

**To: Special Council**

**Date: 20<sup>th</sup> September 2012**

**Report of: Head of City Development**

**Title of Report: Barton Area Action Plan and Sites and Housing Plan Examinations**

## **Summary and Recommendations**

**Purpose of report:** This report seeks Council's endorsement of the Main Modifications to the Barton Area Action Plan and the Addendum to both the Sustainability Appraisals for the Barton Area Action Plan and the Sites and Housing Plan. As a consequence of the revised Sustainability Appraisal, for the City Council to confirm its policy approach in relation to the allocation of Land at Ruskin College.

**Key decision?** No

**Executive lead member:** Councillor Colin Cook

**Policy Framework:** The contribution of new housing from the Land at Barton and the Sites and Housing Plan, and associated regeneration are fundamental to achieving the objectives of the Council's Corporate Plan (more housing, better housing for all) and the Oxford Sustainable Community Strategy (affordable housing). The production of both plans will fulfil a key element of the Local Development Scheme and build on the strategic policies set out in the Oxford Core Strategy.

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

- 1: endorse the Main Modifications to the Barton Area Action Plan as part of the approved plan
- 2: endorse the Barton Area Action Plan (as amended by the Main Modifications) as a material consideration in determining planning applications
- 3: endorse the Addendum to the Sustainability Appraisal for the Barton Area Action Plan
- 4: endorse the Addendum to the Sustainability Appraisal for the Sites and Housing Plan
- 5: confirm the approach taken to the Ruskin College proposals as agreed at Council on 19<sup>th</sup> December 2011, in relation to the Barton AAP and Sites and Housing Plan.

## **Introduction**

1. The Core Strategy allocates 'Land at Barton' as a strategic housing site. This site is a once in a generation opportunity to provide large numbers of new homes and associated facilities as a vibrant new community that forms part of Oxford. The development also offers the opportunity to extend the benefits to existing neighbouring communities in the form of access to the new facilities and services and better links to the rest of the City and the surrounding countryside. The site is being brought forward through an Area Action Plan (AAP), a Development Plan Document that will form part of the Local Development Framework for Oxford.
2. Over the summer of 2012, the Barton AAP has been progressing through the independent examination stage of its production. During the hearing sessions, the Planning Inspector, Dr Bussey, identified some potential changes to the AAP relating in particular to the treatment of the A40 and the provision of surface-level pedestrian crossings. She also asked the City Council to carry out an updated Sustainability Appraisal of proposals for development on Ruskin Fields in Old Headington in order to explicitly consider the various more recent technical studies provided by Ruskin College. These have been published for consultation and Council is requested to endorse them in advance of the further hearing sessions to commence on 21<sup>st</sup> September 2012.
3. The Sites and Housing Plan is following the Barton AAP through to examination. The examination hearings for the Sites and Housing Plan started on 10<sup>th</sup> September 2012.

## **Barton Area Action Plan**

4. The Barton AAP has been produced over a two year period. It was approved at full Council on 19<sup>th</sup> December 2011. Council approved the Proposed Submission Barton AAP and its supporting documents for public consultation and, subject to the consultation, submit the AAP to the Secretary of State for public examination. At the same time the AAP was approved as a material consideration in determining planning applications.
5. The Barton AAP was submitted to the Secretary of State on 13<sup>th</sup> April 2012 and Dr Bussey was appointed as the Planning Inspector to examine the document. The hearing sessions of the examination commenced on 16<sup>th</sup> July 2012.
6. During the hearing sessions the Inspector identified some changes to the AAP that she considered should be advertised for public representations to be made on their soundness or otherwise. These have been published in the Schedule of Main Modifications dated July 2012 (Appendix A) and were consulted upon from 27<sup>th</sup> July 2012 to 7<sup>th</sup> September 2012.

7. As requested by the Inspector, the City Council also published an Addendum to the Sustainability Appraisal (SA) of the AAP regarding land at Ruskin College (the addendum also addressed some of the other Main Modifications) (appendix b) and an Addendum to the Sustainability Appraisal of the Sites and Housing Plan (appendix c). Representations have also been invited on these documents during the same period.
8. The consultation period was agreed with the Inspector on the final day of the original Barton hearings, in order that consultation could be completed ahead of an additional two Barton hearing sessions, which are due be held on the Main Modifications and the issue of Ruskin College's proposals on 21<sup>st</sup> and 24<sup>th</sup> September 2012.

### **Main Modifications**

9. The Main Modifications comprise proposed changes to the Barton AAP which the Inspector considered were major enough to warrant additional public consultation. There are 8 Main Modifications (appendix a) which relate to a range of topics covered in the AAP. The Inspector also asked the City Council to consider whether these changes require further sustainability appraisal work. Further sustainability appraisal is only required where the proposed changes may have significant impacts that have not previously been appraised. In many cases (5 out of 8) the City Council has considered that whilst the Main Modification provides additional detail to the policy, it does not have significant impacts that have not previously been appraised. The City Council has decided to carry out further sustainability appraisal work on Main Modifications MM1 (model policy), MM4 (policy BA1) and MM6 (policy BA7). This appraisal work is included in the Addendum to the Sustainability Appraisal (appendix b).
10. Council's attention is directed in particular to two of the Main Modifications which deal with the Inspector's concerns about Policies BA1: Transforming the ring-road, and BA7: Pedestrian and cycle links. In brief the Inspector expressed that she supported the City Council's aspirations for integrating the new development with neighbouring areas, but that she felt she had not seen enough evidence to feel comfortable with two aspects of the policies, namely the requirement for a 40mph speed limit (and houses facing the A40) and the provision of surface-level pedestrian crossings. The Inspector felt that making these aspects requirements of policy went beyond the evidence that was available and as such she requested that the City Council proposed some amendments to the policies to address these concerns.
11. As such, tracked changes to the policies were proposed as Main Modifications MM4 and MM6. These Main Modifications deal with what the City Council consider to be all of the Inspector's concerns and the County Council's concerns regarding the AAP's proposals for the treatment of the A40. The City Council has had on-going discussions

with the County Council, which has resulted in a Statement of Common Ground between the two authorities to deal with all outstanding concerns of the County Council in advance of the additional hearing sessions.

### **Sustainability Appraisal of Ruskin College's Proposals**

12. Ruskin College made representations to the Planning Inspector that they were not satisfied that the Sustainability Appraisal process had been completed fully in respect of their site, particularly with regard to consideration of the various iterations of technical evidence the college had submitted to the City Council during the preparation of the AAP. A full sustainability assessment was undertaken at the Preferred Options stage (April 2011). However, it was agreed with the Inspector that the City Council would carry out an additional appraisal which takes account of the technical evidence that was submitted by Ruskin College between August and December 2011 (relating to a proposal for 175-193 dwellings) and in addition on information submitted up to and including June 2012 (related to a proposal for 69/70 dwellings). The Council considers that it has carried out this work in accordance with the Inspector's request.
13. This information has informed the new appraisal work that is included in the Addendum to the Sustainability Appraisal for the Barton AAP (Appendix b) Three options were appraised: option 1: do-nothing (i.e. no development); option 2: residential development of 175-193 dwellings; and option 3: residential development of 69/70 dwellings. On 22 July 2012, the Oxford Preservation Trust proposed an 'Option 4' as a modification to the AAP, namely that Ruskin Fields should be allocated as a 'Protected Open Space'. This would protect Ruskin Fields from development in perpetuity. However this option was not felt to be a reasonable alternative for the AAP taking into account the AAP's objectives and geographical scope as required by SA/SEA legislation.
14. The appraisal concluded:

*"Option 1 (do nothing) assumes no development. The site and surroundings are likely to naturally change, for instance if Stoke Place is upgraded to accommodate more cycle and pedestrian movements, and establishment of the new pond at the site as part of a sustainable drainage scheme for the Ruskin College developments. However essentially the site would maintain its open character and its benefits for ecology.*

*Option 2 for a residential development of 150-193 dwellings would help to meet the city council's housing targets and improve local access to green areas. The integration of a small stream, pond and hedgerows in the proposed masterplan would be a positive use of existing landscape features. The creation of a 'green street' with a 'swale' could help to create a distinctive, rustic streetscape. The swale would also create a wildlife corridor.*

*However Option 2 would have significant negative impacts that cannot be managed through the detailed design and layout of the development including*

  - *The density and height of development proposed would not support the role that Ruskin Fields play in the Old Headington Conservation*

*Area, namely a rural character and wide open views in close proximity to the tightly enclosed village centre, and provision of views to the built-up part of the conservation area from outside its boundaries.*

- *The placement of three- and four- storey blocks at the northern edge of the site is likely to result in the creation of an unduly prominent and intrusive building line within one of the key views identified in the conservation area appraisal.*
- *Development would have a direct impact on important hedgerows, six protected bat species and several important bird species.*
- *The development is sited within (relatively far) walking distance from good, frequent bus services. However, even so it would generate about 650 car trips over a 12 hour period, which would be channelled onto the residential streets branching off Foxwell Drive.*
- *The development could also affect Roman archaeology on the site, and increase runoff and air pollution.*

*The impacts of Option 3 would be similar to but smaller than those of Option 2. It would be less visually intrusive, generate less traffic, and cause fewer problems of runoff and air pollution. It would provide significantly fewer new homes. However the scheme would still have significant visual impacts on a conservation area, and would still significantly affect the more ecologically sensitive parts of the sites (including hedgerows and bats).*

*In summary, development on the open parts of the site is constrained by the site's role as open green space within the Old Headington Conservation Area; and development near the hedges and trees is constrained by the site's ecological importance. As has been demonstrated both the larger and smaller developments would generate net negative impacts. As such, Option 1 (do nothing) is the preferred option." (Conclusion of the Addendum to the SA for the Barton AAP)*

15. For completeness, an Addendum to the Sustainability Appraisal for the Sites and Housing Plan regarding Ruskin College's proposals has also been published (Appendix c). That sustainability appraisal work concluded that:  
*"Although the site scores positively in terms of housing, if developed (for either a small or large scheme), it would have, based on the evidence submitted, significant effects on the Old Headington Conservation Area and the biodiversity of the site. As such the SA has suggested that the preferred option for the site would be "do not allocate". (Conclusion of the Addendum to the SA for the Sites and Housing Plan)*

### **Ruskin College's proposals**

16. Ruskin College had proposed their land for development early in both the Barton AAP and the Sites and Housing Plan processes. It was decided that it would be prudent to carry out consultation on these proposals in order to gauge public opinion. As such it was considered useful the Preferred Options document for the AAP (May 2011) included a proposal put forward by Ruskin College for between 175 and 190 new homes on fields to the north of the College and south of the ring-road. The City Council was clear in the Preferred Options document that it was not

promoting development at Ruskin Fields but simply inviting the public to comment.

17. Further work was submitted by Ruskin College between the Preferred Options and Proposed Submission stages of the AAP. This was carefully considered by officers and it was recommended to Council that no policy be included in the AAP on the land in question. This issue was specifically referenced in the report to the Council meeting (19<sup>th</sup> December 2011) as follows:  
*"Since the Preferred Options consultation, Ruskin College have submitted further proposals together with supporting technical studies. However, the proposals and technical studies are not sufficiently robust to be included in the AAP. In particular, no workable vehicle access arrangement has been demonstrated and the proposals do not adequately reflect the requirement to protect and enhance the character and appearance of the Conservation Area. To include the proposals in the Barton AAP would present a risk to the soundness of the AAP, and could hold up delivery of homes on the Land at Barton to the north of the ring-road. Therefore no land at Ruskin Fields has been allocated for development in the AAP."* (Paragraph 13 of item 22)
18. Members will recall that at the meeting of 19<sup>th</sup> December 2011 Council debated both the Barton AAP and the Sites and Housing Plan and approved them both for public consultation, and subject to the consultation, submission to the Secretary of State for examination. At that meeting several members of the public made addresses regarding the issue of Ruskin College's proposals including an address made in person by Professor Mullender, the Principal of Ruskin College. During the debate several amendments were proposed, one of which was to identify Ruskin Fields as a suitable site for housing. The minutes show that this proposed amendment was debated, voted on, and not adopted.

### **Sustainability Appraisal and concerns raised by Ruskin College**

19. As outlined above, further sustainability appraisal work has been carried out on the proposals including taking account of recently submitted information that was not available at the time of the Council debate. The sustainability appraisal work has nonetheless concluded that the best option for the site in sustainability terms is the "do-nothing" option of no development as *"both the larger and smaller developments would generate net negative impacts"* (conclusion of the Addendum to the SA of the Barton AAP).
20. In its representations to the recent consultation, Ruskin College has responded to the findings of the sustainability appraisal. A full copy of Ruskin's submission, together with all other representations, is now an examination document and can be accessed on the Council's website at [www.oxford.gov.uk/bartonaapexamination](http://www.oxford.gov.uk/bartonaapexamination) and [www.oxford.gov.uk/sitesandhousingexamination](http://www.oxford.gov.uk/sitesandhousingexamination). Ruskin's central concern is that the addendum to the sustainability appraisal of the Barton AAP does not give a fair and unbiased indication of the potential impact of development on Ruskin Fields. The College points to seven

objectives for which a negative or significant negative impact is stated, and notes that in the sustainability appraisal for the AAP published in February 2012 no negative impacts were identified for the Barton strategic site north of the A40. Ruskin College considers that the City Council has not compared the two sites in a similar manner and the outcomes are very biased in favour of the Barton extension. It argues that, given that the character of the two sites is similar, consisting of semi-improved grassland with hedgerows, and that the Barton extension is significantly larger, the sustainability assessment can be given no credibility.

21. Ruskin College argues that the different scores given to the two sites mean that the assessment has not complied with the legal duty to properly evaluate the effects of alternatives on the environment, as required by EU law. It asks for further work to be carried out on the sustainability appraisal prior to discussing the merits of Ruskin Fields at the examination.
22. Officers do not agree with these arguments. The relevant sustainability appraisal to compare the Barton and Ruskin sites is the sustainability appraisal on Barton at the Core Strategy stage, not the AAP. The strategic site at Barton was allocated in the Core Strategy, and it was during the preparation of the Core Strategy that the principle of development on that site was assessed. The sustainability appraisal for the Barton AAP therefore considered the impacts of each individual policy option, not the overall principle of allocation, because of the fact that this site was already allocated and could otherwise have come forward without any additional policy guidance, based on Policy CS7 in the Core Strategy.
23. At the Core Strategy stage, negative impacts were identified in the sustainability appraisal for five objectives, four of which are also identified as negative for Ruskin Fields. The objectives that have been identified as negative for Ruskin but not for the Barton strategic site at Core Strategy stage relate to climate change, historic environment/countryside and using natural resources sustainably. The main reasons for this are that there are material differences between the two sites; the strategic site, unlike Ruskin Fields, is not in a Conservation Area, and its greater size provides opportunities for potential benefits like new bus routes and a district heating scheme that would not exist on a smaller development. It is true that the Core Strategy assessment identified far more positive impacts than has been identified for Ruskin, but this reflected our assessment of the potential wider regeneration benefits of the Barton site.
24. The point about EU law in terms of assessment of alternatives is not considered to be relevant because the assessment of Barton against reasonable alternatives was done in the Core Strategy. Development on the Ruskin Fields site has been considered on its own merits, not as an alternative to the Barton extension.

25. In addition, it is important to recognise that whilst the Sustainability Appraisal process has an important role when making decisions; it is only one of a range of tools available to the City Council when formulating planning policy. This was raised on a number of occasions at the examination, with the Inspector emphasising the importance of using the range of tools available, including for example the technical evidence base and the results of public consultation, when coming to policy decisions.

### **Planning considerations**

26. It is acknowledged that Ruskin has carried out further technical evidence. In relation to transport, the County Council has indicated that the College have now demonstrated a workable transport solution for the smaller development option, albeit that this access arrangement off Foxwell Drive would result in traffic going through residential areas in Northway. This would equate to an additional 300 vehicle movements over a 12-hour period. Traffic movements during the am and pm peak periods would be around 30-40 vehicle movements an hour. In relation to the larger scheme, the County Council has not indicated that there is any workable transport solution. The larger scheme would generate approximately 650 trips over a 12-hour period, with some 65-75 vehicle movements an hour in peak periods.
27. There remain strong concerns about the planning merits of allocating Ruskin fields for development in either plan, particularly in relation to the impact on the historic environment and landscape character. The Old Headington Conservation Area appraisal identified the importance of views across the Ruskin fields to the distinctive character of the Conservation Area. It noted that *"the green wedge of space that it creates in these views, running between the built up Barton and Northway estates, illustrates the distinctiveness of the character of Old Headington from its surrounding communities."*
28. In planning as well as sustainability terms, these fields provide an important open setting to the tightly knit historic core of Old Headington, and a key element of views into and out of the Conservation Area. Development at the northern edge of the site, particularly of three or four storeys, would be likely to create an intrusive building line within one of the key views identified in the Conservation Area appraisal. There are also ecologically important hedgerows across and bounding the site which are difficult to avoid disturbing in any development scheme.
29. In such an environmentally sensitive location, the City Council would discourage outline planning applications because a decision would be likely to turn on how the details of any scheme related to the statutory duty to preserve and enhance the character of the Conservation Area. Allocating a site in the plan led system would give extremely strong support to any future planning application, albeit that it would not bind the

Council to grant permission for any specific scheme. If allocated in the Sites and Housing Plan, this would be the only greenfield site allocated within a Conservation Area. Other similar greenfield sites in Conservation Areas that were proposed at the initial call for sites were rejected at the first stage on the grounds that development was unlikely to be possible without a significantly negative effect on the respective Conservation Areas. Ruskin Fields was taken forward to the next stage only on the basis that we had some further information, compared to those other sites, which enabled us to consider its merits further.

30. Ruskin College has argued that the location of its site provides a potential way of integrating development of the strategic site north of the A40 with the rest of the city. While development of this site could, in principle, help to achieve greater integration benefits, this has been compromised by the fact that access will only be via Foxwell Drive. In practice, this would be a cul-de-sac development. In any event, as a result of the changes highlighted earlier to policies BA1 and BA7 of the AAP, the potential functional relationship between this site and the main strategic site has been diminished.
31. In relation to public consultation, we have taken account of comments received throughout the plan production process. At the Preferred Options stage only 27% of respondents said that they supported Ruskin's larger proposal. With 29% supporting a smaller development. The strongest opposition was from the communities most affected, namely in Old Headington (95% of respondents) and Northway (74% of respondents), with relatively more support from Barton and from other areas of the city.
32. A summary of the results of the consultation carried out into the addendums to the sustainability appraisals for the Barton AAP and the Sites and Housing Plan will be published on the City Council's website as examination documents, at the same weblink as specified in paragraph 20 of this report. Given the relatively technical nature of this consultation, it is not surprising that only some 65 responses have been received in total. Nonetheless a number of residents in Old Headington and Northway have taken the opportunity to send in letters of objection relating to Ruskin Fields, primarily on the grounds of impact on the setting of the Conservation Area, loss of green space or traffic concerns. There were also a few expressions of support for development, primarily on grounds of housing need.
33. In light of the conclusions of the additional sustainability appraisal work, the views of affected communities and the planning concerns outlined above, Council is asked to confirm the approach that was originally agreed in the meeting of 19<sup>th</sup> December 2011, in not identifying the Ruskin land for development.

## **Level of risk**

34. Should Members decide to include the Ruskin proposals in the Barton AAP or Sites and Housing Plan at this stage, this would be likely to necessitate a delay to the programme as follows:
  - a. the drafting of a policy
  - b. 6-week public consultation
  - c. analysis of responses
  - d. an additional hearing session
  - e. finalising of Inspector's Report
  - f. adoption
35. An additional hearing session would need to be held which could not take place (given the earlier stages) until at least December or possibly January, and the Inspector's availability would need to be established. This would mean that the Inspector's Report would not be finalised and received until February or March, delaying adoption of the AAP until around April 2013.
36. A decision to include the site in the Sites and Housing Plan would also result in a delay of a similar scale, although it is likely that a period of further consultation may be needed on other main modifications to the Sites and Housing Plan in any event. Those other main modifications would probably not warrant extra hearing sessions in themselves.
37. The contribution of new housing from the Land at Barton and associated regeneration is a key priority for the City Council, fundamental to achieving the objectives of the Oxford Corporate Plan, the Sustainable Community Strategy, the Core Strategy and the Regeneration Framework for Oxford. Failure to deliver housing at the scale intended could lead to significant problems in meeting the City's housing targets.
38. In the view of Ruskin College, given its concerns about the sustainability appraisal summarised earlier in this report, the Inspector may find the sustainability appraisal, and hence the Barton AAP, unsound. This would result in a major delay to the Barton development. While officers do not share this view, Members should be aware of the College's position

## **Climate change and environmental impact**

39. The Barton AAP objectives seek to encourage a low carbon lifestyle by: encouraging people to walk, cycle and use public transport; providing new homes and buildings that use energy and water efficiently; and, by making effective use of renewable and low-carbon energy. The Sustainability Appraisal has considered the effects of the AAP policies on climate change and the environment. Overall, the policies are considered to have a beneficial impact on climate change.

## **Equalities impact**

40. An Equalities Impact Assessment has been carried out for the Barton AAP. A key theme of the Barton AAP is regeneration. Regeneration can help to tackle disparities in life chances by transforming deprived areas and improving the lives of those living in and around them. The Equalities Impact Assessment shows that the policies and proposals in the Barton AAP will help address existing inequalities by increasing the availability of affordable housing, adding to the range of community and educational facilities and by linking people to economic opportunities. There is no evidence that there will be significant negative impacts. The Equalities Impact Assessment is available on the City Council's website at:  
<http://www.oxford.gov.uk/Library/Documents/Barton%20AAP/Barton%20AAP%20Equalities%20Impact%20Assessment.pdf>

## **Financial implications**

41. The costs associated with the production of the Barton AAP and Sites and Housing Plan are being met through the current resources of the Planning Policy team and budget. The AAP has a strong emphasis on deliverability and the policies reflect evidence on viability. Barton LLP will deliver the infrastructure to bring forward the strategic development site. The joint venture company is also designed to maximise flexibility, with the City Council able to take a share in the value created and recycle returns into the development.

## **Legal Implications**

42. Following examination of the AAP, the Inspector may find the document 'unsound'. The consequence of a finding of unsoundness is that the City Council will be unable to adopt the AAP. Following adoption, a Development Plan Document can be legally challenged.

### **Name and contact details of author:-**

Name: Adrian Roche  
Job title: Planning Policy Team Leader  
Service Area / Department City Development  
Tel: 01865 252165 e-mail: aroche@oxford.gov.uk

### **List of appendices:**

- Appendix a – Main Modifications to the Barton Area Action Plan  
Appendix b – Addendum to the Sustainability Appraisal of the Barton Area Action Plan  
Appendix c – Addendum to the Sustainability Appraisal of the Sites and Housing Plan

This page is intentionally left blank