

To: Council

Date: 20 July 2015

Report of: Executive Director of Regeneration and Housing

Title of Report: Northern Gateway Area Action Plan: Inspector's Report

Summary and Recommendations

Purpose of report: To propose the adoption of the Northern Gateway Area Action Plan (AAP)

Executive lead member: Councillor Alex Hollingsworth

Policy Framework: The contribution of new employment development and housing from the Northern Gateway are fundamental to achieving the objectives of the Council's Corporate Plan (in particular: vibrant and sustainable economy, and meeting housing needs). The adoption of the AAP will fulfil a key element of the Local Development Scheme and builds on the strategic policies set out in the Oxford Core Strategy.

Recommendations: Council is asked to:

- 1: note the conclusions of the Inspector's Report on the examination into the Northern Gateway Area Action Plan
- 2: adopt the Northern Gateway Area Action Plan as part of Oxford's Local Plan
- 3: endorse the AAP's associated documents as part of the AAP adoption (including the Sustainability Appraisal and Habitats Regulations Assessment Adoption Statement and Equalities Impact Assessment)

List of appendices:

Appendix 1 - Final version of the Northern Gateway AAP

Appendix 2 - Extract of the updated Policies Map

Appendix 3 - Risk Register

Background

1. The Core Strategy allocates the Northern Gateway as a strategic employment-led development site and states that an Area Action Plan will be produced to bring forward development. The AAP policy framework will form the basis against which future planning applications are judged.
2. The site is a rare opportunity to provide significant new employment floorspace within the city for the innovation and knowledge-based sector that is so

important to Oxford's and the regional/national economy. It also offers the opportunity to provide additional new homes and associated facilities in the form of a thriving and vibrant new community that forms part of Oxford.

3. As time has moved on since the Core Strategy was adopted; the AAP needed to take account of up to date evidence and additional factors such as City Deal and the Strategic Housing Market Assessment (SHMA) work. In January 2014, City Executive Board approved for public consultation an Options Document which tested a range of options for policies for the AAP, and in July 2014 Council approved the Proposed Submission Document for public consultation and submission to the Secretary of State for examination.
4. The AAP (comprising the Proposed Submission Document and a schedule of 25 Proposed Minor Post-Publication Changes that arose from the consultation) was submitted to the Secretary of State in October 2014 for examination. An independent planning inspector, Christine Newmarch, was appointed to carry out the examination and hearing sessions were held in March 2015. A table of 11 Minor Modifications was produced after the hearings relating to matters that arose from the sessions. The Inspector's assessment of the AAP is made on the basis that all those changes are incorporated into the plan.

Conclusions of the Inspector's Report

5. The AAP Inspector's Report was received on 15th June 2015, 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 8th June 2015. The Inspector's Report can be viewed on the City Council's website: www.oxford.gov.uk/northerngateway.
6. The Report concludes that: "...the Oxford Northern Gateway Area Action Plan provides an appropriate basis for the planning of the Northern Gateway area of the city". The Inspector found that: "*the plan as submitted (including the Minor Post-Publication changes and the Minor Modifications arising from the examination hearing sessions) in regard to both soundness and legal compliance is capable of being adopted without change and so no Main Modifications are recommended in this report*". She found that the Northern Gateway AAP meets all the legal requirements for such a plan.

Summary of the main issues discussed by the Inspector

7. The Inspector's Report is structured around an assessment of the Duty to Co-operate and an assessment of Soundness based on five main issues (the mix of uses proposed; the proposed amendment to the Green Belt; transport and travel; the natural environment, including the Oxford Meadows Special Area of Conservation; and the effects on human health).
8. On the Duty to Co-operate, South Oxfordshire and Vale of White Horse District Councils had submitted that either the whole or a large portion of the site should be developed for housing given the time that has elapsed since the Core Strategy and the more recent findings of the SHMA. However the Inspector found that the relevant policies of the Core Strategy are not out of date and stated: "*I am not, therefore, persuaded that an overwhelming case exists to*

change the emphasis of the development at the Northern Gateway". (paragraph 21)

9. Several representors had made submissions that the scale and mix of uses proposed was excessive, flawed, or not in accordance with the Core Strategy allocation. The Inspector concluded that: "*...the amount of employment and residential development proposed in Policy NG2 is supported by the evidence base. It would make a positive contribution to the need for both employment and housing identified in the Core Strategy and would not be materially inconsistent with the Core Strategy*". (paragraph 45)
10. Representors had expressed concerns regarding the outcome of the Green Belt Review and the policy that moved the boundary and allocated the portion of the site south of the A40 for development. The Inspector concluded that the policy is: "*...justified by the Council's evidence base...is positively prepared, consistent with national policy and would be effective in bringing forward land for development in the Northern Gateway. As such I find that the policy is sound.*" (paragraph 82)
11. At the hearings there was much debate on the topic of transport measures and mitigation. The Inspector was satisfied with the evidence base that supported the AAP and considered that it used the correct approach and was reasonable. She concluded that: "*Notwithstanding the range of transport and travel representations raised, none has shown the AAP to be unsound*". (paragraph 98)
12. The Core Strategy set out the need for further work in the AAP on three factors that could potentially affect the Oxford Meadows Special Area of Conservation: hydrology, air quality and recreational pressure. The Inspector considered that this further work had been carried out to the level of detail appropriate to the Plan and that the Habitat Regulations Assessment had identified no significant effects on the Meadows.
13. At the hearings several representors made submissions that the proposals would be harmful to human health both in regard to air quality and vibration from the adjacent railway. However the Inspector concluded that: "*It has not been demonstrated that the AAP is unsound in relation to human health. I am satisfied that policy NG7 would soundly provide the planning control necessary to protect human health at the Northern Gateway.*" (paragraph 134)
14. The Inspector also found that: "*Given the on-going work on travel and transportation matters, and the willingness of the Northern Gateway Consortium to work closely with the Council, there is no reason to suppose that the plan could not be implemented and delivered within the plan period.*" (paragraph 138)

Adoption of the Northern Gateway Area Action Plan

15. On the basis of this support of the Planning Inspector, officers would strongly recommend that Council adopts the AAP. It is the product of almost two years' work and a robust evidence base; building on the allocation secured at the Core Strategy stage. The Inspector considered the AAP in detail and found it to be soundly based. An adopted AAP will provide the City Council, the prospective

developers and the local community with the certainty required to proceed with this much-needed development. If the AAP were not to be adopted, this would put at risk the key development project at the Northern Gateway.

16. The Northern Gateway AAP has now been updated to include the minor changes resulting from the hearings. Typographical corrections have also been made where errors have been spotted. Appendix 1 to this report shows the final version of the document which would be adopted. Once adopted by Council the AAP will be published on the City Council's website and be made available for viewing in hard copy.
17. The adopted Northern Gateway AAP will be accompanied by an updated Policies Map (formerly called the Proposals Map) setting out the spatial policy designations that flow from the AAP's policies. Appended to this report (Appendix 2) is an extract of the updated Policies Map.

Use of the Northern Gateway AAP in decision making

18. Once adopted the Northern Gateway AAP, together with the adopted Core Strategy, Sites and Housing Plan, West End AAP, Barton AAP and 'saved' Local Plan policies, will form the Oxford Local Plan. This means it will form part of the statutory development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004 and will have full weight in determining planning applications in that area.

Associated documents

19. Several associated documents have been produced alongside the AAP in support of its policies and proposals. For example a Habitat Regulations Assessment has been produced and a Sustainability Appraisal has been carried out in stages throughout the AAP process. A "*Sustainability Appraisal and Habitats Regulations Assessment Adoption Statement*" has been produced to summarise these processes; this statement is available to view on the website: www.oxford.gov.uk/northerngateway. An Equalities Impact Assessment has been carried out for the AAP. The Equalities Impact Assessment is available on the City Council's website at CD1.9 of the examination library: <http://www.oxford.gov.uk/PageRender/decP/NorthernGatewayAAPCoreDocuments.htm>
20. Council is asked to consider and endorse the Northern Gateway AAP's associated documents as part of the AAP adoption process.

Legal Issues

21. On adoption of the AAP, the City Council is required to publish a notice of adoption stating that any person aggrieved may make an application under section 113 of the Planning and Compulsory Purchase Act 2004 to the High Court on the grounds that the document is not within the appropriate powers and/or a procedural requirement has not been complied with. Any such application must be made within six weeks starting with the date of adoption. The High Court may quash the plan wholly, or in part, if it is satisfied that the plan is to any extent outside the appropriate power, and/or that the interests of

the applicant have been substantially prejudiced by a failure to comply with a procedural requirement.

22. Officers consider that the relevant statutory procedures have been met during the preparation of the AAP. The examination was conducted by an independent planning inspector. The level of risk of a successful legal challenge is considered to be acceptably low.

Financial Issues

23. The costs associated with the production of the Northern Gateway AAP have been 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.

Environmental Impact

24. The AAP objectives seek to encourage a low carbon lifestyle/economy 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 considered the effects of the AAP policies and concluded that: *“the majority of the AAP policies performed well against the SA objectives...they are considered to offer potentially significant sustainability benefits to local communities and to the City as a whole.”*

Level of Risk

25. On adoption of the AAP, any person aggrieved may make an application to the High Court to legally challenge the plan; the implications of this are discussed at paragraph 21 above. There is a risk associated with choosing not to adopt the AAP as outlined in paragraph 15 above. A risk assessment has been undertaken and the risk register is attached (Appendix 3). All risks have been mitigated to an acceptable level.

Equalities Impact

26. The Equalities Impact Assessment shows that the policies and proposals in the AAP will help address existing inequalities by increasing the availability of affordable housing and by adding to the range of employment opportunities and facilities. The Assessment concludes that there is no evidence that there will be adverse impact on any equalities groups but instead, that the AAP policies are geared to support the development of more sustainable, cohesive and vibrant communities in the City.

Name and contact details of author:-

Name: Rachel Williams

Job title: Principal Planning Officer

Service Area / Department: Planning and Regulatory Services

Tel: 01865 252170 e-mail: rwilliams@oxford.gov.uk

Appendix 1 – Final version of the Northern Gateway AAP

This page is intentionally left blank