

Growth Board 31st July 2018

Agenda item – Planning Flexibilities and Freedoms

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REPORT TO OXFORDSHIRE GROWTH BOARD PLANNING FLEXIBILITIES AND FREEDOMS

REPORT PURPOSE

1. The Oxfordshire Housing and Growth Deal contained a commitment from Government to explore the options for time limited planning flexibilities, subject to consultation where appropriate. This report updates the Growth Board on the progress that has been made towards securing these planning flexibilities.

RECOMMENDATIONS

- i. That the Growth Board note the report.

BACKGROUND

2. The Oxfordshire Housing and Growth Deal Delivery Plan (the Deal), signed in March 2018, identifies two specific time limited planning freedoms and flexibilities: a three year housing land supply requirement for Oxfordshire, and agreement on a bespoke Oxfordshire Housing Delivery Test % to apply from November 2020.
3. The proposed Joint Statutory Spatial Plan for Oxfordshire (JSSP) will investigate long term growth options. The proposed planning freedoms and flexibilities will allow the Councils to focus on the preparation of this Joint Plan and on the associated individual Local Plans.
4. The Growth Deal Delivery Plan recognises that the milestones attached to the work on the Joint Statutory Spatial Plan are contingent on securing the planning flexibilities.
5. Significant progress has been made on the planning flexibilities. The Growth Board carried out a local consultation on the 3 year housing land supply requirement, and the results of this consultation have been provided to the Ministry of Housing, Communities and Local Government (MHCLG). Further discussion has also taken place with MHCLG on the details of the bespoke housing delivery test, which would take effect from November 2020.
6. The revised National Planning Policy Framework (NPPF) was launched on the 24th July 2018. This provides a key policy link enabling the Government to deliver planning freedoms and flexibilities in selected areas.
7. Discussions with MHCLG officials have confirmed that the timing of the NPPF announcement on the day that Parliament rose meant that it was not possible to publish a Written Ministerial Statement (WMS) to take forward the Oxfordshire 3 year land supply flexibility in July as had been intended. They have confirmed their intention is to publish a WMS granting this flexibility to Oxfordshire as soon as possible when parliament returns in the autumn.

GROWTH DEAL MILESTONES

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8. The first milestone, set for the JSSP programme by the Growth Deal, was the development of a draft Oxfordshire-wide Statement of Common Ground (SoCG). This was completed by the deadline of 31 March 2018.
9. The second key milestone is the establishment of a Joint JSSP Project Board to oversee the formal section 28 process. Substantial progress has been made on the proposed governance arrangements for the JSSP. These arrangements will include a Member Sub-Board of the Growth Board, and an Officer Project Board. In line with the growth deal the new arrangements are capable of being in place in July 2018, but this milestone was subject to the publication of the National Planning Policy Framework and confirmation of the planning freedoms and flexibilities by the Government under the terms of the Deal.

NATIONAL PLANNING POLICY FRAMEWORK

10. The revised NPPF states in para 217 that the Government will continue to explore with individual areas the potential for planning freedoms and flexibilities, for example where this would facilitate an increase in the amount of housing that can be delivered.
11. This paragraph provides a key policy link for any WMS for Oxfordshire.
12. Alongside the NPPF the Government published its response to the NPPF Consultation. This included the following text referring to specific Oxfordshire flexibilities:

“In addition, housing deals provide an opportunity to support our commitment to create a housing market that delivers 300,000 homes per year by the mid-2020s and beyond. For example, the first deal agreed between the Government and a local area supports Oxfordshire’s ambition to plan for 100,000 homes by 2031. To support this, the Government has agreed up to £215 million of new funding and the implementation of time-limited planning freedoms and flexibilities. The Government will bring forward a temporary flexibility on housing land supply in Oxfordshire in the autumn.”
13. The revised NPPF also sets out the new Housing Delivery Test that was expected. This national delivery test has thresholds of 25% in November 2018, 45% in November 2019, and 75% in November 2020. This test will measure the performance on housing delivery in local planning authority areas against housing targets.
14. The Growth Board had identified a concern that the draft revised NPPF could require Joint Plans such as the JSSP to allocate sites. The separate Growth Board report on the JSSP, elsewhere on this agenda, states that JSSP will be a strategic document and that it is not intended that it will allocate specific sites itself. The newly published NPPF has revised content on this issue. This now allows for strategic policies to be split across a Joint Plan and Local Plans and this means that the JSSP is not now required to contain allocations itself.

3 YEAR HOUSING LAND SUPPLY

15. Attached as an appendix is a report summarising the responses received on the 3 Year Housing Land Supply Consultation that were received within the consultation period.

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16. In total, 90 representations were gathered via the online survey and 7 representations were received separately via email. Overall, the majority of representations received were in agreement with the 3 year housing land supply proposal. The main reasons for objection were that the proposal was seen as unjustified and if imposed, would have consequences that are antithetical to its intended impacts.
17. The main reasons given in support of the proposal were that it is seen as a viable mechanism to control speculative development in Oxfordshire and will allow more time to develop robust Local and Neighbourhood Plans. It was also seen to strengthen local Districts' position in terms of justifying/upholding decisions to reject speculative planning applications.
18. Dialogue with MHCLG has confirmed that the Government remains committed to all the terms of the Deal and that it is working hard to ensure they are enacted in a lasting way. As announced in the Government's response to its NPPF consultation, the Government will bring forward a temporary flexibility on housing land supply in Oxfordshire in the autumn, and they remain committed to the proposal set out in the deal document. The autumn date is due to the Parliamentary calendar. If the 3 year housing land supply WMS doesn't progress as planned then the future milestones for the JSSP will need to be reviewed.

BESPOKE HOUSING DELIVERY TEST

19. Further discussion with MHCLG has clarified that through the bespoke housing delivery test a target of 50% would apply for three years from November 2020 in each of the Oxfordshire Districts. This would apply instead of the proposed national figure of 75%, and would recognise the ambition of the Oxfordshire authorities in planning to meet the 100,000 housing requirement for Oxfordshire by 2031.
20. The 50% target would be measured against up-to-date adopted Local Plan housing numbers, or against the adopted JSSP numbers. The current adopted and emerging Local Plans in Oxfordshire are addressing the 100,000 housing need requirement set by the Strategic Housing Market Assessment. The JSSP will build upon the foundations provided by the existing adopted and emerging Local Plans, and look forward to 2050.
21. The bespoke housing delivery test would be subject to local consultation which should take place earlier in 2020 in time to enable the freedoms to be in place for November 2020 through a WMS. This timing should help manage the risks from unforeseen circumstances delaying adoption of a District's Local Plan.

IMPLICATIONS FOR JSSP

22. Initial preparatory work is underway for the JSSP. The focus to date has been on scoping the future work programme, identifying resource requirements, and preparing draft project documents.
23. Three key project documents have been drafted and these are attached to the separate JSSP report to the Growth Board elsewhere on the agenda. As key plan documents, these will be

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reported for formal approval by the individual local planning authorities in September/October.

24. Because the WMS delivering the three year housing land supply planning flexibility is now expected in the autumn there is a minor impact on the early stage of the JSSP programme, given the linkage between the JSSP, and the planning freedoms and flexibilities, that was identified in the Deal. The JSSP project will remain in a preparatory phase until the WMS is published. This is not expected to affect the overall project timescales for the JSSP, provided that the WMS is published early in September, in advance of the individual local planning authorities formally considering the JSSP project documents later in September/ October. If the WMS is delivered later than this then the future milestones for the JSSP will need to be reviewed in discussion with MHCLG.