

**To: Full Council**

**Date: 18<sup>th</sup> February 2013**

**Report of: Head of City Development**

**Title of Report: Sites and Housing Plan: Inspector's Report**

## Summary and Recommendations

**Purpose of report:** To propose the adoption of the Sites and Housing Plan

**Key decision?** No

**Executive lead member:** Councillor Colin Cook

**Policy Framework:** The contribution of new housing from the allocated sites, and the proportion of affordable housing required by the housing policies will help achieve the objectives of the Council's *Corporate Plan* (meeting housing need) and the *Oxford Sustainable Community Strategy* (affordable housing). The adoption of the Sites and Housing Plan will fulfil a key element of the *Local Development Scheme* and builds on the strategic policies set out in the *Core Strategy*.

**Recommendation(s):** Council is asked to:

1. Note the conclusions and recommendations of the Inspector's Report on the examination into the *Sites and Housing Plan*
2. Adopt the *Sites and Housing Plan* as part of Oxford's Local Plan
3. Endorse the associated documents as part of the *Sites and Housing Plan* adoption (including the *Sustainability Appraisal and Habitats Regulations Assessment Adoption Statement* and *Equalities Impact Assessment*)
4. Adopt a new Policies Map for Oxford that incorporates the Policies Map changes associated with adoption of the *Sites and Housing Plan* (Appendix 4) and the Barton Area Action Plan (adopted on by Council on 17<sup>th</sup> December 2012)
5. Following adoption and during final desktop publishing, authorise the Head of City Development, to correct any minor typographical or grammatical errors arising.

Appendices

- 1) Table of the Inspector's Main Modifications
- 2) Legal Services advice on the status of the Inspector's Report
- 3) *Sites and Housing Plan* incorporating the Inspector's Main Modifications, the Minor Modifications and editorial and grammatical changes
- 4) Changes to the Policies Map (formerly known as the Proposals Map)
- 5) Risk Register

## Introduction

1. The *Core Strategy*, adopted by Council in March 2011, sets a strategic framework for planning and regeneration in Oxford. The three key elements of the Spatial Strategy are reducing the need to travel; regeneration and re-use of previously developed land; and meeting Oxford's housing and employment needs. A key priority identified is the need to provide more affordable and family homes. The *Sites and Housing Plan* sets out policies for determining planning applications for residential development and it allocates sites for development. These policies will help to achieve the aims of the *Core Strategy*. The *Sites and Housing Plan* will form part of the Oxford Local Plan and Local Development Framework.
2. Policies relating to affordable housing contributions from smaller sites and from student accommodation proved particularly controversial and the Inspector held extra sessions seeking to try and reach consensus between the parties. While we have conceded some modifications, the general thrust of these critical policies has been given the green light by the Inspector. Overall she complimented council officers on the comprehensive, generally up-to-date and proportionate evidence base; a logical, transparent and robust process for identifying and filtering sites; and the engagement with the County Council on infrastructure issues.

## Inspector's Report

3. The *Sites and Housing Plan* was submitted to the Secretary of State on 11 May 2012. An independent planning inspector, Dr Shelagh Bussey, was appointed to carry out the examination. Hearing sessions were held between the 10 and 28 September 2012. The Inspector's Report was received on 2 January 2013, and was subsequently published on the Council's website. Prior to the receipt of the final report, the City Council was sent a draft report for fact-checking on 12 December 2012. The Inspector's Report can be viewed on the City Council's website: [www.oxford.gov.uk/sitesandhousingadoption](http://www.oxford.gov.uk/sitesandhousingadoption) .
4. The Inspector found that the *Sites and Housing Plan* provides an appropriate basis for the planning of the city to 2026 which ties in with the Core Strategy time frame. She decided that the Plan has been positively prepared, passed the Duty to Co-operate requirements in co-operation with neighbouring authorities, voluntary and private sector organisations and the public and that it reflects the 'golden thread' of sustainable development based on a comprehensive, generally up-to date and proportionate evidence base. She considered that the process for identifying and filtering sites and considering the most appropriate uses for the sites followed a logical, transparent and robust process.
5. The Inspector identified a number of Main Modifications needed to meet legal and statutory requirements and ensure that the plan is sound. Appendix 1 to this report consists of a table of the Inspector's Main Modifications. The changes recommended in the Inspector's Report are based on proposals put forward by the City Council in response to points raised and suggestions discussed during the Examination.

6. Subject to the changes identified by the Inspector, she concluded that the *Sites and Housing Plan* satisfies the requirements of section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness in the National Planning Policy Framework.
7. In addition, the City Council are proposing a number of Minor Modifications, such as factual updates and consequential changes. These were considered by the Inspector during the Examination period but not thought by the Inspector to go to the heart of the soundness of the Plan. These are available on the City Council's website [www.oxford.gov.uk/sitesandhousingadoption](http://www.oxford.gov.uk/sitesandhousingadoption).

### Summary of Inspector's Changes

8. The Inspector has provided a non-technical summary at the beginning of her report that includes a summary of the Main Modifications. The Main Modifications (Appendix 1) are summarised as follows:
  - For compliance with the National Planning Policy Framework (NPPF), the addition of policy MP1 to emphasise the Plan's presumption in favour of sustainable development and clarification of the contribution made to heritage assets by their settings;
  - Clarification of the approach towards provision of accommodation for Travelling Communities;
  - Amendment of policy HP2 by adding reference to viability considerations;
  - Amendment of policy HP4 to permit on-site provision of affordable housing where this is appropriate;
  - Clarification of the definitions of 'campus', 'student accommodation' and 'graduate accommodation';
  - Addition of further exceptions to policy HP6;
  - Addition of flexibility of policy HP7 to take account of site-by-site considerations;
  - Amendments to policy HP8 for effectiveness;
  - Amendment to policy HP9 to appropriately reflect the exceptional quality of Oxford's historic environment;
  - Addition of flexibility to policy HP11 to take account of viability considerations;
  - Amendment of the car-parking standards for consistency with County-wide standards;
  - Amendment of various policies to promote reduction of reliance on the private car;
  - Deletion of site SP31 because its development is almost complete;
  - Combination of sites SP39 and SP46 for effectiveness;
  - Updating of the Housing Trajectory;
  - Addition of the requirement to consider the implications of development on the historic environment in relevant policies;
  - Clarification of the mitigation requirements regarding the natural environment in relevant policies;
  - Amendment to policy SP9 to correctly reflect the Sequential Test process;
  - Addition of viability considerations in policies SP14, SP52 and SP59;
  - Amendment to the wording of various policies for justification;
  - Amendment to the wording of various policies for effectiveness; and
  - Clarification of water supply considerations in relevant policies.

## **Adoption of the Sites and Housing Plan**

9. The Localism Act 2011 made a number of changes to the rules concerning adoption of plans, including what was stated to be a change from binding Inspector's Reports to non-binding Inspector's Reports. The Inspector's Report concludes that the Sites and Housing Plan should not be adopted as submitted, but could be made sound and capable of adoption by inclusion of the main modifications. The Council remains unable to adopt the Plan other than in a form that is recommended by the Inspector in all material respects. Appendix 2 provides further advice from Legal Services on this matter. This means that the Council can adopt the Plan subject to the recommended main modifications and only with additional minor modifications that cumulatively do not materially affect the Plan's policies (as altered by the main modifications).
10. Officers strongly recommend that Council adopts the *Sites and Housing Plan*. It is the product of several years' work and a robust evidence base. The Inspector considered the strategy in detail and found it to be soundly based. If the Plan was not adopted, this would put at risk the ability to require financial contributions towards affordable housing from sites of 4-9 and from student accommodation; the ability to manage new HMOs across Oxford; the ability to direct the location of student accommodation; the ability to control land uses on specific sites and to ensure the appropriate infrastructure for these sites.

## **The Sites and Housing Plan document and Policies Map**

11. The *Sites and Housing Plan* has now been updated to include the Inspector's Main Modifications and the Council's Minor Modifications. Factual and grammatical corrections have been made where errors have been spotted. Appendix 3 to this report shows the final version of the document.
12. The adopted *Sites and Housing Plan* will be accompanied by an updated Policies Map (formerly called the Proposals Map) setting out the spatial policy designations that flow from the *Sites and Housing Plan*'s policies as well as changes made as a result of the Barton Area Action Plan. Appended to this report (Appendix 4) is an extract of the updated Policies Map.

## **Use of the Sites and Housing Plan in decision making**

13. Once adopted by Council, the *Sites and Housing Plan* will form part of the statutory development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004. This means that it will have full weight in determining planning applications.
14. The adopted *Sites and Housing Plan*, together with the *Core Strategy*, *West End Area Action Plan* and *Barton Area Action Plan* and 'saved' *Oxford Local Plan 2001-2016* policies, will form the "Local Plan" for Oxford (a new title introduced through the National Planning Policy Framework).

## Associated documents

15. Several associated documents have been produced alongside the Plan in support of its policies and proposals which form the Examination Library. For example, a *Habitat Regulations Assessment* has been produced and a *Sustainability Appraisal* was carried out in phases throughout the process. To summarise this process and to comply with the Regulations, we have produced a *Sustainability Appraisal and Habitats Regulations Assessment Adoption Statement*. In addition an *Equalities Impact Assessment* has been carried out for the *Sites and Housing Plan*. Both of these documents are available at [www.oxford.gov.uk/sitesandhousingadoption](http://www.oxford.gov.uk/sitesandhousingadoption).
16. As part of this adoption process, Council is asked to consider and endorse all the associated documents produced by the City Council.

## Level of risk

17. On adoption of the *Sites and Housing Plan*, any person aggrieved may make an application to the High Court to legally challenge the plan. The implications of this are discussed at paragraph 26 below. There is a risk associated with choosing not to adopt the *Sites and Housing Plan* as outlined in paragraph 10 above. A risk assessment has been undertaken and the risk register is attached (Appendix 5). All risks have been mitigated to an acceptable level.

## Climate change and environmental impact

18. The Sustainability Appraisals have considered the effects of the DPD policies on climate change and the environment. Overall, the policies are considered to have a beneficial impact on climate change. In particular, the introduction of the detailed Policy HP11 on Low Carbon Homes requires all residential developments to include some form of renewable or low-carbon energy production towards meeting their own energy needs, and to submit an Energy Statement. The Council will expect a minimum 20% of total energy consumption to be met by such means on sites of 10 or more homes, or 20 or more student rooms.
19. The policies are also considered to have a broadly positive impact on the local environment. A Source Pathway Receptor Analysis has assessed and suggested mitigation for impacts upon Sites of Special Scientific Interest. A sequential test and exceptions test has been completed to ensure any development in the flood plain is appropriate and justified and policy wording has suggested where further work will be required at the application stage. The site allocations will improve the amount of accessible public open space.
20. As a result of the Special Area of Conservation (SAC) all Plan documents need to be assessed for their potential impact upon the site. This is assessed under the Habitats Regulations. Members are required to specifically approve this assessment as part of this report. The assessment concludes that the conditional approval set out in the policy wording or text within the *Sites and Housing Plan* is sufficient to ensure that there is no adverse impact on the Oxford Meadows SAC either alone or in combination with other plans or projects.

## Equalities impact

21. The *Equalities Impact Assessment* concluded that the Plan will provide improved standards of quality and access to services and have a positive impact on both the physical fabric and diverse communities of Oxford. There is no evidence that there will be a significant negative impact on any area, however strict monitoring arrangements will regularly review this.

## Level of Risk

22. A risk register is attached as Appendix 5.

## Financial implications

23. The costs associated with the production of the *Sites and Housing Plan* have been met through the current resources of the Planning Policy team and budget. The site allocations include a number of sites that are owned by the City Council. By having positive policies to allocate sites for development, the Council's Corporate Asset team will have greater certainty over the types of development that are likely to be supported by the Council on these sites, and will be able to realise the capital value of these assets in a timely fashion. For the avoidance of doubt it is noted that this is an incidental consequence. The ownership of sites was not a consideration save as is relevant to the plan making process (e.g. in connection with the likelihood of delivery).
24. The housing policies include requirements for contributions to be made (either on-site or off-site) towards affordable housing by both residential and student accommodation developments. Whilst these policies may in some cases reduce the capital value of sites owned by the City Council, any such loss would be a direct result of meeting the Council's corporate priority of delivering more affordable housing in Oxford.
25. Overall, the Plan has a strong emphasis on deliverability and the policies reflect evidence on viability.

## Legal Implications

26. Any person may legally challenge the adoption of the Plan within the six week period starting with the date of adoption. The High Court may quash the plan wholly, or in part. Officers consider that the relevant statutory procedures have been met during the preparation of the *Sites and Housing Plan*. The examination was conducted by an experienced planning inspector and the Plan was endorsed by Council prior to the recommencement of the hearing sessions in September 2012. The level of risk of a successful legal challenge is considered to be acceptably low.

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