

647_HuS/AM
21st November 2017

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Representations on Local Plan 2031 Part 2 relating to Core Policies 8a & 8b relating to proposed allocation of 1,200 dwellings to Dalton Barracks and Core Policy 13a which relates to the release of the Dalton Barrack allocation from the Green Belt.

I write on behalf of my client, MBC Estates, and hereby submit these representations in regard to the above policies within "Local Plan 2031 Part 2 Detailed Policies and Additional Sites" (LPP2) and argue that those elements of the plan that relate to the allocation of Dalton Barracks for 1,200 dwellings are unsound. These include:

1. Deliverability within the Plan Period
2. Removal of Land from the Green Belt contrary to National Policy

Dalton Barrack's allocation was not considered within the adopted Local Plan Part 1 (LPP1) or by the Oxfordshire Growth Board to meet Oxford's unmet housing need, as set out in para. 2.55 of the LPP2, due to availability constraints. The site has now, under Core Policy 8a, been allocated to provide 1,200 dwellings within the Abingdon-on-Thames and Oxford Fringe Sub Area. The aforementioned points of soundness stated above are discussed in more detail below.

1. Deliverability within the Plan Period

At the time of consultation on the Preferred Options LPP2 (PO-LPP2) document, no specific dates were known for the release of the site, save that it was to be no later than 2029. It was stated as para. 2.39 of the PO-LPP2 that,

"Dialogue between the Defence Infrastructure Organisation (DIO) and the District Council has identified an opportunity to release the site sooner than 2029."

The LPP2 still reflects the above, but further sets out that,

"Council is satisfied that 1,200 homes can be delivered on the site within the plan period up to 2031... Around half of the growth envisaged within the plan period can be delivered onsite even before the



military units are re-located. However, it is anticipated that the military units will be re-located no later than 2026.”

No evidence has been provided at the current time to support these statements. Para. 2.54 sets out that up to half of the development can be started before Nos. 3 and 4 Regiments Royal Logistics Corps (currently on site) have relocated. It is contended that there is no evidence to suggest this aspirational goal is achievable, and that all 1,200 dwellings can be delivered within the plan period.

There are only two firm dates set by this policy. These are that the site will be released no later than 2029, and that the current occupiers of the site will be moved no later than 2026. Furthermore, there is currently very limited information as to how the site will be disposed of and made available for development. Even if the site is made available by 2026, given likelihood for remediation due to the sites historic military use and the delivery timescales of infrastructure, it is severely optimistic that the draft allocation can be delivered within the plan period.

It is held that the evidence supporting the deliverability of Dalton Barracks is not adequate. Without sufficient evidence, the complete delivery of this allocation is considered to be unrealistic, and that the allocation of Dalton Barracks is therefore, not in accordance with para. 154 of the NPPF, which requires plans to “*be aspirational but realistic.*” The Sustainability Appraisal (SA) of the Vale of White Horse District Local Plan Part 2 (September 2017) which states that there is further certainty of delivery, but the only dates stated remain as set out above.

Based on the approach put forward by the Council, it is considered that the site is unlikely deliver the proposed quantum of dwellings within the plan period. Oxford’s unmet housing need is acute and dwellings should be delivered in a timely manner within the plan period to address the matter. Therefore, it is our client’s position that the plan as it is currently proposed is not effective or justified in providing sufficient evidence to indicate that the proposed quantum of development can be delivered within the plan period.

2. Removal of Land from the Green Belt contrary to National Policy

Para. 2.49 of the LPP2 sets out that, “*The release of Green Belt land currently owned by the MOD at Dalton Barracks presents an opportunity for the development of a highly sustainable settlement, located on substantially brownfield (previously developed) land and with minimal harm to the purposes of the Oxford Green Belt.*”

Para. 2.70 of the LPP2 sets out that the Council consider the release of the land by the MOD is a “major change in circumstances” and conclude this from LPP1 Green Belt Review, the site selection informing LPP2, and the Inspector’s Report on Local Plan Part 1 (addressed below) as constituting ‘exceptional circumstances’ justifying the removal of Dalton Barracks from the Green Belt.

It is our client’s position that very special circumstances have not been demonstrated for the removal of Dalton Barracks from the Green Belt.

The LPP2 concedes that the Inspector’s Report on the LPP1 states that “*having regard to the NPPF it is not ideal for a local plan to include alterations to Green Belt boundaries*” (para. 94) [Author emphasis]. The Inspector does go on to state however that he, “*conclude(s) that this approach is much preferable to deleting land from the Green Belt when a significant degree of risk exists that some of the land may*



not be suitable, or that in its entirety it would be either insufficient, or more than is needed, to meet housing needs” (para. 94) [Author emphasis].

It is understood from the Inspector’s Report that the removal of Green Belt land is not favourable in general terms, but is considered more favourable when there is a clear need and where there is not a significant degree of risk in delivering the site. The position is held by our client that there is considerable risk of not being able to deliver this allocation within the plan period and that the Dalton Barracks allocation does not constitute what is “preferable”, as identified by the Inspector of the Local Plan Part 1.

At para. 2.56 the LPP2 states that the fact that much of the site is previously developed land (PDL) contributes to the “major change in circumstances” resulting from the release of the site by the MOD. It is held that despite being PDL the airfield is still very open. Case law exists that sets out that, *“The openness of the Green Belt has a spatial aspect as well as a visual aspect, and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building there. But, as observed above, it does not follow that openness of the Green Belt has no visual dimension.”*¹ Giving this due consideration, it is contended that despite the site being defined as PDL within LPP2, the allocation would result in significant impact on the visual and spatial openness of the Green Belt.

It is highlighted in para. 83 of the NPPF that the Green Belt boundaries should be permanent. The deletion of this site from the Green Belt runs contrary to this national aim. Further, para. 83 of the NPPF sets out that Green Belt boundaries should be capable of enduring beyond the plan period.

The SA (September 2017) informing the LPP2 sets out that the Dalton Barracks allocation has the capacity to increase to in excess of 3,000 dwellings in the long term. This leads to the question whether the area proposed for release from the Green Belt can accommodate 3,000+ dwellings. If the site can, it must follow that the Council are proposing to release more than sufficient land from the Green Belt than is required to meet the identified housing need. This appears to contradict the Inspector’s finding for the LPP1, and furthermore, appears to pre-determine a site allocation to address a housing need beyond the plan period which is as yet unknown.

In accordance with para.89 of the NPPF, alterations to the Green Belt should be a last resort and when all other realistic options for meeting Oxford’s unmet need have been exhausted.

Alternative Site

Our client controls 11.43 hectares of land to the north of Spring Hill, to the west of Kingston Bagpuize with Southmoor assessed within the Housing and Economic Land Availability Assessment (HELAA) (reference KBAG13) and Topic Paper 2: Site Selection (reference Site 29 KBAG_C). The HELAA considered the site to be suitable, available for development and deliverable, furthermore it was considered the site could deliver 200 dwellings within the next 5 years.

My client would like to draw to the Council’s attention a number of technical assessments which have been undertaken at the site and encourage such documents to be viewed within the context of the site

¹ Turner v Secretary of State for Communities and Local Government & Anor [2016] EWCA Civ 466 (18 May 2016)



selection process. The technical documents can be viewed on the Council's Planning Register under the withdrawn planning application P16/V2568/O.

The Local Plan Part 2 currently proposes a draft allocation to the east of the Kingston Bagpuize which includes the provision of a new 1.5 Form Entry Primary School. Should the draft allocation and my client's land be considered together, there would be sufficient educational infrastructure provision accommodate the cumulative growth. Furthermore, the delivery of my client's land to the east of Kingston Bagpuize would reaffirm the financial viability of a 1.5 Form Entry Primary School.

It is considered that our client's site is available and deliverable which can contribute to Oxford's unmet housing need on a site within a sustainable settlement, entirely outside the Green Belt.

Conclusion

The NPPF is very clear in how a Local Plan should be examined and what is considered to be "sound". It highlights four requirements (para. 182) for Local Plans to be:

1. Positively prepared
2. Justified
3. Effective
4. Consistent with National Policy

It is considered that the plan has **not** been positively prepared to deal with Oxford's unmet housing need. There are fundamental questions concerning deliverability of the Dalton Barracks allocation that are not resolved. There is insufficient evidence informing those elements of Core Policy 8a that relate to Dalton Barracks, particularly securing the delivery of the site within the plan period. Whilst the allocation is aspirational, there is a significant lack of proportionate evidence that makes the objective realistic, and is therefore contrary to para. 154 of the NPPF.

Reflecting the previous point, it is considered that there is great risk associated with the Dalton Barracks allocation. It is considered that the release of Dalton Barracks by the MOD is not sufficient to amount to "very special circumstances" and therefore warrant its release from the Green Belt, the purpose of which (identified in para. 79 of the NPPF) is to keep land permanently open. It is further held that consideration of reasonable alternative sites has not been sufficiently considered, and that sustainable sites (such as the site identified previously) that can aid in the delivery of Oxford's unmet housing need. For these reasons, the allocation of Dalton Barracks is **not** considered to be justified.

It is considered, for the lack of evidence highlighted above, that the allocation of Dalton Barracks within core policy 8a is **not** effective. There is significant risk that the allocation will not deliver the 1,200 dwellings identified within core policy 8a within the plan period.

In regard to the allocation of Dalton Barracks under core policy 8a, and the release of the allocation site from the Green Belt under core policy 13a it is considered for the above reasons that these aspects are **not** compliant with National Policy.

In summary of all the above, it is our client's position that the allocation of Dalton Barrack and the release of associated land from the Green Belt to be unsound.

Should you require any further information or clarification please do not hesitate to contact me.

Yours sincerely

Ashley Maltman BA (Hons), Dip TP, MRTPI
For West Waddy ADP

Local Plan 2031 Part 2

Publication Version
Representation Form

Ref:

(For official
use only)

Name of the Local Plan to which this representation relates:

Vale of White Horse
Local Plan 2031 Part 2

Please return by 5pm on Wednesday 22 November 2017 to: Planning Policy, Vale of White Horse District Council, 135 Eastern Avenue, Milton Park, Milton, Abingdon, OX14 4SB or email planning.policy@whitehorsedc.gov.uk

This form has two parts:

Part A – Personal Details

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.

Title	<input type="text"/>	Mr
First Name	<input type="text"/>	Ashley
Last Name	<input type="text"/>	Maltman
Job Title (where relevant)	<input type="text"/>	Senior Planner
Organisation representing (where relevant)	MBC Estates	West Waddy ADP
Address Line 1	<input type="text"/>	The Malthouse
Address Line 2	<input type="text"/>	60 East St. Helen Street
Address Line 3	<input type="text"/>	<input type="text"/>
Postal Town	<input type="text"/>	Abingdon
Post Code	<input type="text"/>	OX14 5EB
Telephone Number	<input type="text"/>	01235 523 139
Email Address	<input type="text"/>	a.maltman@westwaddy-adp.co.uk

Part B – Please use a separate sheet for each representation

Name or organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph

Policy

CP 8a and 8b

Policies Map

4. Do you consider the Local Plan is: *(Please tick as appropriate)*

4. (1) Legally compliant

Yes

No

4. (2) Sound

Yes

No

4. (3) Complies with the Duty to Cooperate

Yes

No

5. Please provide details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

At the time of consultation on the Preferred Options LPP2 (PO-LPP2) document, no specific dates were known for the release of the site, save that it was to be no later than 2029. It was stated as para. 2.39 of the PO-LPP2 that,

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“Council is satisfied that 1,200 homes can be delivered on the site within the plan period up to 2031... Around half of the growth envisaged within the plan period can be delivered onsite even before the military units are re-located. However, it is anticipated that the military units will be re-located no later than 2026.”

No evidence has been provided at the current time to support these statements. Para. 2.54 sets out that up to half of the development can be started before Nos. 3 and 4 Regiments Royal Logistics Corps (currently on site) have relocated. It is contended that there is no evidence to suggest this aspirational

goal is achievable, and that all 1,200 dwellings can be delivered within the plan period.

There are only two firm dates set by this policy. These are that the site will be released no later than 2029, and that the current occupiers of the site will be moved no later than 2026. Furthermore, there is currently very limited information as to how the site will be disposed of and made available for development. Even if the site is made available by 2026, given likelihood for remediation due to the sites historic military use and the delivery timescales of infrastructure, it is severely optimistic that the draft allocation can be delivered within the plan period.

It is held that the evidence supporting the deliverability of Dalton Barracks is not adequate. Without sufficient evidence, the complete delivery of this allocation is considered to be unrealistic, and that the allocation of Dalton Barracks is therefore, not in accordance with para. 154 of the NPPF, which requires plans to “*be aspirational but realistic.*” The Sustainability Appraisal (SA) of the Vale of White Horse District Local Plan Part 2 (September 2017) which states that there is further certainty of delivery, but the only dates stated remain as set out above.

Based on the approach put forward by the Council, it is considered that the site is unlikely deliver the proposed quantum of dwellings within the plan period. Oxford’s unmet housing need is acute and dwellings should be delivered in a timely manner within the plan period to address the matter. Therefore, it is our client’s position that the plan as it is currently proposed is not effective or justified in providing sufficient evidence to indicate that the proposed quantum of development can be delivered within the plan period.

6. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the matter you have identified at 5 above. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the reasons set out above, Core Policy 8a should be amended to reduce the overall number of dwellings proposed at Dalton Barracks. A more realistic quantum of housing should be identified for the Dalton Barracks allocation, and certainty provided, and sufficient evidence that the number of dwellings can be delivered within the plan period.

Alternative, sustainable sites that can be provided in locations to meet Oxford’s unmet need should be allocated to make up for the reduction in dwellings delivered on the Dalton Barracks allocation. Our client’s land at Kingston Bagpuize should be allocated for the development of up to 200 dwellings within Core Policy 8a.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

☐

No, I do not wish to participate at the oral examination

☒

Yes, I wish to participate at the oral examination

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Participation at the examination will provide our client with the opportunity to expand upon the points raised above having seen the Local Planning Authorities evidence that will be presented to the Examination by way of its Hearing Statements.

Please note the Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

[Redacted Signature]

Date:

22.11.2017

Sharing your personal details

Please be aware that, due to the process of having an Independent Examination, a name and means of contact is required for your representation to be considered. Respondent details and representations will be forwarded to the Inspector carrying out the examination of the Local Plan after the Publicity Period has ended. This data will be managed by a Programme Officer who acts as the point of contact between the council and the Inspector and respondents and the Inspector.

Representations cannot be treated as confidential and will be published on our website alongside your name. If you are responding as an individual rather than a company or organisation, we will not publish your contact details (email / postal address and telephone numbers) or signatures online, however the original representations are available for public viewing at our council office by prior appointment. All representations and related documents will be held by Vale of White Horse District Council for a period of 6 months after the Local Plan is adopted.

Would you like to hear from us in the future?

I would like to be kept informed about the progress of the Local Plan

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I would like to be added to the database to receive general planning updates

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Please do not contact me again

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Further comment: Please use this space to provide further comment on the relevant questions in this form. **You must state which question your comment relates to.**

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Local Plan 2031 Part 2

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Part A

1. Personal Details*

*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.

Title	<input type="text"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Job Title (where relevant)	<input type="text"/>
Organisation representing (where relevant)	<input type="text" value="MBC Estates"/>
Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text"/>
Postal Town	<input type="text"/>
Post Code	<input type="text"/>
Telephone Number	<input type="text"/>
Email Address	<input type="text"/>

2. Agent's Details (if applicable)

<input type="text" value="Mr"/>
<input type="text" value="Ashley"/>
<input type="text" value="Maltman"/>
<input type="text" value="Senior Planner"/>
<input type="text" value="West Waddy ADP"/>
<input type="text" value="The Malthouse"/>
<input type="text" value="60 East St. Helen Street"/>
<input type="text"/>
<input type="text" value="Abingdon"/>
<input type="text" value="OX14 5EB"/>
<input type="text" value="01235 523 139"/>
<input type="text" value="a.maltman@westwaddy-adp.co.uk"/>

Part B – Please use a separate sheet for each representation

Name or organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph

Policy

CP 13a

Policies Map

4. Do you consider the Local Plan is: *(Please tick as appropriate)*

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Para. 2.49 of the LPP2 sets out that, *“The release of Green Belt land currently owned by the MOD at Dalton Barracks presents an opportunity for the development of a highly sustainable settlement, located on substantially brownfield (previously developed) land and with minimal harm to the purposes of the Oxford Green Belt.”*

Para. 2.70 of the LPP2 sets out that the Council consider the release of the land by the MOD is a “major change in circumstances” and conclude this from LPP1 Green Belt Review, the site selection informing LPP2, and the Inspector’s Report on Local Plan Part 1 (addressed below) as constituting ‘exceptional circumstances’ justifying the removal of Dalton Barracks from the Green Belt.

It is our client’s position that very special circumstances have not been demonstrated for the removal of Dalton Barracks from the Green Belt.

The LPP2 concedes that the Inspector’s Report on the LPP1 states that *“having regard to the NPPF it is not ideal for a local plan to include alterations to Green Belt boundaries”* (para. 94) [Author emphasis].

The Inspector does go on to state however that he, *“conclude(s) that this approach is much preferable to deleting land from the Green Belt when a significant degree of risk exists that some of the land may*

not be suitable, or that in its entirety it would be either insufficient, or more than is needed, to meet housing needs” (para. 94) [Author emphasis].

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At para. 2.56 the LPP2 states that the fact that much of the site is previously developed land (PDL) contributes to the “major change in circumstances” resulting from the release of the site by the MOD. It is held that despite being PDL the airfield is still very open. Case law exists that sets out that, *“The openness of the Green Belt has a spatial aspect as well as a visual aspect, and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building there. But, as observed above, it does not follow that openness of the Green Belt has no visual dimension.”*¹ Giving this due consideration, it is contended that despite the site being defined as PDL within LPP2, the allocation would result in significant impact on the visual and spatial openness of the Green Belt.

It is highlighted in para. 83 of the NPPF that the Green Belt boundaries should be permanent. The deletion of this site from the Green Belt runs contrary to this national aim. Further, para. 83 of the NPPF sets out that Green Belt boundaries should be capable of enduring beyond the plan period.

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For the reasons set out above, Core Policy 13a should be revised to become compliant with delivering development at Dalton Barracks in line with paragraph 89 of the NPPF and the exemptions to resisting development within the Green Belt. Specifically, the policy should reflect the 6th bullet point of paragraph 89, that sets out previously developed land can be redeveloped that does not impact the openness of the Green Belt. Further, the policy should respect the highlighted case law in the attached comments that sets out that the “openness” of the Green Belt needs to be considered spatially and visually. In essence, development at Dalton Barrack should be restricted to the existing built form on the site, and encroachment onto the visually and spatially open airfield should be avoided.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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Date:

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