

Divisions: all Didcot

CABINET REPORT – 22 JUNE 2021

RELEASING DEVELOPMENT STRATEGY IN DIDCOT AND SURROUNDING VILLAGES IN THE VICINITY OF HIF 1 SCHEMES

Report by Bill Cotton Corporate Director for Environment & Place

RECOMMENDATION

The Cabinet is **RECOMMENDED** to implement a strategy to assist with the delivery of new development in the Vale of White Horse and South Oxfordshire districts to allow some growth to come forward in a controlled manner prior to HIF 1 funded infrastructure being open for public use based upon the following requirements:

- **Development site housing build programmes / trajectories / occupations being aligned with (or after) the delivery of HIF 1 which will require occupation thresholds / controls on development sites.**
- **Development sites to provide agreed sustainable / active travel infrastructure at the beginning (early occupations) of development sites to reduce traffic impact on the highway network prior to HIF 1 delivery.**
- **New services or enhancements to existing bus service arrangements being implemented at the beginning (early occupations) of development sites.**
- **Local off-site and on-site highway works to be delivered at the early stages of development to lessen the direct impact of a development site on the highway network.**
- **Travel Plans prepared and approved by the council's Travel Plan team with deliverable and monitored targets.**
- **Strategic transport / highway contributions will be sought in accordance with Regulation 122 and the three Section 106 tests.**

Executive Summary

1. Prior to Didcot Garden Town Housing Infrastructure (HIF 1) funding being secured in June 2020, it was established that the local and strategic highway network that serves Didcot and the surrounding area has severe congestion and capacity issues during the morning and evening commuter periods. The areas of concern most affected have been identified as the river crossing between Sutton Courtenay and Culham, Clifton Hampden village signal junction, and the A4130 as the main route between Didcot and Milton Interchange (A34).

2. To manage the highway network a strategy was devised in 2018 between officers of the district councils and Oxfordshire County Council (OCC) to manage development within the areas that have the most severe capacity issues in the absence of strategic highway infrastructure, to support new growth in the Vale of White Horse and South Oxfordshire districts (as identified in LTP4 and district Local Plans). This strategy involved OCC in the role as Local Highway Authority objecting to new developments (including single dwellings and house holder extensions) that will generate a new vehicular trip in the morning and evening commuter peak times.
3. While this approach enabled both district councils and OCC to manage the impact of new development on the highway network and support the HIF 1 bid, it has placed OCC's position under immense scrutiny and officers are aware of frustration from developers who have been unable to progress their allocated development sites since HIF 1 funding was secured. Such frustrations have led to some development sites appealing their planning applications, with one of the reasons identified as OCC's position being considered unreasonable by not allowing some development when sites build out programmes are aligned to the delivery programme of HIF 1. Defending the established position through such appeals places a significant financial (and reputational) risk on OCC. **Annex A** identifies the development sites considered to be most at risk of appealing their planning applications.
4. Pressure is also being placed on OCC by the district councils to allow some development due to the ongoing delays of application responses which is impacting on their housing supply numbers. Such delays are providing an opportunity for speculative development impacting on planned development and associated infrastructure, which is also placing further resource pressures on both district councils to resist such proposals. At times this has strained the working relationships between the Districts and OCC. There also remains an expectation that homes will be delivered in a timely manner in accordance with the agreement on funding secured through Homes England.
5. Securing HIF 1 funding, the adoption of the Vale of White Horse Local Plan and the adoption of the South Oxfordshire Local Plan has provided OCC with more confidence in the delivery of HIF 1. Although it continues to be recognised by officers that in the absence of the HIF 1 infrastructure, much of the highway network is at design capacity during the morning and evening commute times. It remains the fact that all applications are assessed on their merits and officers are mindful that there is an overall national planning gain in delivering houses and economic growth. OCC should not be seen to be obstructing this for a further 3.5 years, whilst also maintaining a working highway network.

Releasing Development Strategy

6. To assist with the delivery of much needed housing in the Vale of White Horse and South Oxfordshire districts, officers have identified the need for a development strategy to be implemented by OCC. Allowing for some controlled

development to come forward prior to HIF 1 infrastructure being available for public use.

1. Officers consider there are three broad scenarios:
 - *Scenario 1: Now OCC has secured HIF 1 funding OCC remove the current restriction in respect of all development in the restriction area (Annex B).*
 - *Scenario 2: Have a phased approach to releasing development that allows for a proportion of housing to come forward aligned to the delivery programme of HIF 1.*
 - *Scenario 3 don't allow any economic or housing growth until the HIF 1 schemes are open for use.*
2. Officers consider that there is too much risk financially and reputationally to recommend either Scenarios 1 or 3 and therefore consider that Scenario 2 should be recommended as providing a balanced way forward. Set out below is further information and risks associated with Scenario 2. The risks associated with Scenarios 1 and 3 are not detailed, as in summary they result in either entirely blocking development or risk the delivery of an unworkable highway network that will be gridlocked.
3. Securing the HIF 1 funding gives OCC more confidence in the delivery of HIF 1 infrastructure but recognises that in the absence of this infrastructure, the highway network is at design capacity during peak periods. However, HIF 1 infrastructure is also predicated on the timely delivery of allocated / planned development. It remains the fact that all applications are assessed on their merits and officers must be mindful that there is an overall balance to be struck between securing national planning gain in delivering houses and economic growth whilst maintaining an overall working highway network.
4. The proposed Development Strategy seeks to avoid speculative development, potential appeal costs against the council and deliver some much-needed housing in the Vale of White Horse and South Oxfordshire districts. It assumes that housing build programmes / trajectories can align with the delivery programme of HIF 1 and applicants demonstrate to that there will be no severe harm to the operation of the highway network. This would be secured through aligning build out with an enhance package of measures secured through a Section 106 legal agreement. The table below summaries the proposed tiered approach with associated risk.

Table 1.1 Releasing Development Risk Levels

Tier	Development Type	Risk to OCC
1	Single dwelling / householder proposals	Low
2	Development sites of less than 10 houses	Low / Medium
3	Allocated sites	Medium
4	Culham & Berinsfield sites in adopted SODC Local Plan.	Medium
5	Speculative (non-allocated) large development sites	Medium

6	Commercial developments	Medium
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Scenario 2 - Releasing Development Strategy proposal

5. Tier 1: Single house (and extension) proposals are expected to generate modest new vehicular movements in the morning and evening commuter peak hours are no longer to be objected to by OCC officers on traffic impact (HIF 1) grounds. This is on the basis HIF 1 funding has been secured and OCC is confident in delivering HIF 1. Each Tier 1 planning application will be assessed on its merits.
6. Tier 2: Developments of less than 10 houses that will generate new vehicular movements in the morning and evening commuter peak periods are no longer to be objected to by OCC officers on traffic impact (HIF 1) grounds. This is on the basis HIF 1 funding has been secured and OCC is confident in delivering HIF 1. Tier 2 development proposals will be assessed on their merits and strategic highway and public transport contributions will be sought as well as any appropriate mitigation works.
7. Tier 3: Development sites of 10+ houses that will generate new vehicular movements in the morning and evening commuter peak periods are no longer to be objected to by OCC officers on traffic impact (HIF 1) grounds. This is on the basis HIF 1 funding has been secured and OCC is confident in delivering HIF 1. Tier 3 development proposals will be assessed on their merits and strategic highway and public transport contributions will be sought. Off-site and on-site highway infrastructure will be expected to be delivered early on for these development sites to encourage sustainable and active travel patterns. Occupation controls will be applied to development sites to lessen the cumulative impact on the highway network.
8. Tier 4: Commercial developments. It is recognised by OCC that there are significant existing and proposed commercial sites in the area that help support the local and national economy such as Culham Science Centre, Milton Park, Harwell Campus (and others). While these sites are not directly linked to releasing housing via the delivery of HIF 1, they are to play an essential role in its delivery, such as providing land or delivering some elements of the highway works. While HIF 1 funding has been secured and OCC is confident in delivering HIF 1, Tier 4 development proposals will be assessed on their merits but will be expected to mitigate their own impact through local and site wide measures which may include providing excellent pedestrian, and/or cyclist provisions and enhanced frequent public transport service provisions to help reduce their impact in the local area before HIF1 is delivered and in the long term. Restrictions on gross floor area usage or occupation thresholds may be applied to development sites to lessen the cumulative impact on the highway network.
9. While this tiered approach will enable some development to come forward prior to the delivery of HIF 1; OCC officers will continue to monitor the operation of the highway network in consultation with the Vale of White Horse and South

Oxfordshire district councils and will continuously review this tiered approach until the delivery of HIF 1.

Financial and Staff Implications

7. Cost of potential planning appeals will be significant, in both monetary and in terms of officer time and are not allowed for within current budgets. Although managers will do everything, they can't resource any in-house officer time directly associated with any appeal within current establishment budgets, external costs associated with appeals would present an unfunded pressure for the council. It is anticipated that these exceptional costs would be reported through the normal FMR process and any subsequent pressure identified as an overspend. If the pressure cannot be met within Directorate resources, funding will be sought through a request for a supplementary estimate from general balances.

Comments checked by:

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Equality, Sustainability & Inclusion Implications

8. An Equality and Climate Impact Assessment has been undertaken. This has confirmed there are no known groups that would be particularly disadvantaged by the proposed approach.

Legal Implications

Legal Advice

9. Legal Advice has been sought as this report has been developed and has informed the recommended approach promoting the release of controlled development prior to the delivery of HIF 1.

Comments checked by:

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Risk Management

Land Assembly and delivery

10. If allocated housing sites are permitted to occupy without restriction once OCC secures HIF 1 planning consent, there remains a risk that land assembly may

require a CPO process. Certainty delivering HIF 1 does not occur until either all the required land is secured by negotiation or a successful CPO process has been completed. Thereafter, the risk profile reduces and focuses on delivery of construction.

11. Should HIF 1 infrastructure not be delivered (i.e. HIF 1 schemes aren't deliverable within the funding timeframe and / or OCC loses HIF 1 funding) transport modelling indicates that the highway network in and around Didcot will be severely compromised, even before all adopted allocated sites approved are built out. This risk cannot be mitigated through planning obligations; as restricting housing occupations on such a scale impacts upon development viability. OCC would accept it has a transport network that does not function efficiently. This could affect local business confidence, limit the construction of new houses and have a severe impact on the Strategic Road Network (A34).

Public Relations

12. If the public see OCC is unlocking growth ahead of infrastructure being delivered, especially with evidence that shows the current severity of impact, this may become a political and sensitive issue. The significance of Cabinet considering the recommended development strategy is to ensure transparency in the decision-making process by balancing the national imperative to support housing and employment growth with the risks involved against the cost exposure from likely planning appeals for delaying allocated development until HIF 1 is delivered for public use at the end of 2024.

South Oxfordshire Local Plan Juridical Review

13. The South Oxfordshire Local Plan was adopted 10th December 2020 setting the housing development numbers and location of the sites (partly included in HIF 1 bid) up to 2035 in the district. The district council received notification in late March 2021 of the outcome of the judicial review that had been submitted by Bioabundance CIC. The result of this review confirmed that the lawfulness of the decision-making process for the Local Plan has been proven sound. This decision was subsequently appealed in April 2021 and was dismissed by The Honourable Mrs Justice Lang. Further to this decision, Bioabundance CIC has made an application to the Court of Appeal seeking to overturn the April 29th High Court decision. The District Council currently await notification from the Court of Appeal regarding any future step.

Managing Development

14. Allowing new development to come forward in a controlled manner does not mean OCC will not object to planning applications on other grounds. Examples of such reasons include unacceptable highway safety implications, or insufficient walking, cycling, or public transport provision, and indeed, there may be non-transport objections from OCC (including Education, Archaeology or Drainage). This is no different to the way any other planning application is assessed across the county.

Risk of Planning Appeals

15. With a development strategy in place releasing development prior to the delivery of HIF 1, there remains a risk that some sites may still press ahead with a planning appeal if they do not wish to be restricted by the rate of house building. Officers will defend OCC's position with the evidence that is available at the time, although unbudgeted appeal costs should not be to the exceptional level of costs anticipated at paragraph 16 above. Officers will seek to mitigate cost exposure by narrowing matters of difference with the appellant. Other highway issues will be assessed on their merits in line with national and local policies.

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Annexes: Annex A: Development Sites at risk of appeal
 Annex B: Restriction Area Plan

Background papers: Nil

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