

Cherwell Local Plan 2011-2031 (Part 1)
Partial Review – Oxford’s Unmet Housing Need
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Post-Hearings Advice Note

Preamble

This Note sets out, in brief, the preliminary conclusions I have reached about the *Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need* (the Plan) as submitted, taking account of what I heard at the hearings in February 2019, and the various written submissions that have followed on from them. It deals with a series of points that have been made about the Plan and most importantly, at this stage of the process, sets out some changes that are required to make the plan sound. While I have briefly outlined my position on some key issues, my full reasoning will be provided in my final report.

The Quantification of Oxford’s Unmet Housing Need (the figure of 4,400 that represents Cherwell’s Apportionment)

This 4,400 figure, which provides the basis for the Plan, has drawn a lot of criticism both at the Hearings, and since. In particular, the Review of the Oxfordshire SHMA 2014 and Oxford City SHMA Update 2018 produced by ORS suggests that the base figure that leads to the identification of Oxford’s total unmet need as 15,000 units, of which Cherwell’s share is 4,400, is significantly inflated. I note that the Inspectors charged with examining the recently submitted Oxford Local Plan 2036 have raised some preliminary questions about Oxford’s base figure of 1,356 dpa suggesting, amongst other things, that the issue could have a bearing on the level of unmet need which would have to be accommodated in neighbouring authorities, and could potentially affect the amount of land released from the Green Belt.

With that in mind, some participants have suggested that the Examination should be suspended until Oxford’s housing needs, and following on from that, its unmet needs, are quantified through the examination of the Oxford Local Plan.

I appreciate, to some, that seems a reasonable position to take. Indeed, it might be said that some means of looking at the housing and other needs of Oxford, and the surrounding Boroughs, simultaneously, in a strategic way, would be a good idea. However, that is not the way in which the planning system is currently set up.

The Planning Inspectorate has a duty to appoint Inspectors to carry out an independent examination expeditiously on submission and is not involved in discussions between authorities about timetabling, or anything else, before Plans are submitted. I would also observe that the Council’s adopted Local Plan includes an undertaking to conduct a partial review to address Oxford’s unmet housing need within two years of adoption. That partial review is the subject of this examination.

In that context, there can be no reasonable justification for suspending the examination to allow the Oxford examination to be advanced to its final stages.

Turning to the 4,400 figure itself, it has been arrived at through what I regard as a robust process where Oxford, and (most of) the surrounding authorities, co-operated, through the Oxfordshire Growth Board (OGB) to identify Oxford's unmet need, and apportion it between them. In many ways, the OGB is a model of how the duty-to-co-operate should work.

The ORS Report criticises the basis for the 4,400 figure for Cherwell, but it offers no alternative. Likewise, it might well be argued that the figure is based on a SHMA that is of some vintage, but the Oxfordshire SHMA 2014 is the only basis for considering Oxford's needs in the context of the wider HMA before the examination and I consider the figure to be robust when considered against the (2012 version of) the Framework and the associated Guidance.

I accept that the Inspectors examining the Oxford Local Plan might have raised some preliminary questions about Oxford's housing needs, but they have yet to reach any conclusions on the matter and are likely to be some way off doing so.

All in all, like my colleagues who examined Local Plans in West Oxfordshire, and the Vale of White Horse, I find nothing problematic in the Plan's reliance on the figures produced and agreed through the OGB. I consider that the 4,400 figure provides a sound basis for the Plan.

The Strategy

Put simply, the approach taken is to locate the housing and infrastructure required as close as possible to Oxford, along the A44 and A4165 transport corridors. To my mind, while most of the allocations proposed are in the Oxford Green Belt, this is an appropriate strategy because it is that most likely to foster transport choices other than the private car and minimise travel distances, and least likely to interfere with the delivery of housing elsewhere in Cherwell.

Exceptional Circumstances

The Council has set out why it considers that the exceptional circumstances to justify the removal of land from the Oxford Green Belt are in place. I agree that the pressing need to provide homes, including affordable homes, to meet the needs of Oxford, that cannot be met within the boundaries of the city, in a way that minimises travel distances, and best provides transport choices other than the private car, provide the exceptional circumstances necessary to justify alterations to Green Belt boundaries.

The Various Allocations

With one exception, that I deal with below, I regard the various allocations, and the process by which they have been arrived at, as sound, in principle. There are, however, detailed points that I need to address at this stage.

First, and most fundamental, is the allocation proposed in Policy PR10 – Land South East of Woodstock. I do not believe that the impact on the setting, and thereby the significance, of the nearby Blenheim Palace World Heritage Site (WHS) would be unacceptable, considered in isolation. However, notwithstanding the potential for screen planting, it is my view that the development of

the site for housing would represent an incongruous extension into the countryside that would cause significant harm to the setting of Woodstock, and the character and appearance of the area. That, alongside the travel distance to Oxford (which is likely to tempt residents away from more sustainable travel choices like public transport or cycling notwithstanding the proximity of the site to a proposed Park & Ride facility), and the impact on the setting and significance of the WHS, lead me to the conclusion that the allocation is unsound. I make some suggestions as to how this might be dealt with under the heading 'Main Modifications' below.

Second, I have no doubt that the North Oxford Golf Club is a much-valued facility. However, the site it occupies is an excellent one for the sort of housing the Plan proposes, given its location so close to Oxford Parkway, with its Park & Ride, and its proximity to the centre of Oxford. In that light, I do not find the allocation proposed in Policy PR6b – Land West of Oxford Road unsound, in principle.

I raised a question at the hearings about the reference in the policy (under criterion 17) to the need for any application to be supported by enough information to demonstrate that the tests contained in paragraph 74 of the (2012) NPPF are met, so as to enable development of the golf course. Policy PR6c – Land at Frieze Farm allocates land for a replacement golf course and from what I saw of the existing golf course, it could, if necessary, provide equivalent or better provision in terms of quantity and quality, on a site very close to the existing facility.

On that basis, notwithstanding questions around whether the existing gold course is surplus to requirements, which are addressed under criterion 21 in any event, the tests in paragraph 74 have been met and criterion 17 can be deleted.

In terms of Policy PR9 – Land West of Yarnton, I have some sympathy with the points made in relation to the depth of development allowed for in the overall allocation. From what I saw of the site, there is scope for the developable area to extend westward and this might well provide the scope for a development more interesting in its design and layout. I return to this matter below.

Density

As submitted, the various allocation policies in the Plan each refer to an expectation that dwellings would be built to conform with an approximate average net density. The Council has proposed what I would regard as a Main Modification (MM) removing these references. To my mind, that is a reasonable course. Each of the allocation policies sets out the number of dwellings to be provided on each respective site, so the reference to density is superfluous.

There are other issues raised on the subject too. Most important is the suggestion that in anticipating relatively low-density developments, the land take from the Green Belt proposed by the Plan is greater than it might be. However, in allocations of the type proposed, land take is not the only consideration. Higher density developments, on smaller sites, on the edge of what in some cases are quite small-scale settlements, would appear out of place and have a markedly harmful impact on their surroundings.

Some additional capacity may be possible, a matter I discuss further below, but overall, the Council has struck a broadly sensible balance between the extent of the land proposed to be removed from the Green Belt, and the need to accommodate development that respects its context. I see nothing unsound in that approach.

Access/Highways

It is fair to note at the outset that building 4,400 homes to accommodate Oxford's unmet need anywhere in Cherwell is likely to have significant impacts in traffic terms. However, as I have alluded to above, the principle of siting the required allocations along an established transport corridor is a sound one. I accept that traffic along this transport corridor is already relatively heavy, but the route clearly offers the best opportunity to provide incoming residents with opportunities to travel by means other than the private car. Moreover, development along the corridor can reasonably be expected to contribute to transport improvements along it, including those that encourage means of access into Oxford by means other than the private car.

It was put to me that if the land covered by Policy PR6c – Land at Frieze Farm was allocated for housing, then a link road between the A44 and A34 could be provided that would alleviate congestion at the roundabouts to the south. That might assist but I do not consider the possibility sufficient reason to justify allocation of the site, or part of the site, for housing. That said, there may be other reasons why housing on the site might prove necessary (see below).

I recognise that the allocations, and other factors, will lead to changes to the highway network, like the closure to vehicular traffic of Sandy Lane. However, while such changes might be inconvenient, to some, the impact they would involve is not such that it renders the Council's approach unreasonable, or the Plan unsound.

Main Modifications

The Council has already proposed a series of changes to the Plan and consideration will need to be given as to whether these are in fact MMs. As a guide, I consider that anything that meaningfully changes an actual Policy, or in the case of supporting text, goes to the heart of the approach, will be a MM and will need to be consulted upon. Anything that falls short of a MM is a matter for the Council. I have covered the example of the deletion to references to approximate average net densities above and this provides a guide as to where the line should be drawn.

The major change required to the Plan to make it sound is the deletion of Policy PR10. This gives rise to a necessity to make provision for 410 dwellings, 50% of which are to be affordable housing, elsewhere. While I do not seek to rule out other approaches the Council might wish to take, there seems to me to be several ways in which this might be addressed:

1. There could be scope to divide the 410 dwellings around some of the other allocations, without having any undue impact on the character and appearance of the general area;
2. That could be combined with additional dwellings on the Policy PR9 allocation which could lead to a better-designed layout (see above); or
3. There may be the possibility that the Policy PR6c – Land at Frieze Farm allocation could accommodate some housing (and possibly the link road) as well as any replacement golf course. However, this would necessitate further land-take from the Green Belt for which exceptional circumstances would need to be demonstrated. This might prove difficult to justify unless options 1 and 2 above and any other options outside the Green Belt were shown to be unsuitable.

The other major change I have set out is the deletion of criterion 17 in Policy PR6b – Land West of Oxford Road. On my analysis, that deletion would not necessitate any other change to the policy in general, or criterion 21 that deals with the provision of a replacement golf course in particular. However, that may be an aspect the Council would want to consider further.

On another issue, there are several references in the policies of the Plan to the (2012 version of the) NPPF. While the Plan is being examined under the auspices of that document, any planning applications that flow from the Plan will be considered against the February 2019 (or any subsequent) version. On that basis, while forms of words taken from it can be retained, specific references to the NPPF should be removed throughout the various policies.

Concluding Remarks

There are several matters here that will require careful consideration by the Council, and I am content for time to be allowed for that to take place (though I would appreciate an early indication of how long might be required). What the Council have already proposed, and what I cover here, may also require updates to the Sustainability Appraisal and other parts of the evidence base. The Council will need to consider such matters too.

Once all MMs, and any associated updates to the evidence base have been put together, I will want to consider them, and may have further comments having done so. After that, the MMs and associated updates will need to be consulted upon, of course, and it may be that another Hearing is required to discuss the results of that process. Alternatively, it may then be possible for me to proceed to my report. I will of course, keep this under review.

Paul Griffiths
INSPECTOR

10 July 2019