND

- 2.1** The planning policy framework in Cherwell District is complex. Currently, the statutory development plan includes the following:
- 'Saved' policies from the Cherwell Local Plan 1996 (adopted November 1996)
 - The Cherwell Local Plan 2011-2031 (Part 1) (adopted July 2015)
 - The Partial Review of the Cherwell Local Plan 2011-2031 (Part 1) addressing Oxford's unmet housing need (adopted September 2020)
- 2.2** Once adopted, the new Local Plan will simplify this current arrangement by replacing the plans adopted in 1996 and 2015.

3. THE CHERWELL LOCAL PLAN REVIEW 2042

- 3.1** The new draft Cherwell Local Plan is lengthy at over 450 pages including appendices. It includes a vision of Cherwell in 2042 which is supported by 15 strategic objectives arranged under 3 main themes:
- Meeting the challenge of climate change and ensuring sustainable development;
 - Maintaining and development a sustainable local economy;
 - Building healthy and sustainable communities.
- 3.2** The three themes are then used to structure the overall development strategy which includes a number of policies on key topics such as housing and economic needs, town centres, transport and climate change.
- 3.3** The remainder of the plan consists of a number of area-specific strategies for Banbury, Bicester, Kidlington and Heyford Park along with an overarching 'rural areas' strategy which is intended to cover the rest of the District.
- 3.4** Notably, the Kidlington area strategy includes a proposal to allocate land to the south-east of Woodstock for the provision of 450 new homes. This clearly has significant implications for West Oxfordshire and is addressed in more detail in Section 4 below as well as the suggested draft response at Annex A.
- 3.5** The draft plan concludes with a short section on implementation and is supported by a series of appendices including a proposed monitoring framework.

- 3.6** Assuming the new Local Plan is submitted for independent examination, the appointed Inspector will consider three main issues:
- Whether Cherwell District Council has complied with the Duty to Co-Operate in preparing the plan;
 - Whether Cherwell District Council has fulfilled all relevant legal and procedural requirements; and
 - Whether the submitted plan is 'sound'.
- 3.7** To be considered 'sound', the Inspector will need to be satisfied that the draft plan is:
- Positively prepared;
 - Justified;
 - Effective; and
 - Consistent with national policy.
- 3.8** In terms of national policy, it is relevant to note that under the Government's transitional arrangements for plan-making, the Cherwell local plan will be examined under the previous 2023 version of the National Planning Policy Framework (NPPF).
- 3.9** This is because the plan has reached the Regulation 19 publication stage prior to March 2025 and its draft housing requirement meets at least 80% of Cherwell's local housing need under the new standard method.

4. SUGGESTED WODC DRAFT RESPONSE

- 4.1** A suggested draft response is attached at Annex A and is summarised below.

Duty to Co-Operate

- 4.2** Officers have no concerns regarding the duty to co-operate. A number of meetings have been held with Cherwell Officers who have endeavoured to keep West Oxfordshire Officers abreast of progress with the emerging Local Plan.
- 4.3** This has included more general meetings of the Oxfordshire Planning Policy Officer Group (OPPO) as well as a number of specific bilateral meetings held between the two authorities.
- 4.4** Officers are satisfied that Cherwell District Council has sought to engage positively and continuously throughout the preparation of the draft plan and as set out in the suggested response at Annex A, propose to confirm this point for the benefit of the appointed Inspector when the plan is submitted for examination.

Procedural and Legal Compliance

- 4.5** It will be for Cherwell Officers to demonstrate at examination that all procedural and legal requirements have been met through the preparation and publication of the draft plan. West Oxfordshire Officers are not aware of any obvious failings in this respect and propose to confirm this point through the suggested draft response at Annex A.

Soundness

- 4.6** The draft Cherwell local plan is well written, comprehensive and covers many of the issues that Officers would typically expect to see including the pursuit of net zero carbon in new development, biodiversity net gain (BNG) nature recovery, healthy place shaping and green and blue infrastructure.
- 4.7** The plan's vision is positive and aspirational, placing a strong focus on climate action, economic success, providing new homes and timely provision of infrastructure. Officers also welcome the emphasis placed on the rural economy, healthy communities and protecting and enhancing the natural and built environment including the District's rich heritage.
- 4.8** Like the draft vision, many of the plan's 15 strategic objectives are supported. They are logically arranged under three main themes and are clear and distinct, avoiding duplication and repetition. Again, there is a strong emphasis on climate change, health, the economy and built and natural environment.
- 4.9** In terms of the overall spatial strategy for Cherwell, the plan seeks to ensure committed growth is delivered, with a particular focus on Bicester and Banbury and, to a lesser extent, the Kidlington area. The strategy also seeks to revitalise urban areas, minimise carbon emissions, raise design standards and improve community well-being.
- 4.10** In general terms, the proposed policy content of the draft plan is welcome and supported. Officers are pleased to see an ambitious policy approach towards net zero carbon development including the use of optional energy efficiency benchmarks as well as separate policies on retro-fitting and reducing embodied carbon.
- 4.11** Policies relating to flood risk, sustainable drainage and water resources are all welcome but could perhaps have been combined into a single, integrated policy relating to the water environment as a whole.
- 4.12** The proposed approach towards biodiversity enhancement and net gain is welcome including the pursuit of 20% BNG in parts of the District including proposed strategic allocations.
- 4.13** Officers welcome the specific policy protection afforded to Oxford Meadows Special Area of Conservation (SAC) which is of direct relevance to planned growth in West Oxfordshire.
- 4.14** The plan requires all development to take a 'decide and provide' approach to managing travel demand which is consistent with both local and national policy. It also places a strong emphasis on the efficient use of land including previously developed land, with certain minimum densities expected to apply in different urban and rural locations. This approach is supported.
- 4.15** With regards to employment and skills, Officers welcome the provision of new employment space and the commitment to deliver sites which have previously been identified. The requirement for site-specific community employment plans (CEPs) for larger development sites is welcome although we note that the threshold for defining such larger sites is relatively high and could perhaps be reduced e.g. to 500 dwellings for residential schemes.

- 4.16** In terms of housing provision, the overall proposed housing requirement is 20,042 homes in the period 2020 – 2042, an average of 911 homes per annum. This is 81.5% of Cherwell’s local housing need figure under the new standard method and under the Government’s transitional arrangements for plan-making, this means that the draft plan will be examined under the December 2023 version of the NPPF.
- 4.17** It is notable that the draft plan proposes to purposefully ‘over-supply’ to provide a buffer and account for potential slippage and non-delivery. Whilst Officers have no concerns about the principle of including a supply buffer, for the reasons outlined below, the land to the south-east of Woodstock should not form part of this and the allocation should be deleted and replaced with a less ‘pessimistic’ windfall allowance.
- 4.18** The plan commits to providing ‘truly affordable’ housing which is welcome although we note that no definition has been provided as to what this means in the context of Cherwell e.g. with reference to local housing allowance limits or typical affordable purchase prices etc. It is likely that any appointed Inspector will want greater clarity over the use of this phrase.
- 4.19** The policy approach taken towards the provision of new sites for travelling communities is noted and welcomed. The Oxfordshire local authorities have jointly commissioned up to date evidence of need and the findings and recommendations for Cherwell have been translated through into the draft Cherwell local plan. Officers note that a criteria-based approach is intended to apply rather than specific site allocations in light of the relatively small amount of residual need which has been identified. This will be a matter for the Inspector to consider during the examination.
- 4.20** The remaining topic-based policies deal with a number of important issues including healthy place-shaping and design as well as the historic environment. Officers note that the plan includes a policy on the location of hot food takeaways so as to avoid harmful cumulative impacts and to steer such uses away from schools and playgrounds. This is supported.
- 4.21** Officers also note the strong emphasis placed on the provision of supporting infrastructure and services. This is a key issue often raised by West Oxfordshire residents and it is essential that the plan includes a robust policy approach. Whilst the relevant policy requires regard to be had to the Infrastructure Delivery Plan (IDP) prepared in support of the Local Plan, Officers consider that the policy could usefully be strengthened by requiring a site-specific IDP for major development over a certain defined threshold.
- 4.22** With regards to the area-based policies of the plan, the proposal which is most relevance to West Oxfordshire District is the proposed allocation of land to the south-east of Woodstock for the provision of 450 homes. Policy KID H1: South-East of Woodstock applies.
- 4.23** Members will be aware that the site was previously proposed to be allocated as part of the Cherwell Local Plan Partial Review in 2018 which sought to make provision for Oxford’s unmet housing needs. At that time, Policy PR10 allocated the site for 410 homes as an extension to Woodstock to also include the provision of a new primary school in the northern part of the site.

- 4.24** West Oxfordshire District Council objected at the time and participated at the examination hearing sessions with an expert landscape and heritage witness appearing in support of Officers. Notably, in his final report into the examination, the Inspector concluded that the site is poorly related to Oxford in spatial terms.
- 4.25** Importantly, he also concluded that the recent Park View development has formed a well-defined boundary to the south-east of the town and that as such, its further extension in a south-easterly direction would appear incongruous and damage the character and appearance of the area.
- 4.26** While not a significant issue in its own right, the Inspector felt that this incongruity would cause some harm to the setting and thereby the significance of the Blenheim Palace World Heritage Site to the west.
- 4.27** Furthermore, he noted that the challenges of developing the site in an acceptable way were evident in the rather contorted way in which housing on the site would be arranged in relation to green space and screening woodland.
- 4.28** Since the partial review local plan was considered and the previous draft allocation deleted by the Inspector, Officers consider that little has changed in the intervening period to suggest that what is now being proposed represents a sound proposition.
- 4.29** Indeed, Officers are aware of a report prepared by ICOMOS¹ in March 2024 entitled 'Urban Expansion in the setting of the property' which highlights particular concerns regarding the potential for harm to be caused to the setting of Blenheim Palace as a result of committed and further possible growth in and around Woodstock including the draft allocation site.
- 4.30** Whilst it is evident that attempts have been made to mitigate the potential impact of development in this location (e.g. through the indicative layout of the built form and arrangement of green space) this simply serves to create a degree of separation between the proposed allocation and Park View, creating an incongruous form of development that does not relate well to the existing town, despite the stated policy requirement for a landscape and heritage led extension of the built form.
- 4.31** It also fails to reflect the potentially significant cumulative effect associated with the development of this site in conjunction with the three other sites already allocated in the current West Oxfordshire Local Plan and the proposed Botley West Solar Farm.
- 4.32** The suggested draft response attached at Annex A emphasises these concerns and also highlights a number of additional issues regarding the provision of supporting infrastructure including health and education and the potentially harmful impact that growth of this scale could have if the cumulative effects are not properly taken into account.
- 4.33** In summary, the concerns of Officers are as follows:
- Potential adverse impact on the setting of important heritage assets contrary to national and local policy;

¹ The International Council for Monuments and Sites

- Potential adverse impact on the local landscape and setting of Woodstock;
- The distance of the site from Woodstock's key services and facilities and the increased propensity to travel by the private car;
- The impact of development of this scale on local infrastructure including health, education, car parking and foul water capacity.

4.34 These concerns are set out in full in the suggested draft response attached at Annex A and would be augmented as appropriate during the course of the Cherwell Local Plan examination through the submission of further written statements and attendance at any hearing sessions.

5. NEXT STEPS

5.1 Subject to the agreement of Members, the draft response attached at Annex A will be finalised and submitted to Cherwell District Council prior to the close of the consultation on 25 February 2025.

6. ALTERNATIVE OPTIONS

6.1 The District Council could choose not to respond to the draft Cherwell Local Plan, however this would mean that Officers would not be entitled to be heard by the Inspector when the plan is submitted for examination.

7. FINANCIAL IMPLICATIONS

7.1 The report raises no direct financial implications. There may be some additional costs associated with the examination process if West Oxfordshire District Council chooses to appoint specialist landscape and heritage consultancy support as it did when the matter was last considered in 2020.

8. LEGAL IMPLICATIONS

8.1 The report raises no direct legal implications. As outlined above, once the draft plan is submitted for examination, the appointed Inspector will consider whether all procedural and legal requirements have been met.

9. RISK ASSESSMENT

9.1 The report presents no direct risks but as outlined in the suggested draft response attached at Annex A, the proposed allocation of 450 homes to the south-east of Woodstock presents a number of risks, not least the potentially harmful impact of development on the setting of the Blenheim Palace World Heritage Site (WHS).

10. EQUALITIES IMPACT

10.1 Once the draft plan is submitted for examination, the appointed Inspector will consider compliance with the Equality Act 2010 as part of their consideration of legal and procedural requirements.

11. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 11.1** Meeting the challenges presented by climate change is one of the three key themes underpinning the draft Cherwell Local Plan and is reflected in the vision, objectives and a large number of the draft policies.

12. BACKGROUND PAPERS

- 12.1** None.

(END)