

Summary Report from members on their own account regarding the Local Plan Review.

This is not an official report of the Scrutiny South Committee. It is a summary report from the members named below on their own account as individual District Councillors, informed by information received so far from a broad range of sources, including materials presented to these members at the two rounds of Scrutiny meetings. Due to short time constraints before Cabinet meets, it is necessarily brief. Members remain open minded as to the final outcome of the Local Plan Review and produce this report with the benefit of evidence reviewed so far. Our opinion could well change. At this stage we wish to flag up a number of concerns and observations regarding the Emerging Local Plan 2034 (eLP2034) and other options for Cabinet and Councils consideration.

The members named below (in alphabetical order) approve this minority summary report:

Cllr Sam Casey-Rerhaye
Cllr Simon Hewerdine
Cllr Alexandrine Kantor
Cllr George Levy
Cllr Anne-Marie Simpson

Housing Land Supply

1.1 In officers report to Scrutiny of 19 June regarding the current emerging Local Plan 2034 (eLP2034), it was predicted by officers that "...we will not be able to demonstrate a sufficient land supply between 2021/22 and 2023/24 under the emerging Local Plan". We are concerned a plan that cannot robustly demonstrate a sufficient five year housing land supply in its early years carries a risk of speculative development and may even be found to be unsound.

1.2 SODC Officers have recently developed a new way of accounting for over-supply in Housing Land Supply figures by adding years instead of reducing numbers and this is (as far as officers know) is unique to SODC. It has been so done to mitigate against having a negative-need in future years and has now been applied to eLP2034. We are told that this novel approach has not been tested by an inspector. We are concerned that any decision to continue with eLP2034 could be challenged due to the novel statement of Housing Land Supply used.

1.3 Even with the inclusion of over-supply, eLP2034 will dip very close to the minimum line for remaining safe from speculative development by 2021 and come perilously close in 2022-2024 before it begins to rise again. We are concerned at the risk associated to our five year HLS inherent in eLP2034.

1.4 Following Options 3 and 4 and including Oxford's unmet housing need (the amount as currently stated in their untested plan), appears to leave HLS safe until 2026 in the latest report.

2. Housing Need

2.1 The 2014 SHMA used a predicted population figure for 2031 of 838,000 when the ONS predicted 732,000. Latest ONS estimates have dropped to 713,000, equating to a difference of 50,000 homes based on an average 2.4 person occupancy.

(<http://www.cpreoxon.org.uk/news/current-news/item/2693-oxfordshire-housing-growth-plan-based-on-fictional-figures> - confirmed by direct reference to ONS data)

2.2 The January 2019 Opinion Research Services (ORS) report on the 2014 SHMA claims that the figure of 1,400 dwellings per annum in the Oxfordshire SHMA 2014 was an outlier and should be disregarded and that the figure proposed by Oxford City of 1,356 dwellings per annum is an approach which is flawed and without precedent across the country (attached). ORS have a UK wide reputation and Councils have relied upon them in preparation and validation of their local plans.

3. OGD

3.1 The Oxfordshire Housing Growth Deal says on Page 5:

24. Oxfordshire's 2014 Strategic Housing Market Assessment (SHMA) identified that 100,000 homes are needed across the county by 2031 to meet its trend-based economic and demographic growth and to ensure that people can live in affordable homes close to where the economic potential will be delivered.

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692093/Oxfordshire_Housing_and_Growth_Deal_-_Outline_Agreement.pdf)

3.2 Oxford's inspectors have picked up on the discrepancies between ONS predictions and the 2014 SHMA. On 29 May 2019 Inspectors queried the method by which the unmet need has been calculated and crucially the implications for the deal. The inspector says:

"...the Housing Deal Delivery Plan recognises the need for appropriate updates to the figures, and the NPPF says that if exceptional circumstances justify an alternative approach to the standard method, they must still reflect current and future demographic trends and market signals"

(https://www.oxford.gov.uk/download/downloads/id/6397/ic1_-_inspectors_initial_questions_and_comments_to_occ.pdf

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692366/Oxfordshire_Housing_Deal_-_Delivery_Plan.pdf, page 13)

3.3 The 2014 SHMA was the basis of the outline growth deal signed up to it in good faith. If the OGD is predicated upon a SHMA which is now disputed by specialists in

the field, is it reasonable for the government or any other council to try to bind SODC to the deals 100,000 housing number? Oxford's Inspectors seem to be suggesting there is inherent flexibility.

3.3 Being based on a disputed SHMA, the eLP20134 may not reflect ONS future demographic trends and market signals and may not comply with the NPPF in this regard. There is risk it may even be considered unsound as a result.

4. HIF

4.1 OCC regards any Option other than Option 1 as creating uncertainty and therefore risks the HIF money. We are concerned that the carrot of infrastructure funding has been conflated with the production of the local plan.

Is it the will of Council that a sound local plan can stand alone and meet NPPF and other Statutory obligations, or that adjustments are made purely to meet other ends? This is a political decision for the new Council.

4.2 HIF roads are being promoted as 'necessary' for the people of Didcot but it is unclear how they are to provide relief to Didcot residents' traffic concerns. The Culham crossing western route does not connect directly to the new Didcot NE development and the developers have not been approached with any suggestion that it should. The A4130 Didcot to Milton Interchange flow could be improved by replacement of the traffic lights at the foot of GWP with a roundabout. Dualling this stretch of road does not increase the capacity of the A34. In considering the benefit of the HIF roads, the specific relief offered to Didcot should be demonstrated for each part of the proposals and also evaluated against our district and national climate emergency responses and Air Quality improvement targets.

5. Traffic modelling

5.1 It is unclear from OCC if the traffic modelling has been completed for this Plan. The last published document in March 2019 stated that the new Culham-Didcot bridge would exceed capacity at peak times when most of the houses are built and that due to congestion around Grenoble Road, it is expected that car drivers will choose B-roads to avoid traffic jams. OCC say they have done further modelling but this evidence is not available to us at the time of writing this report.

5.2 The system used for traffic modelling is unsatisfactory (OSM) according to some commentators and OCC have procured a new system ready sometime in 2020. (See Fieldgate report)

5.3 No active travel (walking and cycling) was included as part of the traffic modelling. Bus travel was added in the March 2019 addenda, and buses added in that have previously had their subsidies withdrawn.

6. Greenhouse Gases

6.1 eLP2034 does not include much on restricting these gases. There is some confusion between these and Air Quality improvement measures. There are some measures to improve Air Quality in eLP2034, but traffic is expected to rise significantly.

7. Aging Evidence in eLP2034

7.1 The evidence for traffic modelling is from 2013. This is not recent and may be regarded as out of date soon.

7.2 The evidence upon which the current Core Strategy is based on is also becoming out of date. LHA (Local Housing Authorities) are required to revise a new plan every 5 years.

7.3 At appeal, the age of the evidence is not usually commented upon when there is sufficient 5-year HLS. However, where appeals refer to other evidence, this can be an issue when that evidence is considered old.

8. Climate Emergency

8.1 Para 149 of the 2019 NPPF links to the need to act in line with the climate Change Act of 2008, which itself recently had an amendment (2019) to make UK carbon-zero by 2050. By implication the NPPF now requires the same target. As the TCPA point out in “Rising to the Climate Crisis – A Guide for Local Authorities on Planning for Climate Change, December 2018”, this duty is much more powerful in decision-making than the status of the NPPF, which is guidance, not statute.

8.2 SODC declared their own climate change emergency after eLP2034 was submitted

(<http://democratic.southoxon.gov.uk/documents/g2439/Printed%20minutes%20Thursday%2011-Apr-2019%2018.00%20Council.pdf?T=1>)

The resolution requires:

3. Ask that as officers, as per the council’s policies, are currently reviewing policy and strategies, that specific consideration be given to how policies, and our related decisions and actions, affect our contribution to climate change, and where necessary, update these policies to reduce our impact wherever possible. As far as possible, the reporting templates for Council, Cabinet and committees to be amended to include an ‘Environmental Impact’ section.
4. Ask officers to provide the cost and availability of the most appropriate training options for members and officers about how to promote carbon neutral policies for future consideration by Cabinet.

In “Sloman L, Hopkinson L and Taylor I (2017) The Impact of Road Projects in England Report for CPRE” the Highways Agencies own POPE meta-analysis show 83% of new road schemes increase annual emissions, 33% from 1,000 to over 5,000

tonnes carbon. The new road schemes that have been linked to eLP2034 risk increasing greenhouse gas emissions as does such large-scale housing development without appropriate development policies. We are concerned Climate Change risk has not been sufficiently addressed in eLP2034 and the associated infrastructure programs and that statutory and resolution obligations have not been fully addressed. There is a risk that eLP2034 is deficient in this regard and could even be found unsound.

9. Oxford to Cambridge Expressway

9.1 South Oxfordshire Residents are concerned about the route of the proposed Oxford to Cambridge expressway and whether the HIF roads will become part of that route or feeder roads to it. The A4130, Science Bridge. Culham to Didcot River Crossing and Clifton Hampden bypass serve to link the Science Vale Knowledge Spine. This Spine has recently been described as a fundamental component of the expressway (<https://oxfordshireplan.org/wp-content/uploads/2019/02/Topic-Paper-8-Improving-Connectivity-and-Movement-Feb-2019.pdf>). In addition, in the latest expressway corridor assessment, the RAG ratings appear to favour the most easterly B corridor B3, which is believed to coincide with the above road schemes - (<http://assets.highwaysengland.co.uk/roads/road-projects/Oxford+to+Cambridge+expressway/Corridor+Assessment+Report.pdf>). The NIC have said in relation to B3 that “Sections of the existing Strategic Road Network (SRN) may have the scope to form part of the Oxford to Cambridge Expressway and provide an online improvement option”. The HIF roads are clearly strategic. The transport model presented to Scrutiny also showed some of the HIF roads operating above capacity at some times, noting they may need modifying. In their letter of July 1st Eversheds Sutherland have also asserted that the HIF roads were aimed at facilitating the expressway.

9.2 Residents are genuinely concerned the HIF roads will form part of the expressway. We recommend Council writes to OCC asking if they can guarantee that the HIF roads will never become either feeder roads to, or a part of the Expressway.

10. Conclusion

10.1 Option 1 is the only option whereby OCC think the HIF and OGD monies will remain as stated, however as the HIF roads are very likely to increase carbon emissions, Council may choose to treat their development far more cautiously than to date. There is a risk the HIF roads will significantly increase greenhouse gas emissions and become part of, or feed into, the Oxford to Cambridge Expressway, unlocking a corridor of further settlement expansion along the route. There is concern that unlocking Didcot’s potential could translate into unlocking it’s potential to expand far further, once the roads are in place.

The OGD is based on a disputed SHMA and Oxfords Inspectors have raised questions about non-compliance with the NPPF following from the use of a non-

standard approach in the SHMA that does not align with ONS demographic trends. Council may consider the OGD housing numbers unreasonable.

Option 1 therefore carries multiple risks including:

- a) Speculative development due to exhausting land supply.
- b) Over development from a housing-needs perspective.
- c) Failure to meet Statutory and resolved policy obligations on climate change.
- d) Increasing greenhouse gas emissions through HIF roads and general development.
- e) Appearing to develop parts of or feeders into the Oxford to Cambridge Expressway by stealth through HIF funded roads, unlocking a corridor of further settlement expansion along the route.
- f) Failing to meet the exceptional needs test for Greenbelt development, by seeking government funding for the region in return for delivering an excess of housing based on a disputed SHMA.
- g) Being at risk of being found to be unsound for other reasons not yet identified.

10.2 The risk to OGD/HIF monies is an OCC opinion, not the view of an independent expert. Inspectors comments would suggest the OGD numbers could be open to revision. The Oxfordshire Housing Delivery Plan allows for this. Council may wish to treat the HIF roads with caution given what they could herald and discuss the housing numbers directly with the government.

10.3 Any council trying to decide whether to meet conditions to attract infrastructure funding by submitting a local plan that includes building more houses than needed is faced with a political decision. There is housing need independent of the OGD/HIF bids so should the plan and the bids be conflated through the actions of a previous Council? Council are entitled to take a different approach to the former administration on the plan and associated bids, particularly where underlying evidence is disputed, and subsequent legislation / resolutions have been passed that have a direct impact on the plan and proposed infrastructure.

10.4 If OCC wish to block sites (Didcot North East etc) already granted outline permission, on the basis that the roads cannot cope without the HIF roads, and there seems to be little appetite to offer alternatives to ease congestion/travel for these new developments, this puts SODC in an unfair position and the right of OCC to take such action should be challenged and investigated.

10.5 Option 2 is only possible for minor modifications which will not mitigate the riskiness of Option 1. Officers have clearly stated that main modifications are not possible. OCC have stated that HIF and OGD monies are at risk here.

10.6 Option 3 is a Reg 19 consultation – i.e. using the same evidence-base in general but updating some parts of the plan by taking out sites, but not adding in any new sites. OCC have stated that HIF and OGD monies are at risk here. HLS is safe however while this Reg 19 takes place (approx. 1 year). Though parts of the evidence base have been disputed, removing sites could be considered unlikely to make the updated plan more risky. As further evidence emerges the strength / weakness of the existing evidence base could change of course.

10.7 Option 4 is Reg 18 consultation – i.e. a new plan with new evidence. OCC have stated HIF and OGD monies are at risk here. HLS supply is safe for this (until 2026 inc Oxford's current unmet need).

When we made a recommendation for Option 3 at Scrutiny we accepted that more up to date data may come forward and allow for the creation of a more informed and less risky Local Plan. A new plan will need to be developed eventually as eLP2034 was started in 2014.