

The Cherwell Local Plan 2011 – 2031

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Part 1
Adopted 20 July 2015

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Presumption in Favour of Sustainable Development

A.28 The principles of 'sustainable development' are central to the planning system. The NPPF (paragraphs 11-16) sets out what is meant by the 'presumption in favour of sustainable development' and recommends that Policies in the Local Plan should follow this presumption.

A.29 The Framework recognises that sustainable development is about change for the better. It is about positive growth, making economic, environmental and social progress for this and future generations. To achieve sustainable development, economic, social and environmental gains should be sought jointly. They are mutually dependent.

A.30 In line with Government policy advice, the Council has adopted a positive approach in seeking to meet the objectively assessed development needs of the District. The policies in the Local Plan provide a clear framework to guide development that creates positive, sustainable growth, therefore following the presumption in favour of sustainable development, enabling proposals that accord with the Plan objectives to be approved without delay. This policy is therefore at the heart of decision making when assessing planning applications.

A.31 There may be instances where the Plan is silent or in future years, policies become out of date. To enable the Council to continue to take a sustainably positive approach to decision making, the applicant will need to assist by submitting evidence to demonstrate how the benefits of the proposal outweigh any adverse impacts.

A.32 The challenge here is to reconcile the need to deliver sufficient jobs and homes, supported by appropriate infrastructure to meet Cherwell's needs, whilst conserving the natural and built environment, minimising the need to travel and addressing climate change.

Policy PSD 1: Presumption in Favour of Sustainable Development

When considering development proposals the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- **any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or**
- **specific policies in the Framework indicate that development should be restricted.**

Policy BSC 6: Travelling Communities

B.133 National Planning Policy for Traveller Sites (March 2012) requires Local Planning Authorities to assess the need for new sites, to develop fair and effective strategies to meet need and to plan for sites over a reasonable timescale.

B.134 The Government is aiming to increase the number of traveller sites in appropriate locations with planning permission to address under provision and maintain an appropriate level of supply. It wishes to enable the provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure having regard to the need to protect local amenity and the local environment. It advises that traveller sites (temporary or permanent) in the Green Belt should be considered to be inappropriate development.

B.135 The Council is required to set pitch targets for gypsies and travellers, and plot targets for travelling showpeople, which address the likely permanent and transit site accommodation needs of travellers, working collaboratively with neighbouring local planning authorities. It is required to identify and update annually a five year supply of deliverable traveller sites and to identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years eleven to fifteen.

B.136 Cherwell presently (31 March 2014) has eight private gypsy and traveller sites providing 77 household 'pitches' (including 16 pitches approved but not yet constructed). A Gypsy and Traveller Housing Needs Assessment (January 2013) commissioned with two adjoining authorities concluded that the District needed to provide a further 15 pitches from 2012 to 2027 including five pitches from 2012 to 2017. Rolling the period forward to 2031 provides a net requirement of 19 pitches from 2012 to 2031 (excluding the 16 approved pitches which would need to be provided).

B.137 Cherwell also has (at 31 March 2014) four Travelling Showpeople sites providing 14 household 'plots'. A Needs Assessment for Travelling Showpeople (2008) produced for all Oxfordshire Councils concluded that Cherwell had a need for a further 12 plots by 2018 in addition to the 14 existing; thereby producing a total of 26 plots. Until such time that a further review of need is undertaken, a 3% compound growth rate has been applied to household formation which increases the total number of plots required by 2031 to 38 - an increase of 24 plots.

B.138 Policy BSC 6 provides a sequential and criteria based approach for identifying suitable locations for new traveller sites whether through site allocations in the Local Plan Part 2 or in the determination of planning applications.

B.139 The policy seeks to secure sites that will provide suitable living environments in locations that are as sustainable as is reasonably possible. It will be important to identify sites that will enable access to services, facilities and potential sources of employment, which will promote inclusive communities but which will not be out of scale with or dominate nearby settled communities. Site identification will need to include the re-provision of pitches from a site in Banbury which is likely to be redeveloped as part of the Banbury Canalside proposals (see 'Policy Banbury 1: Banbury Canalside').

Policy BSC 6: Travelling Communities

Cherwell District will provide 19 (net) additional pitches to meet the needs of Gypsies and Travellers from 2012 to 2031. It will also provide 24 (net) additional plots for Travelling Showpeople from 2012 to 2031.

To meet these requirements, and in order to provide and maintain a five year supply of deliverable sites, allocations will be made in Local Plan Part 2 and planning permissions will be granted for suitable sites.

Locations outside of the Cotswolds Area of Outstanding Natural Beauty and the Green Belt will be considered. In identifying suitable sites with reasonable accessibility to services and facilities the following sequential approach will be applied:

- 1. within 3km road distance of the built-up limits of Banbury, Bicester or a Category A village**
- 2. within 3km road distance of a Category B village and within reasonable walking distance of a regular bus service to Banbury or Bicester or to a Category A village.**

Other locations will only be considered in exceptional circumstances.

The following criteria will also be considered in assessing the suitability of sites:

- a) access to GP and other health services**
- b) access to schools**
- c) avoiding areas at risk of flooding**
- d) access to the highway network**
- e) the potential for noise and other disturbance**
- f) the potential for harm to the historic and natural environment**
- g) the ability to provide a satisfactory living environment**
- h) the need to make efficient and effective use of land**
- i) deliverability, including whether utilities can be provided**
- j) the existing level of local provision**
- k) the availability of alternatives to applicants.**

Policy ESD 1: Mitigating and Adapting to Climate Change

B.177 The 2009 UK Climate Projections (UKCP09) set out some key projections of climate change across the UK over the 21st Century. Projected changes by the 2080s, based on a 50% probability level, include:

- increases in summer mean temperatures, particularly in southern England where increases of 3.9 degrees are projected
- decreases in summer precipitation, again particularly in southern England where decreases of 23% are projected
- increases in winter precipitation in southern England of 22%.



B.178 Changes as small as a 2°C global temperature rise will have serious impacts:

- rising sea levels
- extreme events such as droughts and heavy rainfall, leading to disruption to natural and man-made habitats
- communities across the UK may struggle to cope with the effects of warmer summers and wetter winters.

B.179 A Local Climate Impacts Profile (LCLIP) has been undertaken to better understand the impact of extreme weather in Cherwell and on the Council itself. The LCLIP reviewed extreme weather events experienced over a five year period (2003 – 2008), finding that within Cherwell flooding was by far the most significant event, with significant flooding occurring 6 times in a 5 year period, 2 of the events being serious and widespread (2003 and 2007). Heatwaves were found to have been infrequent in that 5 years period, but if they were to recur on the scale of 2003 this would have significant impacts on health, biodiversity and infrastructure (including damage to buildings by tree and drought related subsidence, roads, drainage systems and business closures).

B.180 There is increasing recognition that reducing carbon emissions is important in reducing and adapting to the impacts of climate change. The Climate Change Act 2008 has an objective of an 80% reduction (from a 1990 baseline) in carbon dioxide emissions by 2050. This can be achieved by, for example, reducing dependence on private cars and locating new development in sustainable, accessible, locations, increasing energy efficiency, or by increasing the use of renewable or low carbon energy sources. It is particularly important to reduce carbon emissions from dwellings and business through increasing energy efficiency. Similarly it is important to ensure that we adapt to the inevitable changes to future climate. This applies to the built development, its location, design, layout and proposed land uses, as well as the natural environment, by seeking to reduce exacerbated habitat fragmentation by increasing landscape permeability and connectivity (see 'Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment', 'Policy ESD15 Built and Historic Environment' and 'Policy ESD 17: Green Infrastructure').

B.181 Mitigating and adapting to the impacts of climate change are an important priority for the District and have been recognised in the following:

- the Cherwell Sustainable Community Strategy 'Our District Our Future'
- the Council's Low Carbon Environmental Strategy
- the Council's signing of the Nottingham Declaration
- Eco Bicester: seeking to deliver sustainable building standards across the town.

B.182 Consequently this Local Plan and its strategic objectives are focused on delivering sustainable development. Specifically, Strategic Objective 10 (see Section Strategy for Development in Cherwell) relates to climate change mitigation and adaptation (to reduce the intensity of climate change and to adapt to its effects) and this will be achieved through policies ESD 1 - 7.

B.183 The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car. Well designed and connected schemes which promote pedestrian movement can also assist in meeting this objective. (see 'Policy ESD 15 The Character of the Built and Historic Environment'). The Council will develop a sustainability checklist to aid the assessment of the sustainability of development proposals, which will be included in the Sustainable Buildings in Cherwell SPD.

Policy ESD 1: Mitigating and Adapting to Climate Change

Measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include:

- **Distributing growth to the most sustainable locations as defined in this Local Plan**
- **Delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars**
- **Designing developments to reduce carbon emissions and use resources more efficiently, including water (see Policy ESD 3 Sustainable Construction)**
- **Promoting the use of decentralised and renewable or low carbon energy where appropriate (see Policies ESD 4 Decentralised Energy Systems and ESD 5 Renewable Energy).**

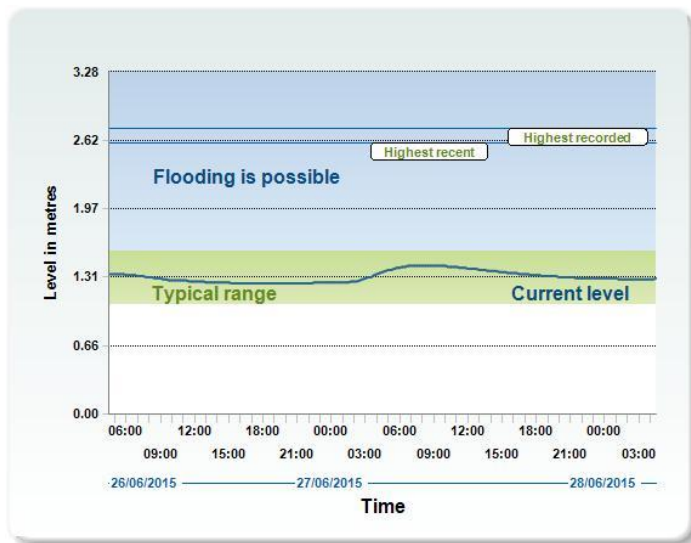
The incorporation of suitable adaptation measures in new development to ensure that development is more resilient to climate change impacts will include consideration of the following:

- **Taking into account the known physical and environmental constraints when identifying locations for development**
- **Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling**
- **Minimising the risk of flooding and making use of sustainable drainage methods, and**
- **Reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).**

Adaptation through design approaches will be considered in more locally specific detail in the Sustainable Buildings in Cherwell Supplementary Planning Document (SPD).

Policy ESD 6: Sustainable Flood Risk Management

B.203 The risk of flooding from rivers and watercourses across the District is high, with large extensive floodplains a feature of our rural landscape. The District falls within three major river catchments. The River Cherwell forms part of the larger Thames catchment, which comprises about 80% of the District's total area covering much of the urban and rural development in the District. During flood conditions the River Cherwell also largely co-joins with the adjacent Oxford Canal. The Great Ouse catchment covers approximately 15% of the District's total area and the Warwickshire Avon catchment approximately 5%. Groundwater and sewer flooding have also occurred at various locations in the District. Flooding events are detailed in the Council's Level 1 Strategic Flood Risk Assessment (SFRA) and further information is also provided in the Council's Local Climate Impacts Profile (LCLIP) (See Appendix 3: Evidence Base).



B.204 Properties at risk of flooding are dispersed across the District but there are clusters of properties at risk in Banbury and Kidlington (more than 100 properties in total). The SFRA also highlights that some rural settlements are potentially affected by fluvial flooding.

B.205 Construction work commenced in February 2011 on a Flood Alleviation Scheme for Banbury to protect the town centre and surrounding businesses from flooding and the scheme is now complete. The project was funded by the Environment Agency supported by Cherwell District Council and contributions from local landowners.

B.206 The Flood and Water Management Act 2010 assigns local authorities with a responsibility for managing flood risk. In Cherwell District, Oxfordshire County Council is the Lead Local Flood Authority (LLFA), with the District Council having an important supporting role to play as a Risk Management Authority. The probability of flooding can be reduced through the management of land, river systems and flood defences, and the impact reduced through influencing the type of development located in flood risk areas. The following policy will be used to manage and reduce flood risk in the District.

Policy ESD 6: Sustainable Flood Risk Management

The Council will manage and reduce flood risk in the District through using a sequential approach to development; locating vulnerable developments in areas at lower risk of flooding. Development proposals will be assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding.

In addition to safeguarding floodplains from development, opportunities will be sought to restore natural river flows and floodplains, increasing their amenity and biodiversity value. Building over or culverting of watercourses should be avoided and the removal of existing culverts will be encouraged.

Existing flood defences will be protected from damaging development and where development is considered appropriate in areas protected by such defences it must allow for the maintenance and management of the defences and be designed to be resilient to flooding.

Site specific flood risk assessments will be required to accompany development proposals in the following situations:

- **All development proposals located in flood zones 2 or 3**
- **Development proposals of 1 hectare or more located in flood zone 1**
- **Development sites located in an area known to have experienced flooding problems**
- **Development sites located within 9m of any watercourses.**

Flood risk assessments should assess all sources of flood risk and demonstrate that:

- **There will be no increase in surface water discharge rates or volumes during storm events up to and including the 1 in 100 year storm event with an allowance for climate change (the design storm event)**
- **Developments will not flood from surface water up to and including the design storm event or any surface water flooding beyond the 1 in 30 year storm event, up to and including the design storm event will be safely contained on site.**

Development should be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.

B.207 The above policy reflects government planning guidance on sustainable flood risk management set out in the NPPF and NPPG. The suitability of development proposals will be assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG. Defended areas should be sequentially tested as though the defences are not there. Applications will also be assessed against the Environment Agency's standing advice on flood risk.

B.208 The Council's Level 1 SFRA (see Appendix 3: Evidence Base) provides the framework for applying the sequential and exception tests in the District. The SFRA identifies and maps the risk of flooding across the District based on a range of data and taking into account predicted climate change impacts, and is a useful source of information in undertaking site specific flood risk

assessments particularly in relation to specific locations across the District. The SFRA also highlights the biodiversity opportunities associated with the use of sustainable flood risk management techniques, for example in enhancing or creating priority habitats such as grazing marsh, wet grassland, wetlands and aquatic habitats (particularly so in the Conservation Target Areas - see 'Policy ESD 11: Conservation Target Areas').

B.209 Level 2 SFRA's have also been carried out to assess the level of flood risk for strategic site allocations in more detail (see Appendix 3: Evidence Base). The assessments provide site specific guidance for flood risk assessments, policy recommendations and Sustainable Drainage Systems (SuDS) guidance. The findings of the assessments will be taken into account in the final determination of planning applications at the strategic sites.

B.210 Site specific Flood Risk Assessments (FRAs) will be required in accordance with the NPPF and NPPG. The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. Fluvial flood events up to and including the 1 in 100 year event with an allowance for climate change should be considered. For major developments in Flood Zone 1, the FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should also include investigation of the use of sustainable drainage systems (see 'Policy ESD 7: Sustainable Drainage Systems' (SuDS)).

B.211 Briefly, there are 3 levels of FRA, as follows:

- Level 1 - Screening: identify if a development site has flood risk issues
- Level 2 - Scoping: qualitative assessment to determine how flood sources affect the site and options available for mitigation
- Level 3 - Details: where the quality and/or quantity of information is insufficient to enable a robust assessment of the flood risks, further investigation will be required potentially involving hydraulic modelling.

B.212 An FRA does not need to go through every stage (i.e. if it is known that detailed modelling will be required, just a Level 3 FRA can be carried out). The Council's SFRA makes the following recommendations for FRAs undertaken in particular locations across the District, as follows:

Location	Site Specific FRA Requirement
Wherever applicable	Where a site is in close proximity of the Oxford Canal, the Level 3 FRA should include breach analysis.
Wherever applicable	Flood defended areas will require a FRA to include assessment of risk from catastrophic failure of defences.
Banbury	A detailed level 3 FRA is required for development within the River Cherwell Floodplain to include flood compensation.

	Groundwater risk to be highlighted at Crouch Hill.
North East Biceser	A level 2 FRA using existing data can be applied.
South East Bicester	A level 3 FRA including hydraulic modelling will be required in the vicinities of these watercourses.
Kidlington	Where EA modelled data is available a level 2 FRA can be completed using existing modelled flood levels. Where no data is available a Level 3 FRA including hydraulic modelling may be required for sites in close proximity to the Rowell Brook or the River Cherwell. A level 2 FRA to include detailed assessment of groundwater flood risk should be included at all sites.
Rural Areas	There are village specific recommendations contained in the SFRA

B.213 Additional recommendations are included in the Level 2 SFRA for the proposed strategic site allocations.

B.214 We will work actively with the Environment Agency, the Local Lead Flood Authority, other operating authorities and stakeholders to ensure that best use is made of their expertise and so that spatial planning supports existing flood risk management policies and plans, River Basin Management Plans and emergency planning.

Policy ESD 7: Sustainable Drainage Systems (SuDS)

B.215 Policy ESD 7 sets out the Council's approach to Sustainable Drainage Systems (SuDS). Potential flooding and pollution risks from surface water can be reduced by reducing the volume and rate of water entering the sewerage system and watercourses. Managing drainage more sustainably in this way can ensure that developments are better adapted to the predicted impacts of climate change in the South East, which include more intense rainfall events. Policy ESD 7 is supported by the Flood and Water Management Act 2010 which presumes that SuDS will be used for all new developments and redevelopments in order to prevent surface water run-off from increasing flood risk, and sets out that national standards be published to address SuDS design, construction, operation and maintenance issues at a national level.

B.216 SuDS seek to manage surface water as close to its source as possible, mimicking surface water flows arising from the site prior to the proposed development. Typically this approach involves a

move away from piped systems to softer engineering solutions. SuDS are considered to be suitable for use in association with developments across the District. Where site specific Flood Risk Assessments are required to be submitted to accompany development proposals these should be used to investigate how SuDS can be used on particular sites and to design appropriate systems.

B.217 In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, multiple benefits including for recreation and wildlife should be delivered. Proposals must include an agreement on the future management, maintenance and replacement of the drainage structures.

B.218 All relevant organisations should meet at an early stage to agree on the most appropriate drainage system for the particular development. These organisations may include the Local Authority, the Sewage Undertaker, Oxfordshire County Council as the LLFA and Highways Authority, and the Environment Agency. Highways SuDS will be adopted by Oxfordshire County Council but must be located on the most appropriate land, requiring consideration of the need to provide access for maintenance purposes, and topographical factors. Non-highway SuDS draining two properties or more will be adopted by the Local Lead Flood Authority (LLFA) after Schedule 3 of the 2010 Act comes into force.

B.219 Advice on SuDS and their various techniques is provided in the Council's Level 1 SFRA (August 2008). All areas of the District are suitable for SuDS in one form or another but the SFRA contains maps of a range of geological and ground condition data which can be used to identify the general permeability of the underlying ground conditions (bedrock, superficial deposits and soil) and the vulnerability of the groundwater resources (aquifers), to determine which SuDS system might be suitable. However the SFRA's mapping of SuDS opportunity does not provide a detailed and definitive investigation at site specific level, and so further assessment may be required to further investigate SuDS opportunities on individual sites. The Level 2 SFRAs contain additional guidance relating to the use of SuDS on the proposed strategic site allocations.

Policy ESD 7: Sustainable Drainage Systems (SuDS)

All development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.

Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems.

In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as LLFA and SuDS Approval Body, and proposals must include an agreement on the future management, maintenance and replacement of the SuDS features.

Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment

B.233 Development proposals likely to affect a site of international ecological importance will need to be accompanied by a thorough Habitats Regulations Assessment of the potential effects of the development on that site of international importance, to enable the Council to determine whether the development would result in significant adverse effects on the integrity of the site. Any development that is unable to demonstrate that it would not have a significant adverse effect upon the integrity of a European site, having taken account of proposed mitigation, will be refused. This is in accordance with the precautionary principle enshrined in the Habitats Directive. Where there are imperative reasons of over-riding public interest and the Council is unable to conclude no adverse effect on the integrity of the SAC, the authority will notify the Secretary of State to allow the application to be called in for determination. In these situations compensatory measures to protect the site must be put in place.



B.234 Sites of national importance comprise Sites of Special Scientific Interest (SSSIs) and National Nature Reserves. Cherwell District has 18 SSSIs but does not contain any National Nature Reserves.

B.235 Sites of regional/local importance comprise Local Geological Sites (LGSs), Local Nature Reserves (LNRs), non-statutory nature reserves and other sites of importance for nature conservation including Local Wildlife Sites (LWSs- formerly known as County Wildlife Sites), ancient woodland, aged or veteran trees and UK Biodiversity Action Plan (BAP) Priority Habitats (habitats of principal importance for the conservation of biodiversity under Section 41 of the NERC Act). Cherwell contains 13 LGSs, 3 LNRs, 83 Local Wildlife sites (completely or partly within the District), 16 proposed LWSs and 8 proposed LWS extensions (as of August 2013). The sites are indicated on the biodiversity map at Appendix 5: Maps, but it must be acknowledged that the number and location of sites changes over time as surveys and re-surveys take place. A living list of Local Wildlife Sites and associated maps are available at <http://www.tverc.org>. Sites of regional/local importance also include the habitats of those species of principal importance for biodiversity (as identified in Section 41 of the NERC Act).

B.236 It is not just designated sites that are of importance to the biodiversity resource of the District. Areas adjacent to designated sites can be of value as they can form part of the overall ecological unit and may provide important linkages. Also landscape features such as hedgerows, woods, trees, rivers and riverbanks, ponds and floodplains can be of importance both in urban and rural areas, and

often form wildlife corridors and stepping stones. Similarly it is not just greenfield sites that can be of value; previously developed land can also make an important contribution to biodiversity. Some development can remediate contaminated land which may be having an adverse impact on ecology. It is important that any features of value are identified early in the planning process so that adequate measures can be taken to secure their protection. Developers will be expected to incorporate and enhance such features within a site wherever possible and adequate measures should be taken to protect them from damage during construction. Networks of habitats will be protected from development and where possible strengthened by it.

B.237 Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site of known biodiversity value or the biodiversity/natural environment of the local area. A biodiversity survey and report will also be required where it is likely that previously unrecorded biodiversity interest may be present which could be affected by the development. All developments around Bicester will require surveys carried out for the brown hairstreak butterfly. Surveys should include consideration of the site's value as a wildlife corridor and the contribution it makes to ecological networks. In addition to identifying biodiversity impacts, biodiversity surveys and reports should identify opportunities to deliver biodiversity enhancements.

B.238 There are a number of features which can be incorporated into developments to encourage biodiversity including green roofs and walls, SUDs, using native and locally characteristic species in landscaping schemes, using landscaping to link up existing areas supporting biodiversity and including features such as bird and bat boxes. The Council is compiling further guidance on the incorporation of features to encourage biodiversity which will form part of the Sustainable Buildings in Cherwell SPD.

B.239 Consideration will be given to the introduction of a tariff based approach to securing biodiversity improvement through development. Further information on the use of planning obligations to secure contributions from development towards biodiversity will be contained in the final Developer Contributions SPD.

Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment

Protection and enhancement of biodiversity and the natural environment will be achieved by the following:

- **In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources**
- **The protection of trees will be encouraged, with an aim to increase the number of trees in the District**
- **The reuse of soils will be sought**
- **If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted.**
- **Development which would result in damage to or loss of a site of international value will be subject to the Habitats Regulations Assessment process and will not be permitted**

unless it can be demonstrated that there will be no likely significant effects on the international site or that effects can be mitigated





- Development which would result in damage to or loss of a site of biodiversity or geological value of national importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site and the wider national network of SSSIs, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity
- Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity
- Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity
- Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential ecological value
- Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution
- Planning conditions/obligations will be used to secure net gains in biodiversity by helping to deliver Biodiversity Action Plan targets and/or meeting the aims of Conservation Target Areas. Developments for which these are the principal aims will be viewed favourably
- A monitoring and management plan will be required for biodiversity features on site to ensure their long term suitable management.

Policy ESD 13: Local Landscape Protection and Enhancement

B.248 The Cherwell Local Plan 1996 identified Areas of High Landscape Value - land of particular environmental quality - where the Council would seek to conserve and enhance the environment. This Local Plan adopts a character-based approach to seek to conserve and enhance the countryside and landscape character of the whole District, and so Areas of High Landscape Value are not proposed to be retained. Policy ESD 13 therefore seeks to conserve and enhance the distinctive and highly valued local character of the entire District. The Council will use the CPRE's Tranquillity Map of Oxfordshire available at <http://www.cpre.org.uk> as a guide in assessing areas of tranquillity. Further guidance will be contained within the Local Plan Part 2.

Examples of landscape types ([Popup full image](#))

Landscape Types

	Clay Vale
	Farmland Plateau
	Farmland Slopes and Valley Sides
	River Meadowlands
	Upstanding Village Farmlands
	Wooded Pasture Valleys and Slopes

B.249 Opportunities for landscape enhancement can also be provided by land in the Council's ownership, and on other land by agreement.

B.250 The relationship between the District's towns and the adjoining countryside and the avoidance of an abrupt transition from built development to open farmland requires special attention to the landscaping of existing and proposed development. This interface is important in determining the relationship between the urban areas and on the character of the countryside. Where new development will extend the built up limits of the towns the Council will seek a masterplan and well-designed approach to the urban edge. This could incorporate the enhancement of existing hedgerows and woodlands and new areas of woodland planting and hedgerows to be incorporated as part of the development, to ensure the satisfactory transition between town and country. These considerations can equally be applied where extensions to villages are required. Landscape mitigation for the proposed strategic sites will be negotiated on a site by site basis.

B.251 In order to understand the local landscape character of Cherwell a Landscape Assessment was undertaken in 1995. The findings of this assessment informed the Non Statutory Cherwell Local Plan policy and the Countryside Design Summary Supplementary Planning Guidance. These documents identified four distinct character areas - the 'Cherwell Valley', 'Ironstone Downs', 'Ploughley Limestone Plateau' and 'Clay Vale of Otmoor'. The guidance states how development can complement the most important aspects of the character of that part of the District. More recently the Oxfordshire Wildlife and Landscape Study (OWLS) looked in detail at the landscape types across the District as well as the biodiversity resource. It identifies the 'forces for change' in a particular location and includes landscape/biodiversity strategies which set guidelines for how developments can contribute towards landscape character. Further landscape assessment work has been undertaken to inform the Local Plan and the Masterplans being prepared for Bicester and Banbury (see Appendix 3: Evidence Base).

B.252 One of the most important elements of the landscape which can add to the character and identity of an area are natural landscape features. Such features include Muswell Hill, Crouch Hill, Madmarston Hill, the River Cherwell and Otmoor, which all make those areas distinct and create a sense of place. Many form local landmarks valued by the local communities. The Council's Landscape Evidence Base documents identify the key landform and landscape features of value which include the following features around Banbury and Bicester:

- the open and agricultural setting and identity of the outlying villages surrounding Banbury and Bicester, many with locally distinctive historic cores
- ironstone ridges and valleys
- the historic villages and parkland of Hanwell and Wroxton

- Broughton Castle and Grade II Registered Park
- Crouch Hill: an important landmark overlooking Banbury and the surrounding area
- the landscape to the east of the motorway at Banbury which retains a distinct historic pattern
- Salt Way and its setting
- the Sor Brook Valley
- the setting of the Oxford Canal and River Cherwell corridor
- specific features at Bicester noted for their value include those showing notable 'time depth' including Former RAF Bicester, Wretchwick deserted medieval village, Bignell Park and the Roman roads
- Graven Hill and Blackthorn Hill which contrast with the relatively flat surrounding landform
- the River Ray floodplains.

B.253 The Council will seek to retain woodlands, trees, hedges, ponds, walls and any other features which are important to the character or appearance of the local landscape as a result of their ecological, historic or amenity value. Proposals which would result in the loss of such features will not be permitted unless their loss can be justified by appropriate mitigation and/or compensatory measures to the satisfaction of the Council.

B.254 In order that development conserves and enhances the character of the countryside, the Council will carefully control the type, scale and design of development, including the materials used, taking into account the advice contained in the Council's Countryside Design Summary SPG and the OWLS.

B.255 In addition to this policy, many villages have conservation areas and in considering development proposals within or adjacent to them, special attention will be given to the preservation or enhancement of their character and appearance under 'Policy ESD 15: The Character of the Built and Historic Environment'.

Policy ESD 13: Local Landscape Protection and Enhancement

Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:

- **Cause undue visual intrusion into the open countryside**
- **Cause undue harm to important natural landscape features and topography**
- **Be inconsistent with local character**
- **Impact on areas judged to have a high level of tranquillity**
- **Harm the setting of settlements, buildings, structures or other landmark features, or**
- **Harm the historic value of the landscape.**

Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study (OWLS), and be accompanied by a landscape assessment where appropriate.

Policy ESD 15: The Character of the Built and Historic Environment

B.261 Conservation of the historic environment and securing high quality urban design are very important in protecting and enhancing the character of the District and ensuring that Cherwell is an attractive place to live and work. Cherwell District is composed of four landscape character areas, which each display distinct, settlement patterns, building materials and styles of vernacular architecture to create a rural environment that is strongly locally distinctive. Each of the three urban areas also displays its own unique character.



B.262 The following features contribute to the distinctive character, appearance and high quality environment of Cherwell District:

- over 2,200 listed buildings and many others of local architectural and historical interest.
- currently 60 conservation areas
- 36 Scheduled Ancient Monuments
- 5 registered Historic Parks and Gardens and a Historic Battlefield, and 6 Historic Parks and Gardens considered as non-designated heritage assets
- three urban centres: Banbury, Bicester and Kidlington – with quite distinct characters, retaining their medieval street patterns
- the Oxford Green Belt (see 'Policy ESD 14: Oxford Green Belt')
- the Cotswolds Area of Outstanding Natural Beauty in the north-west of the District (see 'Policy ESD 12: Cotswolds Area of Outstanding Natural Beauty (AONB)')
- the District's waterways, in particular the River Cherwell and the Oxford Canal
- sites of ecological importance including 18 Special Areas for Conservation (see 'Policy ESD 9: Protection of the Oxford Meadows SAC') and Sites of Special Scientific Interest (SSSIs).

B.263 We will protect our historic environment; it is a major resource contributing to the local distinctiveness of the District. Conservation Areas and other heritage assets (including both designated and undesignated assets) form part of the historic fabric of the District and contribute to the character of the area and will be maintained. We will protect our Conservation Areas and other heritage assets from harmful growth as these help to define how the area looks and feels, both in the towns and villages. The Council has a rolling programme of Conservation Area Appraisals and review. We will maintain a local register of Buildings at Risk and use Article 4 Directions to maintain the character of our historic villages and towns. A Register of non-designated heritage assets is also being compiled. Further information on these measures is contained in the Design and Conservation Strategy for Cherwell.

B.264 The Council will protect and enhance the special value of these features individually and the wider environment that they create. The strategic policy on landscape protection can be found under 'Policy ESD 13: Local Landscape Protection and Enhancement'. It is also important, however, to provide a framework for considering the quality of built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits.

B.265 We will ensure that the new developments, area renewal and town centre expansions are safe places to live, work and visit through design standards by using tools such as 'secured by design', also through requiring CCTV where appropriate.

B.266 Design standards for new development whether housing or commercial development are equally important. High design standards are critical in the town and village centres where Conservation Areas exist, but more generally in ensuring development is appropriate and secures a strong sense of place and clear sense of arrival at points of entry into the towns and villages. Particular sensitivity is required where development abuts or takes place within designated Conservation Areas.

B.267 It is also important to take into account heritage assets located outside of the District which may be affected by development inside the District such as Blenheim Palace, a World Heritage Site.

Policy ESD 15: The Character of the Built and Historic Environment

Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.

New development proposals should:

- **Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions**
- **Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions**

- Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting
- Conserve, sustain and enhance designated and non designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage's At Risk Register, into appropriate use will be encouraged
- Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.
- Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages
- Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette
- Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features
- Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed
- Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space
- Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation
- Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation
- Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout
- Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1 - 5 on climate change and renewable energy)

- Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality
- Use locally sourced sustainable materials where possible.

The Council will provide more detailed design and historic environment policies in the Local Plan Part 2.

The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The Council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design & Access Statement. Further guidance can be found on the Council's website.

The Council will require design to be addressed in the pre-application process on major developments and in connection with all heritage sites. For major sites/strategic sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and high quality design is delivered throughout. Design Codes will usually be prepared between outline and reserved matters stage to set out design principles for the development of the site. The level of prescription will vary according to the nature of the site.

B.268 The appearance of new development and its relationship with its surrounding built and natural environment has a significant effect on the character and appearance of an area. Securing new development that can positively contribute to the character of its local environment is therefore of key importance. This policy identifies a number of key issues that need to be addressed in the design of new development.

B.269 These issues are as relevant in urban areas as in rural locations and also in recent development as in historic areas. The policy seeks to protect, sustain and enhance designated and non-designated 'heritage assets'. The NPPF defines these as 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest'. Heritage assets with archaeological interest will require the submission of relevant assessment. In sensitive locations severe constraints may direct the design approach, but in many cases the Council will not wish to prescribe a specific design solution. Designs need to be sensitive and complimentary to their surroundings but this does not require merely replicating existing styles and imitating architectural details; modern interpretation is possible if informed by a full contextual analysis and proposals promote and reinforce local distinctiveness.

B.270 Our urban areas will see significant growth during the period of the Local Plan, and will need to adapt and respond to these pressures both within their existing boundaries and beyond, while retaining their unique character and heritage. A balance will need to be struck between making best

use of land and respecting established urban character and creating new and vibrant sustainable neighbourhoods. Applicants should also have regard to national guidance and best practice advice on design, including on public space, street design, trees in the street scene, public buildings, housing, work environments inclusive design, tall buildings and eco-towns, e.g. guidance published by the Commission for Architecture and the Built Environment CABE (now merged with the Design Council). English Heritage has also published much guidance on integration of development into the historic environment. Applicants will also need to have regard to policies from Oxfordshire County Council, such as the Parking Policy.

B.271 Our rural areas will need to accommodate new development which reinforces the locally distinctive character by being sensitive in its location, scale, materials and design, reflecting the traditional pattern of development within the settlement, balancing making best use of land with respect for the established character and respecting open features that make a positive contribution. A large proportion of rural settlements fall within conservation areas, where the quality and special interest of the area is protected. Council publications, such as its Countryside Design Summary, which analyses settlement types, and Appraisals of the District's Conservation Areas, which analyse the special qualities and identify those features that make a positive contribution to the character of the place, will assist in understanding a settlement. National guidance includes Natural England's guidance on undertaking Village Design Statements.