

Cabinet Report



Listening Learning Leading

Report of Head of Planning

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To: CABINET

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South Oxfordshire Local Plan

Recommendations

That Cabinet recommends Council to:

- (a) retain Chalgrove Airfield as a proposed allocation in the South Oxfordshire Local Plan;
- (b) agree to undertake the necessary site selection work and evidence base to support the inclusion of an additional site or sites in the South Oxfordshire Local Plan as set out in Option 3 of this report.

Purpose of report

1. To update councillors of the latest position regarding the emerging Local Plan for South Oxfordshire.
2. To inform councillors of a series of options and recommendations for moving forwards with the Local Plan.

Strategic Objectives

3. The delivery of the South Oxfordshire Local Plan will contribute towards four of the Council's six strategic objectives.

4. The Local Plan has a key role to play in delivering the district's future as it sets out the level and distribution of development to 2033, which will help to shape the future of South Oxfordshire.
5. The potential of Didcot, is a strategic objective, which is supported by the retention of the existing allocations of land at Didcot for residential and employment related development. To further support this, additional allocations for residential development have been proposed which reflect extant planning permissions.
6. A key role of the South Oxfordshire Local Plan is to identify sufficient employment and housing land for existing and future communities. This directly supports the strategic objective to deliver 'homes and jobs for everyone.'
7. The emerging Local Plan supports the strategic objective to 'build thriving communities'. In addition to the provision for different land uses, the policies within the plan will ensure that developers provide the necessary infrastructure to support the new communities.

Background

8. This report follows the earlier report to Cabinet and Council in April 2018, and whilst all the appendices to those reports are included for completeness, not all are referred to directly in this report.
9. The South Oxfordshire Local Plan is the key document in the Development Plan for the district between 2011-2033 and, on its adoption, will replace the existing adopted Core Strategy and adopted Local Plan.
10. The Local Plan sets out the overall level and distribution of development required for the district. It sets the framework within which Neighbourhood Plans can be produced and steers the future pattern of development across South Oxfordshire. The Local Plan includes a full suite of planning policies which are used in the determination of planning applications.
11. All local authorities are under a statutory obligation to prepare a local plan. The current Development Plan for South Oxfordshire comprises saved policies of the Adopted Local Plan, Adopted Core Strategy and made Neighbourhood Development Plans. In addition the County's Minerals and Waste Local Plan forms part of our Development Plan. The emerging Local Plan will replace both the existing 'saved' policies of the Adopted Local Plan to 2011 and Adopted Core Strategy (2012).
12. We have previously consulted at the following stages
Issues and Scope – June 2014

Refined Options – February 2015

Preferred Options – June 2016

Second Preferred Options – March 2017

Publication – October 2017

13. The first two stages of consultation were based on a plan period up to 2031. Once the plan is adopted, it is expected to have a life of 15 years from the date of adoption so that it provides an effective plan for future development. Our previous work programme indicates that the plan was likely to be adopted in 2018, therefore the plan period was to 2033.
14. The June 2016 Preferred Options version of the Local Plan did not contain all of the policies which would be used in the determination of planning applications.
15. The March 2017 Second Preferred Options version of the Local Plan complemented these earlier consultations and updated the Plan in terms of its evidence base and in response to representations made. It also included a full set of Development Management policies which would be used to determine planning applications.
16. The Local Plan was published under Regulation 19 for public consultation for a period of seven weeks which closed on 30 November 2017. Following the close of the consultation period, the Council was advised that Homes England (HE) as landowners had been unable to reach agreement with the tenants, Martin Baker, to secure the land at Chalgrove Airfield for housing. Chalgrove is included in the draft Local Plan as a strategic allocation (3,000 homes). The other key allocations are Culham (3,500 homes) and Wheatley campus (300 homes) and a regeneration scheme at Berinsfield (1,700 homes).
17. Given the position with Chalgrove we need to review how best to proceed with the Local Plan. HE have confirmed that they will continue to seek to reach an agreement through commercial negotiations, but in the event this cannot be reached, they are prepared to seek use of their statutory powers, which includes Compulsory Purchase Order (CPO) powers. Martin Baker has written to the Council confirming that it will continue to oppose Chalgrove as a strategic allocation and that it would oppose any CPO.
18. Legal advice has been sought on the potential impact on the South Oxfordshire Local Plan of this updated information and the options for progressing the Local Plan.
19. Officers have informed the Planning Inspectorate (PINS) that there is a delay with the anticipated programme towards submission and will continue to update PINS on progress. It should be noted that PINS require six weeks' notification of the intention to submit a Local Plan for examination.
20. We also received a representation to the Regulation 19 public consultation from Oxfordshire County Council which is attached at Appendix 9. The County Council raises a number of concerns, in relation to Chalgrove. The key issue relates to transport infrastructure and the requirement for a substantial investment in additional infrastructure which is likely to be needed. The County Council is concerned about whether such investment will be forthcoming and advises that further evidence is needed to be confident that the infrastructure challenges associated with development at Chalgrove Airfield are able to be addressed.
21. Further to a meeting held on 20 February 2018 between Homes England, Oxfordshire County Council and South Oxfordshire District Council, we wrote to Homes England (attached at Appendices 6 and 7). Their response is at Appendix 8 and 13. We also wrote to Oxfordshire County Council which is attached at Appendix 10 and their response is at Appendix 15.

22. All parties remain committed to working together to seek to resolve the outstanding concerns in respect of transport infrastructure.

What level of development are we planning for?

Housing (Objectively Assessed Need OAN)

23. In April 2014, the councils across Oxfordshire published a Strategic Housing Market Assessment (SHMA), and this identified that South Oxfordshire needs additional housing beyond that which is planned for in the existing Core Strategy.
24. As well as this, Oxford City Council indicated that they would have difficulties in meeting their identified housing need entirely within the city boundary and that other districts across the county could be asked to consider taking some of this “unmet housing need.”
25. In response we decided that we needed to review our existing plan and consider how we can plan for additional growth in the most sustainable way.
26. The SHMA made recommendations in terms of a housing range that we should be planning for, recognising that the affordable housing evidence provided a basis for considering higher housing provision. The SHMA identifies a total need for between 14,500 and 16,500 homes for South Oxfordshire over the twenty-year period 2011-2031. This would equate to an annual provision of between 725-825 new homes.
27. Given that we originally anticipated the adoption of the Local Plan at the end of 2018 as set out in the published Local Development Scheme and that Government guidance requires Local Plans to have a time span of 15 years from the point of adoption, the annual requirement for housing has been rolled on for the additional two years (to 2033). This may need updating again.
28. The SHMA considers that the provision of 750 dwellings a year would support economic growth in South Oxfordshire. This is primarily to meet the needs of our existing businesses wishing to expand and to allow for new business formation at similar rates to the past. A proportion of this provision would also meet the need for affordable housing in the district.
29. Officers have previously advised that there is a risk in not adopting the upper end of the range set out in the SHMA of 825 homes per year. However, it is noted that the other planning authorities in the housing market area have progressed their Local Plans on the basis of the mid-point and have been found sound.
30. We have previously consulted, in the draft Local Plan, upon making provision for 17,050 new homes to be delivered to meet the District’s own needs during the plan period (2011 to 2033). This equates to 775 homes a year, which reflects the midpoint of the recommended range in the SHMA. This is considered to be an appropriate response to meeting our housing needs. Not only does this go beyond the committed economic growth housing requirement for South Oxfordshire, but also provides an uplift to deliver affordable housing identified in the SHMA. The midpoint of the SHMA has been selected as the Objectively Assessed Need for housing which represents an appropriate and sound basis for the amount of new housing we need

to plan for. This equates to 775 homes a year and a plan period total to 2033 of 17,050 homes. This may need rolling forward again to ensure we have 15 years planned development at the point of adoption.

31. The Ministry for Homes, Communities and Local Government (MHCLG) published a revised National Planning Policy Framework (NPPF) for consultation on 5 March. Whilst it remains a draft for consultation, it provides an indication of how national policy may change. Importantly, it proposes that any local plans submitted for examination within six months of its final publication will be assessed against the policies in the current version of the NPPF. Plans submitted after the end of the six month transitional period will be assessed against the policies in the new NPPF. The date for the final NPPF has not been confirmed, though April's Planning Update Newsletter from MHCLG indicated that the document would be published in the summer. This presents some difficulty in determining when the six month transitional arrangements will end. On the basis of this information, it could reasonably be expected to be between December 2018 – February 2019.
32. This consultation document was accompanied by a series of other documents including draft Planning Practice Guidance. The details of the standard methodology for calculating housing need are included in the supplementary documents. The methodology remains unchanged since the Government publication on 'Planning for the right homes in the right places' which consulted upon a standard methodology for calculating housing need (Objectively Assessed Need). For South Oxfordshire this annual need was 617 dwellings per annum. Following updated baseline information, the latest calculation would be 612 dwellings per annum.
33. As set out above, the Objectively Assessed Need (OAN) contained within the emerging Local Plan aligns to the mid-point of the range of Oxfordshire's Strategic Housing Market Assessment which is 775 dwellings per annum (dpa).
34. As can be seen, the transitional arrangements have potentially important consequences in terms of the OAN, i.e. the emerging Local Plan is based on an OAN of 775dpa, whereas the standard methodology that would apply after the end of the transitional period would result in an OAN of 612dpa.
35. Further, the draft guidance says that in certain circumstances it will be appropriate to plan for an uplift in housing numbers, including where (as is the case here) there is a Growth Deal in place. The draft national practice guidance states that:

"Circumstances where an uplift will be appropriate include, but are not limited to; where growth strategies are in place, strategic level infrastructure improvements are planned, funding is in place to promote and facilitate growth (i.e. Housing Deals, Housing Infrastructure Fund). In these circumstances, the local housing need figure can be reflected as a range, with the lower end of the range being as a minimum the figure calculated using the standard method."
Source: Draft PPG March 2018
36. The transitional arrangements are thus a highly relevant point to be considered alongside the options below.
37. The draft planning practice guidance makes specific reference to Housing Deals as a circumstance where an uplift to the standard need would be appropriate. It advises that in such situations the local housing need can be expressed as a range rather

than a single figure. For South Oxfordshire, the lower end of the range would be the figure calculated using the standard method and the higher end would be the 2014 SHMA figure which has been used as the basis for the Oxfordshire Housing and Growth Deal.

38. In addition, if the Council sought to pursue a lower housing number at this stage, this would contradict the direction, currently being implemented, regarding the Oxfordshire housing and growth deal, which has now been signed by all Oxfordshire Districts, and would have a direct impact upon this. However further uncertainty and delay may give rise to further speculative planning applications. In addition, a national draft Housing Delivery Test (HDT) has also been published, though a bespoke Oxfordshire wide HDT is being developed which would reduce the pressure on the districts for a limited period.
39. There will be a requirement to prepare and maintain one or more statements of common ground as evidence of the statutory duty to cooperate. With reference to the duty, the draft Framework has been amended to state that this duty cannot be deferred. In South Oxfordshire a number of statements of common ground have been prepared to evidence the engagement and areas of agreement with neighbouring authorities and statutory consultees.
40. This affects the consideration of our OAN; old v new. If we are to consider new OAN, then we will need to assess our economic growth, which may create an uplift to our OAN. This is a major piece of work, which could take 12-18 months and is required to be applied across our housing market area (County). This work is currently planned as part of the Joint Statutory Spatial Plan (JSSP) work.
41. Whilst there exists a disagreement between South Oxfordshire and Oxford City, Cherwell and West Oxfordshire District Councils regarding unmet housing needs, we consider that the duty has been discharged, but that our approach in part defers the level of contribution pending examination of Oxford City's Local Plan. However, it is noted that the disputed 1,200 shortfall in homes between our contribution and the apportionment of the working assumption no longer exists when the new standard method for the local housing need assessment, excluding any agreed uplift, is applied to Oxford City's housing need.
42. In addition to the above, through the Oxfordshire Growth Deal, part of the freedoms and flexibilities afforded to the districts is to reduce the housing land supply requirement to three years for the duration of the preparation of the JSSP. Reducing the housing land supply requirement will lessen the pressure on the delivery trajectory and provide greater flexibility during this period. However, we should not ignore what may happen once this relaxation period has been lifted.

Options for consideration

43. In light of the position at Chalgrove, officers reported their recommended approach to Cabinet on 20 March and then Council on 27 March 2018.
44. Council voted against submitting the Local Plan in its current form and asked Cabinet to reconsider two of the options in the report to Cabinet on 20 March (option 2 and option 3) and report back to Council. Option 2 includes replacing the proposed

allocation at Chalgrove Airfield with another site(s) and option 3 proposes adding an additional reserve site(s) to the South Oxfordshire Local Plan which could come forward for development in the event that Chalgrove failed to deliver. Council may choose to propose new options, which are not outlined below, supported by the necessary information and in recognition of any associated implications.

45. The options and their likely timetable for delivery are detailed below. In addition the potential implications are also included. The programme for all options, may require an additional year to be added to the end of the Plan period to reflect a 15 year horizon from the point of adoption, which would mean a roll forward of housing/employment/retail, etc needs.

OPTION 1 – NO CHANGE TO THE SOUTH OXFORDSHIRE LOCAL PLAN

46. Council could decide to maintain the Local Plan proposals and timescales for submission as is and rely on the commitment from HE to deliver Chalgrove. Minor changes to the Local Plan to reflect the emergence of new national guidance, the position on Chalgrove Airfield and an updated trajectory can usefully be included.
47. Option 1 would enable the council to proceed to the formal submission of the Local Plan by end June 2018. This date has been updated to reflect the six week notification time from the Planning Inspectorate from the point of a decision by Council on 15 May 2018.
48. Submitting the Local Plan within this timescale would mean that the plan would be assessed against the current version of the NPPF.
49. It should be noted that if HE needed to use its compulsory purchase powers to deliver Chalgrove the CPO process will delay the delivery of the site. The council would need to adjust its housing trajectory accordingly, which, depending on the extent of such timing, could present a housing shortfall in the plan period.
50. However, Option 1 also introduces a significant element of risk, insofar as the Local Plan Inspector may find relying on a CPO process to secure the land for development for a strategic allocation unsatisfactory and potentially not meeting the requirement for available and deliverable sites for development and therefore not effective, rendering the Plan 'unsound'.
51. During examination, if the Inspector raised concerns with the soundness of the Plan then the council would have the option of requesting the Inspector to recommend modifications to the Plan to make it sound.
52. The Inspector could suggest that an additional or replacement site should be added to the Local Plan, to cover for the potential that Chalgrove did not come forward. This would require the council to consult on this additional or replacement site(s) through a modifications process during the examination.
53. Once the Local Plan is submitted, the timetable is largely steered by the Planning Inspector, including any potential delay created by any route that might be chosen to address concerns raised by the Inspector.

54. If the Council did have to consider / consult on additional sites this would be likely to add at least six months delay to the Local Plan process.
55. It is likely that the Inspector would suspend the hearing sessions of the Examination to allow such concerns to be addressed. Any risk that this could impact on the Local Plan's overall spatial strategy for development could be discussed at the hearing sessions.
56. Assuming that there would be a need to consider alternative sites the next steps in the process for Option 1 could follow the below timetable:

June 2018	Submission to Secretary of State (Regulation 22)
September 2018	Examination in Public (Regulation 24)
Winter 2018	Main modifications consultation
Early 2019	Inspector's report (Regulation 25)
Spring 2019	Adoption (Regulation 26)

57. There may be scope for the council to commit to an early review of the plan to address any concerns raised by the Inspector. This could be done by way of a main modification to the submitted plan. The scope for this, and the structure of the proposed review mechanism (e.g. the timing and extent of the review) would require careful consideration. The Local Plan already includes a commitment to undertake an early review once Oxford City has adopted its Local Plan. In addition, there is already a requirement to regularly review Local Plans (every five years).
58. It is considered that the 'no change' approach places the Local Plan at risk in respect of its deliverability. It is at risk of failing the examination on the grounds of its soundness and its effectiveness to deliver.
59. Cabinet made a recommendation to Council on the basis of Option 1, but Council did not support this. If Cabinet were minded to consider that Option 1 was the preferred option, then to support this would require further justification to persuade Council of the merits. Officers advise that no new material has been produced that is relevant to our Local Plan since Cabinet/Council last met on this matter.

OPTION 2 – REMOVE CHALGROVE PROPOSAL AND ADD REPLACEMENT SITE(S)

60. Option 2 involves removing Chalgrove from the Plan altogether and finding an alternative site or sites.
61. The work required to support the identification of a replacement site follows a broadly similar approach to that of identifying a reserve site. The work involved is set out later in the report.
62. Option 2 would alter the existing Local Plan strategy to such an extent that Council would likely need to reconsider the Local Plan and undertake a further two rounds of public consultation prior to submission for examination. (A regulation 18 and regulation 19 consultation.) This is because the council must demonstrate that it has undertaken meaningful consultation prior to producing the final version of its Local Plan. At a Regulation 19 stage it is not advisable to alter the plan to such a significant extent. The additional consultation stage provides the safest approach balanced

against this option. It also ensures that those who wish to make representations to the Local Plan can have their views taken into account in the formulation of the Local Plan prior to its publication.

63. Officers have reviewed the original timetable and drawn up a more detailed week based project plan, which reflects the current position before a final decision is made by Council. It is considered that this would add at least 18 months to the timetable.

April - May 2018	Information review of alternative sites
April - May 2018	Housing and employment land availability assessment update.
April - May 2018	Objectives Development
May 2018	Round Table Session – Information review of alternative sites
May - June 2018	Site Filtering exercise
June - Oct 2018	Evidence Base updates
October 2018	Round Table Session – outcomes of site filtering and evidence
Oct - Dec 2018	Draft Regulation 18 Local Plan
January 2019	Cabinet/Scrutiny/Council
Feb - March 2019	Regulation 18 Consultation
March - April 2019	Review consultation responses
May - Aug 2019	Update Local Plan and evidence base
September 2019	Cabinet/Scrutiny/Council
Oct - Nov 2019	Regulation 19 Consultation
January 2020	Submission to Secretary of State (Regulation 22)
April 2020	Examination in Public (Regulation 24)
July 2020	Main modifications consultation
September 2020	Inspector's report (Regulation 25)
October 2020	Adoption (Regulation 26)

64. As can be seen, under Option 2 the Local Plan would be submitted for examination after the end of the six month transitional period set out in the new (draft) NPPF. This means that the Plan would be considered against the policies of the new NPPF. The Council's OAN would be assessed against the new standard methodology plus any uplift as required and the Oxfordshire Housing and Growth Deal
65. It would also place the submission of the Local Plan beyond the 1 April 2019 deadline in the Oxfordshire Housing and Growth Deal, which would mean that we had failed to meet this agreed milestone and that we were in breach of the 'Deal'.
66. Option 2 would fundamentally weaken HE's case for CPO as the site would no longer be included as an allocation in an emerging Local Plan.
67. This would not necessarily preclude Chalgrove coming forward at a later date, subject to its availability.

OPTION 3 – RETAIN CHALGROVE AIRFIELD BUT ADD AN ADDITIONAL SITE

68. This option assumes that Chalgrove remains in the Local Plan, but that an additional reserve site or sites be included and provides an option for housing delivery in the event that the site at Chalgrove or the other strategic allocations do not come forward in a timely manner or at all.

69. This would involve the council undertaking the necessary work to identify an additional site(s) and ensure the necessary evidence is produced before the Plan is consulted upon again under Regulation 19 and then submitted for examination. Given that this option provides a reserve site(s), it is not considered that an additional regulation 18 stage would be required.
70. The work required to support the identification of an additional site follows a broadly similar approach to that of identifying a replacement site. The work involved is set out later in the next section of this report.
71. The likely timetable for progressing this option is set out below. Officers have reviewed the original timetable and drawn up a more detailed week based project plan, which reflects the current position before a final decision is made by Council. This timetable has been prepared to ensure submission in December 2018, the anticipated deadline for the transitional period under a new NPPF. The timetable provides more detail on the work required to appraise and filter additional sites in the next few weeks. The time required to complete the evidence base has been reviewed as much of this work is reliant on external consultants and their ability to match our timescales. It includes the potential for consultation on main modifications to the Local Plan. If this is not required, then the Local Plan could be adopted in June 2019.
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| April - May 2018 | Information review of alternative sites |
| April – May 2018 | Housing and employment land availability assessment update. |
| April 2018 | Objectives Development |
| May - June 2018 | Site Filtering exercise |
| May 2018 | Round Table Session – Information review of alternative sites |
| April – Aug 2018 | Evidence Base updates |
| September 2018 | Round Table Session – outcomes of site filtering and evidence |
| Sept – Oct 2018 | Draft Local Plan |
| October 2018 | Cabinet/Scrutiny/Council |
| Oct - Dec 2018 | Publication of the Local Plan for consultation (Regulation 19) |
| December 2018 | Submission to Secretary of State (Regulation 22) |
| March 2019 | Examination in Public (Regulation 24) |
| June 2019 | Main modifications consultation |
| August 2019 | Inspector’s report (Regulation 25) |
| September 2019 | Adoption (Regulation 26) |
72. The availability of a reserve site in the Local Plan could weaken HE’s case for CPO. The wording regarding the additional ‘reserve’ site or sites will be important in this regard. The status of the site or sites will need to be written in the policy.
73. Further, the promoters of the ‘reserve’ site may well seek to progress their site regardless of their ‘reserve’ status. The triggers for releasing a ‘reserve’ site or sites must therefore be clear in the policy to ensure that this is limited.
74. The implication of this would be that the Local Plan would then likely be submitted under the proposed transitional arrangements for the NPPF and before the 31 March 2019, Housing and Growth Deal deadline.
75. It is considered that this option provides an efficient and proactive route for the Local Plan whilst reducing the risk to the overall soundness of the Local Plan. Councillors may wish to include one or more of these reserve sites within the Local Plan. The

identification and selection process of reserve sites is not at this stage in the process, but officers will engage with councillors on the selection process prior to a recommendation to Cabinet/Council for the next stage.

76. As part of considering option 3, councillors could consider a potential sub-option – option 3a. Option 3a would be to delay the submission of the Local Plan beyond the transitional arrangements, but before the 31 March 2019 deadline. This opportunity will depend on the timing of the publication of the final NPPF and could present only a marginal timescale, and in the event that the NPPF is seriously delayed, no opportunity at all. Selecting this approach could enable the council to take advantage of the local calculation of housing need. The further implication of using a lower OAN figure would be to undermine the growth deal commitment to plan for 100,000 homes by 2031.
77. There is a further consideration as to whether we continue to plan to deliver more housing than is required or whether the level of development is then reduced if the new figures indicate a lower requirement.

PROCESS FOR CONSIDERING ALTERNATIVE/ADDITIONAL SITE(S)

78. As part of the Local Plan process, it is necessary to consider all reasonable strategic site options prior to the selection of those sites which are ultimately included in the Publication Local Plan. The reasonable alternatives provide the appropriate starting point for considering additional/alternative site(s). These have been promoted to the Council through the Local Plan process up to and including the Regulation 19 stage already undertaken.
79. We have consulted upon alternative sites through the development of the Local Plan. A brief summary of the history is provided below.
80. In the Refined Options (February 2015) version of the South Oxfordshire Local Plan we refer to the ways in which we could help Oxford City meet its unmet housing need and suggest that some approaches might be:
 - An extension to Oxford in the Green Belt at Grenoble Road
 - Wick Farm Area beyond Barton also in the Green Belt
 - A new settlement – Junction 7 of the M40
 - Extensions to existing settlements
81. In the first Preferred Options (June 2016) we refer to our consideration of seven possible locations for a strategic new community:
 - Chalgrove Airfield
 - Harrington
 - Culham Science Village
 - Lower Elsfield
 - Wick Farm
 - Thornhill
 - Grenoble Road

82. We put forward as distinct consultation options those locations outside Oxford's Green Belt:
- Chalgrove Airfield
 - New settlement at Harrington at J7 of the M40.
83. We also concluded that the preferred option was a new community at Chalgrove Airfield.
84. At the Second Preferred Options (March 2017) we proposed the following allocations:
- Land adjacent Culham Science Centre
 - Land at Berinsfield
 - Land at Chalgrove Airfield
 - Land at Oxford Brookes University, Wheatley (Holton Parish)
85. The Publication (October 2017) of the Local Plan retained the allocations proposed in the Second Preferred Options.

Sustainability Appraisal

86. The assessment of all the sites which have been considered at each stage of the Local Plan process are set out in the Sustainability Report, including the addendum report. There are advantages and disadvantages to all the sites as set out in the detailed assessment of the Sustainability Appraisal.

Process

87. It is not intended that a further Call for Sites process be undertaken as it is reasonable to expect that those alternatives have been promoted in anticipation of the submission of the Local Plan.
88. There are sites in addition to the above which have been promoted since the Second Preferred Options stage through the Local Plan process which should be considered through any process for considering alternative/additional sites.
89. Essentially the Local Plan and its evidence base would need to be updated to reflect additional site(s). By way of example, if the additional or replacement site was one which has already been consulted upon, and it was being recommended, then the requirement would be for the plan to be updated, to go back through the democratic process (Cabinet, Scrutiny and Council) and then to go out for a second Reg. 19 consultation. Alternatively, if it is a new site being recommended, then we would advise to go back a further stage in the consultation process, to a Reg. 18 consultation.
90. Part of the site selection process requires input from developers promoting the alternative sites to provide the most up to date information regarding their site and the work undertaken to date to progress it. The amount and quality of information will vary considerably across the sites. Officers will review the information available to us and identify the gaps to ensure that we can update our evidence base consistently in order to inform the alternative site selection process.
91. A key part of the information review is to contact many of the statutory consultees to ask for their input into the assessment of alternative sites. These responses will seek

observations/concerns for each of the sites including any updates. It will also be an opportunity for stakeholders to consider what the impact may be on infrastructure provision across the area should Chalgrove not deliver and what would change if it is replaced with an alternative site(s).

92. This element of the work will also involve the identification of the parts of the Local Plan and its evidence base which are relevant or reliant upon Chalgrove Airfield.

SHELAA update

93. This part of the work programme will involve officers undertaking site visits to all alternative sites with an update to the existing Strategic Housing and Employment Land Availability Assessment. The SHELAA would also be updated in view of the time elapsed since its last update.

Objectives Development

94. This workstream which can be undertaken concurrently with the above is to undertake a review of the Sustainability Appraisal and the way in which it can be used to formulate criteria more appropriate to the selection of additional site(s).
95. A site selection methodology paper will be drawn up alongside this work to steer the filtering process.

Filtering Exercise

96. This stage of the process effectively pulls together the information collected in the previous stages and starts to filter the full list of alternative sites. This work will be supported by the production of a background paper on site selection. Councillors will be briefed and involved in this part of the process.

Evidence Base Updates

97. Once the filtering exercise has commenced, the evidence base to support the Local Plan can be updated as below;
- Updating the Sustainability Appraisal (SA),
 - Updating the Habitats Regulations Assessment (HRA) – including traffic flow data,
 - Additional Evaluation of Traffic Impacts study,
 - Updating the Infrastructure Delivery Plan,
 - Updating the Strategic Flood Risk Assessment,
 - Updating Historic Impact Assessment,
 - Updating the Leisure Studies report,
 - Updating the landscape work to include a new site(s)
 - Updating the retail study report.
98. These tasks can be undertaken concurrently, though the SA and HRA would follow at a staggered pace. The Local Plan itself can be updated, including any necessary supporting topic papers, during this time.

Steps to adoption

99. In any event, whether submitting the Publication Local Plan as consulted upon or following a second publication consultation, the council would submit the Local Plan to the Secretary of State for independent examination, together with the supporting evidence base studies and reports. If a second consultation stage were required, the supporting material would include a summary of the representations made to both publication stages of consultation.
100. Once the Local Plan is submitted, the timetable is largely steered by the Planning Inspector, including any potential delay created by any route that might be chosen to address concerns.
101. Following the examination, the Inspector may recommend changes to the Local Plan, which the council would then consider (and usually accept unless there was a good planning reason not to). A 'Modifications' version of the Local Plan would then be published for consultation, incorporating any recommended changes the council agrees. The Local Plan would then be finalised and adopted.

Financial Implications

102. The preparation of the South Oxfordshire Local Plan is undertaken by officers within the Planning Policy team and is supported by an extensive evidence base. The activities of this team are met from the existing Planning Policy budget. Clearly any delay will mean further updates which each have a cost as the evidence base will start to become increasingly dated. The length of the delay will have a direct relationship with this cost as some reports and assessments have a different tolerance to the duration of time. If either option 2 or 3 are taken forward this will have a certain cost implication. Many of the documents which support the Local Plan will require to be updated by the inclusion of a replacement or additional site(s). Much of the technical supporting evidence base has been prepared by external consultants and the additional work required will vary across the evidence base. By way of example, the addition of a new site or sites will require a re-run of the Evaluation of Transport Impacts (relying on our partner, Oxfordshire County Council, as Highway Authority) and significant site specific updates to the Infrastructure Delivery Plan. However, officers believe updates can be covered from within the existing policy budgets as much of the evidence base can have addendum reports rather than necessitating a complete rewrite.
103. Option 2 or 3 will require officer resource to support the necessary contractual requests for additional work and to review additional material. There will be a requirement for officers to revisit some of the statements of common ground and to update the Local Plan itself. Under option 2 this will require officers to review against the NPPF requirements because this approach will fall outside of the transitional arrangements. As the work programme for the team was focussed on the necessary preparatory work for the examination, it shifts the timescale back and will create some management challenges which will require a flexible approach to officer resource.

Legal Implications

104. The Publication version of the South Oxfordshire Local Plan has been produced for publication under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (“Local Planning Regulations”).
105. Local authorities are required by law to prepare a development plan for their administrative area and the process for doing that is governed by statute. The regulations require local authorities to notify and invite comments from a range of specified persons and organisations on their development plan proposals.
106. In the absence of an up to date Local Plan, South Oxfordshire remains vulnerable to challenge. The recently published Housing Land Supply calculation for South Oxfordshire (April 2018) demonstrates that a five year housing land supply (HLS) for the district exists. This shift into a positive position is a result of both pragmatic decision making and allowed appeals. Whilst this current identified supply will assist in defending speculative development on sites which are not identified in the adopted or emerging Local Plan, this is not an opportunity to be complacent and we will continue to be challenged through the appeal process.
107. In the absence of a five year HLS, local authorities are having imposed upon them by decision of the Secretary of State, planning permissions which need not necessarily comply with the current or emerging Local Plan. It is therefore essential that the Local Plan is progressed expeditiously if the threat of adverse planning decisions is to be avoided.
108. Section 33A of the Planning and Compulsory Purchase Act 2004 (as inserted by the s110 of the Localism Act 2011) (“s33A”) provides that local planning authorities must co-operate with other local planning authorities in maximising the effectiveness with which activities such as the preparation of local plan/development plan documents are undertaken so far as they relate to strategic matters. This ‘duty to cooperate’ requires the local authority to engage constructively, actively and on an ongoing basis in any process by means of which activities such as the preparation of Local Plan are undertaken.
109. If the person appointed to carry out the independent examination considers that the council has not complied with its duty under s33A in relation to the preparation of its Local Plan the person can neither recommend adoption nor modifications and in such cases, the council cannot then adopt the Local Plan.
110. Legal advice has been sought from the QC and counsel engaged by the council to advise on the Local Plan. A copy of the full advice is attached in the confidential appendices 11 and 17. This is not for publication because it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
111. Councillors must take the legal advice into account before exercising their judgment.

Risks

112. Specific risks relating to the delivery of strategic allocations and the overall level of delivery have been raised elsewhere in the report.
113. Risks relating to the extent to which the unmet housing needs are initially planned for and the consistency of approach to taking land out of the Green Belt have previously been raised and are included in the report to Council of September 2017. There is no additional risk. The Green Belt report which forms part of the evidence base for the Local Plan did not consider the potential for additional land to be designated as Green Belt. If replacement land is sought, then an assessment to determine an appropriate location(s) for this will need to be undertaken.
114. More generally, a failure to progress a Local Plan that identifies future development requirements for the area and strategic locations where these requirements can be accommodated will result in a policy vacuum, increasing the risk of ad hoc development proposals being submitted and potentially, to decisions being secured by appeal.
115. The absence of a Local Plan could result in an uncoordinated approach to development, leading to inappropriate and incremental development being allowed on appeal that does not take account of cumulative implications and requirements for supporting infrastructure, with the potential for adverse environmental impacts.
116. The council is currently in a position where it cannot demonstrate a sufficient level of land for housing and there are planning applications pending which have been submitted on this basis. It is therefore critical that progress is made on agreeing the emerging Local Plan. Any delay in progressing the Local Plan to submission and examination increases the risk of inappropriate development and lack of delivery of key infrastructure.

Other Implications

117. The implication of Option 2 would be that the Local Plan would certainly be submitted beyond the proposed transitional arrangements for the NPPF. The timing of the publication of the final version of the NPPF will be important for Option 3 as it may be possible to submit under the proposed transitional arrangements. The Government's new housing need calculations could then be used as the lower end of a range for local housing need, although it is not clear the extent to which any additional need to factor in economic forecasts would have to be undertaken. This could create uncertainty at a time when a second Publication version of the South Oxfordshire Local Plan is being considered. This would be a new risk at that time.
118. The draft planning practice guidance makes specific reference to Housing Deals as a circumstance where an uplift to the standard need would be appropriate. It advises that in such situations the local housing need can be expressed as a range rather than a single figure. For South Oxfordshire, the lower end of the range would be the figure calculated using the standard method and the higher end would be the 2014

SHMA figure which has been used as the basis for the Oxfordshire Housing and Growth Deal.

119. In addition, if the Council sought to pursue a lower housing number at this stage, this would contradict the direction agreed under the Oxfordshire Housing and Growth Deal, which has now been signed by all Oxfordshire Districts. This would have a direct impact upon this and we would lose Deal benefits and damage relationships with the other councils. Officers suggest caution on this approach. In addition, a national draft Housing Delivery Test (HDT) has also been published, though a bespoke Oxfordshire wide HDT is being developed which would reduce the pressure on the districts for a limited period. However further uncertainty and delay may give rise to further speculative planning applications.
120. The draft NPPF sets out proposals for national policy which, if taken forward into the final version, would impact upon the approach taken by an Inspector examining the Local Plan.

Conclusion

121. Cabinet is asked to consider the information available and to recommend to Council on which option to adopt to progress the Local Plan.

Appendices

1. Representation to SODC LP on behalf of Martin Baker dated 30/11/2017
2. Letter on behalf of Martin Baker dated 5/12/2017
3. Letter from Homes England dated 16/01/2018
4. SODC response to Homes England 09/02/2018
5. Letter from Homes England and attachments 15/02/2018
6. SODC response to Homes England dated 27/02/2018
7. SODC letter to Homes England dated 05/03/2018
8. Letter from Homes England dated 06/03/2018
9. Representation to SODC LP from Oxfordshire County Council dated 30/11/2017
10. SODC letter to Oxfordshire County Council dated 27/02/2018
11. CONFIDENTIAL Legal Advice - subject to legal professional privilege
12. Chalgrove Parish Council – legal advice
13. Letter from Homes England dated 16 March 2018
14. Letter from Homes England dated 19 March 2018
15. Letter from Oxfordshire County Council dated 20 March 2018
16. Letter from Martin Baker dated 22 March 2018
17. CONFIDENTIAL Legal Advice (supplementary) - subject to legal professional privilege

Background Papers

None