

PROPOSED CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER

RELEVANT PLANNING & TRANSPORT POLICIES

1.0 Introduction

This note has been prepared to bring together relevant national, regional and local policy as referred to in CRCL evidence. The note takes account of the recent High Court judgements in relation to regional spatial strategies. Policies referring directly to the East West Rail Project are set out in **CRCL/P/12/H**.

2.0 Relevant National Policies

The table below sets out summaries of the relevant policies at national level, their status and where they can be found in the relevant witnesses proof of evidence and in the core document list.

Policy Document	Date	Status	Core Doc No.	Policy Ref. No.	Policy Summary	Reference in Evidence
Environmental Policy						
PPS5 Planning for the Historic Environment	March 2010	Issued; Material consideration but not part of the development plan	CD/3.29	Policy HE9.1	This policy seeks to sustain and enhance the significance of heritage assets and includes a presumption in favour of the conservation of designated heritage assets. The more significant the designated heritage assets, the greater the presumption in favour of its conservation should be.	Ian Gilder CRCL/P/12/A para 2.7
				Policy HE9.2	Loss affecting any designated heritage assets requires clear and convincing justification. It needs to be demonstrated that any substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss.	Ian Gilder CRCL/P/12/A para 2.7

				Policy HE 12.3	Where the loss of the whole or Material part of a heritage asset's significance is justified, the developer is required to record and advance understanding of the significance of the heritage asset before it is lost. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Planning conditions or obligations should be imposed to ensure such work is carried out in a timely manner and the completion of the exercise is properly secured.	Ian Gilder CRCL/P/12/A para 2.8
				Policy HE 9.4	Where there is less than substantial harm the decision maker has to ' <i>weigh the public benefit of the proposal against the harm</i> ' acknowledging that ' <i>the greater the harm...the greater the justification will be needed for any loss</i> '.	Ian Gilder CRCL/P/12/A para 2.9
				Policy HE10.1	Where considering impact on the setting of heritage assets, such as Scheduled Monuments, the decision maker should ' <i>weigh any such harm against the wider benefits of the application</i> '.	Ian Gilder CRCL/P/12/A para 2.10
				Policy HE 10.2	This policy makes it clear that ' <i>opportunities for changes in the setting to enhance or better reveal the significance of a heritage asset</i> ' should be taken and can be seen as a public benefit to be weighed in the balance.	Ian Gilder CRCL/P/12/A para 2.10
PPS7 Sustainable development in Rural Areas	August 2004	Issued; Material consideration but not part of the development plan	CD/3.11	Para 15	PPS7 contains within it a presumption that the quality and character of the wider countryside is protected and where possible enhanced.	Ian Gilder CRCL/P/12/A para 2.12
				Para 28	PPS7 seeks to protect the best and most versatile agricultural land (defined as grades 1, 2 and 3a) from development unless opportunities have been assessed for accommodating development on previously developed sites and on land within the boundaries of existing urban areas. Paragraph 28 states that " <i>where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations</i> ".	Ian Gilder CRCL/P/12/A para 2.13
PPS9 Biodiversity and	August 2005	Issued; Material	CD/3.15	Para 8	In the case of SSSIs, there is a presumption against development likely to have an adverse effect. An exception should only be made and	Ian Gilder CRCL/P/12/A

Geological Conservation	consideration but not part of the development plan				permission granted, where the benefits at the site clearly outweigh both the likely impacts on the special features of the site and any broader impacts on the national network of SSSIs.	para 2.16
				Para 1 (iv)	Where a proposed development would significantly harm biodiversity and geological conservation interests, planning authorities must be satisfied that: <ul style="list-style-type: none"> the development cannot reasonably be located on alternative sites that would result in a lesser impact; adequate mitigation measures are secured; and appropriate compensation measures are sought if the impact cannot be mitigated. 	Ian Gilder CRCL/P/12/A para 2.18
Joint Defra and ODPM Circular	August 2005	Issued; Material consideration but not part of the development plan	CD/5.20	Para 99	It is essential that the presence of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. Where a development impacts on a protected species the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted. In appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of the relevant licence.	Ian Gilder CRCL/P/12/A para 2.21
PPG17 Planning for Open Space, Sport and Recreation	July 2002	Issued; Material consideration but not part of the development plan	CD/3.8	Para 16	<i>"In considering planning applications – either within or adjoining open space – local authorities should weigh the benefits being offered to the community against the loss of open space that will occur".</i>	Ian Gilder CRCL/P/12/A para 2.22
PPS23 Planning and Pollution Control	Nov 2004	Issued; Material consideration but not part of the development plan	CD/3.12	Para 8	Makes it clear that quality of land is capable of being Material consideration in reaching planning decisions.	Ian Gilder CRCL/P/12/A para 2.23
				Para 23	Consideration should be given to the risks of and from land contamination and how these can be managed or reduced. The potential for contamination and any risk arising, needs to be properly assessed and the development needs to incorporate any necessary remediation and subsequent management measures to deal with	Ian Gilder CRCL/P/12/A para 2.23

					unacceptable risks.	
PPG24 Planning and Noise	1994	Issued; Material consideration but not part of the development plan	CD/3.4	Annex 3	Provides specific guidance on assessing railway noise.	Ian Gilder CRCL/P/12/A para 2.24
				Para 10	Acknowledges that “ <i>much of the development which is necessary for ... the construction and improvement of essential infrastructure will generate noise. The planning system should not place justifiable obstacles in the way of such development</i> ”.	Ian Gilder CRCL/P/12/A para 2.25
				Para 18	Acknowledges that there “ <i>will also be circumstances when it is acceptable – or even desirable in order to meet other planning objectives – to allow noise generating activities on land near or adjoining a noise sensitive development</i> ”.	Ian Gilder CRCL/P/12/A para 2.25
				Para 13	Recognises that mitigation measures should be proportionate and reasonable.	Ian Gilder CRCL/P/12/A para 2.26
PPS25 Development and Flood Risk	March 2010	Issued; Material consideration but not part of the development plan	CD/3.29	Para 5	seeks to ensure that flood risk is taken into account in development proposals in order to avoid inappropriate development in areas at risk of flooding, to direct development away from areas at highest risk, and where development is exceptionally necessary in such areas, to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.	Ian Gilder CRCL/P/12/A para 2.27
				Annex D	Classifies the Order Scheme as ‘ <i>Essential Infrastructure</i> ’.	Ian Gilder CRCL/P/12/A para 7.5
Economic Policy						
PPS 1 Delivering Sustainable Development	Jan 2005	Issued; Material consideration but not part of the development plan	CD/3.13	Para 23	Seeks to insure that infrastructure and services are provided to support new and existing economic development and housing.	Ian Gilder CRCL/P/12/A para 2.48
				Para 27	At the heart of achieving sustainable development is reducing the need to travel and encouraging “ <i>accessible public transport provision to secure more sustainable patterns of transport development. Planning</i> ”	Ian Gilder CRCL/P/12/A

					<i>should actively manage patterns of urban growth to make the fullest use of public transport</i> ".	para 2.48
Planning Policy Statement Eco-towns A Supplement to PPS1	July 2009	Issued; Material consideration but not part of the development plan	CD/3.22	Para 5	States that eco-towns are <i>"exemplar projects that encourage and enable residents to live within managed environmental limits and in communities that are resilient to climate change"</i> .	Ian Gilder CRCL/P/12/A para 2.49
				Para ET 2.2 (b)	One of the five locational criteria for Eco-towns was <i>"the proximity of the proposed eco-town to a higher order centre(s) where there is clear capacity for public transport links and other sustainable access to that centre"</i> .	Ian Gilder CRCL/P/12/A para 2.49
				Annex A	Annex A of the Eco-towns PPS identified North West Bicester as a potential Eco-town location.	Ian Gilder CRCL/P/12/A para 2.49
The Department of Communities and Local Government's Location Decision Statement on Eco-towns	July 2009	Issued; Material consideration but not part of the development plan	CD/3.20	Pg 22	Confirms North West Bicester as one of only four Eco-towns being progressed that met the Government's sustainability and deliverability requirements. It states that the North West Bicester Eco-town benefits from <i>"well developed prospective transport investment, including that by Chiltern Railways for an Oxford- Bicester-London (Marylebone) service"</i> .	Ian Gilder CRCL/P/12/A para 2.50
PPS4 Planning for Sustainable Economic Growth	Dec 2009	Issued; Material consideration but not part of the development plan	CD/3.24	EC2.1	The key objective of PPS4 is to promote sustainable economic growth through improving the economic performance of urban and rural areas and promoting regeneration and tackling deprivation. Part of the growth agenda is to deliver more sustainable patterns of development that reduce the need to travel in particular by car. Underpinning this is the need to plan for <i>"the delivery of the sustainable transport and other infrastructure needed to support their planned economic development"</i> .	Ian Gilder CRCL/P/12/A para 2.51
Green Belt Policy						
PPG2 Green Belt	Jan 1995 (Amended March 2001)	Issued; Material consideration but not part of the development plan	CD/3.5	Para 1.5	The purpose of including land in Green Belts, as set out in paragraph 1.5 of PPG2 is: <ul style="list-style-type: none"> • <i>"to check the unrestricted sprawl of large built-up areas;</i> • <i>to prevent neighbouring towns from merging into one another;</i> • <i>to assist in safeguarding the countryside from encroachment;</i> • <i>to preserve the setting and special character of historic towns; and</i> • <i>to assist in urban regeneration, by encouraging the recycling of derelict</i> 	Ian Gilder CRCL/P/12/A para 5.6

					<i>and other urban land”.</i>	
PPG13 Transport	Jan 1995 (Amended March 2001)	Issued; Material consideration but not part of the development plan	CD/3.6	Annex E	The most important aspect of development control applicable to the Green Belt is a general presumption against inappropriate development. Park and Ride schemes are, however, not considered inappropriate in Green Belts provided certain criteria are met. This is detailed in Annex E of PPG13, which amended PPG2 in March 2001. The countryside immediately surrounding urban areas is often the preferred location for Park and Ride schemes, from a sustainable transport perspective.	Ian Gilder CRCL/P/12/A para 5.7
				Para 3.17	The guidance states, in paragraph 3.17, that <i>“The Government’s commitment to maintaining the openness of the Green Belt means that when seeking to local park and ride development, non-Green Belt alternatives should be investigated first. However, there may be cases where a Green Belt location is the most sustainable of the available options. Park and ride development is not inappropriate in Green Belts, provide that: (a) a thorough and comprehensive assessment of potential sites has been carried out, including both non-Green Belt and, if appropriate, other Green Belt locations, having regard to sustainable development objectives, and the need to be flexible about size and layout; (b) the assessment establishes that the proposed green belt site is the most sustainable option taking account of all relevant factors including travel impacts; (c) the scheme will not seriously compromise the purposes of including land in Green Belts, as set out in paragraph 1.5; (d) the proposal is contained within the local transport plan (or in Greater London the Local Implementation Plan) and based on a thorough assessment of travel impacts; and (e) new or re-used buildings are included within the development proposal only for essential facilities associated with the operation of the park and ride scheme”.</i>	Ian Gilder CRCL/P/12/A para 5.8
				Para 3.19	States that <i>“In all cases the layout, design and landscaping of the Scheme must preserve, so far as possible, the openness and visual amenity of the Green Belt”.</i>	Ian Gilder CRCL/P/12/A para 5.9
Circular 11/2005 The Town and Country Planning (Green Belt)	Dec 2005	Issued; Material consideration but	CD/5.31	Para 11	Makes it clear that the consideration is <i>“whether the development would significantly (emphasis from Circular 11/2005) impact on the openness of the Green Belt”.</i> The Circular goes on to list the	Ian Gilder CRCL/P/12/A para 5.5

Direction	not part of the development plan				<p>considerations that need to be taken into account when assessing the significance of the impact on openness, namely:</p> <ul style="list-style-type: none"> • The degree of sensitivity of the land to be harmed from new development is an important factor. <i>“The magnitude of impact is likely to be heightened if the Green Belt is narrow, or partly confined by existing (or planned) development, or if it is prominent in the landscape”</i>; • Potential adverse effects will be greater if the development site is overlooked by, or is close to, residential development, if it is a particularly valued resource e.g. for recreational purposes, has the potential to enhance a particularly attractive area of open countryside or landscape or if it is important to the preservation of the setting and special character of an historic town; • In considering the scale of development, regard should be had to the bulk, form and height of the built elements; • The nature of the development is a relevant consideration, in particular where it involves intensive on-site activity; and • Account should be taken of the extent to which the impact of the development will be reduced or mitigated by careful siting, landscaping or planting. 	
Transport Policy						
PPG13 Transport	March 2001	Issued; Material consideration but not part of the development plan	CD/3.6	general	The key objectives of <i>PPG13 Transport</i> are to promote better integration between different transport modes, provide more sustainable transport choices and reduce the need to travel by car. It seeks to maximise the potential use of public transport by establishing a high quality, safe, secure and reliable public transport network with good interchanges which match the pattern of travel demand. Quick and easy interchange is seen to be essential to ensure integration between different modes of transport.	Paul Tregear CRCL/P/8/A para 4.4
The Future of Transport: A Network for 2030	July 2004	Issued; Material consideration but not part of the development plan	CD/3.9	Pg 52	The government’s response to the European Transport Policy, builds a strategy based around three central themes, sustained investment, improvements in transport management and planning ahead. The Government’s investment strategy has been increasingly focused on providing extra rail capacity reflecting the substantial increase in rail traffic over the past decade. The Government’s priority for rail is to increase capacity. As stated in the strategy: <i>“Railways are a vital part of the country’s transport infrastructure, carrying a large proportion of</i>	Paul Tregear CRCL/P/8/A para 4.5

					<i>travellers and freight on many of the country's busiest routes. As the economy grows there is increasing demand for travel, and the railways will play an important role in meeting this demand, providing an alternative to travelling by car"</i>	
The Future of Rail	2004	Issued; Material consideration but not part of the development plan	CD/3.10	General	Recognises that encouraging more people to use rail rather than road also has a key role to play in meeting environmental objectives. Investment in railway capacity is seen as having a vital and essential role in both alleviating road congestion and overcrowding on public transport. In particular, passenger rail is seen to be well-suited to deliver long distance travel and to serve concentrated markets such as commuters into large urban areas.	Paul Tregear CRCL/P/8/A para 4.6
The Eddington Transport Study	Dec 2006	Issued; Material consideration but not part of the development plan	CD/3.17	Vol 2, 2.4, para 4.4 & Pg 117	Recommends that investment should focus on enhancing capacity and reliability of the network where overcrowding or congestion problems indicate that the transport system is coming under strain. The study makes a strong link between urban areas where rapid economic growth, evidenced by congestion, is coupled with a lack of capacity in the transport system. <i>"The result is that increasing congestion and capacity constraints threaten to impede growth and dampen the boost to national productivity"</i> [Volume 2, Section 2.4, paragraph 4.4]. Addressing this is one of the three strategic priorities that form the focus of transport strategy going forward. There is an identified need to <i>"bring forward and assess a wide range of alternatives to address transport performance in these areas"</i> [page 117].	Paul Tregear CRCL/P/8/A para 4.7
The Department for Transport's Delivering a Sustainable Railway	July 2007	Issued; Material consideration but not part of the development plan	CD/3.19	Para 6.32	Provides a strategic basis for prioritising increased railway capacity in response to record passenger numbers, overcrowding problems, and to create 'headroom' for rail to grow further. The strategy concludes that any new investment in rail needs: <ul style="list-style-type: none"> • <i>"To deliver, on key routes, the benefits of providing capacity and tackling congestion that are, and are likely to remain, the strategic priority;</i> • <i>To be affordable and represent good value for money; and</i> • <i>To be environmentally sustainable and deliver a good environmental return for the scale of investment committed"</i> 	Paul Tregear CRCL/P/8/A para 4.8
Towards a Sustainable Transport System	Oct 2007	Issued; Material consideration but not part of the	CRCL/P/ 8/A Appendix PJT13	Para 2.27 & 3.6	It is recognised that rail can contribute to low-carbon economic growth but it needs to move towards the service quality that more exacting consumers are increasingly demanding. Rail is seen as an excellent low-carbon option for an increasing number of travellers, and can	Paul Tregear CRCL/P/8/A para 4.9

		development plan			provide further opportunities to reduce emissions from journeys between cities.	
Department for Transport's Low Carbon Transport: A Greener Future	July 2009	Issued; Material consideration but not part of the development plan	CD/3.21	general	Supports the view that improving rail encourages travellers to switch from other modes.	Paul Tregear CRCL/P/8/A para 4.10
The Planning and Climate Change Supplement to PPS1	Dec 2007	Issued; Material consideration but not part of the development plan	CD/3.16	Para 9	Recognises that in order to move towards low carbon emissions, the fullest possible use should be made of sustainable transport.	Paul Tregear CRCL/P/8/A para 4.10

3.0 Relevant Regional Policies

The Order Scheme is referred to in many regional planning and transport strategies and investment programmes. A legal note on the present status of regional spatial strategies is set out below:

“The Secretary of State’s letter of 10 November 2010 to Chief Planning Officers[X/9 dated 10/11/2010], followed the decision of Sales J [CRCL/INQ/20 dated 10/11/2010], which set aside the decision of the Secretary of State that had abolished Regional Spatial Strategies.

The legal consequence of the judgment is that approved Regional Strategies remain part of the development plan. The further legal consequence is that as planning decisions should be taken having regard to the development plan so far as Material and to any other Material considerations. Accordingly, the Regional Strategies must be taken into account¹.

The Secretary of State has signalled his intention to ask Parliament to revoke Regional Strategies. However, unless or until the bill, being enacted, receives the Royal Assent, the law remains that Regional Strategies are part of development plans and, therefore, must be taken into account².

The Secretary of State has requested that his expressed intention to ask Parliament to enact legislation to revoke Regional Strategies should itself be regarded as Material consideration in determining planning applications. This request in itself is subject to a legal challenge due to be heard on 17 January 2011. Meanwhile although the effect of the letters requesting that the interim be regarded as Material consideration is not stayed the Secretary of State has undertaken to publicise the current challenge i.e. the challenge due to be heard in January 2011.

It is, of course, the case that the phrase ‘Material considerations’ is undefined as a matter of law. The expression appears in Section 70 of the Town and Country Planning Act 1990. It is accepted that the Secretary of State’s policies are capable of being Material consideration. Many letters or other statements by the Secretary of State may also be Material.

The matter is put in those terms because what is Material for one application is not necessarily Material for another. Consequently in light of relevant national policies set out above they have been recorded as not part of the development plan but potentially Material considerations.

¹ Section 70 of the Town and Country Planning Act 1990. Further the decision is to accord with the development plan policies, unless other Material considerations indicate otherwise for Section 38 of the Planning and Compulsory Purchase Act 2004.

² Section 38 (3) of The Planning and Compulsory Purchase Act 2004 says (to any area outside London) that the development plan is the regional spatial strategy to the region in which the area is situated, together with the development plan documents which have been adopted or approved for the area. Further, the decision must accord with a development plan unless Material consideration indicate otherwise.

The potential Materiality of a prospective action (e.g. the creation of a new plan) is that an existing proposal can sometimes prejudice either its formulation or its execution. In this matter, i.e. the determination of a planning application involving infrastructure, the decision would appear to have no conceivable prejudicial effect on to the Secretary of State's signalled intention.

*In any event, the weight to be accorded to Material consideration is always a matter for the decision maker as is made clear in *Tesco vs Secretary of State for the Environment* (1995 2 All ER 636). Accordingly, any prospective revocation should in any event be given little weight, especially as it appears to be immaterial. Further, on 26 November 2010 Lindblom J ordered (in CO/12056/2010) that the effect of the letter of 10 November 2010 (incorporating by reference a letter of 27 May 2010) be stayed until further order.*

Thus, the Regional Strategies remain part of the development plan. They are Material and should be given weight accordingly, which is not diminished by any consideration of their possible abolition. No Materiality or weight can presently be attached to the letters of the Secretary of State in respect of prospective abolition of Regional Strategies”.

The table below sets out summaries of the relevant policies at regional level, their status and where they can be found in the relevant witnesses' proof of evidence and in the core document list.

Policy Document	Date	Status	Core Doc No.	Policy Ref No.	Policy Summary	Reference in Evidence
<i>The Great Western Route Utilisation Strategy</i>	March 2010	Issued by Network Rail; Not part of the development plan but Material	CD/3.31	Para 6.9.3 & Para 8.2.13	Includes the Order Scheme as a committed project and an essential component of increased rail passenger capacity in the Oxford to London corridor.	Paul Tregear CRCL/P/8/A paragraph 4.12
<i>The South East Regional Transport Strategy</i>	2004	Superseded by the South East Plan	CD/4.1	Policy T9	Sought to increase “the opportunities for interchange between the public transport network and all other modes of transport”.	Paul Tregear CRCL/P/8/A paragraph 4.13
				Para	The A34(T) is seen as a “strategic movement corridor” which is	Paul Tregear

				9.12	capable of delivering multi-modal transport access to Oxford.	CRCL/P/8/A paragraph 4.13
				Para 9.84	The priority for the western policy area, in which the Order Scheme lies, is to improve the <i>“functionality of strategic road and rail links within and to the area, a reduction in the impact of congestion and improved alternatives to the car”</i> .	Paul Tregear CRCL/P/8/A paragraph 4.13
				Para 9.26	The Strategy seeks more effective co-location of rail and bus stations where regional hubs, such as Oxford, are served by rail.	Paul Tregear CRCL/P/8/A paragraph 4.13
The South East Plan	May 2009	Approved; Part of the development plan	CD/4.11	General	The Order Scheme falls within the Central Oxfordshire Sub-regional Strategy Area of the former South East Plan [SEP]. This predicts that 18,000 net additional new jobs will be created within the sub-region between 2006 and 2016 alongside 40,680 net additional dwellings which are planned to be delivered in the sub-region in the period to 2026. Of the planned housing growth, some 8,000 dwellings are planned within Oxford and 4,900 in Bicester. It can be reasonably anticipated that Oxford and Bicester will remain, for sound planning reasons, a focus for continuing growth. The South East Plan identifies Oxford as a Regional Hub, and a focus for investment needed to be supported by multimodal transport infrastructure. Oxford anchors the western end of the “Oxford-Cambridge Knowledge Arc” which is one of the UK’s main foci for the growth of knowledge-based industries. The East West Rail project will recreate rail links to Bletchley and Milton Keynes, at the heart of the Milton Keynes sub-region, which is also a major growth zone on the boundaries of the south East and East Midlands.	Ian Gilder CRCL/P/12/A para 2.52, 2.53 & 2.54
				Chapter 8	The vision is for a <i>“high quality transport system to act as a catalyst for continued economic growth and provide for an improved quality of life”</i> .	Paul Tregear CRCL/P/8/A para 4.14
				paragraph 8.46	In paragraph 8.46, the A34(T) corridor is identified as a priority transport link which is likely to come under increasing transport pressure as a result of underlying transport growth and development.	Paul Tregear CRCL/P/8/A para 4.14

The South East Regional Economic Strategy	2006	Approved; Material but not part of the development plan	CD/4.7	pg 5	Recognises that economic growth can be achieved through <i>“reducing road congestion and pollution levels by improving travel choice, promoting public transport, managing demand and facilitating modal shifts”</i> .	Paul Tregear CRCL/P/8/A para 4.15
				Policy CO5	Prioritises access to Oxford from major towns in the sub-region. This policy seeks to improve transport links between main settlements, such as Oxford, by sustainable means including improved rail services in the A34 (T) corridor and local Park and Ride facilities (paragraph 22.23). The re-opening of the East West Rail line, as facilitated by the Order Scheme, is seen as a priority in promoting existing and potential new rail routes and multi-modal interchanges.	Paul Tregear CRCL/P/8/A para 4.16

4.0 **Relevant Local Policies**

The statutory development plan for Cherwell District Council comprises saved policies of the adopted Cherwell Local Plan, 1996 and that for Oxford City Council comprises saved policies of the adopted Oxford Local Plan, 2005. The saved policies will continue to be used until they are replaced by the Local Development Frameworks.

Work on updating the Cherwell Local Plan was discontinued in December 2004 in order to progress the new Local Development Framework. However, the Non-statutory Cherwell Local Plan was approved as interim planning policy for development control purposes.

The Oxford Core Strategy 2026 Proposed Submission was updated by Proposed Changes to the Submission Core Strategy, April 2009 which added more detail but did not make any fundamental changes to the original strategy. This was considered at the Examination in Public [EIP] held in July and September 2010. The Inspectors' Report was due to be published in October 2009 but was put on hold in light of legal challenges made to the South East Plan and consequent uncertainty over the Strategic Development Area to the south of the city. With the revocation of the South East Plan, the EIP reconvened in September 2010 to consider Further Proposed Changes to the Submission Core Strategy, April 2010 which contained an update on housing and employment growth forecasts. The City Council has now received a draft and confidential copy of the Planning Inspectors' Report on the Core Strategy from the Examination in Public. On 11 November 2010 the Inspector issued a letter to the Council and all representors inviting their views on the latest situation in terms of the status of the regional strategy and the policy implications for the Core Strategy. The inspector invites the written views on this matter, which should be submitted to him by Friday 3 December 2010.

Consultation on the Draft Cherwell Core Strategy was held from February to April 2010. Current updates on the progress of the Cherwell Draft Core Strategy indicate that in December 2010 the Submission Core Strategy and the Sustainability Appraisal report will be submitted to the Secretary of State for consideration at independent examination.

The table below sets out summaries of the relevant policies at local level, their status and where they can be found in the relevant witnesses' proof of evidence and in the core document list.

Policy Document	Date	Status	Core Doc No.	Policy Ref No.	Policy Summary	Reference in Evidence
The Oxfordshire Minerals and Waste Local Plan	1996	Saved Policy; Part of the development plan	Appendix IMG 5	Policy SD7	States that subject to the requirements of policy SD8, rail head development for the import of aggregates will be encouraged at the following locations shown on the inset maps: <ul style="list-style-type: none"> • Sutton Courtenay – Inset Map 1 • Banbury (two depots) – Inset Map 7 • Kidlington – Inset Map 8. 	Ian Gilder CRCL/P/12/A para 5.20
		Saved Policy; Part of the development plan		Policy SD9	States that no development will be permitted which would prejudice the establishment and full use of rail depots identified under Policy SD7. Where development is proposed near to a proposed or approved rail depot, uses or buildings sensitive to disturbance from activities at the rail depot will not be permitted.	CRCL/INQ/35 para 3.3 & 5.2
Oxfordshire Local Transport Plan 2006-2011 (LTP 2)	2006	Adopted; Material but not part of the development plan	CD/4.6	General, Page 2	The overall aim is; <i>“to improve access to jobs and services, particularly for those most in need, in ways which are both safe and sustainable”</i>	Paul Tregear CRCL/P/8/A para 4.18
				General, Page 2	focuses on five priority areas as its overall objectives: <ul style="list-style-type: none"> • tackling congestion • delivering accessibility • safer roads • better air quality and • improving the street environment. 	Paul Tregear CRCL/P/8/A para 4.19
				Page 9	LTP2 sets Oxfordshire’s priority for improving the rail network, to promote increased use of the existing railway and to seek appropriate train services, particularly to major centres where housing growth is proposed. The implementation of East West Rail is a specific objective of the Local Transport Plan. Another aim is to improve bus-rail links and interchange in partnership with the rail industry. The LTP recognises that Bicester and Oxford are connected by a	Paul Tregear CRCL/P/8/A para 4.20, 4.21

					low standard line and that enhancement of the Bicester Town to Oxford line is a proposed solution to overcome severe traffic congestion on the M40 and A34(T).	
				Page 8	In respect of the integration between the bus and rail network, the LTP states that; <i>“in partnership with the rail industry, the Council will further improve bus links to rail stations, by improving interchange facilities, arranging bus services to serve railway stations and timing them to connect with trains wherever appropriate, improving information about bus-rail connections and further extensions to through ticketing arrangements.”</i>	Paul Tregear CRCL/P/8/A para 4.22
Draft Oxfordshire Local Transport Plan 2011 – 2030 (LTP 3)	2011	Draft (Consultation period Oct 09 to Jan 2011)	Appendix PJT14	General	LTP3 will focus on attracting and supporting economic investment, growth, delivering transport infrastructure, services to tackle congestion and improving quality of life. The Plan will set the policy and strategy context for the major ‘Access to Oxford’ project and act as a bidding document enabling OCC to bid for additional Government funding for other major schemes over the next 20 years.	Paul Tregear CRCL/P/8/A para 4.26
				Policy R4	Supports proposals for strategic enhancements to the rail network and will work with the rail industry to facilitate these and secure funding as required, including the Chiltern Railways Evergreen 3 project, East West rail scheme and the electrification of the Great Western Line.	Paul Tregear CRCL/P/8/A para 4.27.
Cherwell Local Plan	1996	Saved Policy; Part of the development plan Saved Policy; Part of the development plan Saved Policy;	CRCL/P/12/A Appendix IMG 1	Conservation Policy		
				Policy C25	States that when considering proposals for development that affect the site or setting of a Scheduled Monument regard will be given to the <i>“desirability of maintaining its overall historic character, including its protection, enhancement and preservation where appropriate”</i> .	Ian Gilder CRCL/P/12/A para 2.30
				Policy C1	Seeks to promote interests of nature conservation and prevent damage to or loss of designated nature conservation sites.	Ian Gilder CRCL/P/12/A para 2.31
				Policy	Affords similar protection to protected species.	Ian Gilder

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C2		CRCL/P/12/A para 2.31
Policy C5	Additional protection is given in Policy C5 to the ecological value and rural character of the River Cherwell flood plain and Otmoor and the River Rey flood plain.	Ian Gilder CRCL/P/12/A para 2.31
Policy C7	Landscape character is protected through Policy C7.	Ian Gilder CRCL/P/12/A para 2.31
Policy C8	Seeks to prevent sporadic development in the open countryside.	Ian Gilder CRCL/P/12/A para 2.31
Environmental Policy		
Policy ENV1	Protection from environmental pollution is provided by this policy which includes detrimental effects from noise, vibration and odour.	Ian Gilder CRCL/P/12/A para 2.32
Policy ENV7	Seeks to prevent adverse effects of development on water quality.	Ian Gilder CRCL/P/12/A para 2.32
Policy ENV12	With regard to potential land contamination, Policy ENV12 requires that adequate measures are taken to remove the threat of contamination.	Ian Gilder CRCL/P/12/A para 2.32
Green Belt Policy		
Policy GB1	Policy GB1 of the adopted Cherwell Local Plan proposes restrictions of development within the Green Belt and seeks to protect the visual amenity of the Green Belt which might be inappropriate by reason of siting, Materials or design.	Ian Gilder CRCL/P/12/A para 5.11

				Transport Policy		
		Saved Policy; Part of the development plan		Para 5.75	recognises that the existing Oxford to Bicester railway service is likely to become more popular in the future.	Paul Tregear CRCL/P/8/A Para 4.29
				Policy TR10	There is particular emphasis in Policy TR10 on the provision of new services and stations that assist in reducing the reliance on the private car for inter-urban travel.	Paul Tregear CRCL/P/8/A Para 4.29
				Environmental Policy		
Non-Statutory Cherwell Local Plan	2004	Approved as interim planning policy: Material consideration	CRCL/P/12/A Appendix IMG 2	Policy EN47	Promotes the sustainability of the historic environment through the conservation, protection and enhancement of archaeological heritage. The policy seeks to ensure that Scheduled Monuments and their settings are permanently preserved and will not permit development unless it can be demonstrated that <i>“the archaeological resource will be physically preserved insitu, or a suitable strategy has been put forward to mitigate the impact”</i> .	Ian Gilder CRCL/P/12/A para 2.34
		Material consideration		Policy EN11	The overall policy thrust in Policy EN1 is to seek to enhance the environment whenever possible.	Ian Gilder CRCL/P/12/A para 2.35
		Material consideration		Policy EN22	States that features of nature conservation value should be retained and enhanced wherever possible.	Ian Gilder CRCL/P/12/A para 2.35
		Material consideration		Policy EN27	Promotes the creation of new habitats particularly those concerning priority habitats or species and the establishment of <i>“ecological and nature conservation areas, where such areas would further the opportunity for environmental education and passive recreation”</i> .	Ian Gilder CRCL/P/12/A para 2.35
		Material consideration		Policy EN34	Protection is given in this policy to the ecological value and rural character of the River Cherwell flood plain and Otmoor and the River Rey flood plain. Landscape character is protected throughout this policy.	Ian Gilder CRCL/P/12/A para 2.36
		Material consideration		Policy EN30	Sporadic development in the countryside is not normally permitted in Policy EN30.	Ian Gilder CRCL/P/12/A para 2.36

Material consideration	Policy EN35	Seeks to retain features of landscape importance such as trees and hedges, unless their loss can be justified by appropriate mitigation and/or compensatory measures.	Ian Gilder CRCL/P/12/A para 2.36
Material consideration	Policy EN24	Provides protection of nature conservation sites and species. In the case of damage to or loss of internationally important sites imperative reasons of overriding public interest need to be proven.	Ian Gilder CRCL/P/12/A para 2.37
Material consideration	Policy EN25	For nationally and locally important sites the reasons for the development would need to clearly outweigh policy to safeguard the site and the ecological value of the site. Policy EN25 gives specific protection to protected species.	Ian Gilder CRCL/P/12/A para 2.37
Material consideration	Policy EN12	Specifically relates to the protection of water quality from the effects of development.	Ian Gilder CRCL/P/12/A para 2.38
Material consideration	Policy EN15	Seeks to prevent increased surface water run off leading to an increase risk of flooding or damage to habitats.	Ian Gilder CRCL/P/12/A para 2.38
Material consideration	Policy EN13	Looks to control development adjacent to watercourses to conserve their natural features protect their nature conservation value and landscape and public access functions.	Ian Gilder CRCL/P/12/A para 2.38
Material consideration	Policy EN17	Where land contamination is suspected, a development is required under Policy EN17 to deliver adequate measures to remove any threat of contamination.	Ian Gilder CRCL/P/12/A para 2.39
Material consideration	Policy EN3	Similar to adopted Policy ENV1, Policy EN3 seeks to prevent development which is likely to cause Materially detrimental levels of noise, vibration, odour or other types of environmental pollution.	Ian Gilder CRCL/P/12/A para 2.40
Material consideration	Policy EN14	Seeks to avoid the intensification of development or land raising in areas at risk from flooding that would result in a loss of flood plain storage, an impediment to the flow of flood water or an increased risk of flooding elsewhere.	Ian Gilder CRCL/P/12/A para 2.41
Economic Policy			
Material consideration	Policy S17 & Para	The Non-statutory Cherwell Local Plan supports a new rail station for Bicester to allow an increase in frequency and quality of service. The Bicester Town station forms part of a wider allocation for employment and retail uses in the area under Policy S17 of the	Ian Gilder CRCL/P/12/A para 2.55 &

	5.87.1	local plan. The allocation under Policy S17 covers a large area <i>“including a small trading estate; railway related activities, car parking and vacant land. Many of the areas within it are underused and do not constitute an effective use of a prominent site. The site generally presents a poor gateway to Bicester and there is potential to achieve significant environmental improvement”</i> .	CRCL/P/12/B Appendix IMG2-1
Material consideration	Policy S17 & Para 5.87.2	Policy S17 seeks to maximise the opportunities provided by <i>“a largely previously developed site to create new business and residential areas. These uses would be well located in terms of access to the town centre and public transport in accordance with the principles of PPG3 and PPG13”</i> .	Ian Gilder CRCL/P/12/A para 2.55
Material consideration	Policy S17 & Para 5.87.9	Policy S17 states in paragraph 5.87.9: <i>“The railway station provides a focus for public transport in this area and proposals exist to upgrade rail services in Bicester as part of the East- West Rail Link. If the frequency and quality of service to Bicester Town is to increase in the longer term, the Council considers that this must be matched by an increase in the quality of station facilities. While such improvements will be the responsibility of Network Rail, provision should be made to meet operational needs of the station such as improved car parking, interchange and bus stopping facilities in the future”</i> .	Ian Gilder CRCL/P/12/A para 2.55
Green Belt Policy			
Material consideration	Policy GB 1	This policy replicates the policy protection afforded to Green Belt provided in the adopted plan under Policy GB1 i.e. it proposes restrictions of development within the Green Belt and seeks to protect the visual amenity of the Green Belt which might be inappropriate by reason of siting, Materials or design.	Ian Gilder CRCL/P/12/A para 5.11
Transport			
Material consideration	General	Support in the <i>Non-statutory Cherwell Local Plan</i> for improved rail services includes improvements to passenger facilities, rail and bus interchange and a new station at Kidlington. The Plan contains support for consideration of a new rail station for Bicester to allow an increase in train frequency and the quality of service.	Paul Tregear CRCL/P/8/A Para 4.30
Material consideration	Policy TR29	Specifically reserves land for a connecting railway and rail based public transport interchange at Gavray Drive, Bicester. This is	Paul Tregear CRCL/P/8/A

					seen to offer the potential for services between London Marylebone and Oxford.	para 4.30
Economic Policy						
<i>Cherwell Local Development Framework Draft Core Strategy</i>	Feb 2010	Consultation Draft	CD/4.12	Para A.26	As part of the Cherwell District Vision the Council will aim to <i>“foster an economy that is vibrant and diverse with good transport links and sound infrastructure”</i> .	No reference made to this policy in the evidence
		Material consideration		Policy NWB1	Growth in Bicester will be focussed on the delivery of the North West Bicester Ecotown. The Cherwell Draft Core Strategy contains in Policy NWB 1 a strategic allocation for the North West Bicester Eco-Development. This is an eco-development of 5,000 homes with 5,000 jobs being developed on land identified at North West Bicester. It is anticipated that 3,200 homes will be provided at North West Bicester within the plan period up to 2026. Draft Policy NWB 1 requires that the proposals should ensure that <i>“at least 50% of trips originating from the development to be made by means other than the car with potential to rise to 60%”</i> .	Ian Gilder CRCL/P/12/A para 2.56
Environmental Policy						
		Material consideration		Para A.62	In line with PPS25 the Council will only permit developments in areas of flood risk when there are no reasonable available sites in areas of lower risks and the benefits of the development outweigh the risks from flooding.	No reference made to this policy in the evidence
		Material consideration		Policy SD7	<i>Protection of the Oxford Meadows SAC through maintenance of Groundwater Flows and Water Quality.</i> As part of this policy, developers will be required to demonstrate that; <ul style="list-style-type: none"> • <i>“During construction of development there will be no adverse effects on the water quality of any adjacent or nearby watercourse;</i> • <i>During operation of the development any run-off of water into adjacent or surrounding watercourses will meet environmental quality standards (and where necessary oil interceptors, silt traps and Sustainable Drainage systems will be included);</i> • <i>New development will not significantly alter groundwater flows and that the hydrological regime of the Oxford Meadows SAC is maintained in terms of water quantity and quality”.</i> 	No reference made to this policy in the evidence

		Material consideration	Policy SD8	<p><i>Protection and Enhancement of Biodiversity in the Natural Environment.</i> The following include ways in which this policy will be achieved;</p> <ul style="list-style-type: none"> • <i>Development which would result in damage to or loss of a site of biodiversity or geological value of national importance (including SSSIs) 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 (using planning conditions /obligations where necessary).</i> • <i>A biodiversity survey and report will be required to accompany planning applications which may affect a designated site.</i> 	No reference made to this policy in the evidence	
Green Belt						
		Material consideration	Policy SD12	The Council state that the Oxford Green Belt boundaries within Cherwell District will be maintained and developments proposed within the area will be assessed in accordance with Planning Policy Guidance 2: <i>Green Belts</i> .	No reference made to this policy in the evidence	
Transport						
		Material consideration	Policy SO12	One of the strategic objectives is to; <i>“reduce the dependency on the private car as a mode of travel, increase the attraction of and opportunities for travelling by public transport, cycle and on foot, and to ensure high standards of accessibility for people with impaired mobility”.</i>	Paul Tregear CRCL/P/8/A Para 4.34	
		Material consideration	Para B.4	Makes a particular specific reference to the Order Scheme stating that: <i>“In terms of rail improvements, in 2013, Chiltern Railways intends to commence work to upgrade the railway between Oxford and Bicester, to significantly improve services between Oxford and London via Bicester and provide an alternative to using the M40 and A34. This will result in improved services from Bicester and the redevelopment of Bicester Town Railway Station. Furthermore, the East West Rail Link Project, which will pass through Bicester, seeks to establish a strategic railway connecting East Anglia with Central, Southern and Western England”.</i>	Paul Tregear CRCL/P/8/A Para 4.32	
<i>Making ‘NW Bicester’ a</i>	July	Adopted	CD/4.15	Pg 5	States that <i>“Chiltern Railways are pursuing an ambitious and</i>	Ian Gilder

Reality, A Statement from Cherwell District Council	2009				welcome range of improvements. We look forward to hearing that the Government proposes to accept these and support their implementation".	CRCL/P/12/A para 2.57
Adopted Oxford Local Plan	Nov 2005	Adopted saved policy; Part of the development plan	CD/4.3	Policy HE 1	Scheduled Monuments are afforded local policy protection through Policy HE.1 which states that "planning permission will not be granted for any development that would have an unacceptable effect on a nationally important monument (whether or not it is scheduled) or its setting".	Ian Gilder CRCL/P/12/A para 2.42
		Adopted saved policy; Part of the development plan		Policy NE 17	In order to protect and enhance biodiversity, Policy NE.17 seeks to safeguard, maintain or enhance features of ecological and geological importance, in particular priority habitats/species and species of conservation concern. "In exceptional circumstances where this is not possible and the proposed development would have a significant adverse impact on local biodiversity, planning permission will only be granted subject to the creation of a new replacement habitat on site or the creation/enhancement of a similar ecological feature of an appropriate scale and kind on a nearby site".	Ian Gilder CRCL/P/12/A para 2.43
		Adopted saved policy; Part of the development plan		Policy NE18	Further policy protection for statutory designated sites is provided under Policy NE.18 which states that "planning permission will not be granted for development that will have a significant adverse impact, either directly or indirectly, upon a Special Area of Conservation (SAC) or a Site of Special Scientific Interest (SSSIs)".	Ian Gilder CRCL/P/12/A para 2.43
		Adopted saved policy; Part of the development plan		Policy NE13	With regards to surface water, Policy NE.13 states that, planning permission will only be granted for development that will not lead to deterioration in surface or ground water quality and "appropriate measures to prevent pollution will be required".	Ian Gilder CRCL/P/12/A para 2.44
		Adopted saved policy; Part of the development plan		Policy NE 7	Outlines the situations in which planning permission will be granted for development within the undeveloped flood plain.	Ian Gilder CRCL/P/12/A para 2.45

		Adopted saved policy; Part of the development plan		Policy NE 9	States that a Flood Risk Assessment must accompany planning applications for any development within undeveloped flood plain or low-lying land.	Ian Gilder CRCL/P/12/A para 2.45
Transport						
		Adopted saved policy; Part of the development plan		Section 3.8.14	States that; <i>"Oxford Station is located within the City Centre and is currently operating at full capacity"</i> .	Paul Tregear CRCL/P/8/A Para 4.33
		Adopted saved policy; Part of the development plan		Policy TR10	Supports, in principle, increases in capacity for stopping train services in Oxford, improved access arrangements into the station, and for improved passenger waiting and cycle-parking facilities.	Paul Tregear CRCL/P/8/A Para 4.34
Greenbelt Policy						
<i>Oxford Local Development Framework Core Strategy Submission</i>	Sept 2008	Submitted & subject to Examination in Public; Material consideration	CD/4.9	Policy CS5	States that general extent of the green belt inside Oxfords boundaries will be maintained and planning permission will not be granted for inappropriate development within those boundaries. The policy notes that in considering the potential for small scale review, land will only be released from the green belt if a number of criteria are met, including; The need to do so has been justified; the site is not in an undeveloped floodplain; development would not result in the loss of a designated ecological feature; and development would relate well to the existing development pattern.	No reference made to this policy in the evidence
		Material consideration		Policy CS7	States that the northern gateway is a strategic location to provide a modern employment led site and supporting amenities.	No reference made to this policy in the evidence
		Material consideration		Policy CS13	States that planning permission will not be granted for any development in the functional flood plain (Flood Zone 3b) except water compatible uses and essential infrastructure. The suitability	No reference made to this

		of developments proposed in other flood zones will be assessed according with PPS25. For all development over 1 hectare and/or development in any area of flood risk (Flood Risk 2 or above) a Full Flood Risk Assessment including mitigations is required. All new developments will be required to incorporate sustainable drainage systems or techniques. Developments will not be permitted that increase flood risk or that will not be safe from flooding.	policy in the evidence	
	Material consideration	Policy CS14	States that development will not be permitted that result in a net loss of sites or species of ecological value. International and national sites (SACs and SSSIs) will be protected from any development that would cause harm. No development should have a significant adverse effect upon a site that is designated as having local importance for nature except in exceptional circumstances.	No reference made to this policy in the evidence
Transport				
	Material consideration	Section 3.1	The <i>Oxford Core Strategy 2026 Proposed Submission</i> overarching aim for sustainable development recognises that; <i>“Oxford is a regional hub, with an important role in regional transport networks”</i> . It states that <i>“the transport network is highly constrained, with very limited potential to increase space on roads in particular”</i> .	Paul Tregear CRCL/P/8/A para 4.35
	Material consideration	page 74	The limited platform and line capacity of Oxford Station is acknowledged to cause a significant bottleneck on the rail network	Paul Tregear CRCL/P/8/A Para 4.35
	Material consideration	Section 3.1	Identifies good accessibility as an important element in providing sustainable communities, and that transport improvements are required in the City Centre, including increased capacity at the railway stations. It notes that; <i>“Oxford City Council will support the delivery of transport schemes that aim to reduce the need to travel by private car and improve accessibility within and to Oxford by non-car modes”</i>	Paul Tregear CRCL/P/8/A para 4.36
	Material consideration	Section 3.1	Specific mention is made of the Bicester to Oxford improvements and East West Rail. A commitment is made by Oxford City Council to work with partners towards <i>“implementation of East West Rail (a new, high-quality rail network linking Oxford with Milton Keynes and Cambridge), and improvements to the Bicester</i>	Paul Tregear CRCL/P/8/A para 4.37

					<i>line</i> "	
					Economic policy	
		Material consideration		Policy SC29	Seeks to achieve ' <i>managed economic growth</i> ' to support Oxford's key employment sectors and clusters whilst also maintaining the necessary infrastructure to ensure a sustainable economy. The policy states that 'Managed growth' will be delivered through land allocations including the Northern Gateway.	No reference made to this policy in the evidence
Further Proposed Changes to the Oxford Submission Core Strategy	April 2010	Submitted to September 2010 Examination in Public; Material consideration	CD/4.16	General	The Further Proposed Changes to the Oxford Submission Core Strategy seeks to deliver significant levels of new housing whilst also providing for growth in particular sectors to support the economy. " <i>In terms of housing, the Core Strategy seeks to deliver at least the SEP target of 8,000 dwellings</i> " (Section 3.4). In terms of employment growth, the draft Core Strategy provides for a range of 11,000 to 14,000 jobs over the plan period to 2026. This is consistent with the South East Plan guidance figure of 7,111 jobs for Oxford to 2016. This target is to be met through the development of strategic sites such as Northern Gateway where 55,000 m2 of B1 office development is envisaged.	Ian Gilder CRCL/P/12/A para 2.58