

Oxford Core Strategy Examination

City Council's response to points made in the representations regarding the status of the Regional Spatial Strategy and the policy implications for the Core Strategy

9th December 2010

www.oxford.gov.uk



Introduction

1. On 27th May 2010 the Secretary of State for Communities and Local Government wrote to local planning authorities advising them of the Government's intention to abolish Regional Strategies and indicating that he expected them to have regard to this as a material consideration in planning decisions.
2. This was followed on 6th July 2010 by the Secretary of State's announcement of the revocation of all Regional Strategies, including the SEPRSS. That decision was subject to legal challenge (Cala Homes case: 2010 EWHC 2866), and the High Court decided in favour of Cala Homes on 10th November 2010.
3. On 11th November 2010, the Programme Officer wrote a letter on behalf of the Inspectors inviting the City Council and all parties involved in the examination to submit their written views on the latest situation in terms of the status of the regional strategy and the policy implications for the Core Strategy. The deadline for submission of these views was 3rd December 2010.

Responses received

4. In addition to the City Council's own response to the Programme Officers' letter, a total of 17 representations were received from 15 groups or individuals. The Inspector has asked the City Council to produce a short response to the points made in these representations.

Summary of representations and City Council's responses

5. Appendix 1 provides a short summary of the key issues raised in the representations, together with the City Council's officer responses to the points made.

Appendix 1: Summary of key issues raised in the representations and the City Council's officer responses to the points made

Respondent	Comments	City Council's response
CPRE Oxfordshire	<ul style="list-style-type: none"> • On balance prefer a suitably modified, sound Core Strategy to proceed rather than have a policy vacuum in Oxford. • Key issue is that due weight should be given to the provisions of the SEPRSS as well as to the Government's intention to revoke it, until the RSS is revoked by new legislation. • There is little prospect of the South of Oxford Strategic Development Area (SOSDA) proceeding, which is a 'material consideration'. • Considers three main scenarios regarding the compatibility and soundness of the Core Strategy. Scenario 1 SEPRSS revoked was assessed at EIP; Scenario 2 SEPRSS still in force but with due weight given to Government's intention to abolish and to Sec of State's intention to delete SOSDA as material considerations; Scenario 3 SEPRSS still in force and legal force given to SOSDA. • Core Strategy should be compatible with scenarios 1 and 2. Concerned, however, with Scenario 3 - do not see how the amended Core Strategy can be compatible with this, as all parties have tried to agree a workable Core Strategy which excludes the SDA and the growth proposals related to it. • In the context of these legal uncertainties there appear to be two broad options. To wait until the legal position on the RSS is clear, or hold further EIP sessions. • There are, however, real risks in delaying a decision on the Core Strategy. It is very unfortunate that the Oxford Core Strategy EIP has been beset by so many uncertainties. Support bringing the process to a speedy conclusion resulting in a sound and robust 	<ul style="list-style-type: none"> • Note that CPRE do not want a policy vacuum. • Agree there is little prospect of SOSDA coming forward in the short to medium term. • Do not agree that there is a need to wait or hold further EIP sessions. The Core Strategy has been examined with and without the RSS. • The City Council has concluded that it would be inappropriate to reinstate SOSDA in the Core Strategy for the reasons set out in Paragraphs 11 and 12 of its response to the Inspectors.

	Core Strategy.	
Horspath Parish Council	<ul style="list-style-type: none"> • Central Government has confirmed that the SEPRSS will be abolished, which is an important material consideration. Therefore Cala Homes decision should not be afforded weight. • To respond to the temporary re-instatement of the SEPRSS would result in an unjustified use of resources. • Aim should be to assist Oxford City Council in constructing a durable and sustainable Core Strategy. 	<ul style="list-style-type: none"> • Note support for a durable and sustainable Core Strategy.
Councillor John Goddard	<ul style="list-style-type: none"> • Considers three scenarios. But ultimately considers that in order to provide a firm basis legal basis for development plan making and decisions there is only one course of action for the Core Strategy. This is to delay the issue of the Core Strategy until the Localism Bill has been adopted, only at that time will it be known certainly that the SEPRSS has or has not been legally revoked. Only then can a Core Strategy have a reasonable life expectancy. 	<ul style="list-style-type: none"> • The City Council considers it is reasonable to assume that Regional Strategies will be abolished by Parliament as this is part of the Coalition Agreement. • There is no need to delay since in our view the Core Strategy is in general conformity with the SEPRSS, and stands on its own feet without the SEPRSS. • A minor editorial change could be made to reflect the current position regarding the SEPRSS, as set out in paragraph 13 of the City Council's response to the Inspectors.
JPPC Nik Lyzba	<ul style="list-style-type: none"> • The SEPRSS remains in force and therefore Local Development Documents need to conform with it. The Localism Bill will not give effect to the Government's intentions to abolish the RSS until passed into an Act of Parliament. The position at present remains as set out in Planning and Compulsory Purchase Act 2004, as amended by the Local Democracy Economic Development and Construction Act 2009. 	<ul style="list-style-type: none"> • The City Council believes the Core Strategy is in general conformity with the SEPRSS and agrees that the Inspectors should proceed to issue the final report to avoid uncertainty and enable the delivery of housing and regeneration in the city.

	<ul style="list-style-type: none"> • There is clearly a difference between the need for conformity with the RSS for Local Development Documents and 'material considerations' in other planning decisions. • It is about time the Core Strategy was resolved one way or another so that progress can be made. • It is through no fault of the City Council that the muddle with the RSS has occurred: provided that the latest iteration can be said to be in general conformity with the RSS then the Inspectors should proceed to make their recommendations. 	
<p>Carter Jonas on behalf of the Northern Gateway Consortium</p>	<ul style="list-style-type: none"> • Effect of Cala Homes decision is that the SEPRSS has been reinstated as part of the development plan. But the Government's intention to abolish Regional Strategies remains a 'material consideration'. The Government clearly intends to abolish Regional Strategies and enact this commitment through the Localism Bill. • The Cala Homes decision only represents a temporary reprieve. The Appeal decision only affects the mechanism and timing by which Regional Strategies will be abolished. • The Core Strategy is founded on a robust and credible evidence base whether or not the SEPRSS forms part of the development plan. The spatial planning framework remains essentially the same with or without the SEPRSS in terms of delivering housing and jobs. The vision and objectives of the Core Strategy cover a long time frame and are sufficiently flexible to meet changing needs. • The SEPRSS will be removed from the development plan in the near future and the Core Strategy can deal with the implications of this without triggering a review. • The Core Strategy is a sound plan that is justified effective and consistent with national policy. • Consider the Core Strategy should now proceed in an efficient 	<ul style="list-style-type: none"> • Note support for Core Strategy and the need to proceed in an effective and timely manner towards adoption.

	<p>and timely manner towards adoption. This is essential to deliver housing and jobs to meet Government aims to stimulate economic growth.</p>	
<p>Sean Feeney</p>	<ul style="list-style-type: none"> • Provided three representations in response • Highlighted further judicial review proceedings relating to a second Cala Homes challenge, which has questioned the advice from CLG Chief Planner on the 'materiality' of the Government's intention to abolish Regional Strategies. Therefore advises immediate suspension of the latest round of representations until the legal position is made clear. • Since the last Examination hearings claims that the City Council has accepted its affordable housing policy is unsound and undeliverable (with reference to a recent report to the City Executive Board on Barton); HCA funding has been cut by 50% and therefore key strategic sites are undeliverable; and there is no funding available for 'Access to Oxford'. In these circumstances, the Core Strategy is undeliverable and therefore unsound. • Refers to previous legal proceedings against the South East Plan in relation to SOSDA. That legal action was stayed by the High Court following the Secretary of State's revocation of Regional Strategies. Considers the South East Plan cannot be questioned in legal proceedings, such as the Core Strategy statutory Examination unless and until a relevant Court Order is made. Understands no such order has been made. Therefore the South East Plan remains unchanged unless and until valid court orders are made. • The Core Strategy includes reference in the text to SOSDA to comply with the statutory duty to be in general conformity with the RSS. There is also recognition of the importance of SOSDA to the spatial strategy even though it is outside the city boundary. 	<ul style="list-style-type: none"> • The City Council is aware of the position in relation to the second Cala Homes legal challenge, as set out in Paragraphs 5 and 6 of its response to the Inspectors. • The City Council is committed to bringing forward the key strategic sites in the Core Strategy. Indeed, one of the main purposes of the recent report by the Head of Corporate Assets in relation to Barton was to obtain agreement to the proposed delivery vehicle and the commencement of procurement processes. The matters referred to by Mr Feeney do not make the Core Strategy undeliverable. • The City Council has concluded that it would be inappropriate to reinstate SOSDA in the Core Strategy for the reasons set out in Paragraphs 11 and 12 of its response to the Inspector. Whether or not SOSDA comes forward is not dependent on the outcome of the Oxford Core Strategy. • In the City Council's view the Core

	<ul style="list-style-type: none"> The SOSDA policy can only be deleted by the Inspectors if the policy is unsound. The SOSDA policy itself is evidence of an unresolved cross-boundary dispute between OCC and SODC. 	<p>Strategy is in general conformity with the SEPRSS, but also stands on its own feet without the SEPRSS.</p>
Savills on behalf of Magdalen College and Thames Water Property	<ul style="list-style-type: none"> Despite changing circumstances Magdalen and Thames have consistently expressed the view that the Core Strategy should make provision for SOSDA. The present position is affected by two important considerations - the legal challenges to the South East Plan and the intentions of the new Coalition Government. The Cala Homes High Court decision re-instates the SEPRSS as part of the development plan, and a block has been placed on the Chief Planners' advice that the Government's plans to abolish the SEPRSS should be treated as a material consideration. In addition there are outstanding legal challenges to the SEPRSS in relation to SOSDA, which remain unresolved. In these circumstances, it is appropriate for the Core Strategy to retain a contingency policy in order to address the continuing uncertainty. Suggested wording to deal with the possible outcomes was put forward by Magdalen/Thames at the Hearings and is repeated. 	<ul style="list-style-type: none"> The City Council has concluded that it would be inappropriate to reinstate SOSDA in the Core Strategy for the reasons set out in Paragraphs 11 and 12 of its response to the Inspector. Whether or not SOSDA comes forward is not dependent on the outcome of the Oxford Core Strategy.
Peter Thompson	<ul style="list-style-type: none"> In addition to Cala Homes decision and its implications, there is a further development concerning the advice issued on behalf of the Secretary of State that the intention to revoke Regional Strategies should be regarded as a material consideration. This has also been challenged. The grounds for latest challenge being that nothing should be capable of being regarded as a material consideration while uncertainty exists as to whether it will, in fact, eventuate. The content of the Localism Bill is not public yet and may be amended through Parliament. It should therefore not be regarded as a 	<ul style="list-style-type: none"> The City Council is aware of the position in relation to the second Cala Homes legal challenge, as set out in Paragraphs 5 and 6 of its response to the Inspectors. Given that abolition of Regional Spatial Strategies forms part of the Coalition Agreement, it is reasonable to assume that this proposal will be passed by Parliament and enacted in

	<p>material consideration. There is significant uncertainty as to whether or not the RSS will be revoked and if so when.</p> <ul style="list-style-type: none"> • In the meantime an Oxfordshire City Region Local Enterprise Partnership (LEP) has been confirmed, with the aim to co-ordinate economic development across Oxfordshire. Planning strategy should be linked to and consistent with emerging economic strategy. None of the other Core Strategies in the LEP area have been adopted and it would be inconsistent to adopt Oxford's Core Strategy, which could predetermine policies elsewhere within the LEP. Consider Oxford Core Strategy should be delayed, and possibly adjusted, to allow time to reflect the emerging policies of the LEP. • The Localism Bill will promote neighbourhood planning with significant weight given to local opinions. The adoption of the Core Strategy would pre-empt this new legislation, whilst its own status and future may be uncertain. • Therefore any decision on the further progress of the Core Strategy should be delayed until the terms and effects of the Localism Bill are known. • In relation to SOSDA, the plaintiffs in the earlier successful case have re-activated negotiations on the terms of the Consent Order, but the outcome of these remains uncertain also. 	<p>due course.</p> <ul style="list-style-type: none"> • The Government has given no indication that it wants local planning authorities to delay plan-making while the Localism Bill goes through. • Other Oxfordshire districts are progressing their Core Strategies. The City Council has a good working relationship with neighbouring authorities on a number of levels, including the Spatial Planning and Infrastructure Partnership. We consider the Core Strategy to be consistent with the Oxfordshire City Region LEP bid, which identified the key spatial priorities as Bicester, Oxford and Science Vale. • The City Council therefore hopes the Inspectors will be able to issue their final report without delay to avoid unnecessary uncertainty for all concerned and enable the delivery of housing and regeneration of the city.
Southfield Golf Club	<ul style="list-style-type: none"> • The Club remains of the view that it is essential the Core Strategy is completed, without further delay, given the time and resources expended by all parties. The City Council needs to maintain an up to date planning framework to guide the future development of Oxford. • The Statement of Common Ground relating to land at Southfield 	<ul style="list-style-type: none"> • Note support for completing Core Strategy Examination without further delay.

	<p>Golf Course should be incorporated into the Core Strategy to give greater certainty over the Club's future.</p>	
<p>Oxfordshire Architectural and Historical Society with Oxford City and County Archaeological Forum</p>	<ul style="list-style-type: none"> • Very significant weight should still be given to the Government's intention to abolish regional plans as they have already tried to do it, and will shortly be publishing draft legislation to do so. • The Governments' indication that it will not challenge the judicial review into SOSDA should also be a material consideration. Oxford should not be tied to targets that are outdated and do not reflect the current economic situation. • Consider heritage policies in the South East Plan should, however, be reflected in the Core Strategy. Particular reference made to the relevance of Policy BE6 and Para. 12.15 in the South East Plan, to ensure Core Strategy recognises Oxford's international historic importance. 	<ul style="list-style-type: none"> • The City Council considers that the Core Strategy is in general conformity with the SEPRSS but also stands on its own feet without the SEPRSS. • The Inspectors will have considered the points made about heritage issues at the Examination hearings.
<p>Oxfordshire Green Party</p>	<ul style="list-style-type: none"> • In the context of the revocation of regional plans being a material consideration in planning decisions, and the Government's intention to bring in a Localism Bill, which may result in fundamental changes to the local planning system, this does not seem the best time to rule favourably on the Core Strategy. • Consider there are material considerations, such as the changed position in relation to SOSDA, changing economic situation, the new Government's emphasis on Localism and the increasing urgency of climate change that weigh against the Core Strategy. • The length of time that has elapsed together with local opposition render Core Strategy policies unsound and undeliverable. Recent legal challenges show the importance of needing a robust plan. • The emergence of Localism in planning offers opportunity for City Council to go back and start to draw up a sounder, more deliverable, more acceptable, robust plan that safeguards and enhances the future of Oxford. 	<ul style="list-style-type: none"> • The City Council believes the Core Strategy is a robust long-term strategy. • Detailed discussions on issues such as the economic situation and climate change were heard at the Examination hearings • The Government has given no indication that it wants local planning authorities to delay plan-making while the Localism Bill goes through. • Given the length of this examination, the City Council hopes that the Inspectors are able to issue their final report shortly to avoid further uncertainty for all concerned and to

		enable the delivery of housing and regeneration in the city.
Engage Oxford	<ul style="list-style-type: none"> • The complication created by the Cala Homes decision has been compounded by the new challenge by Cala Homes against the direction of the Secretary of State that the Localism Bill be regarded as a material consideration. • Now have a Core Strategy from which the SEPRSS has been deleted but a real world where it has, or may have been, reinstated. • Since the last hearings, the Government has confirmed funding for 'Access to Oxford' will not come forward as planned. This will make it impossible to mitigate the serious traffic problems produced by the Core Strategy. This materially affects the evidence base. • City Council can respond in the knowledge of the draft Inspector's Report, but contents not yet public. Despite the Inspector's express intention, it appears the Council has leaked or let slip parts of the contents of the Report. • The legal and planning structure behind the Core Strategy is now impossibly confused and potentially open to legal challenge. • Believe the Inspector has no alternative but to delay issuing his report until the new Localism Bill is in place and a revised / improved Core Strategy prepared. 	<ul style="list-style-type: none"> • The City Council is aware of the position in relation to the second Cala Homes legal challenge, as set out in Paragraphs 5 and 6 of its response to the Inspectors. • Detailed discussions on traffic issues were heard at the Examination hearings. This included a range of mitigation measures, such as 'Access to Oxford' and potential for alternative funding, together with their phasing and timing. • The City Council has kept the contents of the draft Inspectors Report confidential. • The City Council believes the Core Strategy is a robust long-term strategy. • The Government has given no indication that it wants local planning authorities to delay plan-making while the Localism Bill goes through.
The Theatres Trust	<ul style="list-style-type: none"> • The SEPRSS remains relevant to the Core Strategy until it is revoked through the Localism Bill. Conformity with SEPRSS is still a legal requirement. Documents can be amended following new requirements of Localism Bill. 	<ul style="list-style-type: none"> • Comments noted
Mrs. R. Harris	<ul style="list-style-type: none"> • The RSS and RES were combined into one document entitled the Regional Strategy earlier in 2010. Therefore it is inappropriate to 	<ul style="list-style-type: none"> • Comments in relation to the status of Regional Strategy and relevant

	<p>refer to SEPRSS.</p> <ul style="list-style-type: none"> • The Regional Strategy (RS) for South East does not comply with relevant Regulations, since there is no 'responsible regional authority' to implement, monitor and revise the RS. Leaders Boards have been abolished and RDA's have no funding to resource this work. • Have had no opportunity to comment on Examination Changes (CD16/78). • Inspector is inviting comments on matters outside the scope of the Examination. It is for the Courts to determine the status of the regional strategy. 	<p>Regulations are not a matter for the City Council to comment upon.</p> <ul style="list-style-type: none"> • The Examination Changes in CD16/78 were factual updates or points of clarification. They were put on the City Council's website in September 2010.
Mark Pitt	<ul style="list-style-type: none"> • As the effect of the CS were to last ten years, and its legal framework will be changed in the near future, and it is essentially a statement of intent, rather than a specific act such as a planning application, it must be declared invalid. • The Cala Homes judgement also draws attention to the need for another environmental assessment of any change in planning policy – as the Barton West development, and the simplistic social housing strategy would fail any basic environmental analysis, it is highly likely to fall foul of any new assessment. • The Core Strategy is in any case unsound socially, environmentally and financially. 	<ul style="list-style-type: none"> • The City Council sees no reason why the Cala Homes judgement or the Localism Bill would render the Oxford Core Strategy invalid. The Government has given no indication that it wants local planning authorities to delay plan-making while the Localism Bill goes through. • The Core Strategy, including the policy relating to Barton, has already been subject to Sustainability Appraisal. • The City Council believes the Core Strategy is a robust long-term strategy.