

OXFORD CITY COUNCIL
Report to:
EXECUTIVE BOARD – 12th September 2005

Report of: Michael Crofton-Briggs,
Business Manager,
Planning Services

Ward: All

Title: **Oxford Local Plan 2001-2016; Representations received on Proposed Modifications and decision to move to adoption**

Report author: Adrian Roche, Team Leader - Planning Policy

Contact Tel No: 01865 252165

E-mail address: aroche@oxford.gov.uk

Key Decision: Yes

Lead Member: Councillor Turner

Scrutiny responsibility: Environment

RECOMMENDATIONS

The Executive Board is asked to recommend Council to agree:

1. the responses to the formal representations set out in the schedule at Appendix 1 be agreed;
2. the responses to the comments made by the Government Office for the South East, set out in the schedule at Appendix 2, be agreed;
3. having considered the formal representations in respect of the Proposed Modifications, that a Modifications inquiry is not required and that no Further Modifications to the Local Plan 2001-2016 are required;
4. that statutory notice be given of the City Council's intention to adopt the Oxford Local Plan 2001-2016 without proposing Further Modifications; and
5. that, in the absence of any intervention by the Secretary of State during the prescribed period, on the expiry of the required 28 days notice the Oxford Local Plan 2001-2016 (as modified) be adopted and notice be served of the Plan's adoption in accordance with statutory procedures.

1. Summary

- 1.1 The purpose of this report is to inform the Executive Board of the outcome of the consultation on Proposed Modifications to the Oxford Local Plan 2001-2016, to agree responses to each objection and to

decide whether or not Further Modifications need to be published before adoption of the Plan. It is also necessary to consider whether to hold a Modifications inquiry.

- 1.2 The Executive Board's resolutions will stand as recommendations to Council because the Local Plan forms part of the City Council's policy framework.

2. City Council's Vision and Strategic Aims

- 2.1 The Local Plan contributes to the delivery of all aspects of the City Council's vision, which is set out in paragraph 1.7.1 of the Plan. In particular, the policies and proposals in the Plan will have a significant influence upon the quality of the environment, the provision of more affordable housing, the creation of local prosperity, and the improvement of transport and mobility.

3. Consultation Response

- 3.1 Full Council considered the Inspector's Report at its meeting on 7th June 2005, and agreed Proposed Modifications to the Oxford Local Plan 2001-2016. They were published on 17th June 2005 for a six-week consultation period that ended on 29th July 2005. A total of 95 representations were received from 22 separate organisations and individuals. These comprised 40 comments in support and 55 objections. 51 of the objections related to the content of the Proposed Modifications, whilst a further four related to where the City Council had decided not to fully accept a recommendation made by the Inspector.
- 3.2 The fact that a relatively small number of objections were received can arguably be attributed to a number of factors, including the degree to which the local community has been involved in the development of the Local Plan dating back to the start of the community involvement in 1999; the extent to which the Plan has been amended to reflect concerns expressed earlier in the process; the robustness of the Inspector's Report; and the City Council's decision to accept the vast majority of the Inspector's recommendations.
- 3.3 The schedule attached at Appendix 1 provides a summary of all the duly-made representations received, together with a response and recommendation by Officers for each. The schedule is in the order of the Proposed Modification reference number, which is the same as the order of the Plan. Objections regarding the City Council's decision not to fully accept a recommendation made by the Inspector are dealt with at the end of the schedule.
- 3.4 In addition to the above-mentioned formal representations of support or objection, a number of comments were received from the Government Office for the South East (GOSE). These comments relate to Proposed Modifications that GOSE considers are not necessarily

contrary to national policy, but rather could be improved by further or clarified policy and/or text. A list of GOSE's comments, and the proposed responses to those comments, is attached at Appendix 2.

- 3.5 Copies of the Proposed Modifications were previously distributed to all Members with the agenda for the Council meeting on 7th June, and are also available to view in the Party rooms and on the City Council's website (www.oxford.gov.uk/localplanreview).

4. Main Issues

- 4.1 Many of the objections to the Proposed Modifications related to matters of detailed wording rather than to substantive policy issues. In most cases, the wording in question had either been recommended by the Inspector or had been proposed by the City Council as a Pre-Inquiry Change/Further Proposed Change and subsequently endorsed by the Inspector in his report. Officers do not consider that it would be appropriate to change such wording at this late stage in the process.

Littlemore Park

- 4.2 The most contentious issue to emerge at the Modifications stage was the Inspector's recommendation, accepted by the City Council, to allocate 'Littlemore Park' as a development site and to restrict the range of uses to 'science and technology based industries concerned primarily with research and development'.
- 4.3 The allocation of Littlemore Park has caused concern to 3 objectors because part of the site, the premises formerly occupied by Yamanouchi, is currently in the process of being marketed with an open Class B1 use (i.e. including offices). In addition, the Nuffield Orthopaedic NHS Trust has changed its position since the Local Plan Inquiry and now wishes to implement an extant permission for a health centre and research facilities on another part of the site, having indicated to the Inspector that this permission was unlikely to be implemented in its current form.
- 4.4 Agents acting on behalf of the Nuffield Orthopaedic NHS Trust, Astellas (formerly Yamanouchi) and RO Developments Ltd have argued that, since the objectors did not have the opportunity to make representations to the inquiry about new matters which are raised by the Inspector's recommendations and the Proposed Modifications in relation to their premises and land, the Modifications should not be pursued without a fresh inquiry in order to allow the opportunity for the objector's views to be considered by an independent Inspector.
- 4.5 The City Council has discretion about whether to hold another inquiry, although the Secretary of State advises that authorities should hold an inquiry where objections raise matters which were not an issue at the earlier stage. An inquiry into Modifications will not normally be

necessary where the matters raised have already been considered at the initial inquiry.

- 4.6 In this case, Officers consider that it is not necessary, or desirable, to hold another inquiry because the Inspector was made aware of the planning history relating to the land owned by the Secretary of State for Health and the former Yamanouchi site. He noted that restrictions on B1 uses have already been lifted on land owned by the Secretary of State for Health, or would be 'time expired' by the time the Local Plan is adopted, but concluded that there is "no overriding case for uses within Classes B1(a) or B1(c)." The Inspector concluded that to allow Class B1(a) office uses would be contrary to the overall policy of employment restraint (Structure Plan Policy E1) with no special justification, whilst there was no evidence to suggest that more Class B1(c) industrial land is needed in Oxford.
- 4.7 Furthermore, the underlying policy position regarding the former Yamanouchi land has not changed at the Modifications stage. This land was included within the Oxford Science Park allocation (Policy DS.57) in the First and Second Draft versions of the Plan, and was subject to exactly the same policy wording (i.e. the restriction to science and technology industries concerned primarily with research and development) as is now proposed for 'Littlemore Park'.
- 4.8 The 'change of heart' by the NHS Trust is not considered to be a good reason for holding another inquiry, since there are always likely to be cases where circumstances may change during and after the preparation of a Local Plan. Each Plan can only be as accurate as possible at the time of adoption. Any material change in circumstances affecting this site, or other sites in the Plan, will be picked up in the Site Allocations Development Plan Document (DPD), which the City Council intends to start work on in September 2007. In the meantime, adoption of the Local Plan would not prevent the Trust from implementing its extant permission, if it chooses to do so.
- 4.9 Full responses to each of the objections relating to 'Littlemore Park' are contained in the schedule at Appendix 1 (MOD's 179, 308, 309 and 430 refer).

Other Issues

- 4.10 The only other Proposed Modifications that attracted objections from more than one respondent were those relating to:
- an amendment to the type of Key Worker accommodation to be built at Littlemore Mental Health Centre and the field at the rear (MOD's 304-307);
 - changes to the policy on Water and Sewerage Infrastructure, removing reference to seeking developer contributions (MOD 93); and

- changes to the wording of the text regarding potential replacement of the light industrial units on the Oxpens site at either Becket Street Car Park or the existing Station site (MOD 331).
- 4.11 The above issues are considered to be relatively straightforward in nature and Officers recommend no changes to the Plan for the reasons set out in the schedule at Appendix 1.
- 4.12 Members will note that no objections were received in respect of the City Council's decision to retain nine development sites in the Plan which the Inspector had recommended be deleted, but where development has either not commenced or is not yet completed.
- 4.13 Of the four duly-made objections to City Council decisions not to fully accept an Inspector's recommendation, two relate to the decision not to include a detailed breakdown of the housing capacity of the sites allocated within the Plan. It is felt that these objections should be satisfied by a cross-reference in the text to the latest Urban Potential Study, which includes such information. The other two objections are not felt to raise any significant new points.

Further Modifications

- 4.14 The City Council is required to publish Further Proposed Modifications if it wishes to make changes that would materially affect the content of the Plan. Officers are recommending a small number of very minor further changes to the text of the Plan in response to objections or to comments from GOSE. However, these changes are all matters of clarification or updating, and are not considered to be so material as to require to be published as Further Proposed Modifications.

5. Adoption of the Plan

- 5.1 The next stage of the process will be for the City Council to give statutory notice of its intention to adopt the Local Plan, without making Further Modifications. The City Council cannot adopt the Plan until a period of at least 28 days has expired after the date on which the notice is first published in a local newspaper.
- 5.2 During this period, the Secretary of State has the power to call in the Plan or direct the City Council to modify it. Subject to no intervention by the Secretary of State, the City Council will then be in a position to advertise that the Plan has been adopted, following which there is a 6-week period when any person or organisation can apply to the High Court to have the entire Plan, or parts of it, quashed. If no legal challenges are made, the new Plan should be ready for publication in February/March 2006.

6. Financial/Staffing Implications

- 6.1 Subject to Members agreement that it is not necessary to publish Further Modifications or hold a Modifications Inquiry, there are no significant financial or staffing implications for the City Council arising from this report. The modest costs associated with publication of statutory notices fall within the Local Plan budget.

7. Legal Implications

- 7.1 Officers have sought Counsel's advice in relation to the conclusions on the main issues set out in Section 4 of this report with a view to minimising the possibility of potential legal challenges to the Plan. Counsel's advice had not been received at the time of writing the report, but Members will be updated orally at the meeting.

THIS REPORT HAS BEEN SEEN AND APPROVED BY:

Portfolio Holder for Strategic Planning, Housing and Economic Development:
Councillor Ed Turner

Leader of the Council: Councillor Alex Hollingsworth

Legal and Democratic Services: Kate Chirside

Financial Management: No comments received

Background Papers: Proposed Modifications to the Oxford Local Plan 2001-2016 (June 2005)
Statement of Decisions and Reasons (June 2005)

List of Appendices:

1. Schedule of representations received on the Proposed Modifications and Officer's recommended responses; and
2. Schedule of comments received from GOSE and Officer's recommended responses.