

Cherwell District Council

Executive

4 January 2016

<p>Cherwell Local Plan 2011-2031 (Part 1): Partial Review – Oxford’s Unmet Housing Need</p>
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Report of Head of Strategic Planning and the Economy

This report is public

Purpose of report

To seek approval of an issues paper on the Partial Review of Local Plan Part 1 for formal consultation.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the issues paper (Appendix 1) for formal public consultation.
- 1.2 To authorise the Head of Strategic Planning and the Economy to make any necessary minor and presentational changes to the issues paper before formal consultation commences.
- 1.3 To request officers to engage with Oxford City Council to agree appropriate arrangements for seeking the views of Oxford City stakeholders prior to the commencement of formal consultation.

2.0 Introduction

- 2.1 The Cherwell Local Plan Part 1 (July 2015) was adopted on 20 July 2015 which plans for growth to fully meet Cherwell’s development needs to 2031.
- 2.2 In the Local Plan, the Council has committed to work which seeks to address the unmet objectively assessed housing need from elsewhere in the Oxfordshire Housing Market Area (HMA), particularly from Oxford City.
- 2.3 Having considered the need for housing identified in the Oxfordshire Strategic Housing Market Assessment 2014 (the ‘SHMA’), the Government appointed Planning Inspector who examined the ‘soundness’ of the Cherwell Local Plan Part 1, noted (in paragraph 62 of his report):

“...It is essential for clarity and soundness that the Council’s firm commitment to help meet the needs of Oxford city as part of the countywide housing market area, jointly with other relevant authorities including through the Oxfordshire Growth Board, as well as in respect of the Oxford and Oxfordshire City Deal (2014), is formally recorded in the plan...”

2.4 His Non-Technical Summary includes:

“Add a formal commitment from the Council, together with other relevant Councils, to undertake a joint review of the boundaries of the Oxford Green Belt, once the specific level of help required by the city of Oxford to meet its needs that cannot reasonably be met within its present confines, is fully and accurately defined”.

2.5 All of Oxfordshire’s rural district Councils, together with the County Council, have accepted that Oxford cannot fully meet its own housing needs principally because the city is a compact, urban area surrounded by designated ‘Green Belt’. The Councils are working together in the context of a legal ‘Duty to Cooperate’.

2.6 The Oxfordshire Councils have collectively committed to consider the extent of Oxford’s unmet need and how that need might be sustainably distributed to the neighbouring districts so that this can be tested through their respective Local Plans. The countywide work is on-going and being co-ordinated through what is known as the Oxfordshire Growth Board. The ‘Oxfordshire Economic Growth Board’ is a Joint Committee under the Local Government Acts 1972 and 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

2.7 The countywide work is not expected to be completed until Summer 2016.

2.8 The commitment in the Cherwell Local Plan states (paragraph B.95), *“...If this joint work reveals that Cherwell and other Districts need to meet additional need for Oxford, this will trigger a partial review of the Local Plan, to be completed within two years of adoption, and taking the form of the preparation of a separate Development Plan Document for that part of the unmet need to be accommodated in the Cherwell District...”*

2.9 To meet the timetable set out in the Cherwell Local Plan, it is necessary to make progress in considering the complex and controversial issues that inevitably arise from one authority being required to contribute in meeting another authority’s housing needs.

2.10 A consultation ‘issues’ paper has been prepared to engage with local communities, partners and stakeholders in the early stage of this ‘Partial Review’ process and to ensure that a wide cross-section of views are obtained in identifying and examining the many issues the Council will need to consider.

2.11 At this stage, there are no options or proposals being suggested. These will not emerge until later in 2016.

3.0 Report Details

- 3.1 A full issues paper on the Partial Review of Local Plan Part 1 has been prepared for consultation (Appendix 1). The Review will be focused on planning Cherwell's contribution to meeting Oxford's unmet housing needs. Other Oxfordshire Councils will need to consider how to make their contributions through either partial Plan reviews (for example, as is being explored through the Vale of White Horse and West Oxfordshire Local Plan Examinations) or by completing new Local Plans.
- 3.2 In March 2014, the predecessor to the Growth Board, the Spatial Planning and Infrastructure Partnership (SPIP), agreed a headline process, as part of a Statement of Cooperation, setting out how to address the outputs of the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA) in relation to unmet housing need. Having taken independent advice it was concluded that a collaborative process was required to understand the strategic options, in the context of both the Strategic Economic Plan, and of existing and planned infrastructure.
- 3.3 On 20 November 2014, the Oxfordshire Growth Board approved an outline strategic work programme aimed at addressing the unmet need arising from the SHMA, and to help local planning authorities meet the legal Duty to Cooperate, whilst protecting the sovereignty of individual Councils over their Local Plans.
- 3.4 The Oxfordshire SHMA was published in April 2014. This suggests that across Oxfordshire, there is an identified need for provision of around 5,000 homes a year over the 2011-31 period. The need in Oxford City was identified as between 1,200 and 1,600 homes a year, a potential requirement of around 28,000 additional homes up to 2031. Although the precise ability of Oxford to accommodate its own need has yet to be concluded there is general agreement that there is limited capacity within the city to accommodate this number of dwellings and therefore there will be a significant potential shortfall which will need to be provided in neighbouring districts.
- 3.5 In considering the work programme the Growth Board endorsed a number of key principles:
- the district Local Plans are sovereign and all work should feed into Local Plans for them to determine the spatial future of the districts;
 - a recognition however that the work must be collaborative and joined up to provide a county wide spatial picture and strategy;
 - a recognition therefore that joint work on future spatial options, transport infrastructure and green belt will be required to feed into Local Plans;
 - recognition that the City cannot fully meet its housing needs and there is a need to agree on the level of unmet need. However work on determining spatial options in Local Plans can commence alongside this;
 - a wish that the timescale for completing the Review is 12-18 months and that this should not hold up Local Plan timescales.
- 3.6 Through the Oxfordshire Growth Board, the Oxfordshire Councils are working together under the legal 'Duty to Cooperate' on the following matters:
- the urban capacity of Oxford;

- a Green Belt Study to assess the extent to which the land within the Oxford Green Belt performs against the purposes of Green Belts (completed and published);
- the sustainability testing of spatial options / areas of search to help inform the apportionment of unmet housing need to the rural districts;
- countywide transport modelling;
- a countywide infrastructure study and the production of an infrastructure delivery framework
- work to ensure compliance with the 'Habitats Regulations' to consider the potential implications for the Oxford Meadows Special Area of Conservation or 'SAC';
- a water cycle strategy.

3.7 While this work has not been finalised, on 19 November 2015, the Oxfordshire Growth Board agreed a total working figure for Oxford's unmet need of 15,000 homes. The report presented to the Growth Board stated:

"...The first key project within the Programme was to agree the figure for unmet need in Oxford City. This was done by asking the critical friend to critique the Oxford SHLAA [Strategic Housing Land Availability Assessment], the Cundall report [an alternative assessment of housing capacity] commissioned by South, Vale and Cherwell [Councils], the Oxford response to this and any other relevant information.

Following consideration of the report all authorities agreed a working assumption of 15,000 homes for Oxford City's unmet need. All authorities agree to work towards this in good faith, based on the previously agreed process which includes the review of the Oxford City's Local Plan.

The Board should note that the working assumption of 15,000 is a working figure to be used by the Programme as a benchmark for assessing the spatial options for growth and is not an agreed figure for the true amount of unmet need..."

3.8 It will not be until the countywide work is complete that this figure can be refined and a housing distribution to individual districts can be agreed. There is a need to achieve further refinement of the current urban housing potential of Oxford and the City Council will need to explore what further contribution to meeting its housing need might be possible in its Local Plan review. However, the agreed 15,000 figure provides a basis for individual Councils to begin to consider possible scenarios.

3.9 The countywide work will be completed by Summer 2016 and will inform the distribution of unmet housing need to the individual district Councils. It will also inform the preparation of the Partial Review of Local Plan Part 1.

3.10 There is a need to progress work on the Partial Review in order to meet the timetable commitment made in paragraph B.95 of the adopted Local Plan (completion within 2 years of adoption).

3.11 The Partial Review will not be not a wholesale review of Local Plan Part 1 but will effectively be an addendum. Upon completion it will sit alongside the existing Part 1 document and form part of the statutory Development Plan for the district. The Partial Review must be a 'sound' document in its own right. It must be prepared positively to meet needs and achieve sustainable development; it must be justified having regard reasonable alternatives and proportionate evidence; it must be

effective having regard to joint working and cross-boundary priorities; and, it must be consistent with national policy in enabling the delivery of sustainable development. It should not undermine or hinder the delivery or sustainability of the adopted strategy to meet Cherwell's own needs.

- 3.12 The Partial Review must therefore be supported by robust evidence, thorough community and stakeholder engagement and consultation, its own separate Sustainability Appraisal process and an Infrastructure Delivery Plan. Evidence will be produced on environment, landscape, transport, land availability, site suitability and deliverability. Constraints and opportunities need to be assessed. The synergistic and cumulative impacts of potential developments will need to be considered. There will need to be compliance with all legal requirements including for the Duty to Cooperate, Sustainability Appraisal and in complying with the Habitats Regulations. All reasonable options for Cherwell must be considered in determining how the district can most sustainably contribute in meeting Oxford's needs before a strategy and sites can be proposed.
- 3.13 The consultation document now presented to Members is specifically an 'issues' paper rather than an 'issues and options paper'. This is to provide officers with an opportunity to consider and explore issues comprehensively, to complete the Sustainability Appraisal scoping process (following consultation), and to undertake a 'call for sites' before identifying reasonable options.
- 3.14 A Sustainability Appraisal scoping report has been prepared and will be consulted upon alongside the issues paper.
- 3.15 The 'call for sites' will be for strategic sites of 100 dwellings or more to be consistent with the threshold used for Local Plan Part 1. As this is a Partial Review of Part 1 – a strategic plan, submissions for non-strategic sites of less than 100 homes to meet Oxford's unmet needs will not be invited (there is a separate opportunity to do this through a parallel consultation for Local Plan Part 2). Mixed use sites will not be precluded but the issues papers will seek views on whether or not additional employment land should be identified in meeting Oxford's housing needs.
- 3.16 Site submissions for housing will be used to inform a new Strategic Housing Land Availability Assessment (SHLAA). Sites that are determined to be reasonable options will be subject of detailed testing supported by new evidence as required (on a 'value for money' basis) and by the process of Sustainability Appraisal.
- 3.17 The consultation document invites discussion and suggestions but the issues 'captured' in the consultation paper for public consideration include:
- What are Oxford's key issues that we need to consider in making a significant contribution to meeting the City's unmet housing need?
 - What are the key principles or goals that the additional growth in the District should be aiming to achieve?
 - What should the focused vision for meeting Oxford's unmet need contain?
 - Should the Council define a plan area or 'area of search' for the Partial Review document based on the relationship with Oxford?
 - What factors should influence the plan area or 'area of search'?
 - How do we identify a deliverable and developable supply of land?
 - Should a specific housing supply be identified for meeting Oxford's needs?

- How could Cherwell ensure that a five year supply for Oxford is managed without the existing Cherwell strategy and its housing requirements being adversely affected?
- What are the issues and objectives the Council needs to consider relating to housing, transport, infrastructure, the economy, the natural environment and the built and historic environment?

3.18 Unlike for Local Plan Part 2 (separate agenda item), an initial public notification / invitation to comment has not been undertaken for the Partial Review ahead of the issues paper. This was because of the on-going countywide work and the need first for the Oxfordshire authorities to have made further progress in considering the level of Oxford's unmet need. This culminated in the agreement made on 19 November (para. 3.7 above). The issues paper will be widely advertised and provide a clear opportunity for people to comment on what the Partial Review should contain as required by regulations for local planning.

Next Steps

3.19 Following approval by the Executive, a six week consultation on the issues paper will commence in January 2016. This will be supported by direct engagement with Oxford City. An explanatory leaflet will be produced to support the consultation. Evidence gathering will continue and an options paper will be prepared for presentation to the Executive in Summer 2016 (after the Growth Board process has been completed). An update of the Local Development Scheme, the programme for the production of the Council's Planning Policy documents, is presented to Members separately on this agenda.

4.0 Conclusion and Reasons for Recommendations

4.1 An issues paper for the Partial Review of Local Plan Part 1 has been prepared for the purpose of public consultation. Through the Oxfordshire Growth Board, the Oxfordshire Councils have generally agreed that although the precise ability of Oxford to accommodate its own need has yet to be concluded there is general agreement that there is limited capacity within the city to fully accommodate its own need and that therefore there will be a significant potential shortfall which will need to be provided in neighbouring districts. A total countywide working figure of 15,000 homes has been identified.

4.2 Progress on the Partial Review needs to be made to enable the Council to meet its commitment, in paragraph B.95 of the adopted Local Plan, to complete a review within two years of adoption. Members are recommended to approve the issues paper in the interest of seeking detailed public, partner and stakeholder views on the matters that will need to be considered and responded to in preparing the Partial Review.

5.0 Consultation

Internal briefing: Councillor Michael Gibbard, Lead Member for Planning

6.0 Alternative Options and Reasons for Rejection

6.1 *To delay the issues paper and consultation until options have also been produced*

A consultation now will provide officers the opportunity to consider issues comprehensively before identifying reasonable options. Completion of the countywide work in Summer 2016 is needed to help inform options. A delay would make it very difficult to meet the two year review programme that the Council has committed to within paragraph B.95 of the adopted Cherwell Local Plan 2011-2031 (Part 1) thereby inviting legal risks. Further work on Sustainability Appraisal would also be required to identify potential options.

6.2 *To reconsider the content of the issues paper*

The issues paper has been produced having regard to national policy and guidance, on-going countywide work and Local Plan Part 1. It is considered by officers to be an appropriate consultation document.

7.0 Implications

Financial and Resource Implications

7.1 The work on preparing the Partial Review is to be met within existing budgets.

Comments checked by:

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Legal Implications

7.2 The Partial Review must be prepared having regard to statutory requirements. Legal support will be required throughout the preparation process. This will require both internal advice and that of external Counsel for the public Examination.

Comments checked by:

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8.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: Yes

Wards Affected

All

Links to Corporate Plan and Policy Framework

Accessible, Value for Money Council
District of Opportunity
Safe and Healthy
Cleaner Greener

Lead Councillor

Councillor Michael Gibbard, Lead Member for Planning

Document Information

Appendix No	Title
1	Local Plan Part 1 - Partial Review Issues Paper
Background Papers	
None	
Report Author	David Peckford, Planning Policy Team Leader
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