

Place and Growth

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Dear Ian,

CDC Response to questions from Mr Alan Lodwick

I refer to the email from Mr Lodwick to the Inspector dated 28 November 2018 regarding the main Examination hearings and proceeding on the basis of a “working assumption” of 4,400 homes for Cherwell’s apportionment of Oxford’s unmet housing need.

As requested, the Council sets out its views below. It responds to each point raised by Mr Lodwick.

- 1. ‘whether the plan could eventually be considered sound merely on the basis of the “working assumption”, without further justification or evidence, and whether, in the hearings to come, you will take account of new information about the validity of that “working assumption”***

The Council’s Response

As clearly demonstrated by the conclusions of the West Oxfordshire Inspector, the Growth Board apportionment can be found sound on the basis of the agreed level of unmet need, notwithstanding the fact that it was considered to be a ‘working assumption’.

The soundness of the Local Plan is dependent on the Inspector’s consideration of all relevant matters and issues. However, the Council considers that the apportionment of 4,400 to Cherwell district has, in principle, been endorsed by the Inspector following the consideration of evidence presented before and during the preliminary hearing held on 28 September 2018 and thus enabling progress to other, dependent matters. Were this not to be the case, and contrary to the Inspector’s letter of 29 October, the Main Hearings would not be able to proceed “...on the basis that ‘Cherwell’s ‘share’ of that unmet need is 4,400 homes, as a working assumption”.

The reference to a working assumption reflects the fact that on 26 September 2016, Oxford’s unmet housing need of 15,000 homes was agreed as a ‘working assumption’ by the Oxfordshire Councils through the



Oxfordshire Growth Board (CDC PH Written Statement, Matter 1). It is relevant that, in concluding on the acceptability of West Oxfordshire's apportionment of 2,750 homes, the West Oxfordshire Inspector stated,

"50. The 2,750 figure is, of course, only a 'working assumption' and could change over time dependent on the outcome of the examinations of other districts' plans and plan reviews and/or new evidence which may come forward in the future. Distributing housing needs amongst a number of authorities each with their own local plan timetable will, inevitably, be an iterative process. However, as the first authority in a position to make provision for the agreed distribution of Oxford City's unmet needs, it is entirely appropriate for the West Oxfordshire plan to do so. Should the evidence point to the need to significantly alter the 2,750 figure in due course, a review of the plan would be the most appropriate way to achieve this. However, bearing in mind the statutory requirement for plans to be reviewed at least every five years, there is not a need for the plan to include a specific policy in this respect"(CDC PH Written Statement, Matter 1, Appendix 2).

The West Oxfordshire Inspector was explicitly cognisant of the 'working assumption' and equally clear that it was 'entirely appropriate' for the West Oxfordshire Plan to make according provision. In Cherwell's case, the purpose of Preliminary Matter 1 was to similarly test whether the 4,400 apportionment was soundly based and the Inspector has provided a clear view that he is 'content'.

2. whether a new assessment of housing need produced by Oxford City Council for its draft Oxford Local Plan 2036 invalidates the objective assessment of housing need contained within the Oxfordshire SHMA 2014 and the "working assumption"

The Council's Response

No, it does not. The Council's Written Statement on Preliminary Matter 1 highlights the transitional arrangements of NPPF2 (para. 214). NPPF1 must be applied to the consideration of this Plan and necessitates a jointly produced SHMA and cooperation in considering strategic priorities such as the unmet housing needs of neighbouring authorities (NPPF1, para 159, 182).

The 2014 SHMA was prepared jointly by the Oxfordshire Local Planning Authorities and Oxford's unmet need was agreed by the Oxfordshire Councils through the Oxfordshire Growth Board.

The SHMA 2014 remains valid as the agreed, jointly produced objective assessment of need for the Oxfordshire Housing Market Area (NPPF1, para. 47).

The Proposed Submission Oxford Local Plan 2036 is presently being consulted upon (until 28 December 2018). The draft Oxford Local Plan acknowledges that '*...the main evidence for housing need in Oxford continues to be the Oxfordshire Strategic Housing Market Assessment (SHMA)...*' (draft OLP para. 3.5).

The City Council states that it intends to submit the Plan in March 2019 (to meet the commitment in the Housing and Growth Deal for the submission of all Oxfordshire Local Plans for examination by 1 April 2019). Under the NPPF's transitional arrangements, a submission after 24 January 2019 would mean that the Plan would fall to be examined against NPPF2 rather than NPPF1.

The draft Oxford Local Plan and its supporting evidence have not been tested at examination. It is noted that the City Council has undertaken its own specific update of the SHMA 2014 in isolation. It contains assessments of housing need for the period to 2036 which include the finding that 1356 homes per annum would be needed to meet affordable housing needs in full (para. 9.25 and draft OLP, para. 3.7). The Council notes that the City Council (draft OLP, para. 3.6) applies para. 60 of NPPF2 (exceptional circumstances) in explaining its housing need before determining a capacity based housing target.

The exceptional circumstances cited by the City Council are as follows: "*...all Oxfordshire Councils in this current round of local plans are working to deliver the housing need identified in the 2014 SHMA and it is important that Oxford's Plan is consistent with the plans prepared and made by other Councils, and that the preparation and adoption of the Plan is not delayed. Moreover, the Councils have received Growth Deal*



funding to deliver these homes. The SHMA roll-forward has reflected current and future demographic trends and market signals, which reflect Oxford's particularly young and dynamic population demographic." (draft OLP, para. 3.6).

This Council considers that under the Duty to Cooperate, any new assessment of housing need cannot be relied upon unless it has been considered by the Oxfordshire Growth Board having regard to any exceptional circumstances case. Such joint working should be reflected in a Statement of Common Ground documenting the cross-boundary matters (NPPF2, para. 27). The Oxford Local Plan will be examined in due course in the context of NPPF2.

Oxford's draft Local Plan and its deliberations on housing need should not be considered in isolation. Work has also commenced on an Oxfordshire Joint Statutory Spatial Plan (the Oxfordshire Plan 2050) which, under Oxfordshire Housing and Growth Deal (CDs PR85 and PR88, item 8), is required to be submitted to Government by March 2020. The Oxfordshire Plan will need to be aligned with the on-going work on the Oxford-Cambridge Expressway and the associated housing and economic growth it is intended to facilitate. Significantly, in terms of securing Government funding for infrastructure, the Growth Deal also explicitly includes an agreement by the Oxfordshire authorities to deliver the 100,000 homes identified in the 2014 SHMA by 2031. The Planning Practice Guidance indicates the importance of realising objectives in Housing Deals, such as the Oxfordshire Housing and Growth Deal (ID 2a-010).

The Council considers that there remains a pressing need to deliver homes in Oxford including the delivery of 50% of the homes as affordable housing (CDC PH Written Statement, Matter 2).

3. whether the objective assessment of housing need upon which the Partial Review is based has been "fully and accurately defined"

For the reasons explained in the Council's Written Statements on Preliminary Matters 1 and 2, and having regard to conclusions of the West Oxfordshire and Vale of White Horse Inspectors (extracts appended to those statements), the Council considers that the objective assessment of housing need has been 'fully and accurately defined' and meets the requirements of NPPF1.

The Inspector for the now adopted Cherwell Local Plan 2011-2031 stated in his Non-Technical Summary "*Add a formal commitment from the Council, together with other relevant Councils, to undertake a joint review of the boundaries of the Oxford Green Belt, once the specific level of help required by the city of Oxford to meet its needs that cannot reasonably be met within its present confines, is fully and accurately defined*" (emphasis added) (CD PR45).

The recommended commitment was incorporated as para. B.95 of the adopted Local Plan (CD PR55) which includes the following text: "*...The urban capacity of Oxford is as yet unconfirmed. Cherwell District Council will continue to work jointly and proactively with the Oxfordshire local authorities and through the Oxfordshire Growth Board to assess all reasonable spatial options, including the release of brownfield land, the potential for a new settlement and a full strategic review of the boundaries of the Oxford Green Belt...*"

The Council has met this commitment.

4. whether the fact that the Partial Review is the "first Oxfordshire Local Plan concerned solely with meeting Oxford's unmet need" affects reliance on the "working assumption" having regard to the quantum of development and the involvement of Green Belt proposals

No, it does not. The development proposed to meet the agreed apportionment is a matter for specific consideration having regard to the circumstances of each individual district and regardless of the form of the Local Plan. Convenient timing following the Growth Board process enabled West Oxfordshire to incorporate its proposals as part of a single Local Plan. In Cherwell's case the adopted Local Plan pre-dated the substantive Growth Board work thereby necessitating the Partial Review. The Vale of White Horse Part 2 Local Plan performs a similar function albeit combined with other planning matters arising from its Part 1 plan. It is

currently being examined and proposes to meet the agreed apportionment in full and within an area 'closest to Oxford' (Inspector's letter dated 30 October 2018, para's. 6&7). It also involves Green Belt issues. The South Oxfordshire Local Plan is still being prepared and is being considered by its Cabinet and Council during December 2018.

Yours sincerely,

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