

# **Cherwell District Council**

## **Executive**

**3 December 2018**

<b>Annual Monitoring Report 2018</b>
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### **Report of Interim Executive Director: Place and Growth**

This report is public

#### **Purpose of report**

To seek approval of the Annual Monitoring Report (AMR) 2018 and to present the District's current housing land supply position. To seek approval of accompanying updates to the Local Plan's Infrastructure Delivery Plan and the Brownfield Land Register.

#### **1.0 Recommendations**

- 1.1 That the 2018 Annual Monitoring Report (AMR) presented at Appendix 1 be approved.
- 1.2 To note the district's housing delivery and five year housing land supply positions (for conventional housing and for Gypsies and Travellers) at Section 5 (Theme 2) of the AMR and that these positions will be reported to Development Management officers and Planning Committee as required.
- 1.3 That the 2018 Infrastructure Delivery Plan (IDP) update presented at Appendix 2 be approved.
- 1.4 That the 2018 Brownfield Land Register (BLR) presented at Appendix 3 be approved.
- 1.5 That the Assistant Director for Planning Policy and Development be authorised to make any necessary minor and presentational changes to the Annual Monitoring Report, Infrastructure Delivery Plan update and Brownfield Land Register if required prior to publication.

#### **2.0 Introduction**

- 2.1 The Council has a statutory obligation to produce a planning (authorities) monitoring report. An Annual Monitoring Report (AMR) has been prepared for the period 1 April 2017 to 31 March 2018 and is presented at Appendix 1 to this report.
- 2.2 The AMR presents information on development that took place or was permitted over 2017/18 and, projecting forward, provides a comprehensive review of housing land supply as at 7 November 2018.
- 2.3 The AMR also reviews progress in preparing the Council's planning policy documents and assesses whether development plan policies are being effective. It incorporates the monitoring indicators and targets from the adopted Cherwell Local Plan 2011-2031.
- 2.4 Upon approval, the information contained in the AMR would be used to inform policy making, planning consultation responses and in decision making on planning applications. The AMR would be made publicly available but is not subject to consultation. The review of the district's five year housing land supply position is regularly scrutinised through the making of applications for planning permission and through planning appeals.
- 2.5 The monitoring work to prepare the Annual Monitoring Report has also informed the preparation of an updated Infrastructure Delivery Plan for the adopted Cherwell Local Plan 2011-2031 and a 2018 update to the Council's Brownfield Land Register. These are presented at Appendices 2 and 3 to this report for approval.

### **3.0 Report Details**

#### **Annual Monitoring Report**

- 3.1 The Annual Monitoring Report's main monitoring results are presented at its section 5. Key findings are presented below.

#### *Housing Delivery*

- 3.2 The AMR's key findings for housing delivery include:
  - a total of 1,387 (net) housing completions were recorded in 2017/18. This is at a similar level to the highest recorded figure of 1,425 during 2015/16, and exceeds the annualised Local Plan requirement of 1,142 per annum;
  - at 31 March 2018 there were a total of 7,973 dwellings with planning permission but which have not yet been built;
  - the projected supply for deliverable sites is 8,139 for the five year period 2018-2023 and 8,308 for 2019-2024;
  - there were 426 net affordable housing completions during 2017/18.

#### *Five Year Housing Land Supply*

- 3.3 The monitoring of housing supply is a key part of the AMR. Key changes to national planning policy and guidance are highlighted below before turning to the assessment of supply. The implications of a written ministerial statement (Appendix 4), introducing a temporary three year requirement for Oxfordshire, are then

considered. The flexibility of a three year requirement has been secured as a result of the agreement to the Oxfordshire Housing and Growth Deal, to assist the Oxfordshire authorities while working on the countywide Joint Statutory Spatial Plan (JSSP). It places the Council in a stronger position to defend decisions made on housing land supply grounds.

- 3.4 The revised National Planning Policy Framework (NPPF) was published on 24 July 2018. It requires (at paragraph 73) local planning authorities to:

*'...identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:*

- a) *5% to ensure choice and competition in the market for land; or*
- b) *10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- c) *20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.'*

- 3.5 Within its glossary the NPPF states:

*'...Sites that are not major development, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years.... Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.'*

- 3.6 Paragraph 11(d) of the NPPF provides for planning permission to be granted (subject to other considerations) where Development Plan policies are out-of-date. This includes where a five year supply of deliverable housing sites cannot be demonstrated.

- 3.7 Further guidance for assessing the deliverability of sites is provided in updated Planning Practice Guidance (PPG). It requires local planning authorities to provide clear evidence to demonstrate that housing completions will begin on specific sites within five years.

- 3.8 A comprehensive review of housing land supply has been undertaken for this 2018 AMR taking into account the changes to national policy and guidance. The review is supported by consultation with developers and site promoters who were asked additional questions in relation to anticipated rates of housing delivery. The Housing Delivery Monitor (Appendix 2 of the AMR) has been amended and updated and more explicitly records the outcome of consultations in the interest of evidencing deliverability. The AMR includes consideration of build rates being experienced on key strategic sites within the district. Consultations have also been undertaken with Development Management and other Council services.

- 3.9 The conclusion is that the district has 5.0 years supply of deliverable sites for 2018-2023 and 5.2 years for 2019-2024 (the latter being effective from 1 April 2019). It should be noted that the Council's assessment of the five year land supply allows for a 5% buffer to be added to the five year housing requirement (see para. 3.4 above). A 20% buffer does not presently apply to Cherwell. There has not been under-delivery over the previous three years. A total of 3,914 completions have been recorded for the period 2015-2018 (AMR, Table 12) - an average of 1,305 per annum. The Local Plan requirement is 1,142 homes per annum.
- 3.10 Under the revised NPPF and Planning Practice Guidance, Local Planning Authorities now have the option of confirming their five year land supply position through an 'annual position statement'. To do so, they must advise the Planning Inspectorate of their intention to do so by 1 April each year. However, a 10% buffer must be applied thereby increasing the five year supply that must be provided for. An engagement process with developers, including on the results of the land supply assessment for sites, must also be undertaken. The local planning authority can then submit its annual position statement to the Planning Inspectorate for review by 31 July of the same year.
- 3.11 The Planning Inspectorate would then assess the annual position statement in terms of process and evidence having particular regard to any sites where the delivery assumptions are disputed by developers. Provided the correct process has been followed and sufficient information has been provided about any disputed sites, the Planning Inspectorate would issue its recommendation in October of the same year, confirming, if appropriate, a 'fixed' housing land supply until the following October.
- 3.12 The logic of the annual position statement is to provide more certainty on an authority's housing land supply position and reduce the burden and delay caused by planning appeals.
- 3.13 However, in view of the introduction of a temporary three year land supply requirement for Oxfordshire (see below), officers consider that it is unnecessary for the Council to follow the 'annual position statement' route to confirming land supply at this time.

#### *Three Year Land Supply*

- 3.14 On 12 September 2018, the Secretary of State for Ministry of Housing, Communities and Local Government issued a written statement (Appendix 4 to this report) containing a '*temporary change to housing land supply policies as they apply in Oxfordshire*'. He stated:

*'...the Government has worked closely with the authorities in Oxfordshire to agree planning freedoms and flexibilities that will support the ambitious plan-led approach through a Joint Spatial Strategy and the Housing Deal.*

*As part of the Housing Deal, Oxfordshire sought flexibility from the National Planning Policy Framework policy on maintaining a 5 year housing land supply.... we recognise the ambitious plans in Oxford[shire] to deliver above their housing need in the long term. The Government wants to support this strategic approach to supporting housing delivery through joint working. We have therefore agreed to*

*provide a short term flexibility which will support the delivery of the local plans for the area and ensure that the local authorities can focus their efforts on their Joint Spatial Strategy. The Government recognises that in the short term this will result in fewer permissions being granted under paragraph 11 of the National Planning Policy Framework but the Government believes that it is important to support these ambitious plans that will deliver more housing in the longer term....*

*For the purposes of decision-taking under paragraph 11(d), footnote 7 of the National Planning Policy Framework will apply where the authorities in Oxfordshire cannot demonstrate a three year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).... If a local authority intends to fix their land supply under paragraph 74 they will still be required to demonstrate a minimum of five year supply of deliverable housing sites, with the appropriate buffer...'*

- 3.15 This is a benefit of the Oxfordshire Housing and Growth Deal entered into by the Council. The implication is that whilst the district's five year housing land supply position will need to be taken into account in decision making on applications for planning permission for residential development as already occurs, the ministerial statement and the consideration of whether the Council's assessment of land supply is at three years or over will be an important material consideration.
- 3.16 With a land supply assessment of 5.0 years for 2018-2023 and 5.2 years for 2019-2024, the district has more than a three year supply. Therefore, whether measured against either the five or three year requirement, the NPPF's general presumption (para. 11.d) in favour of granting planning permission on housing supply grounds does not become effective. The introduction of a three year requirement for Oxfordshire provides additional security in the event of supply fluctuations and therefore less pressure to release additional land in the event that supply falls below five years. However, it remains important that the district continues to maintain housing supply to deliver both the objectives of the adopted Local Plan and the Housing and Growth Deal.
- 3.17 The confirmation of supply through the formal submission and testing of an Annual Position Statement is not considered to be required at the present time but this will be kept under review.

#### *Travelling Communities*

- 3.18 The AMR includes five year land supply assessments for Gypsies and Travellers and Travelling Showpeople based on existing Local Plan requirements and a subsequent joint Accommodation Assessment (June 2017). The Accommodation Assessment takes into account the planning definitions of 'gypsies and travellers' and 'travelling showpeople' introduced through revised, national Planning Policy for Traveller Sites (PPTS) in 2015. Both the PPTS and the Accommodation Assessment are material considerations in the determination of applications for planning permission.
- 3.19 Under existing Local Plan requirements (Policy BSC6) for 19 new Gypsy and Traveller pitches (2012-2031), the five year supply is 0.0 (zero) years. For Travelling Showpeople and a Local Plan requirement (Policy BSC6) of 24 new plots (2012-2031), the five year supply conclusion is 0.0 (zero) years. Presently, there are no identified deliverable sites. Under these calculations 29 pitches would be

needed to secure a five year supply for Gypsies and Travellers for 2018-2023 and 30 pitches for 2019-2024 (this takes into account a net loss of pitches since 2012 as shown in Table 20 of the AMR). The five year requirements for Travelling Showpeople are 14 and 15 plots respectively.

- 3.20 To accord with national policy, the new Accommodation Assessment identifies the need for pitches for those people demonstrably still travelling. A significantly lower level of need is identified for Gypsies and Travellers under the PPTS definition: 7 pitches from 2017-2032.
- 3.21 The Assessment highlights that there are many households where it is 'unknown' whether or not the planning definition of Gypsies and Travellers is met. Should further evidence become available, need could rise by up to 12 pitches. Additionally, there is a potential need from 8 households arising from the closure of the Smiths (Newlands) Caravan Park near Bloxham. Those who fall outside of the national planning definition will have housing requirements that need to be addressed through other means.
- 3.22 The Assessment states that for 'unknown' travellers *'it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not they meet the planning definition...'* (para. 7.28).
- 3.23 As reported to Members in 2017, officers are of the view that a revised five year supply calculation is necessary but, at this stage, should not include an allowance for 'unknown' need. However, it is considered that the potential need for 8 pitches arising from the Smiths site (a site that was previously included in the district's supply) should be included in the calculation.
- 3.24 The AMR's second five year supply calculation for Gypsies and Travellers is therefore based on a need for 15 pitches from 2017 to 2032 (7 plus 8). Having regard to the projected supply of pitches, this produces a five year land supply of 0.0 (zero) years for 2018-2023, and 0.0 (zero) years for 2019-2024 (commencing 1 April 2019) as no new supply has yet been identified. Under this calculation, a supply of 11 pitches would be sufficient to secure a 5 year supply for 2018-2023 and 12 pitches for 2019-2024.
- 3.25 For Travelling Showpeople, the Accommodation Assessment identifies a known need for 12 plots from 2017-2032 which has been used to inform a revised five year land supply calculation. The 'unknown' need is low (1 plot). At present, the five year supply remains at zero pending the identification of new supply. To secure a five year supply, 5 plots would be needed for 2018-23 and 6 for 2019-2023.
- 3.26 In the absence of identified deliverable supply to meet the needs of the Travelling Communities, policy BSC6 of the adopted Local Plan has a criteria based policy for considering sites promoted through planning applications. However, it is also important that identified needs are clearly provided for by land allocations in the next Local Plan. Achieving certainty on land supply is in the interests of both the travelling and settled communities. The updated Local Development Scheme is presented to Members separately on this agenda.

#### *Employment*

- 3.27 The AMR's key findings on employment generating development include:

- the district has seen a low gain in employment floorspace with 951 sq.m. completed over 2017/18 following a high return in 2016/17 (103,000 sq.m). However, sites such as north-east Bicester (Skimmingdish Lane) have yet to be recorded as complete and further completions are to come on land west of M40 at Banbury;
- at 31 March 2018 there was nearly 500,000 sq.m. (net) of employment floorspace with planning permission that has yet to be built;
- there is a total of 287.14 hectares of employment land either with planning permission but not yet built, or remaining from land allocations in Local Plans;
- overall only 0.51 hectares of employment land (net) was lost to non-employment uses during 2017/18.

### *Natural Environment*

3.28 The AMR's key findings for the natural environment for 2017/18 include:

- three planning applications were granted permission contrary to the Environment Agency's advice on flood risk grounds. No permissions were granted contrary to a water quality objection;
- five planning permissions were granted for renewable energy schemes with two for air source heat pumps, two for biomass and one for solar photovoltaics (PVs);
- there has been an increase of 53 hectares in the total area of priority habitats recorded within Cherwell but a very slight decrease to the number of priority species listed in the district (decrease of 3).

### *Local Development Scheme*

3.29 The AMR reports on progress in preparing the Council's planning policy documents as set out in its Local Development Scheme (LDS). The Partial Review of the Local Plan (Oxford's Unmet Housing Needs) was submitted for Examination on 5 March 2018. In February 2018, a Supplementary Planning Document (SPD) for Developer Contributions was adopted. A Residential Design Guide was also adopted as SPD in the next monitoring year (July 2018). A revised Local Development Scheme is presented to the Executive as a separate agenda item.

### *Neighbourhood Planning*

3.30 The AMR provides the updated position on Neighbourhood Planning in Cherwell. The Adderbury Neighbourhood Plan progressed over the course of 2017/18 and was formally 'made' by the Council in July 2018. The Mid-Cherwell Neighbourhood Plan was submitted to the Council in March 2018 and is now being independently examined. The Weston-on-the-Green and Deddington Plans also progressed over 2017/18 and have since been submitted to the Council.

### **Infrastructure Delivery Plan (IDP)**

3.31 The Infrastructure Delivery Plan (IDP) which supports the adopted Local Plan (2015) is maintained and monitored with the benefit of updates from infrastructure providers including the County Council. An updated 2018 IDP is presented at Appendix 2 and summary tables are included in the AMR.

3.32 The IDP identifies infrastructure supporting and delivering Local Plan growth. It specifies other relevant plans, partners and delivery organisations, costs and funding known at the time of each update. Some of the infrastructure schemes updated include:

#### Strategic transport infrastructure

- East-West Rail Phase 2 – advance works under Network Rail powers have commenced (removal of track). Public Inquiry to take place in February 2019;
- Oxford to Cambridge Expressway – preferred corridor B ‘East-West route’ announced in September 2018 together with the following timetable:
  - announcement of preferred route in 2020
  - commencement of work in 2025
  - expressway opening in 2030.

#### Education

- opening of Longford Park Primary School in September 2017 (Banbury);
- opening of Gagle Brook Primary School (Elmsbrook) in September 2018 (Bicester).

#### Community facilities

- completion of community facility at South West Bicester Phase 1 (Kingsmere) in September 2018.

#### Open space and recreation

- refurbishment and increase of community use including daytime use and functions at Stratfield Brake in Kidlington;
- expansion of the Windmill Centre’s multi use games area (MUGA), Deddington.

#### Other projects

- bus service from Bankside development (Longford Park) in Banbury commenced in November 2017 and a service has been initiated from Hardwick Farm/Southam Road to Banbury town centre with full service to be tendered in 2019.

#### Oxfordshire Housing and Growth Deal

3.33 Oxfordshire’s Housing and Growth Deal 2018-2023 will facilitate the delivery of some of the infrastructure schemes and support planned growth. Cherwell has four schemes in the year one programme (2018/19). Schemes for years 2 to 4 have yet to be announced. For year one, feasibility designs are being progressed for:

- Former RAF Upper Heyford mitigation
- Tramway Road (Banbury)
- A4290 realignment (Bicester)

- A4260 / A44 Corridor (south Cherwell).

## **2018 Brownfield Land Register**

- 3.34 The Town and Country Planning (Brownfield Land Register) Regulations 2017 require local planning authorities to prepare and maintain a register of brownfield sites. Local planning authorities must review the register at least once within each register year. A Brownfield Land Register (BLR), the first to be produced under the new legislation, was published in December 2017. An updated 2018 Register is presented at Appendix 3.
- 3.35 The Register consists of two parts. Part 1 (see Appendix 3) is mandatory, and lists all brownfield sites which meet the criteria in the regulations. These are sites considered to be suitable, available and achievable for housing where development has not started. Sites must be comprise at least 0.25 hectares or be capable of supporting at least 5 dwellings, and have a prospect of coming forward for development within a 15 year period. Part 2, a Development Management function, is optional. It allows local planning authorities to grant Permission in Principle (PiP) to any site on Part 1 of the register (the Council does not presently have a Part 2 to its register).
- 3.36 Part 1 of the 2018 Register BLR was reviewed alongside the AMR to ensure that new sites that meet the qualifying criteria are added and sites which do so no longer are removed. The base date for planning permissions and completions is 31 March 2018. Eleven new sites (see dates of entry) have been added and seven 'greyed-out' sites removed as they have now been developed or work has started.
- 3.37 The 2018 BLR includes 36 sites with a housing potential of 1,305 dwellings. Upon approval by the Executive the updated register would be published with supporting location plans.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The Annual Monitoring Report provides important information to measure the effectiveness of planning policies and to assist policy making and development management decision making. It is the statutory mechanism for monitoring housing delivery. Its most significant conclusion is that the district continues to demonstrate a five year housing land supply. Five year supply calculations for sites for travelling communities are also presented. The AMR is accompanied by an updated 2018 Infrastructure Delivery Plan and a 2018 Brownfield Land Register which must be reviewed annually. It is recommended that all three documents be approved and that Development Management officers and Planning Committee are advised of the five year supply positions as required.

## **5.0 Consultation**

- 5.1 Cllr Colin Clarke, Lead Member for Planning

## **6.0 Alternative Options and Reasons for Rejection**



## Wards Affected

All

## Links to Corporate Plan and Policy Framework

This report directly links to all three themes from the Joint Corporate Strategy 2018-19:

- District of Opportunity & Growth
- Protected, Green & Clean
- Thriving Communities & Wellbeing

## Lead Councillor

Councillor Colin Clarke - Lead Member for Planning

## Document Information

Appendix No	Title
Appendix 1	2018 Annual Monitoring Report
Appendix 2	Infrastructure Delivery Plan Update 2018
Appendix 3	2018 Brownfield Land Register
Appendix 4	Housing Land Supply in Oxfordshire: Written statement - HCWS955
Background Papers	
None	
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